

DATE _____

BOARD OF ADJUSTMENT

PLANNING BOARD

PROOF OF PAYMENT OF TAXES

FEE Variance _____

Site Plan _____

Conditional use _____

Subdivision _____

Tax Collector

**CITY OF CLIFTON
APPLICATION FOR DEVELOPMENT AND/OR APPEAL
TO BE COMPLETED BY THE APPLICANT**

Site Location 782, 784, 810 & 818 Valley Road Block 24.01 Lot 11, 14, 15 & 18

1. Name of Applicant: Clifton IL, LLC
c/o Chelsea Senior Living, 316 South Avenue, Fanwood, NJ 07023
Address: _____ Telephone: 908-889-4200

Relation to Owner if not same as Owner: See Rider Attached.

2. Name of Owner (if other than Applicant): See Rider Attached.
Address: 818 Valley Road, Clifton, NJ 07013 Telephone: _____

3. The applicant is Corporation A Partnership Individual
Other (please specify): Limited Liability Company

If the applicant is a corporation or partnership, please attach a list of names and addresses of persons having a 10% interest or more in the corporation or partnership.

CORPORATIONS MUST BE REPRESENTED BY AN ATTORNEY-AT-LAW

4. Name of Architect or Engineer Bohler Engineering
Address: 20 Independence Boulevard, Ste 200, Warren, NJ Telephone: 908-668-8300

5. Name of Attorney: Frank A. Carlet, Esq.
Address: 1135 Clifton Avenue, Suite 104, Clifton, NJ 07013 Telephone: (973) 777-6200

6. Has this property been the subject of a hearing before the Board of Adjustment or Planning Board

Yes No Disposition See Rider Attached.

7. Deed restrictions that apply or are contemplated: YES NO

(If yes, attach copy) See Rider Attached.

DESCRIPTION OF PREMISES

8. Corner Interior Zone District R-A1 Lot Size 167,905 square feet

9. Lot Dimensions: Front 321.24' Rear 337.19' R. Side 564.28' L. Side 484.48' (3.855 acres)

BUILDING/OR STRUCTURE SETBACKS

10. Existing: Front 0 Rear 0 R. Side 0 L. Side 0

11. Proposed: Front 80.7' Rear 295' R. Side 42' L. Side 40.7'

Present Use: Vacant Land

Proposed Use: Fifty (50) units over age 62 senior independent living apartments

The Administrative Officer has declined to issue a permit and has made the following decision regarding the zone status of this application:

TYPE OF APPLICATION

Site Plan

Minor Subdivision

Conditional Use

"A" Variance

"B" Variance

"C" Variance

"D" Variance (Use)

IMPORTANT: MUST BE ANSWERED BY ALL APPLICANTS:

Type(s) of Variance Requested and how relief can be granted without substantial detriment to Public good or Clifton's Zone Plan See Rider Attached.

OFFICE USE ONLY

BOARD OF ADJUSTMENT

PLANNING BOARD

Date of Hearing _____

Board action required by _____
Date

Application declared complete on _____
Date

Final Decision Rendered on _____
Date

APPROVED

APPROVED WITH CONDITIONS

DENIED

WITHDRAWN OR DISMISSED

DEED RESTRICTION

Being duly sworn, says that he is the applicant or one of the applicants in the above action: that the application, if filed as an appeal from any order or decision of the Zoning Officer, has been filed within the time required by law, and that all of the matters and facts set forth in the foregoing application are true.

Clifton IL, LLC

By:

[Handwritten Signature]

APPLICANT
Roger Bernier, Managing Member

State of ~~New Jersey~~ South Carolina
County of: ~~Passaic~~ Charleston

Sworn to and subscribed before me

this 26 day of Aug. 20 21.

[Handwritten Signature]
SIGNATURE OF OFFICER ADMINISTERING OATH (Notary)

Notary
TITLE OF SUCH OFFICER



If the applicant is not the owner of the property, have the owner sign below consent or file with the application a letter signed by the owner consenting to the application.

The foregoing application is hereby consented to this _____ day of _____ 20 21.
St. George's Greek Orthodox Church

By: _____
Michael Halkias, ^{Owner} Esq.
Attorney

Sworn and subscribes before me

this _____ day of _____ 20 21.

SIGNATURE OF OFFICER ADMINISTERING OATH (Notary)

TITLE OF SUCH OFFICER

State of New Jersey

County of: Passaic

Being duly sworn, says that he is the applicant or one of the applicants in the above action: that the application, if filed as an appeal from any order or decision of the Zoning Officer, has been filed within the time required by law, and that all of the matters and facts set forth in the foregoing application are true. Clifton IL, LLC

By: _____
APPLICANT
Roger Bernier, Managing Member

State of New Jersey

County of: Passaic

Sworn to and subscribed before me

this _____ day of _____ 20 21.

SIGNATURE OF OFFICER ADMINISTERING OATH (Notary)

TITLE OF SUCH OFFICER

If the applicant is not the owner of the property, have the owner sign below consent or file with the application a letter signed by the owner consenting to the application.

The foregoing application is hereby consented to this 26th day of August 20 21.
St. George's Greek Orthodox Church

By: Michael T. Halkias
Michael Halkias, Esq. ^{Owner}
Attorney

Sworn and subscribes before me

this 26th day of August 20 21.

Grisel Santos
SIGNATURE OF OFFICER ADMINISTERING OATH (Notary)

Notary Public
TITLE OF SUCH OFFICER
GRISEL SANTOS
NOTARY PUBLIC
STATE OF NEW JERSEY
ID # 2186537

MY COMMISSION EXPIRES AUG. 13, 2022

State of New Jersey

County of: Passaic

The foregoing application is hereby consented to this 26th day of August, 2021.

Welltower NNN Group LLC

By:



Mary Ellen Pisanelli, Authorized Signatory

Sworn and subscribed before me this
26th day of August, 2021.



State of Ohio

County of Lucas



Theresa S Whetro
Notary Public
In and for the State of Ohio
My Commission Expires
June 16, 2025

RIDER
CITY OF CLIFTON
APPLICATION FOR DEVELOPMENT AND/OR APPEAL
CLIFTON IL, LLC

1. Relation to Owner if not same as Owner:

Owner of Lot 14; Contract Purchaser of parts of Lots 15 and 18;

Owner of Lot 11: Welltower NNN Group LLC, 4500 Dorr Street, Toledo, Ohio 43615
2. Name of Owner: As to remaining parts of Lots 15 and 18 the Owner is St. George's Greek Orthodox Church
6. As to Lot 11, a variance for assisted living facilities was granted by court judgment in 1997. It has 91 units and 29 parking spaces, which will be reduced by the proposed easement; as to Lot 14, a variance was granted for independent senior living apartments. That variance will be vacated upon obtaining the variance for which this application is made.
7. For new Lot A, easements for ingress, egress and parking of motor vehicles are contemplated.

Type(s) of Variance Requested and how relief can be granted without substantial detriment to Public good or Clifton's Zone Plan:

This is an application for an approval to subdivide a portion of the property owned by St. George's Greek Orthodox Church and merge the subdivided portion with existing Lot 14. The latter lot was previously approved for a 31 unit senior citizen apartment development. The approval of the application now pending for fifty (50) units will eliminate the prior approval and create a new senior citizen independent living facility connected to the new assisted living facility about to be opened on Lot 11. All of the access to the new independent living facility would be through the assisted living facility by way of dedicated easement. The residents of the independent living property will have access to the assisted living facility for such things as dining in the dining room, use of the social facilities and of the personal services facilities such as the hairdresser.

This is an inherently beneficial use to the City in that it addresses the city's need for independent senior living facilities, and it serves basically as a feeder to the assisted living facility. The granting of the application would be in keeping with the other uses now on the developed left side of Valley Road and north of Route 46 in that it blends in well with the Hovnanian project on top of the mountain. It reduces the impact on the steep slope ordinance from that created by the approved senior citizens project on Lot 14, because it now takes the building out of the substantial impact of the building on the 30% steep slope which no longer will be located where the approved building would have been partially located.

This application exceeds the required parking spaces. The senior citizen housing section of the zoning ordinance requires only 17 spaces for the senior citizen housing development, and 68 parking spaces are proposed. This will leave room for additional dedicated parking for the use of both the assisted living facility and St. George's Church.

The use variances that are required are as follows:

1. A D1 Use Variance – use not permitted in the zone;
2. A D5 Density Use Variance (7 dwelling units permitted, 13.25 dwelling units proposed);
3. A D6 Height Variance for a height higher than 10% of the permitted height in the zone (35' proposed, 30' permitted)

The bulk variances that are required are as follows:

1. Maximum impervious lot coverage as follows:
 - a. in the 15% slope area, 30% permitted, 47.2% proposed
 - b. in the 15.1% to 25% lot areas, 25% permitted, 48.8% proposed
 - c. in the 25.1% to 30% lot area, 25% permitted, 25.3% proposed;
 - d. in the over 30% lot area 0% permitted, 2.4% proposed.
2. Maximum impervious coverage, 0% permitted, 12.6% proposed
3. Excavation in slopes in excess of 30%
4. Uppermost point of a cut slope higher than the top of the nearest downhill structure or building

A waiver is required for the number of parking spaces as provided per RSIS (68 spaces proposed, 79 spaces required, but the application far exceeds the number of spaces required by the Zoning Ordinance (17 spaces required, 68 spaces provided).

These are all the same variances as were granted for the 31 unit approved senior citizen housing on Lot 14. The granting of the variances would meet the following purposes of the Municipal Land Use Act:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- c. To provide adequate light, air and open space;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;

- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- l. To encourage senior citizen community housing construction;
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land; and
- p. To enable municipalities the flexibility to offer alternatives to traditional development, through the use of equitable and effective planning tools including clustering, transferring development rights, and lot-size averaging in order to concentrate development in areas where growth can best be accommodated and maximized while preserving agricultural lands, open space, and historic sites.