

**AGENDA**  
**ZONING BOARD OF ADJUSTMENT**  
**CITY OF CLIFTON**  
**January 19, 2022**  
**7 P.M. REGULAR MEETING**

Please take notice that formal action may be taken on the following applications at the Regular Meeting on January 19, 2022.

**PLEDGE OF ALLEGIANCE**  
**CONTINUED HEARING**

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| 1.<br>Use<br>Variance;<br>Variances | <b>J &amp; I CHIMICHANGA, LLC a/k/a EL MEXICANO CLIFTON</b><br>1293 Main Avenue BC<br>Block 11.07, Lot 16<br>Franklin S. Montero, Esq. | 254 Dayton Avenue<br>Block 4.18, Lot 21<br>Jason R. Tuvel, Esq.<br><b>(CONTINUED TO 02/16/2022)</b> | PD1<br>For preliminary and final major site plan approval, use variance, bulk variance and design waiver/exception relief.<br>The property is located in a PD-1 Zoning District. The Applicant seeks approval to demolish the existing building on the Property and construct a new mixed-use building consisting of six (6) residential dwelling units within three (3) stories above ground floor commercial (restaurant/tavern) space and related site improvements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                     |                                                                                                                                        |                                                                                                     | Variance application for expansion of existing restaurant for covered outdoor dining.<br>The variances include rear yard proposed at 8' and 10' required. Left side yard proposed at 8" and 7'5" required (half the building height). Lot coverage proposed at 92% and 60% permitted. 46 parking spaces required plus one per employee required and none provided. The restaurant has an existing, nonconforming lot width and area. The Variance application is to permanently extend the current outdoor dining/drinking area further back into the parking lot area to their home site at 1293 Main Avenue, Clifton, NJ 07011, Block No. 11.07, Lot No. 16, located in the B-C business zone, Main Avenue Overlay District. Relief is requested to seek variance to extend the outdoor dining/drinking area further back into the parking lot area. The subject property is located within the Business Zone.<br>The subject property is located east of the Main Avenue and Hilton Street intersection. The property is bound by residential properties to the west, by Main Avenue to the east, and by commercial properties to the south and north. The Existing Lot is currently developed with an existing one-story building, an existing enclosed outdoor dining area and a temporary dining area behind the building. There will be noise dampening materials added to the structure to address the noise concerns. |
|                                     |                                                                                                                                        |                                                                                                     | (CONTINUED)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |



(CONTINUED)

-Parking (pre-existing non-conformance (NC), 305 spaces (L.30) & 236 spaces (L.70) required, 278 spaces (L.30) & 139 spaces (L.70) provided; -and a use variance (expansion of a pre-existing non-conforming use; N.J.S.A. 40:55D-70.d(2)).

In addition, this Applicant will request such variances, waivers, permits, approvals, or licenses that the Board deems necessary or appropriate.

(NEW NOTICE & PLANS SENT TO COMRS)

4. Use Variance; Variances	<b>BRG HOLDINGS, LLC</b> Glenn Peterson, Esq.	140 Entin Road Block 60.14, Lot 6	M-2	Applicant proposes to construct a 20,000 square foot warehouse for use by business located across from site.
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Sole use will be warehousing. Application requires a D-3 variance for location to residential zone and bulk variances for rear yard, side yard and buffer strip. And such other further relief the Board may deem appropriate.

5. Use Variances; Variances	<b>EMPIRE REALTY MANAGEMENT CORP.</b> Frank A. Carlet, Esq.	94-96 Market Street Block 68.03, Lot 43	B-C	An approval to demolish the ALLWOOD THEATER and replace it with three additional new retail stores abutting the
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**(CONTINUED TO 03/02/2022)**

existing retail stores on Market Street and, in the rear, construct a three story apartment building containing 26 senior citizens housing units restricted to tenants aged 55 and older. Two use variances are required, one to permit more than two principal uses on the same lot and second to permit housing in a B-C zone where no housing is permitted. Utilizing the bulk variances set forth in the Zoning Ordinance for the areas in which the two uses for which use variances are sought are permitted, as required by law, the following bulk variances are required:

- front yard 5' required, 0' provided;
- minimum rear yard 10' required, 0' proposed;
- side yards, where the property abuts residential use, for the sideyards half of the height of the building is required. On the right side, 0' is proposed and on the left side 4.6' is proposed, which is an increase of 2.6' from the existing left side yard.
- It should be noted that the Zoning Ordinance provides that the front of a lot is the narrowest part of the lot facing a street. Therefore, the front of the subject lot is on Lyall Road.

**NEW HEARINGS**

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|-----------------|---------------------------|-----------------------------------------|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.<br>Variance  | <b>ROBERTO<br/>RIVERA</b> | 214 Valley Road<br>Block 22.10, Lot 6   | RB3 | Applicant requests a<br>a 6' solid fence already<br>installed on the street<br>side yard along Warren<br>Street where only 4' high<br>50% open fence is<br>permitted.<br>(PLANS SENT TO COMRS)                                                                                                                                                                                                                                  |
| 2.<br>Variances | <b>CARLOS GOYBURU</b>     | 2 Mt. View Drive<br>Block 27.02, Lot 14 | RA2 | Applicant proposes new<br>in-ground pool, second<br>floor addition and deck.<br><br>The following variances are being requested:<br>-2½ stories proposed where 2 stories are<br>permitted.<br>-Rear yard setback at new second floor proposed<br>at 26'10" and to new deck proposed at 11'10"<br>where 35' is required.<br>-Proposed in-ground pool is 4' from house where<br>10' minimum is required.<br>(PLANS SENT TO COMRS) |

**RESOLUTIONS**

1. GRANTED the application of LILIANA OTALVARO for variances for lot width, lot area, left side line setback variance, and variance for 3 stories to demolish an existing single-family home and erect a new two-family home at 610 Gregory Avenue, Block 13.13, Lot 47. RB2
  
2. GRANTED the application of GACCIONE CONTRACTORS LLC for a use variance for 10,000 square feet of the subject premises to be used as a contractor's storage yard at 750 Bloomfield Avenue, Block 49.11, Lot 30. M-2
  
3. GRANTED the application of 152 164 GETTY AVE CORPORATION for final site plan approval to convert second story to 15 dwelling units at 156 Getty Avenue, Block 11.03, Lot 56 and Block 11.22, Lot 1.01. M-2