

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
February 16, 2022
7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the Regular Meeting on February 16, 2022.

PLEDGE OF ALLEGIANCE
CONTINUED HEARING

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| 1.
Use
Variance;
Variances | J & I CHIMICHANGA, LLC a/k/a EL MEXICANO CLIFTON | 1293 Main Avenue BC
Block 11.07, Lot 16 | Variance application for expansion of existing restaurant for covered outdoor dining. |
| | Franklin S. Montero, Esq. | | 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.
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. |
| 2.
Prelim. &
Final Major
Site Plan | BOTANY VILLAGE PROPERTY LLC
Jason R. Tuvel,
Esq. | 254 Dayton Avenue
Block 4.18, Lot 21 | PD1 For preliminary and final major site plan approval, use variance, bulk variance and design waiver/exception relief.

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. |

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The Applicant seeks use variance relief pursuant to N.J.S.A. 40:55D-70(d) (1) for a non-permitted use, as residential use is not permitted in the PD-1 Zoning District and a height variance pursuant to N.J.S.A. 40:55D-70 (d) (6) for building height greater than permitted (30 ft. permitted; 40 ft. proposed). To the extent necessary, Applicant seeks a parking variance for providing less than required number of parking spaces and seeks a conditional use approval or conditional use variance for not providing parking on the same lot as the principal use/principal structure. The Applicant further seeks bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) with respect to (1) front yard setback less than required (15 ft. required; 0.37 ft. proposed); and (2) number of building stories greater than permitted (2 stories permitted; 4 stories proposed).

The Applicant also seeks any additional deviations, exceptions, design waivers, submission waivers, variances, use variances, conditional use variances, interpretations, continuations of any pre-existing non-conforming conditions, modifications of prior imposed conditions, and other approval reflected on the filed plans (as same may be further amended or revised from time to time without further notice) and as may be determined to be necessary during the review and processing of the Application.

3.
Use
Variances;
Variances

EMPIRE REALTY
MANAGEMENT CORP. 94-96 Market Street B-C
Block 68.03, Lot 43
Frank A. Carlet,
Esq.

(CONTINUED TO
03/02/2022)

An approval to demolish the ALLWOOD THEATER and replace it with three additional new retail stores abutting the 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.

4. **PASSAIC** 409-411 Main Ave. B-B Applicant proposes to
Use **CLIFTON** Block 59.03, Lot 17 construct an addition in
Variance; **COMMUNITY** the front of the
KOLLEL property to allow
CONGREGATION expansion of the library book space, a private
Glenn study area, an office and a basement storage
Peterson, Esq. area. The addition will conform to other
structures in the neighborhood. A use variance
is required for the expansion of the previously
approved nonconforming use and the existing mixed
use on the property. Previous application was
granted on 4/19/2017.

NEW HEARINGS

1. **MJG-MAR REALTY,** 42 Lakeview Avenue M-2 This is a notice of an
Use **LLC** Block 7.05, Lot 70 application for a use
Variance Frank A. Carlet, variance to permit use
Esq. of the property
presently occupied by
the GARDEN PLAZA BOWLING ALLEY for a storage and
distribution center for motor vehicle parts,
retail and wholesale. The property is located in
an M-2 zone and the use is not permitted in said
zone. (PLANS SENT TO COMRS.)

2. **MATT WEST** 105 Greglawn Drive RA2 Applicant proposes new
Variances Block 45.03, Lot 5 second floor addition
and new covered porch.
The following variances are being requested:
1) Rear yard setback proposed at 27.8' where 35'
is required;
2) Front yard setback proposed at 24.3' where 30'
is required. (PLANS SENT TO COMRS.)

3. **KEVIN PERLITSH** 196 South Parkway RA3 Applicant is requesting
Variances Block 60.02, Lot 3 the following variances
for a proposed addition:
1) Left side yard setback proposed at 4.3' where
6' is required.
2) Combined side yard setback proposed at 13'
where 16' is required.
3) Front yard setback proposed at 24.6' where 25'
is required. (PLANS SENT TO COMRS.)

4. **MARC FRIEDLANDER** 199 South Parkway RA3 Applicant is requesting
Variances Block 60.08, Lot 2 the following variances
for a proposed addition:
1) Side yard setback proposed at 3.8' where 6' is
permitted.
2) Combined side yard setback proposed at 12.7'
where 16' is permitted.
3) Front yard setback proposed at 15.2' where 25'
is required.
4) Lot coverage proposed at 29.4% where 27% is
permitted. (PLANS SENT TO COMRS.)

5.
Variance

JOSEFINA PEREZ 13-15 Rose Street
& **SALVADOR** Block 49.02, Lot 1
HERNANDEZ
Richard A. Vrhovc, Esq.

RB1 Applicant proposes a rear setback variance permitting the installation of a covered but open carport over an existing paved driveway.
(PLANS SENT TO COMRS.)

RESOLUTIONS

1. DISMISSED WITHOUT PREJUDICE the application of CLIFTON IL, LLC for subdivision, use variance, and bulk variances for the purpose of constructing a 50-unit senior citizen independent living facility at 782, 784, 810 and 818 Valley Road, Block 24.01, Lots 11, 14, 15, and 18. RA1 & Steep Slope

2. GRANTED the application of 680 CLIFTON, LLC for minor subdivision, bulk variances, and use variance to permit a strip of property measuring 25-feet by 390-feet, or 9,750 square feet of property, to be transferred from Lot 30 to Lot 70 in Block 80.01 at 680 Route 3, Block 80.01, Lot 70 and 30. B-C

3. GRANTED the application of G. KINISKI SLADE for a variance for a 5-foot-high solid fence along the Grove Street side of the property at 5 Abbe Lane, Block 27.12, Lot 1. RA2

4. GRANTED the application of MARINO WILLIAMS to convert attached garage into living space and variance for driveway in front of house no longer serving a garage at 109 Orchard Drive, Block 68.12, Lot 21. RA3

5. GRANTED the application of DANIEL MAYER for lot coverage, front yard setback, right side yard setback, and combined side yard setbacks for an addition to the front and rear of the attached garage at 33 Belmont Avenue, Block 70.03, Lot 21. RA3

6. GRANTED the application of LOUAY ASSOCIATES, LLC for use variances for eight (8) residential units on second floor in existing two-story commercial use building, front yard setback, rear yard setback, lot coverage, and parking variances at 1026-1038 Main Avenue, Block 8.04, Lot 1. B-C

7. GRANTED the application of WILLIAM DUNAI for use variance for the purpose of an accessory massage use to the SALT CAVERN at 658 Allwood Road, Block 67.03, Lot 6. B-C

APPROVAL OF MINUTES

1. SPECIAL meeting of January 26, 2022;
2. REGULAR meeting of February 2, 2022.