

**REVISED AGENDA**  
**ZONING BOARD OF ADJUSTMENT**  
**CITY OF CLIFTON**  
**March 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 March 16, 2022.

**PLEDGE OF ALLEGIANCE**  
**CONTINUED HEARINGS**

1. **BOTANY VILLAGE** 254 Dayton Avenue PD1 For preliminary and  
Prelim. & **PROPERTY LLC** Block 4.18, Lot 21 final major site plan  
Final Major Jason R. Tuvel, approval, use variance,  
Site Plan Esq. bulk variance and design  
waiver/exception relief.

**(CONTINUED TO  
04/06/2022)**

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.

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.

2. **EMPIRE REALTY** 94-96 Market Street B-C An approval to demolish  
 Use **MANAGEMENT CORP.** Block 68.03, Lot 43 the ALLWOOD THEATER and  
 Variances; Frank A. Carlet, replace it with three  
 Variances Esq. additional new retail  
 stores abutting the

**(CONTINUED TO  
 04/06/2022)**

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**

1. **MESIVTA OF** 369 Delawanna Ave. RB2 Applicant is requesting  
 Variance **CLIFTON, INC.** Block 72.01, Lot 8 relief, if necessary,  
 Henry C. from any variances,  
 Walentowicz, Esq. approvals, waivers and/  
 or exemptions from any  
 applicable provision of  
 the Municipal Code of the City of Clifton  
 necessary for approval of the application, for an  
 addition to a 1-family residence where a rear  
 setback required is 35' and the rear setback is  
 24'. (PLANS SENT LAST MEETING)

2. **KEVIN & KAREN** 30 MacArthur Drive RA1 Applicant proposes to  
 Variance **URENA** Block 63.01, Lot 1 construct an inground  
 pool on their property  
 that needs a front yard  
 setback variance due to  
 the odd shape of the  
 lot. 60' is required  
 where 23.8' is proposed.  
 (PLANS SENT TO COMRS.)

3. **STEVE TSIMPEDES & MICHAEL HALKIAS** 7 Valley Road Block 14.03, Lot 13 RA3 The constructed dormer appears to have an exterior wall higher than 5'0". This creates a three story house where only two story are permitted. The applicant seeks the dormer to remain as constructed. (PLANS SENT TO COMRS.)  
 Use Variance Michael T. Halkias, Esq.
4. **JONATHAN RUIZ** 109 Crooks Avenue Block 1.03, Lot 3 RB1 Applicant is proposing a 6' solid fence along the right-hand side of the rear yard where 5' solid is required, as well as a small portion along the left side of their home where a 4' 50% open fence is required. (PLANS SENT TO COMRS.)  
 Variance
5. **STORAGE BLUE CLIFTON LLC** 550 Lexington Ave. Block 7.07, Lot 1 B-C Applicant is requesting relief, if necessary, from any variances, approvals, waivers and/or exemptions from any applicable provision of the Municipal Zoning Code of the City of Clifton necessary for approval of the application, to renovate the existing warehouse, and change its use ("D" variance) to a self-storage warehouse plus the following bulk variances:  
 Use Variance; Variance; Variance; Christos J. Diktas, Esq.  
 -Maximum Building Coverage: Permitted 60%; Proposed 74.12%;  
 -Minimum Accessory Building: Permitted 25 ft.; Proposed 10 ft.;  
 -Minimum Distance to Main Building: Permitted 10 ft.; Proposed 5 ft.;  
 -Parking Variance;  
 -Ground Sign Variance; as well as a  
 -final site plan approval and any other variances or design waivers required by the Applicant.  
 (PLANS SENT TO COMRS.)

**RESOLUTIONS**

1. GRANTED the application of CLIFTON IL, LLC for preliminary and final site plan approval for a D(1) use variance, D(5) density variance, D(6) height variance, and bulk variances for maximum impervious lot coverage, excavation of slopes, uppermost point of a cut slope shall not be higher than the top of the nearest downhill structure or building, and parking to subdivide the property, remove buildings on Lot 14 and 15 and construct an Age 62+ senior independent living multi-family residential development with 50 units at 782, 784, 810 and 818 Valley Road, Block 24.01, Lots 11, 14, 15, and 18. RA1 and Steep Slope

2. DENIED the application of YEVGENIY KANTOR for a left side yard setback variance and combined side yard setback variance for a 10-foot-wide, second floor balcony on the left side of the dwelling at 18 Ellsworth Street, Block 43.23, Lot 8.02. RB1

3. GRANTED the application of BARBARA QUINTANA & IVAN ENRIQUEZ for a front yard setback variance to extend front porch and relocate front door at 19-21 Lambert Avenue, Block 22.06, Lot 30. RB2

4. DISMISSED WITHOUT PREJUDICE the application of JIM BEIRNE to remove second floor deck and expand second floor bedroom at 35 Englewood Road, Block 68.11, Lot 18. RA3

5. DENIED the application of ERIKA RYBACK for a use variance for an oven in the basement at 37 Jani Court, Block 39.05, Lot 39. RA2

6. DISMISSED WITHOUT PREJUDICE the application of MESIVTA OF CLIFTON, INC., for an addition at 369 Delawanna Avenue, Block 72.01, Lot 8.

7. GRANTED the application of QUICKS REALTY, LLC for a one-year time extension of the approval for a mixed use two-story building at 802 Van Houten Avenue, Block 36.10, Lot 16, extension granted to March 17, 2023. B-C