

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
November 3, 2021
7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the Regular Meeting on November 3, 2021.

PLEDGE OF ALLEGIANCE
CONTINUED HEARING

1. **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.
- Use Variance; Variances
- Franklin S. Montero, Esq. (CONTINUED TO 12/15/21)
- 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. **BOTANY VILLAGE PROPERTY LLC** 254 Dayton Avenue PD1 For preliminary and final major site plan approval, use variance, bulk variance and design waiver/exception relief.
- Prelim. & Final Major Site Plan Jason R. Tuvel, Esq. (CONTINUED TO 11/17/21)
- 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.

3. **JEFFREY AVILA** 61 Craig Place RA1 Applicant proposes to
 Variance Eric Hausman, Block 51.06, Lot 7 build a two-story
 Esq. addition on the left
(CONTINUED TO side of the home. The
11/17/21) following Variance is
 requested:
 1) Front yard setback proposed at 21.1' where 35'
 is required (left side only).

4. **CLIFTON ADULT** 900 Clifton Avenue RA3 This is an application
 Use **OPPORTUNITY** Block 35.01, Lot 2 to construct an
 Variance; **CENTER, INC.** additional building on
 Variance Frank A. Carlet, Esq. the Clifton City Hall
 property for use by the
 Clifton Adult
 Opportunity Center.

Use variances are required because the property is zoned for a residential use, and the proposed use is not a residential use. In addition, not more than one principal use is permitted, and there is more than one principal use on the property. Further, a bulk variance is required because the building height proposed is 2.5 stories and only 2 stories are permitted.

NEW HEARINGS

1. **ANDREA SYMISTER** 211 DeMott Avenue RB1 Applicant requests the
Variance Block 20.27, Lot 1 following variance for
the installation of an
above ground swimming
pool:
1) Pool will be located 15' from the street side
lot line where 25' is required.
(PLANS SENT TO COMRS.)
2. **Yael Krumbein** 36 Laurel Avenue RA2 Proposed attic addition
Variances Block 50.10, Lot 27 and renovation creates a
2½ story home where 2
stories are permitted.
Right side yard is 4.5'
where 6' is required and
A/C units proposed less
than 6' from the right
side lot line.
(PLANS SENT TO COMRS.)
3. **CARLOS MOROCHO** 36 Union Avenue RB2 New 14' x 14' garage
Variances Block 11.18, Lot 23 already constructed
requires the following
variances:
1) Right side yard is 2' where 5' is required;
2) Rear yard setback is 4' where 5' is required;
3) Lot coverage is 27.5% where 25% is permitted;
and
4) Driveway (new portion) is 2' from right side
yard where 5' is required.
(PLANS SENT TO COMRS.)
4. **MAHA MAROGI** 46 South Parkway M-2 Applicant seeks use
Use Alfred V. Block 60.05, Lot 16 variance and bulk
Variance; Acquaviva, Esq. variances to convert the
Variances existing two-family,
three story residential
house to a three-family
house and to permit
construction of a rear
addition to expand the
existing building and
dwelling units.
In addition to the use variance requested, the
applicant specifically requests bulk variances
for lot area and lot width (both of which are
pre-existing), for a left side yard setback and
for all other variances and/or waivers that may
be required.
(PLANS & GREGORY REPORT SENT TO COMRS.)

5.
Use
Variance;
Variances

MAHA MAROGI
Alfred V.
Acquaviva, Esq.

52 South Parkway
Block 60.05, Lot 15

RA3

Applicant seeks use variance and bulk variances to convert the existing two-family, three story residential house to a three-family house and to permit construction of a rear addition to expand the existing building and dwelling units.

In addition to the use variance requested, the applicant specifically requests bulk variances for lot area and lot width (both of which are pre-existing), for a right side yard setback and for all other variances and/or waivers that may be required.

(PLANS & GREGORY REPORT SENT TO COMRS.)

RESOLUTIONS

1. DENIED the application of LAURA POZUELOS-CERRONE for a variance for a 6-foot-high solid fence along the left side yard at 555 Allwood Road, Block 68.13, Lot 3. RA3

2. GRANTED the application of SOHEL MUNIR for a 5-foot-high solid fence with a 1-foot lattice on top, for a total of 6 feet, along the right side of the house at 63 Ploch Road, Block 27.06, Lot 23. RA2

3. GRANTED the application of MICHAEL LIBERATORE to install a "swimming spa" pool-type accessory structure to be placed against the deck and a deck extension in the rear yard at 52-54 Pershing Road, Block 40.07, Lot 25. RA3

4. GRANTED the application of VIJAY BHATIA for combined side yard setback variance for a rear addition and front yard setback variance for a front vestibule at 35 Surrey Lane, Block 67.01, Lot 35. RA3

5. DISMISSED WITHOUT PREJUDICE the application of CLIFTON IL, LLC for subdivision and 50 unit senior citizen development at 782, 784, 810 and 818 Valley Road, Block 24.01, Lots 11, 14, 15, and 18. RA1