

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
January 5, 2022
6:30 P.M. REORGANIZATION MEETING
7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the Regular Meeting on January 5, 2022.

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.
 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.
 (CONTINUED TO 01/19/22)
 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.
 Jason R. Tuvel, Esq. Block 4.18, Lot 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. (CONTINUED)

(CONTINUED)

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 Variance; Variance

680 CLIFTON, LLC 680 Route 3
David C. Dixon, Block 80.01, Lot 70
Esq. & 30
**(CONTINUED TO
01/19/22)**

B-C For Minor sub-division, bulk variance (pre-existing non-conformance), and use variance (expansion of a pre-existing non-conforming use) approvals, to permit the expansion, subdivision, and assemblage of a strip of land, containing approximately 9,752.4 sf, with the current lot, containing approximately 3.43 ac., including bulk variance for:
-Min. Landscape Buffer (pre-existing non-conformance (NC); 25' required, 20' (L.30) & 0' (L.70) provided;
-Min. Landscape Buffer (Allwood Road) (pre-existing non-conformance (NC), 15' required, 1' (L.30) & 4' (L.70) provided;
-Min. Front Yard (pre-existing non-conformance (NC), 30'-60' or 70'-90' required, 89.5' (L.30) & 76.2' (L.70) provided;
-Min. Rear Yard (pre-existing non-conformance (NC), 50' required, 37.55' (L.70) provided (L.70);

(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 HEARINGS

1. Variance

LILIANA OTALVARO 610 Gregory Ave. RB2
Block 13.13, Lot 47

Applicant proposes to demo an existing single family home and build a new two-family home. The following relief is requested:

- 1) 75' minimum lot width required and 50.14' provided;
 - 2) 7500 Sq. Ft. lot area required and 6267 Sq. Ft. provided;
 - 3) Driveway proposed less than 5' from the left side lot line;
 - 4) Basement has more than 50% of its clear height above grade, which makes the basement story, therefore the proposed house is three stories where 2 1/2 stories are permitted.
- (PLANS SENT TO COMRS.)

2. Use Variance; Variances

BRG HOLDINGS, LLC 140 Entin Road M-2
Block 60.14, Lot 6
Glenn Peterson, Esq.

Applicant proposes to construct a 20,000 square foot warehouse for use by business located across from site.

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. (PLANS SENT TO COMRS.)

3. Use Variance

GACCIONE CONTRACTORS LLC 750 Bloomfield Ave. M-2
Block 49.11, Lot 30

Applicant proposes to use 10,000 sq. ft. (125' X 80') of the subject property as a contractor's storage yard.

Machinery and material will be stored outdoors and under a canopy area. Property is currently a mixed use property and a D-1 Use variance is required. This area will be adjacent to a previously approved contractor's storage yard. Proposed area will be 25' from the rear lot line. (PLANS SENT TO COMRS.)

4. **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

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.

(PLANS SENT TO COMRS.)

5. **152 164 GETTY** 156 Getty Ave. & M2 Final site plan approval
 Final **AVE CORPORATION** Getty Ave. to convert second story
 Site Jason R. Tuvel, Block 11.03, Lot 56 to 15 dwelling units.
 Plan Esq. & Block 11.22, Lot 1.01 The Board granted
 preliminary site plan
 and use variance on
 October 6, 2021.
 (PLANS SENT TO COMRS.)

RESOLUTIONS

1. GRANTED the application of SALLY ANN FERNANDEZ for a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6 feet, around the back yard at 88 Hadley Avenue, Block 12.23, Lot 33. RB1

2. GRANTED the application of ELIZABETH SAHARIG-ROMERO for bulk variances for distance from house and minimum front yard setback for a gazebo installed to the left side of house at 74 Luddington Avenue, Block 18.06, Lot 19. RB1