

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
February 2, 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 2, 2022.

PLEDGE OF ALLEGIANCE
CONTINUED HEARING

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| 1. Use Variance; Variances | J & I CHIMICHANGA, LLC a/k/a EL MEXICANO CLIFTON Franklin S. Montero, Esq. (CONTINUED TO 02/16/2022) | 1293 Main Avenue BC Block 11.07, Lot 16 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. | Variance application for expansion of existing restaurant for covered outdoor dining. |
| 2. Prelim. & Final Major Site Plan | BOTANY VILLAGE PROPERTY LLC Jason R. Tuvel, Esq. (CONTINUED TO 02/16/2022) | 254 Dayton Avenue PD1 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. | For preliminary and final major site plan approval, use variance, bulk variance and design waiver/exception relief. |

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-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.

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

(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

1. Variance **G. KINISKI SLADE** 5 Abbe Lane Block 27.12, Lot 1 RA2 Applicant requests a 5' solid fence on the side of their home (along Grove Street) where a 4' 50% open fence is permitted. (PLANS SENT TO COMRS.)

2. Variance **MARINO WILLIAMS** 109 Orchard Drive Block 68.12, Lot 21 RA3 Applicant proposes to convert the attached garage into living space. A variance is requested for a driveway in front of the house no longer serving a garage. (PLANS SENT TO COMRS.)

3. **DANIEL MAYER** 33 Belmont Avenue RA3 Applicant previously was
 Variances Glenn Block 70.03, Lot 21 granted front yard,
 Peterson, Esq. right side yard, combined
 side yard, and lot
 coverage variances on
 March 3, 2021, for a
 second floor rear
 addition.
- Applicant is now proposing an addition to the front and rear of the attached garage which needs the following new variances:
- 1) Lot coverage now proposed at 29% where 27% is permitted.
 - 2) Front yard setback proposed at 21.1 where 25' is required.
 - 3) Right side yard is 4.6' where 6' is required.
 - 4) Combined side yards are 9.4' where 16' is required. (PLANS SENT TO COMRS.)
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.
 (PLANS SENT TO COMRS.)
5. **LOUAY** 1026-1038 Main Ave. B-C The applicant is
 Use **ASSOCIATES, LLC** Block 8.04, Lot 1 requesting a use
 Variance; Alfred V. variance to renovate and
 Variances Acquaviva, Esq. convert the vacant
 second floor to eight
 (8) residential units.
- In addition to the use variance requested, the applicant is seeking bulk variance relief for the front yard setback, rear yard setback, lot coverage (all of which are pre-existing), and parking.
 (PLANS SENT TO COMRS.)
6. **WILLIAM DUNAI** 658 Allwood Road B-C Applicant proposes to
 Use Peter Block 67.03, Lot 6 use a room on the
 Variances Ianarella, Esq. premises for the purpose
 of an accessory massage
 use.
- The current use is a Salt Cavern meant as a therapeutic use. This additional use would expand the therapeutic offerings of the existing business. A use variance is requested as a massage use is not a listed permitted use and for two uses on one lot. Any other relief deemed necessary by the Board.
 (PLANS SENT TO COMRS.)

RESOLUTIONS

1. GRANTED the application of BRG HOLDINGS, LLC for use variance to erect a warehouse and bulk variances for side yard setback, rear yard setback, buffer abutting residential, ground sign setback, and number of parking spaces at 140 Entin Road, Block 60.14, Lot 6. M-2

2. GRANTED the application of ROBERTO RIVERA for approval for a 6-foot-high solid fence along Warren Street at 214 Valley Road, Block 22.10, Lot 6. RB3

3. GRANTED the application of CARLOS GOYBURU for bulk variances to install an in-ground pool, second floor addition, and deck at 2 Mountain View Drive, Block 27.02, Lot 14. RA2