

**REVISED AGENDA**  
**ZONING BOARD OF ADJUSTMENT**  
**CITY OF CLIFTON**  
**March 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 March 2, 2022.

**PLEDGE OF ALLEGIANCE**  
**CONTINUED HEARING**

1. **CLIFTON IL, LLC** 782,784,810 & 818 R-A1 This is an application  
Sub-Frank A. Valley Road, & to construct a fifty  
Division; Carlet, Esq. Block 24.01, Steep (50) unit senior citizen  
Use Lots 11,14,15 & 18 Slope apartment project on  
Variances; proposed and expanded  
Variances Lot 14 in Block 24.01.

This would replace the proposed 31 unit senior citizen apartment building previously approved by the Board of Adjustment to be constructed on Lot 14. The application would include a subdivision to divide parts of Lot 15 and 18 from the existing lots and add those two sections to existing Lot 14. The application would include a request for the following:

1. A D1 Use Variance use not permitted in the zone.
2. A D5 Density Use Variance (7 dwelling units permitted, 13.25 dwelling units proposed).
3. A D6 Height Variance for a height higher than 10% of the permitted height in the zone (41'5" proposed, 30' permitted).

For bulk variances as follows:

1. Maximum impervious lot coverage as follows:
  - a. in the 15% slope area, 30% permitted, 47.2% proposed;
  - b. in the 15.1% to 25% slope area, 25% permitted, 48.8% proposed;
  - c. in the 25.1% to 30% slope area, 25% permitted, 25.3% proposed;
  - d. in the over 30% slope area 0% permitted, 2.4% proposed.
2. Maximum impervious coverage, 0% permitted, 12.6% proposed.
3. Excavation in slopes in excess of 30%.
4. Uppermost point of a cut slope higher than the top of the nearest downhill structure or building; and

A waiver is required for the number of parking spaces as provided per RSIS (68 spaces proposed, 79 spaces required), but the application far exceeds the number of spaces required by the Zoning Ordinance (17 spaces required, 68 spaces provided).

2. **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**  
**03/16/2022)**

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.

3. **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.

#### NEW HEARINGS

- |                       |   |  |  |
|-----------------------|---|--|--|
| 1.<br>Variances       | <b>YEVGENIY<br/>KANTOR</b>                          | 18 Ellsworth Street RB1<br>Block 43.23, Lot 8.02 | Applicant proposes to build a 10' wide balcony on the left side of his home.<br><br>Left side yard setback would be proposed at 2' where a minimum of 6' is required and combined side yard proposed at 9' where 16' is required.<br>(PLANS SENT TO COMRS.)  |
| 2.<br>Variance        | <b>BARBARA<br/>QUINTANA &amp;<br/>IVAN ENRIQUEZ</b> | 19-21 Lambert Avenue RB2<br>Block 22.06, Lot 30  | Applicant proposes to extend front porch and relocate the front door, the following variances are needed:<br><br>Front yard setback proposed at 8.2' where 25' is required. (PLANS SENT TO COMRS.)   |
| 3.<br>Variances       | <b>JIM BEIRNE</b>                                   | 35 Englewood Road RA3<br>Block 68.11, Lot 18     | Applicant proposes changes to a previous approved application. Second story deck will be removed and the second-floor bedroom addition will now be expanded. The following variances are requested:<br><br>1) Right side yard is 5.8' and left side yard is 5.7' where one side yard is permitted to be 6'.<br>2) Combined side yards are 11.3' where a minimum of 16' is required.<br>3) Rear yard setback proposed at 30'6" where 35' is required.<br>(PLANS SENT TO COMRS.) |
| 4.<br>Use<br>Variance | <b>ERIKA RYBACK</b>                                 | 37 Jani Court RA2<br>Block 39.05, Lot 39         | Applicant proposes to put an oven in the basement of her home where a dwelling unit shall only be permitted to have one kitchen.<br>(PLANS SENT TO COMRS.)   |

5.  
Variance

**MESIVTA OF  
CLIFTON, INC.** 369 Delawanna Ave.  
Block 72.01, Lot 8  
Henry C.  
Walentowicz, Esq.

Applicant is requesting relief, if necessary, from any variances, 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 TO COMRS.)

#### **COMMUNICATIONS**

1. Communication dated February 10, 2022, from Frank A. Carlet, Esq., regarding QUICKS REALTY, LLC, 802 Van Houten Avenue, Block 36.10, Lot 16.

#### **RESOLUTIONS**

1. DISMISSED WITHOUT PREJUDICE the application of J & I CHIMICHANGA, LLC a/k/a EL MEXICANO CLIFTON for expansion of existing restaurant for covered outdoor dining at 1293 Main Avenue, Block 11.07, Lot 16. BC

2. DISMISSED WITHOUT PREJUDICE the application of PASSAIC CLIFTON COMMUNITY KOLLEL for front addition at 409-411 Main Avenue, Block 59.03, Lot 17. B-B

3. DISMISSED WITHOUT PREJUDICE the application of MJG-MAR REALTY, LLC for storage and distribution center at 42 Lakeview Avenue, Block 7.05, Lot 70. M-2

4. GRANTED the application of MATT WEST for front and rear yard setback variances for a second floor addition and new covered porch at 105 Greglawn Drive, Block 45.03, Lot 5. RA2

5. GRANTED the application of KEVIN PERLITSH for left side yard setback, combined side yard setback, and front yard setback variances for a two-story rear addition and a second floor add-a-level at 196 South Parkway, Block 60.02, Lot 3. RA3

6. GRANTED the application of MARC FRIEDLANDER for variances for side yard setback, combined side yard setback, front yard setback, and lot coverage for a rear two-story addition at 199 South Parkway, Block 60.08, Lot 2. RA3

7. GRANTED the application of JOSEFINA PEREZ & SALVADOR HERNANDEZ for rear yard setback variance permitting the installation of a covered but open carport over an existing paved driveway at 13-15 Rose Street, Block 49.02, Lot 1. RB1