

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
April 6, 2022
7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the Regular Meeting on April 6, 2022.

PLEDGE OF ALLEGIANCE
CONTINUED HEARINGS

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

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. **RYAN LAULETTE** 12 Gould Terrace RA1 Applicant proposes to
 Variance Block 51.06, Lot 33 convert approx. 90 sq.
 ft. of garage space into living space to be used as a proposed mud room. A variance is requested for a driveway in front of the house no longer completely serving a garage.
 (PLANS SENT TO COMRS)

2. **JONAH HOLLAND** 357 South Parkway RA3 Applicant proposes a
 Variances Block 58.07, Lot 8 new 2 story rear addition. The following variances are requested:
 1. Side yard setback proposed at 5.7' where 6' is required.
 Applicant is also proposing changes to the front stoop which require an additional front yard variance. Setback proposed at 15'10" where 21' is required. (PLANS SENT TO COMRS)

3. **WAEL EL-ZIND** 636 Van Houten Ave. PD-2 Applicant proposes to
 Use Block 37.01, Lot 17 build a rear addition
 Variance; for storage of the gift
 Variances shop only which requires
 the following variances:
1. Expansion of a preexisting nonconforming use.
 2. Bulk variances for side yard and rear yard setback.
 - a. Rear yard setback proposed at 8.5';
 - b. Side yard setback proposed at 2' on both left and right.
 3. Lot coverage proposed at 78%.
 (PLANS SENT TO COMRS)
4. **JIM BEIRNE** 35 Englewood Ave. RA3 Applicant proposes
 Variances Block 68.11, Lot 18 changes to a previous
 approved application.
- In this application, we are requesting a reduction in the square footage of the new raised deck. The first floor rear addition is also slightly reduced by @ 10 sf. The second floor bedroom addition will also be slightly increased by 100 sf. The following variances are requested:
- 1) Right side yard is 5.8' and left side yard is 5'-7" where a minimum of 6' is required on one side yard.
 - 2) Combined side yards are 11'-3" where a minimum of 16' is required.
 - 3) Rear yard setback proposed at 31'-9" where 35' is required.
 (PLANS SENT TO COMRS)
5. **MJG-MAR REALTY, LLC** 42 Lakeview Avenue B-C Application for a use
 Use Block 7.05, Lot 70 variance to permit use
 Variance Frank A. Carlet, of the property
 Esq. previously occupied by
 the GARDEN PLAZA
 BOWLING ALLEY for a
 storage and distribution
 center for the sale of
 motor vehicle parts at
 retail and wholesale.
 The property is located
 in a B-C zone in which
 the sale at wholesale is
 not permitted.
 (PLANS SENT TO COMRS)

RESOLUTIONS

1. GRANTED the application of MESIVTA OF CLIFTON, INC., for rear yard setback variance for an addition to a one-family dwelling at 369 Delawanna Avenue, Block 72.01, Lot 8. RB2
2. GRANTED the application of KEVIN & KAREN URENA for a front yard setback variance for an inground pool at 30 MacArthur Drive, Block 63.01, Lot 1. RA1
3. GRANTED the application of STEVE TSIMPEDES & MICHAEL HALKIAS for variance for a three-story structure where two stories are permitted and approval to maintain the dormer as constructed at 7 Valley Road, Block 14.03, Lot 13. RA3
4. GRANTED the application of JONATHAN RUIZ for a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6 feet, along the right-hand side of the rear yard as well as a small portion along the left side of the structure at 109 Crooks Avenue, Block 1.03, Lot 3. RB1
5. DISMISSED WITHOUT PREJUDICE the application of STORAGE BLUE CLIFTON LLC to renovate the existing warehouse and change use to a self-storage warehouse at 550 Lexington Avenue, Block 7.07, Lot 1, due to defective notice. B-C