

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
October 6, 2021
7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the Regular Meeting on October 6, 2021.

PLEDGE OF ALLEGIANCE
CONTINUED HEARING

1. Use Variance; Variances	J & I CHIMICHANGA, LLC a/k/a EL MEXICANO CLIFTON Franklin S. Montero, Esq. (CONT'D. TO 10/20/21)	1293 Main Avenue BC Block 11.07, Lot 16	Variance application for expansion of existing restaurant for covered outdoor dining. 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.
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NEW HEARINGS

1. Variances	JAMES SHAGAWAT	30 Blue Hill Road Block 44.03, Lot 30	RA3 Variances requested for driveway previously installed: 1) Driveway is 2' from the left side yard where 5' is required; 2) Driveway is 28' wide where a maximum 20' is permitted; 3) 7' of the driveway is in front of the house not serving a garage; 4) Curb cut is 26' where a maximum of 12' is permitted. (PLANS SENT TO COMRS.)
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2. **NAEL SHAABNA** 191 Abbe Lane RA3 Applicant proposes to
 Variances Block 33.09, Lot 13 expand their driveway to
 20' in width. The
 following variances are
 requested:
 1) Driveway proposed 1' from the left side yard
 where 5' is required.
 2) Driveway proposed 3' into the front yard in an
 area not serving a garage. (PLANS SENT TO COMRS.)

3. **ANNAMARIA &** 170 Rutherford Blvd. RA3 Applicant proposes a
 Variances **MAURO BARZOLA** Block 60.09, Lot 34 2nd story addition.
 The following variances
 are required:
 1) Left side yard proposed at 4.53' where 6' is
 required (fireplace bump-out);
 2) Combined side yards proposed at 9.84' where
 16' is required.
 3) Rear 2 story addition is 2.5' from the
 existing pool where 10' is required.
 (PLANS SENT TO COMRS.)

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

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. (PLANS SENT TO COMRS.)

5. Prelim. & Final Major Site Plan	152 164 GETTY AVE CORPORATION Jason R. Tuvell, Esq.	156 Getty Ave & Getty Ave Block 11.03, Lot 56 & Block 11.22, Lot 1.01	M-2	For amended preliminary and final major site plan approval (or preliminary and final major site plan approval, if deemed necessary and use variance relief (and bulk variance and design waiver/exception relief, if deemed necessary)).
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The property is located in the M-2 Zoning District. On February 19, 2020, the Applicant received approval to construct a second-story addition to the existing warehouse and office building, along with related site improvements. In connection with the Application, the Applicant received use variance approval pursuant to N.J.S.A. 40:55D-70(d)(2) for expansion of a non-conforming use, along with conditional use variance approval pursuant to N.J.S.A. 40:55D-70(d)(3) for not complying with certain conditions for a warehouse facility and bulk variance and design waiver/exception relief with respect to

- (1) front yard setback less than required;
 - (2) rear yard setback less than required;
 - (3) side yard setback less than required;
 - (4) size of parking spaces less than required;
- and
- (5) parking area setback less than required.

To the extent required, Applicant seeks conditional use approval or conditional use variance approval for having parking on a lot separate from the principal use/principal structure. The Applicant now seeks amended approval to use the approved second-story addition for eighteen (18) residential dwelling units in lieu of warehouse and office and to construct related site improvements, including but not limited to parking lot striping and improvements, sidewalks, a trash enclosure, and signage. The Applicant seeks use variance approval pursuant to N.J.S.A. 40:55D-70(d)(1) for a non-permitted use, as residential use is not permitted in the M-2 Zoning District. The Applicant also seeks any additional deviations, exceptions, design waivers,

submission waivers, variances, use variance, conditional use variances, interpretations, continuations of any pre-existing non-conforming conditions, de minimis exceptions from the New Jersey Residential Site Improvement Standards ("RSIS"), modifications or prior imposed conditions and other approvals reflected on the final 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. (PLANS SENT TO COMRS.)

RESOLUTIONS

1. GRANTED the application of WAEL EL-ZIND for a rear yard setback variance for a deck at 16 Trella Terrace, Block 33.07, Lot 4. RA2

2. GRANTED the application of JONATHAN KUSHNIR for a left side yard setback variance for an air-conditioning unit at 99 Campbell Avenue, Block 42.13, Lot 31. RB1

3. GRANTED the application of CHERI ALBANESIUS for a 5-foot-high solid fence with 1-foot-high lattice on top, for a total of 6 feet, in the rear yard at 111 Vreeland Avenue, Block 17.02, Lot 20. RB1

4. GRANTED the application of HIREN CHANDRATRE for a variance to expand the driveway to the right approximately 8 feet, variance required for driveway in front of house in an area not serving a garage at 187 Abbe Lane, Block 33.09, Lot 14. RA3

5. GRANTED the application of DANIEL NOWAK & MEHMET DIKCE for use variance to convert an existing one-family dwelling to a two-family dwelling in an M-2 zone at 19 West 1st Street, Block 9.07, Lot 7. M-2

6. GRANTED the application of JOHAN KAFIL & TSUNGAS PETROLEUM, INC. for preliminary and final site plan approval to construct a mixed use, retail and multi-family residential structure, at 453-463 Lexington Avenue, Block 7.15, Lots 10 and 11. BC

7. DISMISSED WITHOUT PREJUDICE the application of CLIFTON IL, LLC to subdivide and merge property and construct a 50-unit independent living facility with new parking layout at 782, 784, 810 and 818 Valley Road, Block 44.01, Lots 11, 14, 15, and 18. RA1