

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
October 20, 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 20, 2021.

PLEDGE OF ALLEGIANCE
CONTINUED HEARING

1. Use Variance; Variances

J & I CHIMICHANGA, LLC a/k/a EL MEXICANO CLIFTON
Franklin S. Montero, Esq.
(CONTINUED TO 12/15/21)

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.

2. Prelim. & Final Major Site Plan

BOTANY VILLAGE PROPERTY LLC
Jason R. Tuvel, Esq.
(CONTINUED TO 11/17/21)

254 Dayton Avenue PD1 Block 4.18, Lot 21 For preliminary and final major site plan approval, use variance, 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.

NEW HEARINGS

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|-----------------|------------------------------------|---|-----|--|
| 1.
Variance | LAURA POZUELOS-
CERRONE | 555 Allwood Road
Block 68.13, Lot 3 | RA3 | A variance is requested for a 6' high solid fence along the left side yard where a 4' high, 50% open fence is permitted (within the front yard and along the side of the house) and a 5' high fence is permitted (in the rear yard behind the house).
(PLANS SENT TO COMRS.) |
| 2.
Variance | SOHEL MUNIR | 63 Ploch Road
Block 27.06, Lot 23 | RA2 | Applicant proposes a 6' high solid fence along the right side of the house where a 4' high, 50% open fence is permitted.
(PLANS SENT TO COMRS.) |
| 3.
Variances | MICHAEL
LIBERATORE | 52-54 Pershing Rd.
Block 40.07, Lot 25 | RA3 | Applicant proposes a "swimming spa" against a deck attached to the house.

A variance is requested for a pool type accessory structure to be placed against the deck where a minimum 10' separation is required. Applicant also proposed a deck extension to include a rear yard setback of 28' where 35' is required.
(PLANS SENT TO COMRS.) |

4. **JEFFREY AVILA** 61 Craig Place RA1 Applicant proposes to
 Variance Eric Hausman, Block 51.06, Lot 7 build a two-story
 Esq. addition on the left
 side of the home. The
 following Variance is
 requested:
 1) Front yard setback proposed at 21.1' where 35'
 is required (left side only).
 (PLANS SENT TO COMRS.)
5. **VIJAY BHATIA** 35 Surrey Lane RA3 Proposed rear addition
 Variance Block 67.01, Lot 35 and front vestibule
 require the following
 variances:
 1) Proposed enclosed front vestibule is 22'4"
 from the front lot line where 25' is required.
 2) Proposed rear addition has a combined side
 yard setback of 14' 3½" where 16' is required.
 (PLANS SENT TO COMRS.)
6. **CLIFTON IL, LLC** 782,784,810 & 818 Valley This is an application
 Sub- Frank A. Road, Block 24.01, Lots for a subdivision to
 division; Carlet, Esq. 11,14,15 & 18 RA1 divide parts of Lots 15
 Use and 18 from the
 Variances; existing lots and make
 those two sections part
 Variances of existing Lot 14;
 For use variances as follows:
 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). (PLANS PREVIOUSLY SENT TO COMRS.)

7. **CLIFTON ADULT OPPORTUNITY CENTER, INC.** 900 Clifton Avenue RA3 This is an application
Use Block 35.01, Lot 2 to construct an
Variance; Frank A. Carlet, Esq. additional building on
Variance the Clifton City Hall
property for use by the
Clifton Adult
Opportunity Center.

Use variances are required because the property is zoned for a residential use, and the proposed use is not a residential use.

In addition, not more than one principal use is permitted, and there is more than one principal use on the property.

Further, a bulk variance is required because the building height proposed is 2.5 stories and only 2 stories are permitted. (PLANS SENT TO COMRS.)

RESOLUTIONS

1. GRANTED the application of JAMES SHAGAWAT for left side yard setback, driveway width, and curb cut for a driveway partially extending in front of the house not serving a garage at 30 Blue Hill Road, Block 44.03, Lot 30. RA3

2. GRANTED the application of NAEL SHAABNA for left side yard setback variance to expand driveway partially extending in front of house not serving a garage at 191 Abbe Lane, Block 33.09, Lot 13. RA3

3. GRANTED the application of ANNAMARIA & MAURO BARZOLA for variances for left side yard setback, combined side yard setback, and rear addition distance from the existing swimming pool for a second story addition at 170 Rutherford Boulevard, Block 60.09, Lot 34. RA3

4. GRANTED the application of 152 164 GETTY AVE CORPORATION preliminary site plan approval and use variance to convert the second story previously approved into 15 dwelling units at 156 Getty Ave. & Getty Ave., Block 11.03, Lot 56 and Block 11.22, Lot 1.01. M-2