

REVISED AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
December 1, 2021
7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the Regular Meeting on December 1, 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

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 01/05/2022)

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.

3. Variance	JEFFREY AVILA Eric Hausman, Esq.	61 Craig Place Block 51.06, Lot 7	RA1	Applicant proposes to build a two-story 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).
----------------	---	--------------------------------------	-----	--

NEW HEARINGS

1. Variances	VYOMESH SHAH	12 Beverly Hill Rd. Block 65.07, Lot 20	RA3	Applicant proposes a rear addition where the following variances are requested: 1) Right side yard is 4.9' where 6' is required (existing condition). 2) Combined side yards are 10' where 16' is required. 3) Front yard setback is 21.67' where 25' is required for an enclosed vestibule. (PLANS SENT TO COMRS.)
-----------------	---------------------	--	-----	---

2. Variance	HANSEL PENA	92 Rock Hill Road Block 38.09, Lot 27	RA3	A variance is requested for a 6' high solid fence, already installed, along the left side yard in the back part of the home and rear yard where a 5' high fence is permitted. (PLANS SENT TO COMRS.)
----------------	--------------------	--	-----	---

3. Variance	NARENDRA RANA	171 S. Parkway Block 60.09, Lot 1	RA3	A variance is requested for a 5' high solid fence along the street side yard where a 4' 50%
----------------	----------------------	--------------------------------------	-----	---

				open fence is permitted. (PLANS SENT TO COMRS.)
4. Variances	JAMIE LYNNE SALEK	1239 Valley Road Block 74.06, Lot 17	RA1	Applicant is proposing to build 22'6" x 30'2" accessory structure where 16' x 24' was previously approved. Previously granted variances for a two story accessory structure and a height variance at the 5/19/2021 meeting: Height of accessory structure proposed at 15.3' where 14' is permitted. 2 story accessory structure, where 1.5 story accessory structure is permitted. Applicant now requests the same variances for height and number of stories as previously approved, but for the larger structure. (PLANS SENT TO COMRS)
5. Use Variance; Variances	DAUGHTERS OF MIRIAM Frank A. Carlet, Esq.	155 Hazel Street Block 24.07, Lot 1	R-HR A	A use variance to permit a subdivision to divide Block 24.07, Lot 1 into two lots. Proposed Lot 1.01 will contain the existing 7 story 150 unit concrete apartment building known as "Miriam II" and proposed Lot 1.02 will contain the brick and mortar 210 bed nursing home known as "Daughters of Miriam Center." A Use Variance is required because the two buildings were constructed on one lot known as Lot 1, and the size of the lots to be created are less than the size of Lot 1 but equal to the total size of existing Lot 1. There will be easements between the various lots including abutting Lot 10 with reference to parking, sewerage and access. There will be no change to the existing appearance of the property. (PLANS SENT TO COMRS)
6. Use Variance; Variances	AURELIJE & ELIZABETA ZOVKO Alfred V. Acquaviva, Esq.	944 Van Houten Ave. Block 35.11, Lot 17	B-C	Applicant seeks use variance and bulk variances to remodel the exterior of the building and add a porch/deck in the front of the existing use. The applicant further seeks to modify the rear yard to include 4 parking spaces with access from Van Houten Avenue. The subject property is currently a two-family residential dwelling and will remain as such if the application is approved. The applicants do not seek a change of the existing use. (PLANS SENT TO COMRS.)
7. Use Variance; Variance	680 CLIFTON, LLC David C. Dixon, Esq.	680 Route 3 Block 80.01, Lot 70 (and adjoining Lot 30)	B-C	For Minor sub-division, bulk variance (pre-existing non-conformance), and use variance (expansion of a pre-existing non-conforming use) approvals, to permit the expansion, subdivision, and

assemblage of a strip of land, containing approximately 9,752.4 sf, with the current lot, containing approximately 3.43 ac., including bulk variance for maximum lot coverage (pre-existing non-conformance; 50% required, 92.5% existing, and 91.75% requested (adjoining lot: 86.1% existing, 86.2% requested)), and 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.
(PLANS SENT TO COMRS.)

RESOLUTIONS

1. DISMISSED WITHOUT PREJUDICE the application of MAHA MAROGI to convert from a two- to a three-family dwelling at 52 South Parkway, Block 60.05, Lot 15. RA3
2. GRANTED the application of RAFAEL DE LEON for lot coverage, rear yard setback, left side yard setback, and combined side yard setback for a rear addition and a second floor add-a-level at 8 Ploch Road, Block 26.05, Lot 17. RA3
3. GRANTED the application of ROCCO SPOON JR. for use variance for a bathroom and a stall shower in the basement at 25 Knollwood Terrace, Block 78.08, Lot 33. RA3
4. GRANTED the application of CARL SILVER for a second story addition over the existing second floor at 103 Virginia Avenue, Block 50.09, Lot 16. RA2
5. GRANTED a one-year extension to September 5, 2022, for the application of MT. PROSPECT PARK, LLC for use variance to construct one 2-story building with 36 residential units and 68 parking spaces at 62-66 Mt. Prospect Avenue, Block 36.01, Lots 10.01 and 11.01. B-A

LEGAL NOTICE FOR 2022 MEETINGS

1. Legal Notice listing Zoning Board of Adjustment meetings for the calendar year 2022.

APPOINTMENT OF ZONING BOARD PROFESSIONALS

1. Counsel Secretary.
2. Planner.
3. Engineer.
4. Landscape Architect.
5. Traffic Consultant.
6. Cell Tower/Telecommunications.
7. Certified Shorthand Reporter.