

AGENDA

**BOARD OF ADJUSTMENT
CITY OF CLIFTON
December 7, 2016
Commencing at 7 P.M.**

Please take notice that formal action may be taken on the following applications on December 7, 2016.

PLEDGE OF ALLEGIANCE

CONTINUED HEARINGS

1.	YESHIVA KTANA	288,292,296,300 & 304	R-B2 Appeal or
Variances;	OF PASSAIC, INC.	South Parkway	application for a
Use	Gail L.	Block 59.01, Lots 8,11,	use variance
Variance	Price, Esq.	13,15 & 17	required to permit
	(CONTINUED		the demolition of
	WITHOUT		
	DATE)		

the existing houses on the lots listed above and the construction of a parking lot thereon to service the abutting Yeshiva Ktana school in the City of Passaic, and bulk variances required for front yard setback (25 feet required, 6 feet proposed), side yard setbacks (20 feet required, 6 feet proposed), rear yard setback (35 feet required, 0 feet proposed), fence height and open space (4 feet 50% open fence permitted maximum, 4 foot high solid wall with 6 foot high 50% open fence in front of wall proposed), parking and maneuvering in front yard, parking within 10 feet of the rear line and failure to provide interior lot landscaping and any other variances that may be determined by the Board to be required.

AS PUBLISHED AND UPDATED BY APPLICANT:

The Property (approximately 0.737 acres) is located within the R-B2 Residential Zone District ("R-B2 Zone") and is currently improved with 5 residential dwellings, 4 of which are owned by the Applicant and 1 of which is under contract of sale with the Applicant. Applicant seeks Preliminary and Final Site Plan Approval with associated conditional and/or use variance and other related waiver and variance relief for the construction and use of a parking area consisting of 73 +/- spaces, together with associated landscaping, fencing and other site enhancements, all accessory to the Applicant's school facility, which is located in the City of Passaic and is adjacent to the Subject Property. All vehicular ingress and egress is proposed to be through the Applicant's Property in Passaic, other than a 20' "clear" opening gate for emergency access from South Parkway (southwestern corner of property) for use by and as requested the Clifton Fire Department for emergency personnel. Certain other plan amendments have been made at the request of the Fire Department, including but not limited to installation of a new hydrant on school property, addition of a 4'

wide swing gate in the southeastern corner of the property for emergency responder access (non-vehicular), provision for Knox paddocks for Fire Department perimeter area access and creation/labeling of a "fire lane - no parking" areas. The following additional variances are required for the proposed parking area, which is accessory to the inherently beneficial religious and educational school:

1. §461-47: fence along front and side property lines to rear of main structure to be no more than 4' height and to be 50% open - proposed: fence 6' height board-on-board construction with 50% open along side (note no building on Property), inclusive of the fencing and gates to be installed in two locations along the South Parkway frontage, as requested in location and design by the Clifton Fire Department;
2. §461-60(E): no parking to be located within front yard - proposed: parking within front yard setback;
3. §461-60(F): no parking to be located within 10' of rear line - proposed: parking within rear yard setback;
4. §461-60(J): no parking or standing of automobiles within front, rear or side yards in residential districts - proposed: parking within front yard setback;
5. §461-60(N): parking lots in excess of 10,000 sf to provide interior landscaping (20 sf/space) - proposed: no interior landscaping but significant side and front perimeter buffer.

In addition to the foregoing described approvals, the Applicant will also seek approval for any and all variances, exceptions, waivers, and other incidental relief that may be required or deemed necessary by the Zoning Board of Adjustment after or during its continued review of this Application, together with any further relief that may be deemed necessary by the Applicant during the hearing process, including that which may be generated by way of revised plans and submission of same. Measurements, percentages and other calculations provided in this notice are in accordance with the development plans filed with the Application. Please note that to the extent plan and/or Application revisions are made during the hearing process, these measurements, percentages and other calculations will likely change, as may the associated relief required per the City Code. The Applicant reserves the right to amend its application accordingly.

2. Use Variances; Variances	206 CLIFTON PARTNERS LLC Weiner Lesniak, LLP (CONTINUED TO 01/04/2017)	206 Delawanna Avenue Block 60.14, Lots 13 and 33	M-2 1. Use variance & under <u>N.J.S.A.</u> M-3 40:55D-70d(1) to permit multi-family residential uses in
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the M-2 and M-3 zones whereas residential uses are not permitted in these zones and a use variance under N.J.S.A. 40:55D-70d(6) to permit a building height of 46.33 feet whereas only 40 feet is permitted; 2. Preliminary and final site plan approval pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50 to allow a four (4) story, eighty (80) unit apartment building consisting of sixty-six (66) one-bedroom apartment units and eight (8) two-bedroom apartment units with a total of 146 off-street parking spaces (as required by and conforming with the Residential Site Improvement Standards); 3. In addition, applicant seeks bulk/dimensional variances under N.J.S.A. 40:55D-70c for the following:

- (1) to permit a lot area of 4.3 acres for buildings 41 to 80 feet in height within the M-3 zone whereas a minimum of 5 acres is required;
- (2) to permit a lot width of 125.5 feet whereas a minimum of 250 feet is required;
- (3) to permit a monument sign to be installed fifteen (15) feet from the front property line and within the front yard setback, whereas signs are required to have a 30 foot front yard setback;
- (4) to permit lighting levels in off-street parking areas to exceed 0.0 foot-candles at the property line;
- (5) to allow LED lighting for exterior lighting fixtures instead of the required high pressure sodium lighting;
- (6) to provide internal parking lot landscaping less than the required 20 square feet for each proposed parking space; and
- (7) to provide trees of 2 inch to 2.5 inch caliper which is less than the minimum 4 inch to 4.5 inch caliper required.

The applicant may also apply for such variance relief, exceptions, waivers, permits, approvals or licenses that are deemed necessary or appropriate by the applicant or the Board, and which may arise during the course of the hearing process. A public hearing on this application was held by the Zoning Board of Adjustment ("Board") on May 18, 2016. [& June 15, 2016 and July 20, 2016]

A resumed public hearing before the Board on this application to allow further consideration of a revised site plan depicting a realigned driveway. (REVISED PLANS IN COMRS BINS)

3. Use Variance; Minor Sub.	eCUBe 237 LLC Bennett Wasserstrum, Esq. (CONTINUED TO 01/04/2017)	237 Dayton Avenue Block 4.23, Lot 1.00	PD1	Application for the construction of a building containing: Commercial and seven residential units, minor subdivision, use variance required for residential use in a PD-1 Zone and such other variances as may be required.
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NEW HEARINGS

1. Variances	MOHAMAD KOURANI	122 Lakeview Avenue Block 7.05, Lot 15	B-C	Variances required for a second story rear deck and stair: 1) Expansion of an existing non-conforming use. (residential within a business zone, mixed use building). 2) Lot coverage proposed at 69% where a maximum of 60% is permitted. 3) Existing building provides no parking. (PLANS SENT TO COMRS)
2. Variances	GARRISON CONSTRUCTION, LLC (builder) -KEN & PAT LAUER (owner)	65 Donnalain Place Block 45.09, Lot 27	RA2	Variances required for a second story addition: 1) Street side yard proposed at 16.87' where 20' is required. 2) Rear yard proposed at 7.37' where 35' is required. Proposed addition is above the existing first floor, no new lot coverage. (PLANS SENT TO COMRS)
3. Variance	DENNIS ASTE	114 Huemmerr Terrace Block 64.02, Lot 23	RA2	Applicant proposes to widen the existing driveway to 0' from the right side where a minimum setback of 5' is required. (PLANS SENT TO COMRS)
4. Variance	GREGORY PLASKON	42 Tancin Lane Block 74.11, Lot 19	RA1	Applicant requests a variance to permit a 6' high fence along the rear of the property where a 5' high fence is permitted. (PLANS SENT TO COMRS)

5. Variance	QUEST DIAGNOSTICS INCORPORATED 881 Allwood Road Block 66.01, Lot 15 Day Pitney LLP Nicole M. Magdziak, Esq.	B-A	Variance approval to install an additional sign. Applicant is currently leasing a portion of the existing office building on the property. The façade of the building currently contains a 24 square foot sign for The Diamond Agency and a 20 square foot directory sign. The applicant is proposing to install an approximately 32.5 square foot identification sign on the façade of the building. The applicant is requesting a variance to permit the installation of the proposed sign because the proposed sign plus the existing façade signs on the building total 76.5 square feet, which exceeds the permitted amount of signage of approximately 18.6 square feet. The applicant will also seek such other variances, exceptions and/or design waivers as may be required upon an analysis of the plans and the testimony at the public hearing. (PLANS SENT TO COMRS)
6. Use Variance	PLANET FITNESS 558-600 Getty Avenue A. William Block 9.04, Lot 22 Sala, Jr., Esq.	M-3, PDO-2	Applicant proposes to expand the existing fitness center/gym which was approved by the Zoning Board of Adjustment on June 20, 2012. Proposed expansion is 3500 square feet into an area previously used for a storage/retail. Use variance required for expansion of an existing nonconforming use. Such other variances as may be required by law. (PLANS SENT TO COMRS)
7. Use Variance; Variances	CLIFTON CHEDER, INC. 1333 Broad Street Block 76.01, Lot 5 Gerald G. Friend, Esq.	B-A	Variances required for religious elementary school: 1) Conditional use variance required. 2) Existing lot width is 133' where 150' is required. 3) Existing lot coverage is 24.74% where 20% is permitted. 4) Existing left side yard is 18.87' where 20' is required. 5) Site plan approval required. 6) Any other variances deemed necessary by the Board. (PLANS SENT TO COMRS)

CONTINUED RESOLUTION

1. GRANTED the application of THE LACKLAND COMPANIES for use variance for a self-storage warehousing facility and for the rental of motor vehicles and bulk variances for building height, rear yard setback for ground signs, and curb cut at 196 Piaget Avenue, Block 10.17, Lot 20. M-2

RESOLUTIONS

1. GRANTED the application of JOELY ROSA T/A GRANDPA'S TREAT for site plan waiver, conditional use variance, and bulk variances to permit a take-out ice cream shop in a retail storefront at 288-290 Lakeview Avenue, Block 6.13, Lot 19. B-C

2. GRANTED the application of WOYCIECH AND EWA WILK for variances to expand driveway to the property line and 3 feet into the front of the house at 226 Abbe Lane, Block 33.05, Lot 2. RA3

3. GRANTED the application of LOUAI KOURANI for front yard setback, left side yard setback, and combined side yard setback variances for a second floor addition at 21 Dawson Avenue, Block 50.02, Lot 18. RB1

APPOINTMENTS FOR 2017

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

COMMUNICATIONS

1. Adoption of Legal Notice for 2017 with dates for Clifton Zoning Board of Adjustment meetings.