

AGENDA

BOARD OF ADJUSTMENT
CITY OF CLIFTON
January 3, 2018

6:30 REORGANIZATION MEETING

7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications on January 3, 2018.

PLEDGE OF ALLEGIANCE
CONTINUED HEARINGS

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|------------|---------------------------|---------------------|------|---------------------|
| 1. | CLIFTON CHICKEN | 6 Main Avenue | P-MU | Use variance relief |
| Use | LLC d/b/a | Block 82.06, Lot 15 | | relief pursuant to |
| Variance; | POPEYE'S LOUISIANA | | | N.J.S.A.40:55D-70d, |
| Variances; | KITCHEN | | | bulk variance |
| Site Plan | Lawrence A. Calli, Esq. | | | relief pursuant to |
| | (CONTINUED TO | | | N.J.S.A.40:55D-70c |
| | 01/17/2018) | | | and site plan |
| | | | | approval. |

The property is presently developed with a one-story commercial structure (currently unoccupied, previously utilized as a bank with drive-thru lanes) and accessory paved/parking areas. Per Chapter 461 of the City of Clifton Zoning Ordinance, restaurants with drive-through facilities or counter service is not a permitted use in the zone. The applicant proposes to improve the property and utilize the existing structure as a dine-in and drive-thru restaurant. Accessory improvements (inclusive of façade improvements, site lighting, installation of exterior business signage, shrubs/planted areas, fencing repair, and parking area striping) are also proposed. The applicant seeks the following variance relief from the Board:

- Use variance relief for the proposed restaurant and its associated drive-thru use, business signage / menu order boards (use not permitted in zone); and
- bulk variance relief for the proposed front yard setback along Main Ave. (29.1' proposed, 35' required); improved lot coverage (77% proposed, 75% permitted; open space (23% proposed, 25% minimum required); parking setback in corner/side yard (1' proposed, 10' required); and parking setback in rear (2.4' proposed, 5' required).
- The Applicant will also seek any additional variances, waivers, interpretation or relief that may be required by the Board at the time of the public hearing. **NOTE: 07/06/17 REVISED PLAN.**

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| 2. | CARLOS SUAREZ & | 42 Paterson Avenue | RA3 | Applicant proposes |
| Use | NELY ALTAMIRANO | Block 82.02, Lot 64 | | a rear addition on |
| Variance; | Jennifer M. | | | to an existing |
| Variance | Carrillo-Perez, Esq. | | | nonconforming two- |
| | | | | family home. A use |
| | | | | variance is |
| | | | | required for the |
| | | | | expansion of a |

				nonconforming use. A new detached garage is also proposed at 440 sq. ft. where a maximum of 300 sq. ft. is permitted.
3. Use Variance; Variances	UNITED AMERICAN MUSLIM ASSOCIATION, INC. 492 Clifton Avenue Block 12.01, Lot 24 Thomas P. DeVita, Esq. (CONTINUED TO 01/17/2018)	BC	Applicant seeks to eliminate one apartment and create a study area for cultural and enrichment programs for young students:	
			1) Conditional use variance required (lot and building do not meet conditional use requirements. 2) Use variance required for mixed use building (residential on second floor) Accessory use. 3) Bulk variances for existing conditions including a) parking within front yard setback; b) parking isles deficient; c) parking within rear yard setback; d) parking stalls deficient in size. 4) Such other variances as may be required.	
4. Use Variances; Variances	E CUBE 240 LLC & AMERICAN ANALYTICAL ASSOCIATION, LLC 247/245 Parker Avenue Block 4.16, Lot 33/31 Bennett Wasserstrum, Esq. (CONTINUED TO 02/07/2018)	PD-1	Applicant proposes to renovate and build additions to the existing appliance store and Bank building to create a four story mixed use property. Applicant also proposes to merge lots 31 and 33. Building will consist of 3 retail stores on the first floor and 29 apartments. The following variances are required: 1) Use variances required for mixed use and residential in a PD-1 Zone. 2) Rear yard setback proposed at 0' where 10' is required. 3) Lot coverage proposed at 100% where 90% is permitted. 4) Building height proposed at 40'7" where 30' is permitted. 5) 4 stories proposed where 2 stories are permitted. 6) Such other variances as may be required.	
5. Use Variance	299 ROUTE 3 EAST, LLC 299 Route 3 East Block 83.01, Lot 2.01 Frank A. Carlet, Esq.	M-3 or P-MU option	A use variance to permit two (2) principal uses on the same lot being the existing gas station and conversion of the existing automobile service building into a coffee shop.	

NEW HEARINGS

1. Use Variance; Variances	326 PARKER AVENUE HOLDINGS LLC Thomas P. DeVita, Esq.	326 Parker Avenue Block 4.05, Lot 1	B-C	Property is currently a vacant funeral home with two apartments; Applicant seeks to have apartments remain and utilize balance of property for management offices. A variance is needed for continuing an existing, non-conforming mix use, as well as existing, non-conforming bulk variance. There is also a variance needed for parking. 29 spaces are required and 8 spaces shown on the plans.
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2. Variances	YESHIVA KTANA OF PASSAIC, INC. Gail L. Price, Esq.	288, 292, 296, 300 & 304 RB2 South Parkway, Block 59.01, Lots 8, 11, 13, 15 & 17		Preliminary and Final Site Plan Approval with associated conditional and/or use variance and other related waiver and variance relief, property approximately 0.745 acres 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.
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The Applicant seeks to demolish the homes and construct and utilize a parking area consisting 73 spaces, together with associated landscaping, fencing and other site enhancements, all to be accessory to the Applicant's inherently beneficial religious and educational school facility, which is located in the City of Passaic and which is adjacent to the Property. All vehicular ingress and egress is proposed to be through the Applicant's property in Passaic, other than a 20' "clear" opening gate solely for emergency access from South Parkway (southwestern corner of property) for use by emergency personnel as requested by the Clifton Fire Department. 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 padlocks for

Fire Department perimeter area access and creation/labeling of "fire lane - no parking" areas.

The Applicant requests relief from the following Code provisions for the accessory parking:

- (1) §461-47A(1) - 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 (no building on Property);
- (2) §461-47A(2) - fence erected along the side lines from the rear line of the main structure to the rear property line and along said rear property line shall not exceed 5' and may be solid or in the nature of stockade or basket weave construction - proposed: 6' board-on-board fence with 50% open space proposed along side property lines;
- (3) §461-60(E) - no parking to be located within front yard - proposed: parking within front yard setback;
- (4) §461-60(F) - no parking to be located within 10' of rear line - proposed: parking within rear yard setback;
- (5) §461-60(J) - no parking or standing of automobiles within front, rear or side yards in residential districts - proposed: parking within front yard setback;
- (6) §461-60(N) - parking lot in excess of 10,000 sf to provide interior landscaping (20 sf/space)- proposed: no interior landscaping but significant side and front perimeter buffer;
- (7) §461-29; §461-27A - minimum lot size 1 acre for conditional school use - proposed: minimum lot size 34.456 sf in Clifton (compliant with split municipal boundary consideration);
- (8) §461-29; §461-27-A - minimum lot depth 150' - proposed: minimum lot depth 118.03' in Clifton (compliant with split municipal boundary consideration).

In addition to the foregoing described relief, 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 Board after or during its 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.

(PLANS GIVEN TO COMRS. LAST MEETING)

RESOLUTIONS

1. GRANTED the application of ISAAC FELICIANO for maximum square footage, distance of roof to house, and distance of garage and roof to right side lot line variances to extend the front of the detached garage roof to create a carport area at 103 Harding Avenue, Block 12.03, Lot 2. RB1

2. GRANTED the application of KAITLYN PIRRELLO for left side yard and rear yard setback variances to erect a rear yard deck at 226 Edison Street, Block 26.02, Lot 20. RA3