

AGENDA

**BOARD OF ADJUSTMENT
CITY OF CLIFTON
February 15, 2017
Commencing at 7 P.M.**

Please take notice that formal action may be taken on the following applications on February 15, 2017.

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
TO 03/01/2017) 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.	206 CLIFTON	206 Delawanna Avenue	M-2	1. Use variance
Use	PARTNERS LLC	Block 60.14,	&	under <u>N.J.S.A.</u>
Variances;	Weiner Lesniak,	Lots 13 and 33	M-3	40:55D-70d(1) to
Variances	LLP			permit multi-family
				residential uses in

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. A resumed public hearing before the Board on this application to allow further consideration of a revised site plan depicting a realigned driveway.

3.
Use
Variance;
Variances

CLIFTON CHEDER, INC.
Gerald G. Friend, Esq.
(CONTINUED TO SPECIAL MEETING 02/22/2017)

1333 Broad Street
Block 76.01, Lot 5

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.
4.
Use
Variance

JAMES MONTELBANO

55 Walman Avenue
Block 24.08, Lot 9

M1

Applicant proposes to use the first floor of this industrial use building for the office and storage for an electrical contractor. A use variance is required as the proposed use is a conditional use in an M-2 zone. Existing, nonconforming lot width and building setbacks. (no changes proposed).

NEW HEARINGS

1.
Variances

BETHANY & JOSHUA STRULOWITZ

11 Allwood Place
Block 57.06, Lot 3

RA3

Variances required for rear, 2nd floor addition:

1) Rear yard setback proposed at 30' where 35' is required.
2) Combined side yards are 14'9" where 16' is required.
3) Lot coverage proposed at 29.4% where 27% is permitted (increase of 36 sq. ft. or 0.7%).
4) Existing non-conforming lot area.
(PLANS IN BINS LAST MEETING)
2.
Use
Variance;
Variance

CLIFPASS SPE CORP.
Frank A. Carlet, Esq.

83 Ackerman Avenue
Block 4.19, Lot 1

PD-1A

A use variance to permit a portion (32,204 sq. ft.) of the former PATHMARK building to be converted into **L. A. FITNESS**, a health and fitness center, and for amended site plan approval to permit an entrance for the use to be erected on the right side of the building facing the existing KMART building. In addition, because no one has a record of the total signage for the shopping center, a total signage variance may be required. (UPDATED PLANS SENT TO COMRS.)

3. **ABBAS MALEK, LLC** 405 Piaget Avenue B-D Conditional use
Use Inglesino, (Route 46) and approval,
Variance; Webster et al. 30-34 Montgomery Street preliminary and
Variances Block 18.01, Lots 1,13 & 14 final major site
plan approval(with)
lot consolidation)
and "c" and d"
variances for a:
multi-tenant commercial/retail development,
including but not limited to a **DUNKIN' DONUTS**
restaurant. No drive-thru facilities are
proposed. The variances sought under N.J.S.A.
40:55D-70.d relate to:
(a) multiple principal uses on a single lot;
(b) deviations from the standards of a
conditional use.
The bulk variances sought under N.J.S.A. 40:55D-
70.c relate to:
(a) an accessory structure located within sixty
feet (60') of the front lot line,
(b) a non-compliant fence located within ten feet
(10') of a street lot line,
(c) the location of a driveway relative to a
street intersection,
(d) the size of off-street parking spaces,
(e) the location of an off-street
parking/maneuvering area in the front yard,
(f) the height of a ground sign; and
(g) the location of a ground sign in the front
yard.
In addition to the above approvals and relief,
the Applicant requests that the application be
deemed amended to include, and that the Board
grant any additional approvals, variances,
exceptions, or waivers determined to be necessary
in the review and processing of this application,
whether requested by the Applicant, the Board or
otherwise.
(PLANS IN BINS LAST MEETING)

RESOLUTIONS

1. GRANTED the application of eCUBe 237 LLC for construction of a three-story building containing commercial on the first floor and five residential units on the second and third floor, minor subdivision, and use variance for residential use at 237 Dayton Avenue, Block 4.23, Lot 1.00. PD1
2. GRANTED the application of EKREM GUVEN for use variance and parking variance to convert a two-family dwelling to a residential use on the second floor and a barber shop on the first floor at 303 Crooks Avenue, Block 5.05, Lot 5. B-C
3. GRANTED the application of SAM ZUCKERMAN for rear yard setback variance for a rear deck at 37 Conover Court, Block 71.03, Lot 10. RA3