

AGENDA

**BOARD OF ADJUSTMENT
CITY OF CLIFTON
March 1, 2017
Commencing at 7 P.M.**

Please take notice that formal action may be taken on the following applications on March 1, 2017.

PLEDGE OF ALLEGIANCE

CONTINUED HEARINGS

- | | | | |
|-------------------------------------|---|---|--|
| 1.
Variances;
Use
Variance | YESHIVA KTANA
OF PASSAIC, INC.
Gail L.
Price, Esq. | 288,292,296,300 & 304
South Parkway
Block 59.01, Lots 8,11,
13,15 & 17 | R-B2 Appeal or
application for a
use variance
required to permit
the demolition of
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 SPECIAL MEETING 03/08/2017)	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 the M-2 and M-3 zones whereas residential uses are not permitted in these zones and a use variance under <u>N.J.S.A.</u> 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 <u>N.J.S.A.</u> 40:55D-46 and <u>N.J.S.A.</u> 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 <u>N.J.S.A.</u> 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, 1333 Broad Street Block 76.01, Lot 5 B-A Variances required for religious elementary school: Gerald G. Friend, Esq. (TO BE ANNOUNCED)

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.

NOTE: This Agenda prepared 2/21/2017; this matter scheduled for 02/22/2017 SPECIAL MEETING.

4. Use Variance; Variances ABBAS MALEK, LLC 405 Piaget Avenue (Route 46) and 30-34 Montgomery Street Block 18.01, Lots 1,13 & 14 B-D Conditional use approval, preliminary and 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.

NEW HEARINGS

1. Variance	GIUSEPPE MOSCA	36 Lois Avenue Block 81.12, Lot 17	RA3	Variance required for a rear yard deck: 1) Rear yard proposed at 25' where a minimum of 35' is required. (IN BINS)
2. Variance	EROL PESOCAN	120 Fordham Road Block 26.04, Lot 26	RA3	Variance required for an enclosed front stoop already built: 1) Front yard addition requires a 25' setback and 21' provided. (HANDED OUT LAST MEETING)
3. Use Variance; Variance	EKATERINA BYKOVA	227 Lakeview Avenue Block 2.11, Lot 67 1) Conditional use variance required; 2) Dance school requires 2 parking spaces for students (1 per 5 students) and 2 for staff. Existing office requires 6 parking spaces. Building has no existing parking. Parking variance required - 10 spaces required and 0 provided. (HANDED OUT LAST MEETING)	B-C	Variances required to use property for a dance studio/school:
4. Variances	ALEXANDRA NUNEZ-GUERRERO Nestor F. Guzman, Jr., Esq.	287 South Parkway Block 59.03, Lot 15	RB2	Variances required to build a new two-family; lot previously had two-family home completely destroyed by fire. 1) Existing nonconforming lot width and area; 2) Lot coverage proposed at 36.7% where a maximum of 25% is permitted; 3) Rear yard proposed at 31' where 35' is required; 4) Left side yard proposed at 3' and right side yard proposed at 2' where a minimum 12' each is required; 5) Combined side yards proposed at 5' where 24' is required. (HANDED OUT LAST MEETING)
5. Variances	JANE COLEMAN	23 Heights Road Block 50.10, Lot 14	RA2	Variances required for a proposed rear yard addition: 1) Left side yard proposed at 4.43' where 6' is required; 2) Combined side yards proposed at 12.33' where 16' is required; 3) Existing nonconforming lot width and area. (HANDED OUT LAST MEETING)

RESOLUTIONS

1. GRANTED the application of JAMES MONTALBANO for use variance to use the first floor of an industrial building for office and storage for electrical contractor at 55 Walman Avenue, Block 24.08, Lot 9. M-1

2. GRANTED the application of BETHANY & JOSHUA STRULOWITZ for rear yard setback, combined side yard setbacks, and lot coverage variances for a second floor addition at 11 Allwood Place, Block 57.06, Lot 3. RA3

3. GRANTED the application of CLIFPASS SPE CORP. for a use variance to permit a portion (32,204 square feet) of the former Pathmark building to be converted into an L.A. Fitness, a health and fitness center, and amended site plan approval to permit entrance to the building on the right side and total signage variances at 83 Ackerman Avenue, Block 4.19, Lot 1. PD-1A