

AGENDA
BOARD OF ADJUSTMENT
CITY OF CLIFTON
August 16, 2017
Commencing at 7 P.M.

Please take notice that formal action may be taken on the following applications on August 16, 2017.

PLEDGE OF ALLEGIANCE
CONTINUED HEARINGS

1. Use Variances; Variances	206 CLIFTON PARTNERS LLC Weiner Lesniak, LLP (CONTINUED TO 10/04/2017)	206 Delawanna Avenue Block 60.14, Lots 13 and 33	M-2 & M-3	1. Use variance under <u>N.J.S.A.</u> 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.
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A resumed public hearing before the Board on this application to allow further consideration of a revised site plan depicting a realigned driveway.

2.
Use
Variance;
Variances

MOUNT PROSPECT PARK, LLC 62-66 Mt. Prospect Ave. B-A Preliminary and
Block 36.01, Lot 11.01 final site plan
Robert A. Gaccione, approval and
Esq. variances.

This application is to demolish the existing one (1) story building and remove all concrete curbing, concrete sidewalks, fencing, asphalt, and fencing and to permit construction of a three (3) story residential building consisting of one (1) bedroom units, and an additional three (3) story residential building consisting of one (1) bedroom and two (2) bedroom units. Applicant proposes associated site improvements consisting of asphalt parking areas, concrete curbing, concrete sidewalks, ADA curb ramps, concrete patios, walls, drainage, utilities, landscaping, and lighting. In addition, the applicant proposed two (2) shared parking easements and one (1) water utility easement. An application has been filed for the following variances in regard to this matter:

- Use - applicant proposes a residential use in the B-A zone, where such uses are not listed as being permitted;
- Rear Yard Setback - 10.83 feet proposed, whereas 30 feet is required;
- Building Height - 3 stories/38.8 feet is proposed whereas 2 stories/30 feet is permitted;
- Parking - applicant's plan proposes parking spaces for the proposed residences not in compliance with the minimum required by the City's Code;
- and any or all other variances and/or waivers as may be deemed necessary by the Zoning Board for the processing of this application;
- Parking Lot Landscaping - applicant cannot meet the Code requirement of 20 square feet of interior parking lot landscaping for each parking space.

(a/k/a CAPSTONE REALTY GROUP)
NOTE: 06/07/17 REVISED PLAN.

3.
Use
Variance;
Variances;
Site Plan

CLIFTON CHICKEN LLC d/b/a POPEYE'S LOUISIANA KITCHEN 6 Main Avenue P-MU Use variance relief
Block 82.06, Lot 15 relief pursuant to
Lawrence A. Calli, Esq. N.J.S.A.40:55D-70d,
(CONTINUED TO bulk variance
09/20/2017) relief pursuant to
N.J.S.A.40:55D-70c
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 IN BINS.

4. Use Variance; Variances	TFJ KINGSLAND LLC Frank A. Carlet, Esq.	1 Blanjen Terrace Block 82.06, Lot 62 Clifton, NJ and 10 Kingsland Road, Nutley, NJ	M-1	Use variance required for a self-storage warehouse facility.
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Bulk variances required for left side setback (half the height of the building, but not less than 15 feet required; 0 feet proposed); height variance (2 stories permitted), 3 stories proposed) and site plan approval.

NOTE: 08/04/17 REVISED PLANS IN BINS.

NEW HEARINGS

1. Variance	JENNIFER & ALEX ORTIZ	93 Rolling Hills Road Block 75.03, Lot 9	RA1	Applicant proposes to place a 5' high solid fence along the side yard facing Le Ster Place where a 4' high, 50% open fence is permitted. (PLANS SENT TO COMRS)
2. Variance	JAMES & NANNA SESSIONS	9 Wells Court Block 63.05, Lot 18	RA1	Applicant proposes to build a pergola over the existing rear yard deck. The existing deck and proposed pergola have a rear yard setback of 15' where 35' is required. The existing deck was granted a variance on July 16, 2008. An above ground pool is also proposed in the rear yard with a 0' setback from the deck where 10' is required. (PLANS SENT TO COMRS)

3.
Use
Variance

SCHOLARS & LEADERS ACADEMY (K-12)
A. William Sala, Jr., Esq.

558/600 Getty Avenue
Block 9.04, Lot 22

M-3/ Applicant is a
PDO- K-12 school and
2 proposes to use
the premise formerly used by Dover Business School as its educational facility. The property is uniquely suited for this use. Use variance required because the PDO-2 zone does not specifically permit schools as a permitted use; and such other variances as may be required by law.
4.
Use
Variance

PEOPLES BAPTIST CHURCH, INC.
Arthur C. Hopkins, Jr., Esq.

14 Joyce Lane
Block 66.02, Lot 27

RA3 That the applicant obtain a use variance to permit the existing one (1) family home to be used for Sunday school classes and other Bible classes, youth activities, storage and church offices, as ancillary to the use of the adjacent church property. The applicant will seek such additional variances and/or waivers as may be implicated by its application and the maps and documentation subitted therewith.

RESOLUTIONS

1. DENIED the application of TRUCARE ADULT MEDICAL DAY CARE LLC for use variance to permit an adult medical day care center and variances for parking at 1111 Paulison Avenue, Block 19.03, Lot 1, by operation of law. M-1

2. DISMISSED WITHOUT PREJUDICE the application of KASANG THING for rear yard setback variance to build a rear deck and wheelchair ramp at 36 Standish Drive, Block 39.09, Lot 17. RA2

3. GRANTED the application of JOHN TRAIER/MARK PETERSON for variances for 6-foot-high solid fence on left side and 6-foot-high solid fence on right side at 15 East Parkway, Block 58.05, Lot 8. RA1

4. GRANTED the application of MARIA TERESA DiZENZO for variance for a 5-foot-high solid fence along the Lester Place side of the property at 83 Rolling Hills Road, Block 75.04, Lot 1. RA1

5. GRANTED the application of OLGA MORO for variance for rear yard setback to erect a rear deck at 73 Larkspur Lane, Block 40.05, Lot 54. RA3

6. GRANTED the application of KALMAN FRIEDMAN for variance for distance from proposed rear yard deck to existing pool at 462 South Parkway, Block 58.01, Lot 7. RA1

7. GRANTED the application of DANIEL & GILA GEWIRTZ for variances to widen driveway for maximum driveway width and left side yard setback at 207 Edgewood Avenue, Block 57.08, Lot 1. RA3