

AGENDA
BOARD OF ADJUSTMENT
CITY OF CLIFTON
September 6, 2017
Commencing at 7 P.M.

Please take notice that formal action may be taken on the following applications on September 6, 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 1. Use variance & under N.J.S.A. 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 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.

2.	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
	09/20/2017)			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.

3.	SCHOLARS &	558/600 Getty Avenue	M-3/	Applicant is a
Use	LEADERS ACADEMY	Block 9.04, Lot 22	PDO-	K-12 school and
Variance	(K-12)		2	proposes to use
	A. William	the premise formerly used by Dover Business		
	Sala, Jr., Esq.	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.		

NEW HEARINGS

1. Variances	VALTER KOTE	351 Mt. Prospect Ave. Block 48.01, Lot 94	RA2	Variances required for a proposed open front porch with a roof: 1) Front yard setback proposed at 20.28' where 25' is required; 2) Building coverage proposed at 33.1% where 30% is permitted. (PLANS SENT TO COMRS)
2. Variance	TARKAN KAYAR	22 East 7 th Street Block 1.30, Lot 18	RB1	Applicant proposes a 6' high solid fence along the left side of their property where a 5' high fence is permitted in the rear yard and a 4' high, 50% open fence is permitted. (PLANS SENT TO COMRS)
3. Variances	YANIK FURMAN	11 Combee Lane Block 65.05, Lot 52	RA3	Variances required to construct a rear yard deck: 1) Rear yard proposed at 19' where 35' is required; 2) Combined side yards proposed at 10.8' (at deck) where 16' is required; 3) Lot coverage proposed at 35% where 27% is permitted. (PLANS SENT TO COMRS)
4. Variance	CLARIBEL REYES- GARCIA & FERNANDO GARCIA	106 Clifton Avenue Block 3.11, Lot 16	RB2	Proposed rear yard deck requires a variance for rear yard setback. 14'x14' deck is proposed at 27' from the rear lot line where 35' is required. (PLANS SENT TO COMRS)
5. Variances	LAWRENCE LA RAIA Glenn Peterson, Esq.	91 Viola Avenue Block 20.16, Lot 5 1) Right side yard proposed at 4.0' where 6.0' is required. 2) Combined side yards proposed at 10' where 16' is required. 3) Lot coverage proposed at 33.4% where a maximum of 27% is permitted. (PLANS SENT TO COMRS)	RB1	Variances required for two rear yard decks:

6. Variances	LEANBRO LORA (APPLICANT) ; FELICITA BRANCATO, (OWNER)	92 East 3 rd Street Block 5.14, Lot 35 1) Lot coverage proposed at 43.9% where a maximum of 27% is permitted. 2) Rear yard coverage proposed at 52% where 30% is permitted. (PLANS SENT TO COMRS)	RB1	Variances required for a rear yard Gazebo:
7. Use Variance; Variance	CARLOS SUAREZ & NELY ALTAMIRANO	42 Paterson Avenue Block 82.02, Lot 64	RA3	Applicant proposes a rear addition on to an existing 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. (PLANS SENT TO COMRS)
8. Variance	BENTZION COHEN	150 South Parkway Block 60.04, Lot 2	RA3	Rear yard deck already constructed requires a variance for rear yard setback, 35' required and 31' provided. (PLANS SENT TO COMRS)

RESOLUTIONS

1. DENIED the application of MOUNT PROSPECT PARK, LLC (CAPSTONE REALTY GROUP) for use variance for use not permitted in zone, D(6) height variance, bulk variance for number of stories for a 3-story building with 42 residential units at 62-66 Mt. Prospect Avenue, Block 36.01, Lot 11.01. B-A

2. GRANTED the application of TFJ KINGSLAND LLC for use variance for a self-storage warehouse facility, bulk variances for left side yard setback, height variance, and site plan approval at 1 Blanjen Terrace, Block 82.06, Lot 62. M-2

3. GRANTED the application of JENNIFER AND ALEX ORTIZ for variance for a 5-foot-high solid fence along the side yard facing LeSter Place at 93 Rolling Hills Road, Block 75.03, Lot 9. RA1

4. GRANTED the application of JAMES & NANNA SESSIONS for rear yard setback variance to build a pergola over existing rear yard deck and variance for distance between the above-ground pool and the deck at 9 Wells Court, Block 63.05, Lot 18. RA1

5. GRANTED the application of PEOPLES BAPTIST CHURCH, INC. for use variance to convert existing one-family home to be used for Sunday School classes, Bible classes, youth activities, storage, and church offices at 14 Joyce Lane, Block 66.02, Lot

