AGENDA
BOARD OF ADJUSTMENT
CITY OF CLIFTON
September 20, 2017
Commencing at 7 P.M.

Please take notice that formal action may be taken on the following applications on September 20, 2017.

PLEDGE OF ALLEGIANCE

ADOPTION OF ANNUAL REPORT - 2016

2016 Annual Report, Clifton Zoning Board of Adjustment submitted by Gregory Associates, LLC.

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 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. Use Variance; Variances; Site Plan	**CLIFTON CHICKEN LLC d/b/a POPEYE'S LOUISIANA KITCHEN** Lawrence A. Calli, Esq.	6 Main Avenue Block 82.06, Lot 15	P-MU	Use variance relief relief pursuant to N.J.S.A.40:55D-70d, bulk variance 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.

3. Use Variance; Variance	**CARLOS SUAREZ & NELY ALTAMIRANO** **(CONTINUED TO 10/04/17)**	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.

NEW HEARINGS

1. Variance	**DONALD OLSON**	25 Mayflower Street Block 40.02, Lot 32	RA2	Variance required for a driveway expansion: 1) Driveway proposed at 0’ from left side yard where a minimum of 5’ is required. (PLANS GIVEN OUT LAST MEETING)
2. Use Variances; Site Plan	**ROBERT HOWE**	38 Industrial Road Block 56.09, Lot 3	M-1	Variances required for a “Dog Day Care” and Kennel within the M-1 zone: 1) Use variance required, as proposed use is not specifically permitted; 2) Use variance required for two uses on a lot; 3) Site plan approval required; 4) Any other variances the Board deems necessary. (PLANS SENT TO COMRS)
3. Variances	**LUEAY HAMDAN**	225 Luddington Avenue Block 19.13, Lot 11	RA3	Variances required for the following based on additions and alteration to the existing house: 1) Right side yard proposed at 5.52’ where 6’ is required; 2) Left side yard proposed at 4.58’ where 6’ is required; 3) Combined side yards proposed at 10.1’ where 16’ is required; 4) Roof over front stoop proposed at 18.4’ where 21’ is required; 5) Application was previously denied by the Zoning Board, this application removes the variance for a driveway not serving a garage (garage to be put back as it was). (PLANS GIVEN OUT LAST MEETING)

4. Use Variance; Site Plan; Variance	**TYTEN 1 LLC** Frank A. Carlet, Esq.	53 Clifton Boulevard Block 31.06, Lot 20	M-2	Preliminary and final site plan approval and use variance to permit use of the property for the storage and servicing of school buses and a bulk variance to permit parking in the required side and rear yards' setback areas. (PLANS GIVEN OUT LAST MEETING)

RESOLUTIONS

1. GRANTED the application of SCHOLARS & LEADERS ACADEMY (K-12) for use variance to use the second floor of premises for a Kindergarten to Grade 12 school at 558/600 Getty Avenue, Block 9.04, Lot 22. M-3 & PDO-2

2. GRANTED the application of VALTER KOTE for front yard setback and building coverage variances for an open front porch with a roof at 351 Mt. Prospect Avenue, Block 48.01, Lot 94. RA2

3. DENIED the application of TARKAN KAYAR for variances for a 6-foot-high solid fence at 22 East 7th Street, Block 1.30, Lot 18. RB1

4. GRANTED the application of YANIK FURMAN for rear yard setback, combined side yards, and lot coverage variances to construct a rear yard deck at 11 Combee Lane, Block 65.05, Lot 52. RA3

5. GRANTED the application of CLARIBEL REYES-GARCIA & FERNANDO GARCIA for rear yard setback variance for a rear deck at 106 Clifton Avenue, Block 3.11, Lot 16. RB2

6. GRANTED the application of LAWRENCE LA RAIA for right side yard setback, combined side yards, and lot coverage variances for two rear yard decks at 91 Viola Avenue, Block 20.16, Lot 5. RB1

7. DENIED the application of LEANBRO LORA (APPLICANT) FELICITA BRANCATO (OWNER) for a rear yard setback variance for a Gazebo at 92 East 3rd Street, Block 5.14, Lot 35. RB1

8. GRANTED the application of BENTZION COHEN for a rear yard setback variance for a rear yard deck at 150 South Parkway, Block 60.04, Lot 2. RA3