

AGENDA
BOARD OF ADJUSTMENT
CITY OF CLIFTON
October 4, 2017
Commencing at 7 P.M.

Please take notice that formal action may be taken on the following applications on October 4, 2017.

PLEDGE OF ALLEGIANCE
CONTINUED HEARINGS

1. Use Variances; Variances	206 CLIFTON PARTNERS LLC Weiner Lesniak, LLP	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.	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
	11/01/2017)			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.	CARLOS SUAREZ &	42 Paterson Avenue	RA3	Applicant proposes
Use	NELY ALTAMIRANO	Block 82.02, Lot 64		a rear addition on
Variance;				to an existing
Variance				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.

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.
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NEW HEARINGS

1. Variances	AURELIJE ZOVKO	133 Robin Hood Road Block 52.04, Lot 4	RA1	Variances required for an addition to the existing attached garage and rear left side addition: 1) Right side yard proposed at 7.8' where a minimum of 10' is required, extending an existing condition. 2) Combined side yards proposed at 18' where a minimum of 24' is required. (PLANS SENT TO COMRS)
2. Variance	MARCIN FERENC	38 Urma Avenue Block 40.05, Lot 34	RA3	Applicant proposes to enclose and roof an open front porch. A variance is required for front yard setback, 15' proposed and 25' required. (PLANS SENT TO COMRS)
3. Variances	JOSEPH M. PONTE	38 Chatham Terrace Block 63.01, Lot 58	RA1	Variance required to build a front porch addition and expand driveway: 1) Front yard proposed at 30' where 35' is required. 2) Curb cut proposed at 18' where 12' is permitted. (PLANS SENT TO COMRS)
4. Variance	BRUCE SUFIAN	55 Annabelle Avenue A/K/A 79 Lorrie Lane Block 71.04, Lot 24	RA3	Applicant proposes to build a second floor addition directly over the existing first floor. A variance is required for rear yard setback. 25' rear yard required and 17.9' provided. (PLANS SENT TO COMRS)

5. Use Variances	RC FITNESS LLC T/A CRUNCH FITNESS Glenn Peterson, Esq.	895 Paulison Avenue Block 20.06, Lot 1,7, 8,9 & 10	B-C	Applicant proposes to operate a gym which requires a use variance for the use and for mixed use on the site. (PLANS SENT TO COMRS)
6. Use Variance; Variances	DENIS BURTON A. William Sala,Jr.,Esq.	442 Clifton Avenue Block 12.02, Lot 20	BA1	Applicant proposes to use the existing structure as a two-family dwelling. Structure was previously used as a residential home, and was converted to office for a period of time, applicant has been unable to rent out the building as an office. No structural changes proposed. Variances required as follows: 1) 7500 sq. ft. lot area required and 6325 sq. ft. provided; 2) 50' lot width and 75' required; 3) 11.35' front yard setback and 25' required; 4) Left side yard is 10.2' and 12' required. (PLANS SENT TO COMRS)
7. Use Variance; Variances	UNITED AMERICAN MUSLIM ASSOCIA- TION INC. Thomas P. DeVita, Esq. (DEFECTIVE NOTICE)	492 Clifton Avenue Block 12.01, Lot 24	BC	1) Conditional use variance required (lot and building do not meet conditional use requirements). 2) Use variance required for mixed use building (residential on second floor) Accessory use. 3) Bulk variances for existing conditions including a) parking within front yard setback; b) parking isles deficient; c) parking within rear yard setback; d) parking stalls deficient in size. 4) Such other variances as may be required.
8. Variances	GARDEN STATE REALTY & INVESTMENT INC. Thomas P. DeVita, Esq. (DEFECTIVE NOTICE)	139 Ackerman Avenue Block 4.10, Lot 7	RB3	Bulk variances needed for minimum lot width, minimum side yard, total side yards and lot coverage.

RESOLUTIONS

1. Resolution APPROVING Annual Report of Clifton Zoning Board of Adjustment for the calendar year 2016 prepared by Gregory Associates, LLC.
2. GRANTED the application of DONALD OLSON for variance for a driveway expansion at 25 Mayflower Street, Block 40.02, Lot 32. RA2
3. GRANTED the application of ROBERT HOWE for use variance for a dog day care and kennel within the M-1 zone and use variance for two uses on a lot at 38 Industrial Road, Block 56.09, Lot 3. M-1
4. GRANTED the application of LUEAY HAMDAN for variances for right and left side yard setback, combined side yard setback, roof over front stoop, and garage to be put back as was

previously there at 225 Luddington Avenue,Block 19.13,Lot 11.RA3