

AGENDA
BOARD OF ADJUSTMENT
CITY OF CLIFTON
October 18, 2017
Commencing at 7 P.M.

Please take notice that formal action may be taken on the following applications on October 18, 2017.

PLEDGE OF ALLEGIANCE
CONTINUED HEARINGS

1. Use Variances; Variances

206 CLIFTON PARTNERS LLC
Weiner Lesniak, LLP
(CONTINUED TO 11/01/2017)

206 Delawanna Avenue
Block 60.14,
Lots 13 and 33

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.
1. Use variance & under N.J.S.A. 40:55D-70d(1) to permit multi-family residential uses in

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 6 Main Avenue LLC d/b/a Block 82.06, Lot 15 POPEYE'S LOUISIANA KITCHEN Lawrence A. Calli, Esq. (CONTINUED TO 11/01/2017)	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.

3. Use Variance; Variance	CARLOS SUAREZ & 42 Paterson Avenue NELY ALTAMIRANO Block 82.02, Lot 64 (CONTINUED TO 11/01/2017)	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.
------------------------------------	---	--

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.
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.
6. Use Variance; Variances	DENIS BURTON A. William Sala,Jr.,Esq.	442 Clifton Avenue Block 12.02, Lot 20 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.	BA1	Applicant proposes to use the existing structure as a two-family dwelling.
7. Use Variance; Variances	UNITED AMERICAN MUSLIM ASSOCIA- TION, INC. Thomas P. DeVita, Esq.	492 Clifton Avenue Block 12.01, Lot 24	BC	Applicant seeks to eliminate one apartment and create a study area for cultural and enrichment programs for young students: 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. (PLANS SENT TO COMRS.)

8. Variances	GARDEN STATE REALTY & INVESTMENT INC. Thomas P. DeVita, Esq.	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. Applicant seeks to eliminate office use on the first floor and replace with an apartment which is consistent with other uses in the building and allowable under zoning ordinances of Clifton. (PLANS SENT TO COMRS.)
-----------------	--	--	-----	---

NEW HEARINGS

1. Variances	RAFAEL CUELLAR	358 Grove Street Block 39.04, Lot 16	RA1	Applicant proposes a driveway in front of a new home. Variances required for a driveway in front of a home not serving a garage and for 50' width (at widest point) where a maximum of 30' is permitted. Driveway already in place. (PLANS SENT TO COMRS.)
2. Use Variances; Variances	E CUBE 240 LLC & AMERICAN ANALYTICAL ASSOCIATION, LLC Bennett Wasserstrum, Esq.	247/245 Parker Avenue Block 4.16, Lot 33/31	PD-1	Applicant proposes to renovate and build additions to the existing appliance store and Bank building to create a four story mixed use property. Applicant also proposes to merge lots 31 and 33. Building will consist of 3 retail stores on the first floor and 29 apartments. The following variances are required: 1) Use variances required for mixed use and residential in a PD-1 Zone. 2) Rear yard setback proposed at 0' where 10' is required. 3) Lot coverage proposed at 100% where 90% is permitted. 4) Building height proposed at 40'7" where 30' is permitted. 5) 4 stories proposed where 2 stories are permitted. 6) Such other variances as may be required. (PLANS SENT TO COMRS.)

RESOLUTIONS

1. GRANTED the application of AURELIJE ZOVKO for right side yard and combined side yard variances for an addition to the existing attached garage and rear left side addition at 133 Robin Hood Road, Block 52.04, Lot 4. RA1

2. GRANTED the application of MARCIN FERENC for front yard setback variance to enclose and add a roof to an open front porch at 38 Urma Avenue, Block 40.05, Lot 34. RA3

3. GRANTED the application of JOSEPH M. PONTE for front yard setback variance to expand a front porch and curb cut variance to expand driveway at 38 Chatham Terrace, Block 63.01, Lot 58. RA1

4. GRANTED the application of BRUCE SUFIAN for rear yard setback variance for a second floor addition at 55 Annabelle Avenue also known as 79 Lorrie Lane, Block 71.04, Lot 24. RA3