

AGENDA
BOARD OF ADJUSTMENT
CITY OF CLIFTON
November 1, 2017
Commencing at 7 P.M.

Please take notice that formal action may be taken on the following applications on November 1, 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
				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.	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; Variances	UNITED AMERICAN MUSLIM ASSOCIATION, INC. 492 Clifton Avenue Block 12.01, Lot 24 Thomas P. DeVita, Esq. (CONTINUED TO 11/15/17)	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.
5. Use Variances; Variances	E CUBE 240 LLC & AMERICAN ANALYTICAL ASSOCIATION, LLC 247/245 Parker Avenue Block 4.16, Lot 33/31 Bennett Wasserstrum, Esq. (CONTINUED TO 12/06/17)	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.

NEW HEARINGS

1. Variance	EDGAR Y. RUIZ & ROSA VALENTIN-RUIZ 342 Union Avenue Block 19.16, Lot 33	RA3	Applicant proposes to expand the driveway. Variance required for driveway to be set back 1'0" from right side lot line where 5'0" is required. (PLANS SENT TO COMRS.)
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2. Variances	SCOTT BARRETT	32 Peru Road Block 55.13, Lot 17	RA3	Applicant proposes a rear, second floor dormer. The following variances are required: 1) Right side yard proposed at 4.73' and left side yard proposed at 4.83' where a minimum of 6' each is required. 2) Combined side yards proposed at 9.59' where 16' is required. 3) Existing, nonconforming lot width and area. (PLANS SENT TO COMRS.)
3. Variances	MANOJ DESAI	407 Mt. Prospect Avenue Block 55.05, Lot 77	RA2	Applicant proposes to construct an addition to the rear right side of the home. The following variances are required: 1) Right side yard proposed at 4.83' where 6' is required. 2) Combined side yards proposed at 9.82' where 16' is required. (PLANS SENT TO COMRS.)
4. Use Variance	299 ROUTE 3 EAST, LLC Frank A. Carlet, Esq. (DEFECTIVE NOTICE)	299 Route 3 East Block 83.01, Lot 2.01	M-3 or P-MU option	A use variance to permit two (2) principal uses on the same lot being the existing gas station and conversion of the existing automobile service building into a coffee shop. (PLANS SENT TO COMRS.)

RESOLUTIONS

1. DISMISSED WITHOUT PREJUDICE the application of TYTEN 1 LLC to permit use of the property for the storage and servicing of school buses at 53 Clifton Boulevard, Block 31.06, Lot 20.M-2
2. GRANTED the application of RC FITNESS LLC T/A CRUNCH FITNESS for use variance approval to operate a gym on a portion of the existing building and for mixed use on the site at 895 Paulison Avenue, Block 20.06, Lot 1, 7, 8, 9, and 10. B-C
3. GRANTED the application of DENIZ BURTON for use variance and bulk variances for lot area, lot width, front yard setback, and left side yard setback to convert an office to a two-family dwelling at 442 Clifton Avenue, Block 12.02, Lot 20. BA1
4. GRANTED the application of GARDEN STATE REALTY & INVESTMENT INC. for bulk variances for pre-existing side yard setback and lot coverage to convert an office use on the first floor to three residential apartments at 139 Ackerman Avenue, Block 4.10, Lot 7. RB3
5. GRANTED the application of RAFAEL CUELLAR for variance for a driveway in front of a home not serving a garage 50 feet in width at 358 Grove Street, Block 39.04, Lot 16. RA1
6. APPOINTING LOUIS R. SLABY, PE, PP, of Slaby Engineering Associates, Inc., as engineer for the Clifton Zoning Board of Adjustment for the application of Upper Montclair Country Club,

177 Hepburn Road, Block 77.01 Lot 1.