

AGENDA

**BOARD OF ADJUSTMENT
CITY OF CLIFTON
February 7, 2018
Commencing at 7 P.M.**

Please take notice that formal action may be taken on the following applications on February 7, 2018.

**PLEDGE OF ALLEGIANCE
CONTINUED HEARINGS**

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| 1.
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
03/07/2018) | 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. |
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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.**

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| 2.
Use
Variance;
Variance | CARLOS SUAREZ & 42 Paterson Avenue
NELY ALTAMIRANO Block 82.02, Lot 64
Jennifer M.
Carrillo-Perez, Esq.
(CONTINUED TO
03/21/2018) | RA3 Applicant proposes
a rear addition on
to an existing
nonconforming two-
family home. A use
variance is
required for the
expansion of a |
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				nonconforming use. A new detached garage is also proposed at 440 sq. ft. where a maximum of 300 sq. ft. is permitted.
3. Use Variance; Variances	UNITED AMERICAN MUSLIM ASSOCIATION, INC. Thomas P. DeVita, Esq. (CONTINUED TO 03/21/2018)	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.
4. 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.
5. Use Variance	299 ROUTE 3 EAST, LLC Frank A. Carlet, Esq. (CONTINUED TO 03/21/2018)	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.

6.
Variances

YESHIVA KTANA 288, 292, 296, 300 & 304 RB2
OF PASSAIC, INC. South Parkway,
Gail L. Price, Block 59.01, Lots 8, 11,
Esq. 13, 15 & 17
(EXTENSION OF
TIME TO 4/18/2018)

Preliminary and
Final Site Plan
Approval with
associated
conditional and/
or use variance
and other related
waiver and variance
relief, property
approximately 0.745
acres improved with
5 residential
dwellings, 4 of
which are owned by
the applicant and 1
of which is under
contract of sale
with the applicant.

The Applicant seeks to demolish the homes and construct and utilize a parking area consisting 73 spaces, together with associated landscaping, fencing and other site enhancements, all to be accessory to the Applicant's inherently beneficial religious and educational school facility, which is located in the City of Passaic and which is adjacent to the Property. All vehicular ingress and egress is proposed to be through the Applicant's property in Passaic, other than a 20' "clear" opening gate solely for emergency access from South Parkway (southwestern corner of property) for use by emergency personnel as requested by the Clifton Fire Department. Certain other plan amendments have been made at the request of the Fire Department, including but not limited to installation of a new hydrant on school property, addition of a 4' wide swing gate in the southeastern corner of the property for emergency responder access (non-vehicular), provision for Knox padlocks for Fire Department perimeter area access and creation/labeling of "fire lane - no parking" areas.

The Applicant requests relief from the following Code provisions for the accessory parking:

- (1) §461-47A(1) - fence along front and side property lines to rear of main structure to be no more than 4' height and to be 50% open - proposed: fence 6' height board-on-board construction with 50% open along side (no building on Property);
- (2) §461-47A(2) - fence erected along the side lines from the rear line of the main structure to the rear property line and along said rear property line shall not exceed 5' and may be solid or in the nature of stockade or basket weave construction - proposed: 6' board-on-board fence with 50% open space proposed along side property lines;
- (3) §461-60(E) - no parking to be located within front yard - proposed: parking within front yard setback;

- (4) §461-60(F) - no parking to be located within 10' of rear line -
proposed: parking within rear yard setback;
- (5) §461-60(J) - no parking or standing of automobiles within front, rear or side yards in residential districts -
proposed: parking within front yard setback;
- (6) §461-60(N) - parking lot in excess of 10,000 sf to provide interior landscaping (20 sf/space)-
proposed: no interior landscaping but significant side and front perimeter buffer;
- (7) §461-29; §461-27A - minimum lot size 1 acre for conditional school use -
proposed: minimum lot size 34.456 sf in Clifton (compliant with split municipal boundary consideration);
- (8) §461-29; §461-27-A - minimum lot depth 150' -
proposed: minimum lot depth 118.03' in Clifton (compliant with split municipal boundary consideration).

In addition to the foregoing described relief, the Applicant will also seek approval for any and all variances, exceptions, waivers, and other incidental relief that may be required or deemed necessary by the Board after or during its review of this Application, together with any further relief that may be deemed necessary by the Applicant during the hearing process, including that which may be generated by way of revised plans and submission of same. Measurements, percentages and other calculations provided in this notice are in accordance with the development plans filed with the Application. Please note that to the extent plan and/or Application revisions are made during the hearing process, these measurements, percentages and other calculations will likely change, as may the associated relief required per the City Code. The Applicant reserves the right to amend its application accordingly.

7.	UNIFOOD LLC	364 East First Street	M-2	Applicant is a
Variances	A. William	Block 5.02, Lot 12		company that
	Sala, Jr., Esq.			processes cheese.
				The property is
				located within the
				M-2 Zone and will
				be totally
				renovated.
				Applicant proposes a 492 sq.ft. addition in the
				front of the building and a 790 sq.ft. addition
				to the rear of the building. The following
				variances are requested:
				1) Rear yard proposed at .38' where 15' is
				required.
				2) Building lot coverage proposed at 64.8% where
				a maximum of 60% is permitted.
				3) Right side yard proposed at 11.8' where 15' is
				required.
				4) Left side yard at addition proposed at 5.1'
				where 15' is required, extending existing
				building wall.
				5) Existing nonconforming lot area and width.

8. Subdivision Use Variance; Variances	RICHFIELD MEWS, LLC Frank A. Carlet, Esq. (CONTINUED TO 03/07/2018)	1187 VanHouten Avenue Block 40.05, Lot 1	B-B & RA3	Subdivision of the property commonly known as RICHFIELD FARMS into two (2) lots with one lot fronting on Van Houten Avenue and having a size of 91.990 square feet being known as Lot 1.01 having lot dimensions of Front 438.59', Rear 431.31', Right Side 39.2' and Left Side 208.6'. The second lot is to be fronting on Doremus Avenue and is to be known as Lot 1.02 having a size of 112,796 square feet, a Front Yard of 289.89', Rear Yard 294.99", Right Side 411.29' and Left Side 356.99'. In addition, a use variance is required to permit construction of thirty-six (36) townhouses on proposed Lot 1.02 requiring the following bulk variances: -minimum lot area per dwelling unit (5,000 square feet required, 3,233 square feet proposed), -maximum lot coverage (27% permitted, 52.5% proposed for Lot 1.02 and 50.4% proposed for Lot 1.01), -maximum building height (2 stories/30 feet permitted, 3 stories/31.92 feet proposed), -rear yard setback (40 feet required, 38.5 feet proposed).
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NEW HEARINGS

1. Variance	ANTHONY MANGARELLA	281 Charles Street Block 74.05, Lot 7	RA1	Applicant requests a variance for a 5' high solid fence on the right side yard where 4' high, 50% open fence is permitted. (PLANS SENT TO COMRS.)
2. Variance	FRANCESCO & REGINA LO MARTIRE	58 Lindale Court Block 41.01, Lot 41	RA3	Applicant proposes to expand existing deck. Variance required for rear setback which is proposed at 30' where 35' is required. (PLANS SENT TO COMRS.)

3.
Variances

SKENDER KOKAJ

55 Mountainside Terr.
Block 22.02, Lot 21

RA3

Variances required
for a rear two-
story addition and
a second floor
addition over the
existing house:

1) Front yard proposed at 7.91' where
25' is required (over existing);
2) Right side yard proposed at 4.16' where 6' is
required;
3) Combined side yards proposed at 14.67' where
16' is required;
4) Lot coverage proposed at 32.6% where a maximum
of 27% is permitted;
5) Existing nonconforming lot width and area.
(PLANS SENT TO COMRS.)
4.
Variances

**HIRAL & SURESH
GANDHI
(DEFECTIVE
NOTICE-
CONTINUED TO
02/21/2018)**

23 Fernwood Court
Block 17.04, Lot 30

RA3

Variances required
for a second story
addition:

1) Left side yard proposed at 4.7' where 6' is
required (over existing);
2) Combined side yards proposed at 15' where 16'
is required (existing condition).
(PLANS SENT TO COMRS.)

RESOLUTION

1. GRANTED the application of DANIEL SCHIMEL & NICOLE KATZ for a variance for driveway in front of the home not serving a garage at 44 Annabelle Avenue, Block 71.02, Lot 11. RA3