

AGENDA

**BOARD OF ADJUSTMENT
CITY OF CLIFTON
February 21, 2018
Commencing at 7 P.M.**

Please take notice that formal action may be taken on the following applications on February 21, 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 |
|------------------------------------|--|---|

				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. 492 Clifton Avenue Block 12.01, Lot 24 Thomas P. DeVita, Esq. (CONTINUED TO 03/21/2018)	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 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.
5. Variances	YESHIVA KTANA OF PASSAIC, INC. 288, 292, 296, 300 & 304 South Parkway, Gail L. Price, Esq. (EXTENSION OF TIME TO 4/18/2018)	Block 59.01, Lots 8, 11, 13, 15 & 17	RB2	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.

6.	RICHFIELD MEWS, LLC	1187 VanHouten Avenue	B-B	Subdivision of the
Subdivision		Block 40.05, Lot 1	&	property commonly
Use	Frank A.		RA3	known as RICHFIELD
Variance;	Carlet, Esq.			FARMS into two (2)
Variances	(CONTINUED TO 03/07/2018)			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).		

7.	HIRAL & SURESH GANDHI	23 Fernwood Court	RA3	Variances required
Variances		Block 17.04, Lot 30		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).		

NEW HEARINGS

1.	ERNESTO A. PIMENTEL	50 Olympia Street	RB1	Applicant proposes
Variances		Block 9.16, Lot 35		a rear yard deck.
				Following variances
				are required:
		1) Right side yard proposed at 8'4" where 6' is required;		
		2) Lot coverage proposed at 29.5% where a maximum of 27% is permitted.		
		(PLANS SENT TO COMRS.)		

2. Variances	YISROEL WOLFF	76 Ravona Street Block 57.04, Lot 8	RA3	Applicant proposes a rear two-story addition and a second floor addition over the existing house. Second story addition is proposed at 4.8' from the left side lot line where 6' is required. Extension proposed onto the existing nonconforming driveway. (PLANS SENT TO COMRS.)
3. Variance	AHUVA & YEHUDA WILLIG	128 Edgewood Avenue Block 57.07, Lot 24	RA3	Applicant proposes to convert a portion the existing garage to living space. Remainder will be storage area. Application for this proposal and an attic bathroom was denied by the Board on November 15, 2017. This application eliminates the bathroom in the attic. Variance required for a driveway in front of the house not serving a garage. (PLANS SENT TO COMRS.)
4. Variances	JOE ARCA	10 Atkins Court Block 32.02, Lot 56	RA3	Applicant proposes to add an addition to the rear of the house and a second story addition. Existing lot is irregular shape. Variances required for rear yard setback, proposed at 17' where 35' is required and front yard setback, 10' proposed (existing) where 25' is required. Any other relief deemed necessary by the Board. (PLANS SENT TO COMRS.)
5. Use Variance	PRAKASH RANA Matthew J. Trella, Esq.	786 Bloomfield Avenue Block 56.07, Lot 13 & 14	M-2	Applicant received a use variance for the construction of a building containing a retail store and a fast food delicatessen in 1998. Applicant now requests an amendment to the original resolution that limited the hours of operation and proposes 24 hour operation. The uses will remain the same. Use variance required, and any other relief deemed necessary by the Board. (PLANS SENT TO COMRS.)
6. Use Variance	IVO RODREGUEZ Matthew J. Trella, Esq.	197 Christie Avenue Block 6.15, Lot 13	M-2	Applicant proposes to operate a car detailing shop in an existing mixed use site. Use variance required for use and for mixed use on one lot. (PLANS SENT TO COMRS.)

7.
Use
Variance;
Variances

1629 MAIN

ASSOCIATES, LLC

Glenn Peterson,
Esq.

1639 Main Avenue

Block 9.06, Lot 6

B-C

Applicant proposes
to convert 2480
sq. ft. portion of
the existing
building to a
catalog sales
warehouse.

Applicant requires a use variance and bulk
variances for existing side and rear yard
setbacks. Any other relief the Board deems
necessary. (PLANS SENT TO COMRS.)

RESOLUTIONS

1. GRANTED the application of E CUBE 240 LLC & AMERICAN ANALYTICAL ASSOCIATION, LLC for use variance and variances for mixed use commercial and residential in a PD-1 zone, rear yard setback, lot coverage, number of stories, and parking stall size for a mixed use building consisting of 18 residential units and three commercial units at 245-247 Parker Avenue, Block 4.16, Lot 31 and 33. PD-1
2. GRANTED the application of UNIFOODS LLC for variances for rear yard setback, lot coverage, right side yard setback, left side yard setback, non-conforming lot area and width for a 492-square-foot front addition and a 790-square-foot rear addition for the manufacturing, processing, and packaging of cheese at 364 East First Street, Block 5.02, Lot 12. M-2
3. GRANTED the application of ANTHONY MANGARELLA for variance for a 5-foot-high solid fence on the right side yard at 281 Charles Street, Block 74.05, Lot 7. RA1
4. GRANTED the application of FRANCESCO & REGINA LO MARTIRE for rear yard setback variance for a rear deck at 58 Lindale Court, Block 41.01 Lot 41. RA3
5. GRANTED the application of SKENDER KOKAJ for front yard setback, right side yard setback, combined side yard setbacks, lot coverage, and existing non-conforming lot width and area variances for a rear two-story addition and a second floor addition over the existing house at 55 Mountainside Terrace, Block 22.02, Lot 21. RA3