

**AGENDA**

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

Please take notice that formal action may be taken on the following applications on March 21, 2018.

**PLEDGE OF ALLEGIANCE  
CONTINUED HEARINGS**

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| 1.<br>Use<br>Variance;<br>Variances;<br>Site Plan | <b>CLIFTON CHICKEN</b> 6 Main Avenue<br><b>LLC d/b/a</b> Block 82.06, Lot 15<br><b>POPEYE'S LOUISIANA</b><br><b>KITCHEN</b><br>Lawrence A. Calli, Esq.<br><b>(CONTINUED TO</b><br><b>04/04/2018)</b> | P-MU Use variance relief<br>relief pursuant to<br>N.J.S.A.40:55D-70d,<br>bulk variance<br>relief pursuant to<br>N.J.S.A.40:55D-70c<br>and site plan<br>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: REVISED PLAN ON FILE.**

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| 2.<br>Use<br>Variance;<br>Variance | <b>CARLOS SUAREZ &amp;</b> 42 Paterson Avenue<br><b>NELY ALTAMIRANO</b> Block 82.02, Lot 64<br>Jennifer M.<br>Carrillo-Perez, Esq. | RA3 Applicant proposes<br>a rear addition on<br>to an existing<br>nonconforming two-<br>family home. A use<br>variance is<br>required for the<br>expansion of a |
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|                                     |                                                                                                                                                                |                                                                                    |                             | nonconforming use.<br>A new detached garage is also proposed at 440 sq. ft. where a maximum of 300 sq. ft. is permitted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 3.<br>Use<br>Variance;<br>Variances | <b>UNITED AMERICAN MUSLIM ASSOCIATION, INC.</b><br>Thomas P. DeVita, Esq.                                                                                      | 492 Clifton Avenue<br>Block 12.01, Lot 24                                          | BC                          | <p>Applicant seeks to eliminate one apartment and create a study area for cultural and enrichment programs for young students:</p> <p>1) Conditional use variance required (lot and building do not meet conditional use requirements.<br/>2) Use variance required for mixed use building (residential on second floor) Accessory use.<br/>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.<br/>4) Such other variances as may be required.</p>                                                                                                                  |
| 4.<br>Use<br>Variance               | <b>299 ROUTE 3 EAST, LLC</b><br>Frank A. Carlet, Esq.                                                                                                          | 299 Route 3 East<br>Block 83.01, Lot 2.01                                          | M-3<br>or<br>P-MU<br>option | <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 5.<br>Variances                     | <b>YESHIVA KTANA OF PASSAIC, INC.</b><br>Gail L. Price, Esq.<br><b>(EXTENSION OF TIME TO 4/18/2018)</b><br><br><b>NOTE-ADJOURNMENT REQUESTED TO 07/18/2018</b> | 288, 292, 296, 300 & 304<br>South Parkway,<br>Block 59.01, Lots 8, 11, 13, 15 & 17 | RB2                         | <p>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.</p> <p>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</p> |

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.

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| 6.<br>Subdivision<br>Use<br>Variance;<br>Variances | <b>RICHFIELD MEWS, LLC</b><br>Frank A.<br>Carlet, Esq.<br><b>(CONTINUED TO 04/04/2018)</b> | 1187 VanHouten Avenue<br>Block 40.05, Lot 1 | B-B<br>&<br>RA3 | Subdivision of the<br>property commonly<br>known as <b>RICHFIELD FARMS</b> into two (2)<br>lots with one lot<br>fronting on<br>Van Houten Avenue and having a size of 91.990<br>square feet being known as Lot 1.01 having lot<br>dimensions of Front 438.59', Rear 431.31',<br>Right Side 39.2' and Left Side 208.6'.<br>The second lot is to be fronting on Doremus<br>Avenue and is to be known as Lot 1.02 having a<br>size of 112,796 square feet, a Front Yard of<br>289.89', Rear Yard 294.99", Right Side 411.29'<br>and Left Side 356.99'.<br>In addition, a use variance is required to permit<br>construction of thirty-six (36) townhouses on<br>proposed Lot 1.02 requiring the following bulk<br>variances:<br>-minimum lot area per dwelling unit (5,000 square<br>feet required, 3,233 square feet proposed),<br>-maximum lot coverage (27% permitted, 52.5%<br>proposed for Lot 1.02 and 50.4% proposed for<br>Lot 1.01),<br>-maximum building height (2 stories/30 feet<br>permitted, 3 stories/31.92 feet proposed),<br>-rear yard setback (40 feet required, 38.5 feet<br>proposed). <b><u>NOTE: REVISED PLAN ON FILE</u></b> |
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**NEW HEARINGS FROM MEETING OF 03/07/18**

|                                                                |                                                                                                     |                                             |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| 1.<br>Interpre-<br>tation; or<br>Use<br>Variance;<br>Variances | <b>PARKWAY IRON &amp; METAL, INC.</b><br>Stuart Reiser,<br>Esq.<br><b>(CONTINUED TO 04/18/2018)</b> | 613-639 Route 46 East<br>Block 19.01, Lot 1 | M-3 | To request<br>the following<br>relief:<br>(i) An interpretation from the Board of<br>Section 289-14 of the City of Clifton Code that<br>would authorize the Zoning Officer of the City<br>of Clifton to issue a zoning permit under<br>40:55D-70(b), 40:55D-4 and 40:55D-18 approving<br>the height and composition of the perimeter wall<br>enclosure that currently exists at the subject<br>property; alternatively,<br>(ii) For the Board to grant a use variance to<br>permit the existing perimeter wall to remain at<br>the subject property pursuant to 40:55D-70(d) (1)<br>and (2) and/or for a bulk variance as to the<br>height and composition of the perimeter wall<br>pursuant to 40:55D-70(c) (2); and,<br>(iii) For any other variances and/or waivers as<br>may be determined by the Board. |
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2. **LEVIN MANAGEMENT** 1010 Route 46 B-D Amended  
Use **CORP.** a/k/a Route 46 West simultaneous  
Variance; Francis J. and Van Houten Avenue preliminary and  
Variances DeVito, Esq. Block 39.01, Lot 23 final site plan  
(CONTINUED TO approval and sign  
04/04/2018) variances, for  
colors, size, location, height over roof line,  
number of signs and signs on a new façade,  
parking space size, location and number, and a  
conditional use variance to permit the operation  
of a Restaurant/Café in a proposed new  
supermarket, all specifically as otherwise  
provided in the City's Ordinances and any other  
applicable variances from the requirements of the  
land use development ordinances for the City of  
Clifton or waivers and/or exceptions that may be  
required so as to permit operation of a 16,060  
sq. ft. supermarket with a Restaurant/Café with  
approximately 88 seats in the mall known as  
**Clifton Plaza.** (PLANS SENT TO COMRS.)

**CONTINUED RESOLUTION**

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 (Pending Police and Fire reports)

**RESOLUTIONS FROM 02/21/2018**

1. GRANTED the application of HIRAL & SURESH GANDHI for left side yard and combined side yard setback variances for a second story addition at 23 Fernwood Court, Block 17.04, Lot 30. RA3
2. GRANTED the application of ERNESTO A. PIMENTEL for lot coverage variance for a rear yard deck at 50 Olympia Street, Block 9.16, Lot 35. RB1
3. GRANTED the application of YISROEL WOLFF for a rear two-story addition and a second floor addition with a left side yard setback variance and extension onto the existing non-conforming driveway at 76 Ravona Street, Block 57.04, Lot 8. RA3
4. DENIED the application of AHUVA & YEHUDA WILLIG for variance for a driveway in front of the house not serving a garage at 128 Edgewood Avenue, Block 57.07, Lot 24, on the grounds of res judicata. RA3
5. GRANTED the application of JOE ARCA for rear yard setback variance and front yard setback variance for an addition to the rear of the house and a second story addition at 10 Atkins Court, Block 32.02, Lot 56. RA3
6. DENIED the application of PRAKASH RANA to amend the original Resolution limiting the hours of operation and proposing a 24 hour operation at 786 Bloomfield Avenue, Block 56.07, Lot 13 and 14. M-2

7. GRANTED the application of IVO RODREGUEZ for use variance to operate a car detailing shop in an existing mixed use site at 197 Christie Avenue, Block 6.15, Lot 13. M-2

8. GRANTED the application of 1629 MAIN AVENUE ASSOCIATES, LLC for use variance and bulk variances for existing side and rear yard setbacks to convert a 2,480 square foot portion of an existing building to a catalog sales warehouse at 1639 Main Avenue, Block 9.06, Lot 6. B-C