

AGENDA
BOARD OF ADJUSTMENT
CITY OF CLIFTON
April 18, 2018
Commencing at 7 P.M.

Please take notice that formal action may be taken on the following applications on April 18, 2018.

PLEDGE OF ALLEGIANCE
CONTINUED HEARINGS

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
06/06/18)

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: REVISED PLAN ON FILE.

2.
Use
Variance;
Variance

CARLOS SUAREZ & 42 Paterson Avenue
NELY ALTAMIRANO Block 82.02, Lot 64
Jennifer M.
Carrillo-Perez, Esq.
(CONTINUED TO
05/16/18)

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.

NOTE: REVISED PLAN ON FILE.

3. Use Variance	299 ROUTE 3 EAST, LLC Frank A. Carlet, Esq.	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.
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4. Variances	YESHIVA KTANA OF PASSAIC, INC. Gail L. Price, Esq. (CONTINUED TO 07/18/2018)	288, 292, 296, 300 & 304 RB2 South Parkway, Block 59.01, Lots 8, 11, 13, 15 & 17		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.
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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.

5. Subdivision Use Variance; Variances	RICHFIELD MEWS, LLC Frank A. Carlet, Esq.	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). <u>NOTE: REVISED PLAN ON FILE</u>
6. Interpre- tation; or Use Variance; Variances	PARKWAY IRON & METAL, INC. Stuart Reiser, Esq.	613-639 Route 46 East Block 19.01, Lot 1	M-3	To request the following relief: (i) An interpretation from the Board of Section 289-14 of the City of Clifton Code that would authorize the Zoning Officer of the City of Clifton to issue a zoning permit under 40:55D-70(b), 40:55D-4 and 40:55D-18 approving the height and composition of the perimeter wall enclosure that currently exists at the subject property; alternatively, (ii) For the Board to grant a use variance to permit the existing perimeter wall to remain at the subject property pursuant to 40:55D-70(d) (1) and (2) and/or for a bulk variance as to the height and composition of the perimeter wall pursuant to 40:55D-70(c) (2); and, (iii) For any other variances and/or waivers as may be determined by the Board.
7. Use Variance; Variances	LEVIN MANAGEMENT CORP. Francis J. DeVito, Esq. (CONTINUED TO 05/16/2018)	1010 Route 46 a/k/a Route 46 West and Van Houten Avenue Block 39.01, Lot 23	B-D	Amended simultaneous preliminary and final site plan approval and sign 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.**

8. Use Variance	WIESLAW SERAFIN A. William Sala, Jr., Esq. (CONTINUED TO 05/02/2018)	420 Highland Avenue Block 21.02, Lot 65	RB2	Applicant proposes to use the basement of an existing condo unit for living space and a three-fixture bathroom. Use variance required for the three-fixture bathroom. Zoning Board resolution dated April 20, 1988 has a stipulation stating "The basement to be used for storage purposes only." Applicant requests this stipulation be removed. And such other variances as required by law. (PLANS TO BE FURNISHED)
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NEW HEARINGS

1. Variances	MOUSTAFA MOHAMMED	16 Helen Place Block 31.01, Lot 59	RB1	Variances required for a rear yard gazebo already built: 1) Left side yard proposed at 2.5' where 5' is required. 2) Rear yard setback proposed at 2' where 5' is required. (PLANS SENT TO COMRS.)
2. Use Variance	SIDEOUT SPORTS, LLC Frank A. Carlet, Esq.	356-362 Getty Avenue Block 10.10, Lot 1 & 3	M-2	Preliminary and final site plan approval and a use variance required to permit the expansion of existing buildings at the subject property for use as an indoor volleyball center and such other approvals as may be determined to be required. (PLANS DISTRIBUTED LAST MEETING.)

RESOLUTIONS

1. DISMISSED WITHOUT PREJUDICE the application of CLIFTON CHEDER for an elementary school in the B-A district at 1333 Broad Street, Block 76.01, Lot 5. B-A

2. DISMISSED WITHOUT PREJUDICE the application of UNITED AMERICAN MUSLIM ASSOCIATION to eliminate one apartment and create a study area for cultural and enrichment programs for young students at 492 Clifton Avenue, Block 12.01, Lot 24. BC

3. GRANTED the application of 354 ALLWOOD REALTY, LLC for use variance together with preliminary and final site plan approval to permit the outdoor storage of new motor vehicles and the indoor storage for repair and service of motor vehicles at 354 Allwood Road, Block 69.01, Lot 14. M-2

4. GRANTED the application of GHOST HAWK BREWING COMPANY LLC for use variances to operate a microbrewery and for more than one principal use on the lot at 321 River Road, Block 73.03, Lot 54. B-C

ADOPTION OF MINUTES

1. Minutes of special meeting of March 28, 2018.
2. Minutes of regular meeting of April 4, 2018.