

AGENDA
BOARD OF ADJUSTMENT
CITY OF CLIFTON
May 16, 2018
Commencing at 7 P.M.

Please take notice that formal action may be taken on the following applications on May 16, 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.
(DISMISS W/O PREJUDICE)

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. 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
(CONTINUED TO 07/18/2018)

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.

4. **RICHFIELD MEWS,** 1187 VanHouten Avenue B-B Subdivision of the
Subdivision **LLC** Block 40.05, Lot 1 & property commonly
Use Frank A. RA3 known as **RICHFIELD**
Variance; Carlet, Esq. **FARMS** into two (2)
Variances 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). **NOTE: REVISED PLAN ON FILE**

5. **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
 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.

NEW HEARINGS

1. **JOSEPH & AMIE** 109 McCosh Road RA1 Applicant received
Variance **KOLODZIEJ** Block 62.05, Lot 44 variance approval
 for additions and
 renovations to the
 existing home.
 Applicant is requesting an additional two feet
 (2') into the required front yard, proposed
 26.9' where 35' is required.
 (PPLAN IN BINS)

2. Use Variance	65 INDUSTRIAL CLIFTON, LLC Frank A. Carlet, Esq.	65 Industrial South & 35 Bloomfield Avenue Block 56.08, Lots 4 & 13	M-1	Amended height variance from 42'6" to 43'11". (PLAN IN BINS)
3. Variances	FRANCISCO AGUILAR (DEFECTIVE NOTICE)	61 Knapp Avenue Block 3.09, Lot 4 1) Rear yard proposed at 15' where 35' is required; 2) Lot coverage proposed at 33.24% where a maximum of 25% is permitted; 3) Proposed deck is separated from the garage by 4' where 10' is required; 4) Existing, nonconforming lot width and area.	RB2	Variances required for a two-story rear deck:

RESOLUTIONS

- DENIED the application of WIESLAW SERAFIN for use variance approval to use the basement of an existing condominium unit for living space and a three-fixture bathroom at 420 Highland Avenue, Block 21.02, Lot 65. RB2
- GRANTED the application of ALI ZIDAN for variances for left side yard setback, combined side yard setbacks, front yard setback, and lot coverage for a single-story rear addition and a second story addition at 10 Hobart Place, Block 20.03, Lot 20. RB1
- GRANTED the application of CHURCH OF GOD for use variance approval for a House of Worship on the first floor of a mixed use building at 558-600 Getty Avenue, Block 9.04, Lot 22. M-3 (PDO-2)
- GRANTED the application of AMERICAN ANALYTICAL ASSOCIATION, LLC for use variance and bulk variance to reconfigure an existing structure to contain one commercial unit and seven residential units at 240 Parker Avenue a/k/a 231 Dayton Avenue (3 Botany Village Square West), Block 4.12, Lot 2. PD1