

AGENDA
BOARD OF ADJUSTMENT
CITY OF CLIFTON
June 6, 2018
Commencing at 7 P.M.

Please take notice that formal action may be taken on the following applications on June 6, 2018.

PLEDGE OF ALLEGIANCE

REMANDED HEARING

- | | | | | |
|-------------------------------------|--|--|-----|--|
| 1.
Use
Variance;
Variances | TRUCARE ADULT MEDICAL DAY CARE LLC
Frank A. Carlet, Esq. | 1111 Paulison Avenue
Block 19.03, Lot 1 | M-1 | Use variance to permit an adult medical day care center and bulk variances for parking and for a part of the building. Bulk variance required for parking (107 spaces required, 80 spaces provided) and site plan approval required. |
|-------------------------------------|--|--|-----|--|

CONTINUED HEARINGS

- | | | | | |
|---|--|--------------------------------------|------|--|
| 1.
Use
Variance;
Variances;
Site Plan | CLIFTON CHICKEN LLC d/b/a POPEYE'S LOUISIANA KITCHEN
Lawrence A. Calli, Esq. | 6 Main Avenue
Block 82.06, Lot 15 | 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.
Variances

YESHIVA KTANA OF PASSAIC, INC. 288, 292, 296, 300 & 304 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.
South Parkway, Block 59.01, Lots 8, 11, 13, 15 & 17
Gail L. Price, Esq.
(CONTINUED TO 07/18/2018)

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.

3.	FRANCISCO	61 Knapp Avenue	RB2	Variances required
Variances	AGUILAR	Block 3.09, Lot 4		for a two-story rear deck:
		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. (PLANS SENT TO COMRS)		

NEW HEARINGS

1. Variance	SHAH PANKAJ	154 Elmwood Drive Block 22.24, Lot 25	RA3	Homeowner proposes to enclose the existing front stoop that currently has a roof over it. A variance is required for front yard setback. Front yard is proposed at 20.4' where 25' is required. (PLANS SENT TO COMRS)
2. Variance	JOSEPH & AILEEN LAIHEE	4 View Place Block 27.03, Lot 32	RA2	Applicant proposes an in-ground pool in the rear yard. A variance is requested for the street side yard setback where 14.5' is proposed and 25' is required. (PLANS SENT TO COMRS)

SPECIAL MEETING - JULY 25, 2018

1. Use Variance; Variances	CLIFTON CHEDER Stephen A. Geffner, Esq. (CONTINUED TO SPECIAL MEETING 07/25/18)	1333 Broad Street Block 76.01, Lot 5	B-A	The Applicant seeks preliminary and final site plan approval and a (D)(3) conditional use variance for a private elementary school in the B-A Zone District.
-------------------------------------	--	---	-----	--

The following conditions of the conditional use are not being met and require variances as follows:

With respect to the lot width, pursuant to Section 461-27, a lot width of 150 ft. is required and 133 ft. is existing and proposed.

With respect to the maximum lot coverage, pursuant to Section 461-27, 20% is the maximum permitted and 24.74% existing and proposed.

With respect to the minimum side yard, 20 ft. for one (1) and 40 ft. for both, pursuant to Section 461-27 is required, and 18.87 ft. for one (1) and 42.74 ft. for both is existing and proposed.

This application to the Board of Adjustment is being made for a (D)(3) conditional use variance for a private elementary school and noticed to the public pursuant to N.J.S.A.40:55(D)(3).

The Applicant will also request such other variances, waivers, and interpretations as may be required which may arise during the course of the public hearing or at the request of the Board of Adjustment. The Application, Plans and papers in connection with the Application are available for public inspection at the Zoning Division of the City of Clifton, Clifton, New Jersey, between the hours of 9 A.M. and 3 P.M. Any interested party may appear at said hearing and participate therein in accordance with the rules of the Board of Adjustment.

RESOLUTIONS

1. DISMISSED WITHOUT PREJUDICE the application of CARLOS SUAREZ & NELY ALTAMIRANO for a rear addition on a non-conforming two-family home and a new detached garage at 42 Paterson Avenue, Block 82.02, Lot 64. RA3

2. DISMISSED WITHOUT PREJUDICE the application of RICHFIELD MEWS, LLC for a subdivision, use variance, and variances to permit construction of a 35-unit townhouse development at 1187 Van Houten Avenue, Block 40.05, Lot 1. B-B and RA3

3. GRANTED the application of LEVIN MANAGEMENT CORP. (CLIFTON PLAZA) for preliminary and final site plan approval, sign variance, parking variance, use variance, and conditional use variance to permit operation of a restaurant or café in a proposed new supermarket with approximately 88 seats in the mall known as CLIFTON PLAZA at 1010 Route 46 West a/k/a Route 46 West and Van Houten Avenue, Block 39.01, Lot 23. B-D

4. GRANTED the application of JOSEPH & AMIE KOLODZIEJ for front yard setback variance at 26.9 feet at 109 McCosh Road, Block 62.05, Lot 44. RA1

5. GRANTED the application of 65 INDUSTRIAL CLIFTON, LLC for amended height variance at 65 Industrial South & 35 Bloomfield Avenue, Block 56.08, Lots 4 and 13. M-1

ADOPTION OF MINUTES

1. Special meeting of May 9, 2018;
2. Regular meeting of May 16, 2018.

COMMUNICATIONS

1. Correspondence dated May 10, 2018, from Attorney Geffner regarding the application of CLIFTON CHEDER.

REMINDER

Please note that the next regular meeting of the Clifton Zoning Board of Adjustment is changed from June 20, 2018, to June 27, 2018. There is no meeting on June 20, 2018.