

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

Please take notice that formal action may be taken on the following applications on July 18, 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. | 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: REVISED PLAN ON FILE.**

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| 2.
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 | 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 |
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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.

3.	CLIFTON SAFE STORAGE, LLC	1204 Broad Street	B-D	Application for a
Use		(County Route 509)		use variance under
Variances;	Jason R.	Block 64.03, Lot 2		N.J.S.A.40:55D-
Variances	Tuvel, Esq.			70(d)(1), a height
				variance under
				N.J.S.A.40:55D-
				70(d)(6),
				preliminary and
				final major site
				plan approval along
				with related bulk
				variances and
				design waiver/
				exception relief:
				Applicant seeks approval to construct a
				self-storage facility of approximately 174,655
				sq.ft. along with related site improvements,
				including, but not limited to, landscaping,
				lighting, parking and signage. A self-storage
				facility is not a permitted use in the B-D Zone,
				therefore, Applicant seeks a use variance under
				N.J.S.A.40:55D-70(d)(1). The Application also
				requires a height variance under N.J.S.A.40:55D-
				70(d)(6) as the proposed building height is
				greater than permitted (40 ft. permitted, 53.3
				ft. proposed). In addition Applicant seeks
				certain bulk variances and design waivers/
				exceptions, including:
				(1) Number of stories greater than permitted
				(3 stories permitted, 5 stories proposed);
				(2) Loading space width less than required
				(12 ft. required, 10 ft. proposed);

- (3) Loading space length less than required (25 ft. required, 24 ft. proposed);
- (4) Parking Spaces, parking aisles, and vehicular maneuvering area within 10 ft. of a corner side lot line where such is not permitted (3.2 ft. proposed);
- (5) Parking Spaces, parking aisles, and vehicular maneuvering area within 5 ft. of any other lot line where such is not permitted (3.2 ft. proposed);
- (6) Number of parking spaces less than required (88 required, 11 proposed);
- (7) Number of loading spaces less than required (19 required, 8 proposed);
- (8) Area of building signs greater than permitted (586.05 sq.ft. permitted, 1,198 sq.ft. proposed);
- (9) Parking proposed in the front yard where such is not permitted.

Applicant also seeks any additional deviations, exceptions, design waivers, submission waivers, variances, interpretations, continuations of any pre-existing non-conforming conditions, modifications of prior imposed conditions and other approvals reflected on the filed plans (as same may be determined to be necessary during the review and processing of the Application. (PLANS IN BINS)

NEW HEARINGS

1. Use Variance	CUENCA CORONEL REALTY, LLC Glenn Peterson, Esq.	87-109 Wabash Avenue Block 5.07, Lot 9 & 11	M-2	Applicant proposes to utilize property for storage and maintenance of vehicles for the Applicant's construction trucking business. No physical changes will be made to property. Applicant requires a D-3, conditional use variance, as the existing building and lot does not meet bulk requirements. D-1 use variance required for existing mixed use. Preliminary and final site plan approval requested. Together with any other relief deemed necessary by the Board.
2. Use Variance; Variances	IVO & KANIA RODRIGUEZ Matthew Trella, Esq.	214 Trimble Avenue Block 6.16, Lot 5	B-C	Applicant proposes to merge lot 11 into lot 5. Existing house on lot 11 to be demolished. Proposed construction of a new building to contain auto body shop with painting booth and vehicle storage. Use variance required for auto body shop on former lot 11 which is within the R-B1 zone. New building requires bulk variances for front yard, right side yard and rear yard setbacks. 27 parking spaces required and 21 provided. Any other variances as may be required. (PLANS SENT TO COMRS.)

3. **MIRIAM/ONE LLC** 94 Highland Avenue RB3 Applicant owns a
Variances A. William Block 4.21, Lot 12 vacant lot that is
Sala, Jr., Esq. 4998 square feet.
(DEFECTIVE Applicant proposes a two-family dwelling with
NOTICE) four off street parking spaces. The following
variances are required:
1) Lot coverage proposed at 35% where 25% is
permitted.
2) Street side yard proposed at 6' where 10' is
required.
3) Left side yard proposed at 10' where 12' is
required.
4) Combined side yards proposed at 16' where 24'
is required.
5) Minimum lot area for a two-family is 7500 sq.
ft. and 4998 sq. ft. provided.
6) Such other variances as may be required by
law.

SPECIAL MEETING - JULY 25, 2018

1. **CLIFTON CHEDER** 1333 Broad Street B-A The Applicant seeks
Use Stephen A. Block 76.01, Lot 5 preliminary and
Variance; Geffner, Esq. final site plan
Variances **(CONTINUED TO** approval and a
SPECIAL MEETING (D)(3) conditional
07/25/18) 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. GRANTED the application of SOHEL KHAN for rear yard setback variance and right side yard setback variance to build a second floor addition over the existing garage and a roof over the existing deck at 712 Grove Street, Block 62.06, Lot 12. RA1

2. GRANTED the application of ALLWOOD INVESTMENT COMPANY, A PARTNERSHIP, for use variance and bulk variances to eliminate the restaurant and nightclub use at 955 Allwood Road and use the existing building as an office building at 925-955 Allwood Road, Block 66.01, Lot 1 and 5. B-D