



City of Clifton

ZONING DEPARTMENT
900 CLIFTON AVENUE
CLIFTON, NEW JERSEY 07013

Zoning Approval

(973) 470-5808
FAX (973) 471-1837

Date: _____

Zoning Administrator

Application for Parking and Storage Of a Boat / Trailer / RV On a Residential Property

The undersigned hereby makes application to park or store a:

Boat: ☐

Trailer: ☐

RV: ☐

In accordance with the provisions of the Zoning Ordinance of the City of Clifton.

Date of Application: _____ Block: _____ Lot: _____

Property Owner: _____

Property Address: _____

Height and Type of Screening: _____

Length of Boat, Trailer, or RV: (Including Hitching device) _____

Overall Height of the Unit: (including AC Unit and Vents) _____

Registration / Plate Number: _____

Applicant Signature: _____

Application shall be Accompanied by a Plot Plan, Drawn to Scale, showing the location where such trailer or boat is to be parked or stored, the relation of such location to structures located on the same lot and on abutting lots, the relation to the boundary lines of the abutting lots and the relation to such location to the required side and rear yards. Such plot plan shall be reasonably accurate and legible so as to enable the Zoning Officer to determine if the application complies with the provisions of this chapter. If a plot plan is not so accurate or legible, the Zoning Officer shall require an applicant to resubmit the same.

- ☐ New Permit \$5.00 Fee
- ☐ Renewal \$2.00 Fee
- ☐ Temporary Permit - No Fee

This Permit is good for one(1) Year from date of application

**City of Clifton Planning Board
Application of Meridia Regency on Valley, Clifton, LLC
for Preliminary and Final major subdivision approval, Preliminary and Final Site Plan
Approval and Bulk Variance Relief**

Block 62.04 Lots 28, 31, 32, 33, 36 & 37

Adoption date: March 24, 2022

RESOLUTION

WHEREAS, Meridia Regency on Valley, Clifton, LLC (the “Applicant”) previously filed an application with the Clifton Planning Board (the “Board”) for preliminary and final major subdivision approval, preliminary and final major site plan approval, and bulk variance relief (the “Application”) with respect to certain property located along Valley Road in the City of Clifton and designated as Block 62.04, Lots 28, 31, 32, 33, 36 & 37 on the Tax Map of the City of Clifton (the “Property”); and

WHEREAS, by way of the Application, the Applicant sought approval to consolidate the Property into two (2) new lots; remove the existing improvements on proposed Lot A and construct a new 102-unit hotel with related site improvements thereon; and expand the existing restaurant/banquet hall on proposed Lot B; and

WHEREAS, public hearings were conducted by the Board on May 30, 2018, July 26, 2018, September 27, 2018, October 25, 2018, December 13, 2018, January 24, 2019, March 28,

2019, May 8, 2019, May 23, 2019, June 27, 2019, July 25, 2019, and September 26, 2019; and

WHEREAS, at the conclusion of the final hearing, a motion was made to approve the Application; however, the motion received five (5) negative votes and only four (4) affirmative votes, and as such, the Application was denied; and

WHEREAS, on December 12, 2019, the Board adopted a Resolution memorializing its denial of the Application; and

WHEREAS, on December 24, 2019, the Applicant appealed the denial by way of a Complaint in the Superior Court of New Jersey, which was assigned Docket Number PAS-L-004067-19; and

WHEREAS, Settlement discussions were entered into by the Applicant and the Board, and as a result, a proposed settlement involving certain modifications to the proposed development was reached by the parties (the "Settlement"); and

WHEREAS, pursuant to a Consent Order of Remand entered by the Superior Court in Docket Number PAS-L-004067-19 on November 5, 2020 ("Consent Order") and in accordance with Whispering Woods v. Middleton Township, 220 NJ Super 161, Law Div. (1987), the Applicant prepared revised plans and the Application was remanded to the Board for continued public hearings consistent with the terms and conditions of the Consent Order (the "Remand"); and

WHEREAS, pursuant to the Consent Order all testimony, evidence, plans, reports, and

all application materials were incorporated by reference in the Remand hearings before the Board and are made part of the overall record.

WHEREAS, in furtherance of the Remand, the Applicant submitted the following to the Board:

- Site Plan prepared by Stonefield Engineering & Design, last revised March 19, 2021 and consisting of sixteen (16) sheets;
- Architectural Plan prepared by Mistry Design, last revised March 18, 2021 and consisting of nine (9) sheets;
- Landscaping Plan prepared by Bosenberg Landscape Architecture, last revised February 5, 2021 and consisting of three (3) sheets;
- Traffic Impact Study prepared by Stonefield Engineering & Design, last revised November 16, 2020;
- Stormwater Management Statement prepared by Stonefield Engineering & Design, last revised February 5, 2021;
- Sewer and Water Demand Calculations prepared by Stonefield Engineering & Design, last revised November 16, 2020;
- Letter prepared by Stonefield Engineering & Design dated March 19, 2021;
- Exhibit entitled "Rendered Site Plan Exhibit" prepared by Stonefield Engineering

& Design, last revised February 5, 2021;

- Exhibit entitled "Site Plan Rendering Exhibit" prepared by Stonefield Engineering & Design, last revised March 31, 2021;
- Revised Site Plan Comparison Matrix;
- Exhibit entitled "Soil Moving Exhibit" prepared by Stonefield Engineering & Design, last revised February 5, 2021;
- Exhibit entitled "Retaining Wall Exhibit" prepared by Stonefield Engineering & Design, last revised February 5, 2021 (collectively, the "Revised Plans"); and

WHEREAS, pursuant to the Remand, the Board held public hearings on February 18, 2021, June 24, 2021, August 26, 2021, October 28, 2021, and December 9, 2021, at which time the Applicant was represented by counsel, Jason R. Tuvel, Esq. of the firm of Prime & Tuvel; and

WHEREAS, notice of such public hearings was provided in accordance with the provisions of the Municipal Land Use Law and Open Public Meetings Act; and

WHEREAS, during the public hearings, the Applicant's engineer, Charles Olivo, a professional engineer and professional planner in the State of New Jersey and principal of Stonefield Engineering & Design (who was accepted by the Board as an expert in civil engineering, traffic operations engineering, and professional planning), summarized the principal changes that were made to the proposed project in furtherance of the Settlement. Mr. Olivo

testified as follows:

1. While the existing tax lots are still proposed to be consolidated into two (2), the previous Application proposed a new hotel on Lot A lot with underground parking only and an expanded restaurant/banquet hall and surface parking lot on Lot B. The applicant proposes to keep the catering hall in its current location and to name the lot upon which it is located Lot A. The Applicant now proposes to locate the hotel on Lot B with underground parking, approximately 106.4 feet from the residential neighbors, where the distance was approximately 70 feet under the previous proposal. The footprint of the proposed hotel has increased slightly; however, the number of hotel rooms remains 102 as previously proposed. The height of the proposed hotel has been reduced from six (6) stories and 70 feet to four (4) stories over a parking structure & 63 feet 6 inches, and the Applicant has agreed to eliminate the conference room, balcony, and outdoor patio shown on the Revised Plans.

2. The Applicant no longer proposes to expand the restaurant/banquet hall, but rather to improve the entrance and façade, as well as create an outdoor ceremony and amenity area with an underground parking garage below. The Applicant has agreed to remove the outdoor bar shown on the Revised Plans and to provide an acoustical screen around the patio, the existing area of which will not be expanded.

3. The above modifications made both proposed lots more standard in shape and eliminated the previously requested lot width and setback variances, leaving only variances with

respect to the required number of parking spaces for the restaurant/banquet hall and the dimensions of the parking spaces. The City Zoning Ordinance requires a total of 725 spaces for the restaurant/banquet hall, and 200 spaces are currently provided. The original Application proposed to maintain 200 spaces, and the Revised Plans propose 253 spaces, which reduces the extent of the existing nonconformity for the restaurant/banquet hall. The Applicant proposes parking space dimensions of 9 feet by 18 feet where the Zoning Ordinance requires 9 feet by 19 feet.

4. The access aisle and retaining walls that were previously proposed behind the hotel building on Lot A, closest to the residences on McCosh Road, were eliminated. Instead, the outdoor ceremony area is proposed to the south of the restaurant/banquet hall with the underground parking garage below. In an effort to limit disturbance in the area closest to the residential neighbors, the Applicant is no longer proposing access aisles behind either the hotel building or the restaurant/banquet hall building.

5. The access aisle along the front of the Property has been modified so as to create a new two-way inbound and outbound driveway to Valley Road in the center of the Property, from which a vehicle could proceed to the pick-up/drop-off area for the restaurant/banquet hall or instead turn north toward the hotel, which also has a pick-up/drop-off area. The number of curb cuts along Valley Road has been reduced from four (4) to three (3). Where the Property currently has a portion of an access aisle in the right-of-way of Valley Road, the Revised Plans relocate all

access driveways within the boundaries of the Property. The Revised Plans have been submitted to the Passaic County Planning Board, which has indicated to the Applicant that it finds the proposed vehicular access along Valley Road to be acceptable.

6. With respect to the restaurant/banquet hall, the proposed access aisle configuration would be able to accommodate 13 single vehicles in a single stack from the pick-up/drop-off area to the southerly driveway. However, Mr. Olivo testified that the width of the aisle could accommodate a double stack of slow-moving vehicles for valet operations, therefore being able to accommodate up to 26 vehicles.

7. The Applicant has also reduced the number of trees to be removed and provided for a more substantial green buffer along the rear of the Property, with no tree removal occurring any closer than 60-65 feet from the neighboring property lines to the north. The Applicant now proposes to remove 95 trees and to plant 101 replacement trees.

8. The Applicant proposes 177 parking spaces for the hotel, which was increased from 133 in the original Application, and 253 parking spaces for the restaurant/banquet hall, which was increased from 200 in the original Application, with 10 ADA-compliant parking spaces where 9 are required.

9. Mr. Olivo testified that the existing 200 parking spaces have been sufficient to accommodate the needs of the restaurant/banquet hall for many years, and that particularly with the proposed valet operations and the addition of 53 more spaces, in his expert opinion, the

number of spaces provided would continue to be sufficient. He further testified that although the Zoning Ordinance requires parking space dimensions of 9 feet by 19 feet, the proposed 9 foot by 18-foot dimensions are consistent with the most commonly used industry standards and would not give rise to any safety concerns.

10. Mr. Olivo testimony emphasized that the variances sought further several purposes of the New Jersey Municipal Land Use Law, including, purposes a. (general welfare), h. (free flow of traffic), i. (a desirable visual environment) and m. (the efficient use of land).

Mr. Olivo testified that these purposes are met for the following reasons:

- a. The existing parking situation for Valley Regency is being improved with respect to the number of spaces, design and location;
- b. The free flow of traffic will be facilitated by the increase in parking supply to provide a flexible buffer for an already effective and proper Valley Regency parking situation that has worked well for many years.
- c. The parking area created for the Valley Regency will provide a desirable visual environment since it will lessen the amount of disturbance, screen most of the parking on site, and allow for less impervious surfaces.
- d. The efficient use of land is being promoted as the parking layout will allow for less disturbance of the green areas on the eastern portion of the site.

11. With respect to the negative criteria, Mr. Olivo testified that there will be no

substantial detriment to the public good as the parking supply is being improved from the existing conditions for the Valley Regency, while the hotel parking is being satisfied. Further, he indicated that 9 x 18 parking spaces are industry standard and more than sufficient to provide adequate parking for vehicles that frequent the establishment. As to any substantial impairment to the zone plan or zone ordinance, Mr. Olivo testified that the requirement for the parking dimension is a de minimis one foot deviation that is within industry standards and does not change how motorists park their vehicles. Further, with respect to the number of parking spaces, Mr. Olivo opined that the hotel parking is being met, in fact exceeded, and that the parking for the Valley Regency is being improved over existing conditions. Therefore, he found no substantial impairment to the zone plan or zone ordinance.

12. To conclude his planning testimony, Mr. Olivo found that the benefits of granting the variances substantially outweigh any detriments and that the variances can be granted under N.J.S.A. 40:55D-70(c)2.

13. The Applicant proposes an improved stormwater management system beyond that included in the original Application. Mr. Olivo testified that in order to reduce the uncontrolled sheet flow down the slope at the rear of the Property onto the adjacent residential properties, the Applicant proposes a system that will collect and convey a significant amount of runoff out to the lowest point on Valley Road and into the stormwater management conveyance system. The Passaic County Planning Board has indicated to the Applicant that it finds the proposed

stormwater management system acceptable.

14. Mr. Olivo confirmed the Applicant's stipulation to comply with all comments and recommendations set forth in the Board Engineer's report. In addition, he testified that the Applicant's professionals met with the Fire Chief and members of his staff to discuss emergency vehicle access. Mr. Olivo confirmed that fire vehicles would be able to access all areas of the Property. He testified that the Fire Chief granted a verbal approval of the proposed site plan and that the Applicant would provide the Fire Chief with any revisions or additional information prepared as a result of the hearings before the Board.

WHEREAS, in addition to expert testimony, the Applicant submitted the following documentary evidence to supplement the record (in addition to the previously noted plans and application materials set forth above):

A-1A: Colorized version of Site Plan dated February 16, 2021;

A-2A: Architectural Rendering;

A-3A: Sheet C4 of previously proposed Site Plan, last revised May 13, 2019; and

WHEREAS, based on its review of the Revised Plans, Neglia Engineering, the Board Engineer issued reports dated January 26, 2021 and October 18, 2021;

And

WHEREAS, the Board Planner, Jill A. Hartman, PP, AICP, issued a review letter dated, February 15, 2021, in connection with the Remand, confirming that the application is for a

permitted use with all bulk requirements being met other than for parking space dimension and number of off-street parking spaces.

WHEREAS, at the conclusion of the Applicant's presentation, members of the public were given the opportunity to cross-examine the Applicant's witnesses and to testify and present evidence of their own; and

WHEREAS, upon requests by the Board and by members of the public, Neglia Engineering performed a subsequent, detailed review of several specific issues. Brian Intindola, P.E., C.M.E. of Neglia Engineering testified during the public hearings as to his findings on those issues as follows:

1. The amount of disturbance proposed by the Revised Plans, being roughly 3.5 acres, is consistent with the amount of disturbance proposed by the original Application.
2. The Revised Plans will require the export of approximately 14,500 cubic yards of soil.
3. The Revised Plans provide a more significant setback from the adjoining residential properties to the proposed hotel.
4. The parking garage for the restaurant/banquet hall can operate efficiently with only one point of access. In reviewing industry standards, the Board Engineer determined that an additional access point should be considered for a garage containing 270 or more parking spaces, whereas the proposed garage contains 240 spaces.

5. The Board Engineer believes that based on the Applicant's documented accommodation of 233 parked cars in the existing parking lot containing 200 spaces through the use of valet service, and the increase to 240 spaces within the proposed garage, the proposed site plan will not exacerbate the existing parking deficiency. Rather, the garage will make parking operations more efficient because the spaces therein can be used in all seasons and weather conditions. The Applicant has stipulated that valet service will be used for all spaces in the garage for the restaurant/banquet hall, with no self-parking permitted.

6. The proposed tandem parking spaces in the garage for the restaurant/banquet hall will be utilized by employees, and therefore, the spaces that are not blocked by parked vehicles will be available for patron vehicles.

7. Given the nature and timing of most events hosted at the restaurant/banquet hall, which is not proposed to be expanded, it is anticipated Valley Road will have adequate capacity to accommodate the number of vehicles exiting the Property at the same time when an event comes to an end.

WHEREAS, the Board, in reviewing the foregoing testimony and documentary evidence, makes the following findings of fact and conclusions of law:

1. Having held five (5) hearings as a result of the Remand, on notice to the public, the Board has thoroughly considered the modifications made to the plans by the Applicant in furtherance of the Settlement and the Consent Order.

2. The Board finds, as stated on the record by the Board Planner and City Zoning Officer, that the proposed development is permitted with respect to use and nearly all bulk requirements with the exception of the two variances noted above as to parking space dimension and the number of overall parking spaces.

3. The Board finds and adopts the findings of Mr. Olivo as to the variances sought and finds that purposes a., h., i., and m. are furthered as result of the application. The Board adopts all of Mr. Olivo's conclusions, most notably that the number of parking spaces and the dimension of the parking spaces are adequate in number and an improvement over what the Valley Regency currently operates with. The Board finds that the layout of the parking provides for a better visual environment and allows for the preservation of green space on the property. The proposal allows for additional parking for the Valley Regency which currently operates its parking situation in a safe and efficient manner.

4. The Board adopts the conclusions of Mr. Olivo as to the negative criteria that there will be no substantial detriment to the public good or a substantial impairment to the zone plan or zone ordinance. In fact, the Board only finds benefits from the variances sought as it will provide more parking for the Valley Regency with a better layout, more flexibility and with updated standards. As such, the Board finds that the variances can be granted under N.J.S.A. 40:55D-70(c)2 as the benefits of granting the variances substantially outweigh any detriments.

5. The modifications made by the Applicant have eliminated the previously

requested variances with respect to lot width, front and side yard setbacks, building height, parking aisle width, landscaping area for interior parking lot areas, and signage projection and substantially addressed the concerns raised by the Board when it denied the original Application.

6. Members of the public have been given ample opportunity to cross-examine the Applicant's witness, testify before the Board, and present evidence of their own.

7. As set forth above, the Board Engineer undertook a further detailed analysis of certain issues raised by members of the Board and the public during the hearings, after it had already issued its standard reports.

8. In light of the foregoing, the public interest is vindicated and the Board has been sufficiently informed so as to insure an intelligently advised vote on the Settlement, as required by Whispering Woods v. Middleton Township, 220 NJ Super 161, Law Div. (1987).

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Clifton does hereby approve the Settlement as more particularly described on the Revised Plans described above and grants the applicant preliminary and final major site plan approval, preliminary and final major subdivision approval, along with any variance(s)/design waiver(s)/exception(s) relief sought.

This approval is subject to the following terms and conditions:

1. No outdoor bar shall be provided, and any references thereto shall be removed from the Revised Plans.

2. The area of the existing outdoor patio shall not be increased.
3. The Applicant shall install an acoustical screen around the outdoor patio, and the details thereof shall be reflected on the Revised Plans.
4. The conference room on the eastern side of the hotel building shall be eliminated, and any references thereto shall be removed from the Revised Plans.
5. The balcony and outdoor patio associated with the hotel building shall be eliminated, and any references thereto shall be removed from the Revised Plans.
6. The Applicant shall comply with all other comments and recommendations set forth in the reports issued by the Board Engineer on January 26, 2021 and October 18, 2021, except as modified during the public hearings.
7. The Applicant shall abide by all stipulations made during the initial application that remain applicable during the Whispering Woods Hearings.
8. The approval granted by the Board shall be subject to the approvals of all other governmental agencies and City Departments having jurisdiction over the proposed development.

Those in favor of approval: Comrs. Korbanics, Welsh, Lataro, City Manager Villano, Vice Chair Withers, Chairwoman Kolodziej

Those opposed to approval: Comr. Binaso

The foregoing is a true copy of a resolution adopted by the Clifton Planning Board on March 24, 2022.

~~2022.~~
2022.



Robert A. Ferraro, Esq., Secretary



Susan Kolodziej, Chairperson

	<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>	<u>Not Qualified to Vote</u>
Susan Kolodziej, Chair	<u>_X_</u>	<u>___</u>	<u>___</u>	<u>___</u>	<u>___</u>
John Withers, Vice Chair	<u>_X_</u>	<u>___</u>	<u>___</u>	<u>___</u>	<u>___</u>
Mayor Anzaldi	<u>___</u>	<u>___</u>	<u>___</u>	<u>___</u>	<u>_X_</u>
Councilman Eagler	<u>___</u>	<u>___</u>	<u>___</u>	<u>___</u>	<u>_X_</u>
City Manager Villano	<u>_X_</u>	<u>___</u>	<u>___</u>	<u>___</u>	<u>___</u>
Comr. Binaso	<u>___</u>	<u>___</u>	<u>___</u>	<u>___</u>	<u>___X</u>
Comr. Lataro	<u>_X_</u>	<u>___</u>	<u>___</u>	<u>___</u>	<u>___</u>
Comr. Welsh	<u>___</u>	<u>___</u>	<u>___</u>	<u>_X_</u>	<u>___</u>
Comr. DeGhetto	<u>___</u>	<u>___</u>	<u>___</u>	<u>___</u>	<u>___</u>
Comr. Korbanics	<u>_X_</u>	<u>___</u>	<u>___</u>	<u>___</u>	<u>___</u>
Comr. Greco	<u>___</u>	<u>___</u>	<u>___</u>	<u>___</u>	<u>_X_</u>

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March 24 , 2022


Robert A. Ferraro Secretary/Counsel