

AGENDA

**BOARD OF ADJUSTMENT
CITY OF CLIFTON**

October 24, 2018

**SPECIAL MEETING
Commencing at 7 P.M.**

Please take notice that formal action may be taken on the following applications on October 24, 2018.

PLEDGE OF ALLEGIANCE

NEW HEARING

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| 1. | PB NUTCLIF MASTER
LLC
Sills, Cummis & Gross P.C.
Meryl A. G. Gonchar, Esq. | 116 Acres, “ON3”,
340 Kingsland Street
Block 80.02, Lot 1.01 | M-3 | Preliminary and
Final Major
Subdivision
Approval: |
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To create four lots (three new tax lots and one remainder lot) from existing Block 80.02, Lot 1.01, a +/-19.336 acre lot (the “Premises”) and Preliminary and Final Site Plan approval to construct a portion of a parking garage on one of the proposed lots, as further detailed below. The Premises are a portion of the former **Hoffman-LaRoche** (“HLR”) campus comprising approximately 116 acres, now known as “ON3,” located in the City of Clifton (Passaic County), and Township of Nutley (Essex County). 340 Kingsland Street was sometimes used as the street address for the HLR campus, and currently, for ON3. The Premises are located in the M-3 zoning district.

The Applicant is seeking Preliminary and Final Site Plan approvals: (i) to construct a portion of a seven (7) level, +/-2,566 parking space garage of which approximately 570 parking spaces will be located in the City of Clifton (“Clifton”) on proposed lot “B,” one of the proposed new tax lots to be created from existing Block 80.02, Lot 1.01, and (ii) to construct a 12 ft. high decorative screening wall on proposed lot “C”. The balance of the parking garage is located in the Township of Nutley (“Nutley”) and has been granted site plan approval by the Planning Board of the Township of Nutley. The proposed parking garage will provide parking for 100 Metro Boulevard, located in Nutley (formerly known as Building 1 on the HLR campus) and 200 Metro Boulevard (formerly known as Building 76 on the HLR campus). 200 Metro Boulevard is located partially in Nutley and partially in Clifton.

The intent and effect of the proposed subdivision of the Premises is to allow the portion of the proposed parking garage located in Clifton to be located on a separate tax lot (proposed Lot “B”). The portion of 200 Metro Boulevard located in the Clifton is proposed to be located on a separate tax lot (proposed Lot “D”). The existing cooling towers and support utility building are also proposed to be located on a separate tax lot (proposed Lot “C”). The remainder lot, consisting of 17.272 acres, is currently improved with a co-generation facility and various utility and related structures, all of which currently are proposed to remain.

The Applicant is seeking a variance from §461-13.1.O. (which references Section 461-13.1.N.) of the Code of the City of Clifton, Chapter 461 - Zoning (the “Ordinance”) pursuant to N.J.S.A. 40:55D-70(d), to permit a parking garage which use is not a permitted principal or accessory use in the M-3 zone. Applicant also is seeking a use variance from

§461-13.1.O. of the Ordinance, pursuant to N.J.S.A. 40:55D-70(d), to permit the continuing office use of the portion of 200 Metro Boulevard located in Clifton and to permit the continuing utility, co-generation and cooling tower uses, as currently exist, if such additional use variances are determined to be necessary in connection with these existing uses which are not listed among the permitted uses in the M-3 zone.

Applicant is also seeking the following variances pursuant N.J.S.A. 40:55D-70(c):

With regard to proposed Lot B, which is to be improved with a portion of the proposed parking garage:

1. The following variances are requested from the Ordinance, Section 461-13, Attachment 3, entitled “Schedule of Regulations as to Bulk, Height and Other Requirements – Industrial Zones:

- a. To permit a 0.781 acre lot where a minimum of 5 acres is required;
- b. To permit a lot width of 71.52 ft. where a minimum 250 ft. lot width is required;
- c. To permit a lot depth of 21.98 ft. where a minimum 250 ft. lot depth is required;
- d. To permit a front yard setback of 22.98 ft. where a minimum 39.5 ft. front yard setback is required;
- e. To permit a side yard setback of 0 ft. where a minimum 39.5 ft. side yard setback is required;
- f. To permit a rear yard setback of 8.4 ft. where a minimum 39.5 ft. rear yard setback is required;

2. A variance is requested from §461-13.M. to permit 81.7% lot coverage where a maximum of 45% is permitted;

3. A variance is requested from §461-42.A. to permit LED exterior lighting fixtures where high-pressure sodium vapor lighting fixtures are required; and

4. A variance is requested from §461-60.1.A. to permit 9 ft. by 18 ft. parking spaces where 9 ft. by 19 ft. parking spaces are required.

With regard to proposed Lot C, which is currently improved with cooling towers and a utility support building, and 12 ft. high decorative screening walls are proposed:

1. The following variances are requested from the Ordinance, Section 461-13, Attachment 3, entitled “Schedule of Regulations as to Bulk, Height and Other Requirements – Industrial Zones:

- a. To permit a 0.563 acre lot where a minimum of 5 acres is required;
- b. To permit a lot width of 152.00 ft. where a minimum 250 ft. lot width is required;
- c. To permit a lot depth of 116.72 ft. where a minimum 250 ft. lot depth is required;
- d. To permit a front yard setback of 11.6 ft. where a minimum 29 ft. front yard setback is required;
- e. To permit a side yard setback of 21.4 ft. where a minimum 29 ft. side yard setback is required;
- f. To permit a rear yard setback of 27.1 ft. where a minimum 29 ft. rear yard setback is required;

2. A variance is requested from §461-47.C.(1) to permit proposed screening fence/wall that does not meet the design standards of the Ordinance and which is 12 ft. in height where a maximum height of 8 ft. is permitted;

3. A variance is requested from §461-42.A. to permit LED exterior lighting fixtures where high-pressure sodium vapor lighting fixtures are required; and

4. A variance is requested from section 161-13.M. to permit 96.3% lot coverage where a maximum of 60% is permitted.

With regard to proposed Lot D, the site of a portion of existing 200 Metro Boulevard which existing building is located in both Nutley and Clifton:

1. The following variances are requested from the Ordinance, Section 461-13, Attachment 3, entitled “Schedule of Regulations as to Bulk, Height and Other Requirements – Industrial Zones:

- a. To permit a proposed 0.720 acre lot where a minimum of 2.5 acres is required;
- b. To permit a lot width of 92.1 ft. where a minimum 250 ft. lot width is required;
- c. To permit a lot depth of 235.01 ft. where a minimum 250 ft. lot depth is required;
- d. To permit a front yard setback of 18.6 ft. where a minimum 20 ft. front yard setback is required;
- e. To permit a side yard setback of 0 ft. where a minimum 15 ft. side yard setback is required; and
- f. To permit a rear yard setback of 11 ft. where a minimum 15 ft. rear yard setback is required;

2. A variance is requested from §461-42.A. to permit LED exterior lighting fixtures where high-pressure sodium vapor lighting fixtures are required; and

3. A variance is requested from section 161-13.M. to permit 86.9% lot coverage where a maximum of 60% is permitted.

With regard to remainder lot, where a co-generation building and other utility and support buildings are located and currently proposed to remain:

1. The following variances are requested from the Ordinance, Section 461-13, Attachment 3, entitled “Schedule of Regulations as to Bulk, Height and Other Requirements – Industrial Zones:

- a. To permit a front yard setback of 0 ft. where a minimum 40 ft. front yard setback is required;
- b. To permit a side yard setback of 7.3 ft. where a minimum 40 ft. side yard setback is required; and
- c. To permit a rear yard setback of 12.1 ft. where a minimum 40 ft. rear yard setback is required.

2. A variance is requested from section 161-13.M. to permit 93.7% lot coverage where a maximum of 40% is permitted.

The Applicant also is seeking a variance from N.J.S.A. 40:55D-35 (as authorized pursuant to N.J.S.A. 40:55D-36) to permit approval of the requested subdivision and proposed development on lots that do not abut a street giving access thereto.

The Applicant also is seeking such additional or other variances, exceptions, approvals, permits, waivers or relief from or pursuant to the Ordinance, including waivers of design standards and/or submission requirements, as may be determined to be necessary to develop the Premises in the manner indicated in the application, plans and materials.