

MEETING OF December 12, 2019

RESOLUTION

WHEREAS, Meridia Regency On Valley, Clifton, LLC has applied to the Clifton Planning Board for preliminary and final major site plan approval and variances and subdivision for property commonly known as 1091-1175 Valley Road, Block 62.04, Lots 28, 31, 32, 33, 36, and 37, Block 81.03, Lot 30; and

WHEREAS, the Board has reviewed the testimony and evidence presented and has made the following findings of fact and conclusions of law:

1. The applicant proposes to construct a new hotel with parking garage, make improvements to the existing catering facility, and re-construct an existing at grade parking lot.
2. The applicant has proposed one lot for the hotel and one lot for the catering facility and adjacent parking.
3. The site is located in the B-C General Business District. The uses are permitted.
4. The applicant proposes to demolish the existing single-family residence and a part of the existing banquet facility in order to redevelop the site through its subdivision in to two new lots and the construction of new site improvements.
5. Lot A has an area of 43,766 sq. feet. The applicant proposes to develop the site with a six story 102-unit hotel and a 4 story 133 parking space garage below.
6. The Board has considered the testimony of the applicant and its professionals, including its planner, architect, hotel consultant, and engineers, along with the testimony of many members of the neighborhood and objector's planning expert Frank Mileto.
7. The proposed lot A requires a lot width of 153 feet where 200 feet is required. There is no hardship warranting a variance for the lot width violation. The C1 variance criteria does not apply and the detriments to granting this variance outweigh the benefits. Granting a variance for this deficiency would merely be arbitrary. The applicant's proposal compacts a proposed development into a much smaller area than that which is contemplated by the ordinance. The applicant simply does not have enough lot width for this proposal.
8. For Lot A, the applicant requires a front yard setback where 35 feet is required, and 30.9 feet is provided.

9. For Lot A, the applicant requires minimum side yard setbacks of 35 feet on each side. 0 feet will be provided on the interior side.
10. For Lot A, the applicant requires a minimum of one acre and .89 of an acre is provided. The applicant has proposed that .11 of an acre be carved out from the rear of what was part of Lot B,
11. In order for the hotel to be built, the applicant proposes that a 20-foot-high, 230 foot linear wall be constructed in the rear of Lot A, 23.9 feet to the rear of the abutting RA-1 residential homes. Above the wall is proposed a 10-foot-high, 500 linear foot second wall, and above that wall is proposed a 4 foot high 500 linear foot parapet. The combined wall structures require the removal of trees, and views from the surrounding properties.
12. There are numerous residences located adjacent to the subject development.
13. Neighboring property owners have objected to the development for various other reasons including: noise from the outdoor area of the hotel, the lack of a garbage removal plan, risk of creating instability of the existing rear slope, lack of privacy of the residential neighbors due to the site views from the hotel occupants, significant tree removal, the lack of viability of the hotel,
14. The Board finds that if the lot width of Lot A met the ordinance requirements, that the Board would be able to recommend better protection for the rear yard neighbors from the impact of the development.
15. The Board does not find that the applicant has met its burden under the C1 or C2 criteria for the variances for lot width or side yard setback for Lot A. The applicant is merely shoehorning in to a lot that is undersized. The fact that the lot is undersized does not allow for any beneficial adjustment to the positioning of the building, does not allow for the property to be spread out sufficiently for air and space, does not allow of the proper setback to be maintained. Applicant's may request relief from the requirements of the zoning ordinances but in this application, there is insufficient reason to grant the application other than the fact that the applicant does not have sufficient lot width to support the application in the matter prescribed by the City's Ordinance. Furthermore, the Board does not find that granting the variances request for the lot width and side yard setback provide benefits which outweigh the detriments. In fact, the Board finds no benefit in granting the variances for lot width and side yard setback.

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NOW THEREFORE BE IT RESOLVED, by the Clifton Planning Board that the applicant's request for preliminary and final major site plan approval and variances is hereby denied.


16. The application is not in conformance with Master Plan Policy Statement 4 and 5.

Those in favor of denial: Comrs ,Binaso, Kowal, Greco, Vice Chair Withers. Chairwoman Kolodziej

Those opposed to denial: Comrs Lataro, Welsh, Korbanics, City Manager Villano
The foregoing is a true copy of a resolution adopted by the Clifton Planning Board on December 12, 2019.



Robert A. Ferraro, Esq. Secretary



Susan Kolodziej, Chairperson