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August 23, 2021

VIA HAND DELIVERY

Township of Nutley Zoning Board of Adjustment
Township of Nutley
One Kennedy Drive
Nutley, NJ 07110
Attn: Mr. David Berry, Zoning Officer



**Re: PB Nutclif Master, LLC
Final Major Site Plan Approval
150 Metro Boulevard and Roads D and H
Block 201, Lots 1 (Western Portion) and 1.01, Nutley, NJ**

Dear Mr. Berry:

This firm represents PB Nutclif Master, LLC (the "Applicant"), owner of the property located at 150 Metro Boulevard and the private roadways known as Road D and Road H, which properties are designated as Block 201, Lots 1 (western portion) and 1.01 on the Tax Map of the Township of Nutley.

As you may recall, on February 22, 2021, the Applicant submitted an application to the Planning Board for final site plan approval for (i) the 7-level parking garage, 23 at-grade parking spaces, and courtyard that will serve the existing buildings known as 100 Metro Boulevard and 200 Metro Boulevard; (ii) property located at 150 and 200 Metro Boulevard; and (iii) Roads D and H. The Applicant appeared before the Planning Board on June 2, 2021, at which time questions arose as to the potential requirement for a (d)(1) use variance for Road D. The matter was adjourned to the Planning Board's regularly scheduled meeting on August 4, 2021. The Applicant amended the application to separate out the application for final major site plan approval with regard to only 200 Metro Boulevard (Block 201, Lot 1.02), which has since been carried to the September 15, 2021 Planning Board hearing.

By this letter and its enclosures, the Applicant is applying to the Zoning Board of Adjustment seeking an interpretation of the Code of the Township of Nutley pursuant to N.J.S.A. 40:55D-70.b. to confirm that Road D is a permitted use and no (d) variance is required to grant final site plan approval to Road D, notwithstanding that Road D was subdivided from Lot 1.01 and was approved as a separate parcel.

In the event that the Zoning Board of Adjustment deems it necessary pursuant to its interpretation of the Code of the Township of Nutley pursuant to N.J.S.A. 40:55D-70.b., Applicant is seeking a use variance pursuant to N.J.S.A. 40:55D-70.d.(1) from Section 700-21 of the Code of the Township of Nutley to permit a private roadway (Road D) on a separate "lot," and final site plan approval for (i) the 7-level parking garage, 23 at-grade parking spaces, and courtyard that will serve the existing buildings known as 100 Metro Boulevard and 200 Metro Boulevard; (ii) property located at 150 Metro Boulevard; and (iii) Roads D and H.

In connection with this application, we are providing the following:

1. Twenty-four (24) copies of the completed Application for Land Use Action with Rider annexed.
2. Twenty-four (24) copies of the completed Zoning Board of Adjustment Application Form with Rider Annexed.
3. Twenty-four (24) copies of Site Plan application checklist.
4. Twenty-four (24) copies of the waiver request.
5. One (1) copy of the Declaration of Reciprocal Easements, Covenants, Conditions and Restrictions which covers the properties.
 - a. This has already been submitted in previous applications and is on file, and is also included in the digital copy of the enclosures. The Applicant can submit additional hard copies if required.
6. Twenty-four (24) copies of the proof of taxes for the properties for the third quarter of 2021.
7. Twenty-four (24) copies of the plan entitled "*As Built Survey – 100/200 Parking Garage & Surrounding Areas – Township of Nutley, Essex County – City of Clifton, Passaic County – New Jersey*," prepared by MountainView Layout, dated July 13, 2021.
8. Twenty-four (24) copies of the plan entitled "*Phasing Plan – 100 and 200 Metro and 111 Ideation Way – Nutley – New Jersey*," prepared by GreenbergFarrow, dated January 30, 2020.

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9. One (1) Digital Copy of all enclosures listed above.

Also enclosed are checks payable to Nutley Township, as follows:

1. Check for application fee in the amount of \$2,300.00 per Nutley Ordinance Section 85-42.

2. Check for initial escrow fee for professional review in the amount of \$5,500.00 per Nutley Ordinance Section 85-42.

Please be kind enough to commence the review of the application. Thank you.

Very truly yours,

Meryl A. G. Gonchar

Enc.