



Township of Cranford

Development Assistance Package

OFFICE OF PLANNING AND ZONING
8 SPRINGFIELD AVENUE
ROOM 101
CRANFORD, NEW JERSEY 07016

Jason Bottcher, AICP, CRM, Zoning Officer - Planner
EMAIL: J-BOTTCHER@CRANFORDNJ.ORG
PHONE: 908.709.7216
FAX: 908.276.4872

Checklist of Required Items

TOWNSHIP OF CRANFORD – PLANNING AND ZONING DEPARTMENT

8 Springfield Avenue - Cranford, NJ 07016
Phone: (908) 709-7216 • Fax: (908) 276-7664
E-mail: Zoning@CranfordNJ.org



Form 18/Updated 9/12

The following is the checklist of required items that must be submitted to the Planning and Zoning Office as part of any application made to the Township's Planning Board or Zoning Board of Adjustment. Applications will not be deemed complete by the zoning Officer and sent to the Board Scribe for scheduling until all checklist items are provided or waiver request is received. All applicants must note whether an item is provided (Provided or "P") or a waiver is requested (waiver or "W"). If a request for a waiver is made, on a separate form the applicant should state the reason for the waiver request. All waiver requests will be approved or denied by the respective board. The type and number of required items will vary depending upon the application. For example, if an applicant is seeking "D" variance relief along with preliminary and final site plan approval, then the applicant would need to provide all the required items in Checklist 1, "D" variance relief, and preliminary and final site plan approval. If you have any questions regarding this matter please contact the Planning and Zoning Department.

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|---|---|
| Checklist 1. Required items for all applications submitted to the Planning and Zoning Board of Adjustment. | ✓ |
| Checklist 2. Required items for applications appealing the Zoning Officer's determination. | ✗ |
| Checklist 3. Required items for requesting an interpretation of the Land Development Ordinance. | ✗ |
| Checklist 4. Required items for "C" variance relief and design waiver applications pursuant to NJSA 40:55D-70c. | ✓ |
| Checklist 5. Required items for "D" (a.k.a "use") variance applications pursuant to NJSA 40:55D-70d. | ✗ |
| Checklist 6. Required items for applications for approval of all conditional uses as stated in § 136-35 of the Township's Land Development Ordinance. | ✗ |
| Checklist 7. Required items for preliminary major and minor subdivision applications as defined in § 136-1B(2) of the Township's Land Development Ordinance. | ✗ |
| Checklist 8. Required items for major and minor final subdivision applications as defined in § 136-1B(2) of the Township's Land Development Ordinance. | ✗ |
| Checklist 9. Required items for all major and minor preliminary site plan applications. | ✓ |
| Checklist 10. Required items for applications for major and minor final site plan approval. | ✓ |

Prepared By: Joshua J. Koodray, Esq. / Hehl Offices of Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins, P.C.

Signature: _____

Dated: 5/4/2020

✓ = Provided

✗ = N/A

Address of Property: Block 640 / Lots 2, 3 & 6.01

Checklist 1. Required items for all applications submitted to the Planning and Zoning Board of Adjustment.

Item Number	Required Item	To be completed by applicant.		To be completed by the Planning and Zoning Office.	
		Provided ("P") or Waiver Requested ("W")	Applicant's Initials	Date item received by Planning and Zoning Office	Zoning Officer's initials
1.	One original and 17 copies of the completed Standard Board Application Form (see Form 01).	P			
2.	One original and 17 copies of the Hold Harmless Indemnification Agreement (see Form 15).	P			
3.	One original and 17 copies of the property survey of the subject property prepared by a New Jersey licensed surveyor and that details the following items: <ul style="list-style-type: none"> - All existing site conditions. - All proposed site conditions. - The location of all easements and encumbrances upon the subject property. - Graphic scale, north arrow, and reference meridian. - A scale of not more than 1:40. - The existing and proposed lot coverage totals. - Title block containing the survey preparer's name and the date the survey was prepared and any revision dates. 	P			
4.	18 copies of any protective covenants and deed restrictions related to the subject property.	N/A			
5.	One original and 17 copies of the certification from the Tax Collector that all taxes are paid in full (see Form 1).	P			
6.	Proof that all fees are paid in full and all escrow accounts (if required) are current.	P			
7.	One original and 17 copies of the checklist documenting all items provided and all checklist items waivers requested and statement of arguments in support of waiver requests (see Form 18).	P			
8.	One original application for the list of owners within 200 ft. of the subject property.	P			
9.	One original and 17 copies of any approved site plans for the subject site. The original must be sealed by licensed professional.	P			

Prepared by: Joshua J. Woodruff, Esq.

2 Signature: 

Date: 5/4/2020

Address of Property: Block 640 / Lots 2, 3 & 6.01

Checklist 4. Required items for "C" variance relief and design waiver applications pursuant to NJSA 40:55D-70c.

Item Number	Required Item	To be completed by applicant.		To be completed by the Planning and Zoning Office.	
		Provided ("P") or Waiver Requested ("W")	Applicant's Initials	Date item received by Planning and Zoning Office	Zoning Officer's initials
1.	One original and 17 copies of the Request for Relief from the Zoning Requirements application form (Form 04).	P			
2.	One original and 17 copies of plans detailing all existing and proposed conditions.	P			
3.	If the proposed use is not a single or two family use, all plans must be prepared by a New Jersey licensed design professional.	P			

Prepared by: Joshua J. Woodruff, Esq.

Signature: 

Date: 5/4/2020

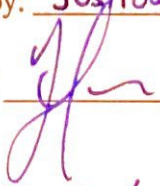
Address of Property: Block 640 / Lots 2, 3 & 6.01

Checklist 9. List of all required items for all major and minor preliminary site plan applications.

Item Number	Required Item	To be completed by applicant.		To be completed by the Planning and Zoning Office.	
		Provided ("P") or Waiver Requested ("W")	Applicant's Initials	Date item received by Planning and Zoning Office	Zoning Officer's initials
1.	One original and 17 copies of the Preliminary Site Plan Approval Form (Form 09).	P			
2.	One original and 17 copies of the exterior facades and elevations.	P			
3.	<p>One original and 17 copies of a proposed site plan. The plan must provide the following details:</p> <ul style="list-style-type: none"> • All existing and proposed principal and accessory structures. • A title block containing all required certifications, plan title, date and all revision dates. • Location, type, and height of fences, walls, and screening. • Location, type, and volume of refuse storage and recycling facilities. • A written description of the proposed use(s) and operation(s) of the building(s), including the number of employees or members of non-residential buildings; the proposed number of shifts to be worked and the maximum number of employees on each shift; expected truck traffic; anticipated hours of operation and anticipated expansion plans incorporated in the building design. • Zoning information block shall be indicating the required, existing, and proposed bulk requirements. • List of all owners within 200 feet of subject site. 	P			
4.	<p>One original and 17 copies of the interior layout for each floor of all existing and proposed structures. Each set of plans must contain the following details:</p> <ul style="list-style-type: none"> • The building construction type/class. (UCC ADOPTED CODE) and appropriate construction details. • Finished floor elevation referenced to 	P			

	geodetic data				
5.	<p>One original and 17 copies of a parking and circulation plan. The plan must contain the following items</p> <ul style="list-style-type: none"> • Parking aisle and stall dimensions and pavement surface type. • Location and dimension of pedestrian paths, walkways, and sidewalks and all barrier free design • Curbing and apron type. • Location of all loading docks. 	P			
6.	<p>One original and 17 copies of a grading and storm water management plan. The plan must providing the following:</p> <ul style="list-style-type: none"> • A computation of required storm water detention volume and specification of minimum volume to be detained subsurface as part of a complete site drainage and grading plan. • Existing and proposed contour lines at one-foot intervals inside the tract and within thirty (30) feet of the tract's boundaries with spot elevations at all changes in grade due to construction. • Location and height of terraced and bermed areas. • Finished floor elevation referenced to geodetic data 	P			
7.	<p>One original and 17 copies of a lighting plan. The plan must providing the following:</p> <ul style="list-style-type: none"> • Location and height of lighting. • Demonstrate compliance with all lighting standards. 	P			
8.	<p>One original and 17 copies of a proposed landscaping plan. The plan must providing the following:</p> <ul style="list-style-type: none"> • The location of all existing trees, shrubs, and seeded or groundcover areas. • Location and planting schedule of all trees, shrubs, and seeded or groundcover areas. • Demonstrate compliance with the Township's Tree Replacement Ordinance. 	P			
9.	<p>A sign plan for all existing and proposed signs including:</p> <ul style="list-style-type: none"> • Location, position and dimensions. • All information to be contained on sign. • Source of illumination, if applicable. 	P			

Prepared by: Joshua J. Woodray, Esq.

Signature: 

Date:

5/4/2020

Address of Property: Block 640 / Lots 2, 3 & 6.01

Checklist 10. Required items for applications for major and minor final site plan approval:

Item Number	Required Item	To be completed by applicant.		To be completed by the Planning and Zoning Office.	
		Provided ("P") or Waiver Requested ("W")	Applicant's Initials	Date item received by Planning and Zoning Office	Zoning Officer's initials
1.	One original and 17 copies of the Final Site Plan approval form (Form 10) .	P			
2.	One original and 17 copies of the certification from the Tax Collector that all taxes are paid in full (see Form 1).	P			
3.	If applicable, one original and 17 copies of the stream encroachment permit or waiver for the proposed development.	N/A			
4.	If applicable, one original and 17 copies of the permit or exemption issued under the "Soil Erosion and Sedimentation Control Act" (NJSA 4:24-39 et. seq.).	P			
5.	One original and 17 copies of the building elevation drawings with specification of facade materials.	P			
6.	One original and 17 copies of the profiles and specifications for proposed curbing and driveway aprons.	P			
7.	If applicable, one original and 17 copies of the permit or waiver from the New Jersey Department of Transportation.	N/A			
8.	One original and 17 copies of the proposed final site plan. The plan should include the following details: <ul style="list-style-type: none"> • Compliance with all of the requirements of preliminary site plan approval. • Compliance with all recommendations of the Board. • An affidavit that is signed and sworn to by the applicant that the final site plan is exactly the same as the preliminary site plan approved by the Board. If there are any changes, the changes shall be noted and reason stated for the changes. 	P			

Prepared by: Joshua J. Koadrey, Esq.

Signature: 

Date: 5/4/2020

Index - Development Assistance Package

TOWNSHIP OF CRANFORD - ZONING DEPARTMENT

8 Springfield Avenue - Cranford, NJ 07016

Phone: (908) 709-7216 • Fax: (908) 276-7664

E-mail: Zoning@CranfordNJ.org



Form 00/Updated 4-09

<u>FORM NO.</u>	<u>APPLICATION</u>	<u>Provided</u>
00	Application Instructions (5 Pages)	✓
01	Application for Board Action (9 Pages)	✓
02	Appeal of Zoning Officer's Decision (1 Page)	✗
03	Interpretation Request (1 Page)	✗
04	Appeal for Relief of Zoning Requirements (3 Pages)	✓
05	Application for Appeal of Use Variance (2 Pages)	✗
06	Application for Conditional Use Authorization (2 Pages)	✗
07	Application for Approval of Subdivision (2 Pages)	✗
08	Application for Final Approval of Subdivision (1 Page)	✓
09	Application for Preliminary Approval of Site Plan (2 Pages)	✓
10	Application for Final Approval of Site Plan (2 Pages)	✓
11	Notice of Public Hearing (1 Page)	✗
12	Affidavit of Proof of Service (1 Page)	✗
13	Request for Extension of Time to File Plat (1 Page)	
14	Consent to Extension of Time for Decision (1 Page)	✓
15	Hold Harmless and Indemnification Agreement (1 Page)	✓
16	Township of Cranford Fees (9 Pages)	✓
17	Request For 200' Property Owner List (1 Page)	✓
18	Checklist of Required Items (12 pages)	✓

Prepared By: Joshua J. Koodray, Esq. / Hehl Offices of Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins, P.C.

Signature:  5/4/2020

✓ = Provided

✗ = N/A

Form 00/Application Instructions

TOWNSHIP OF CRANFORD - PLANNING AND ZONING DEPARTMENT

8 Springfield Avenue - Cranford, NJ 07016
Phone: (908) 709-7216 • Fax: (908) 276-7664
E-Mail: Zoning@CranfordNJ.org



Form Updated 10-11

This package contains all of the forms necessary to begin the process of submitting an application to either the Cranford Planning Board or the Cranford Zoning Board of Adjustment. Applicants are only required to complete the forms related to their specific application along with proving all necessary items required by the township Checklist of Required Items. Questions may be directed to the Planning and Zoning Department by calling 908-709-7216, or via email at Zoning@CranfordNJ.org.

PRE-HEARING REQUIREMENTS

Application

All applications to either the Township's Planning Board or Zoning Board of Adjustment must provide certain documents as they relate to the application. As per § 136-13A(4) of the Township's Land Development Ordinance, all applications shall provide all items listed in the Township's checklist of required items or request waivers there from. Please see Form 18 of this packet for the checklists of required items. It should be noted that some items are required for all applications while some items are application specific. If the application will consist of several types of applications (i.e. a use variance application that will be submitted together with an application amending a minor site plan) the applicant will need to provide all of the documentation required for each type of application that is being submitted. If the same information is requested twice on the checklist, the applicant only needs to supply the information once as part of their application to satisfy both required items.

Once the application is received by the Planning and Zoning Office, by law (NJSA 40:55D-10.3) the Zoning Officer has 45 days to deem the application complete or incomplete. In order for an application to be deemed complete, all checklist items will need to be provided and/or a waiver request needs to be submitted for each waiver requested. Incomplete applications will be returned to the applicant with a letter listing all outstanding items. The applicant will also need to make sure that Form 18 is initialed by the applicant noting whether the item is provided as part of their application or a waiver is requested. If a waiver is requested, the applicant will need to provide a reason for the waiver request in writing on a separate sheet of paper. It should be noted that the Board that has jurisdiction over the application may approve or deny each waiver request. A determination of completeness does not mean that the application is approved. It simply means that the applicant has provided all required checklist items and/or waiver requests. The Board has the right, at the time of the hearing, to request additional information that was not provided as part to the application.

**PLEASE MAKE SURE ALL CHECKLIST ITEMS ARE PROVIDED!
INCOMPLETE APPLICATIONS WILL NOT BE SCHEDULED FOR A DRC
MEETING AND WILL NOT BE SCHEDULED FOR A BOARD HEARING.**

Licensed Professional Representation

Individual applicants have the right to retain licensed professionals (attorneys, architects, engineers, etc.); the hiring of any professional is strictly the decision of each applicant. In general, corporate applicants must be represented by an attorney admitted to practice in New Jersey. ALL plans submitted to a Board for review that are prepared by a licensed professional must be signed and sealed by the professional in accordance with the rules of the State Boards of Professional Engineers and Land Surveyors, Registered Architects and Certified Landscape Architects, and Professional Planners.

Development Review Committee

Once an application has been deemed complete, the application will be scheduled for review by the Development Review Committee (the “DRC”). The DRC is comprised of all appropriate Township professionals who will review the application and make recommendations. DRC meetings are held typically on the first and third Wednesdays of the month at 9 a.m. in the Municipal Building. Although the applicant is not required to be present at the DRC meeting, attendance is strongly encouraged.

Should document revisions be required, the applicant should re-submit to the Planning and Zoning Office eighteen (18) signed and sealed updated plans, along with eighteen (18) collated and stapled copies of any additional requested application forms (if different from original submission), and any outstanding fees.

**Take adequate time to familiarize yourself
with the following instructions and prepare accordingly.
Failure to meet timelines and requirements will result
in the Board being legally unable to hear the application.**

Preparation for Hearing Date

Upon receipt of any revised application information or if no changes are required, the Zoning Officer will forward the application to the Board Scribe. The Board Scribe will notify the applicant in writing of the Board hearing date and will gather recommendations from all relevant Township professionals which may include, but is not limited to, the Township Engineer, Police Department, Fire Department, Development Review Committee, Health Officer, Environmental Commission, and the Historic Preservation Committee. The Board Scribe will provide the applicant with copies of all recommendations.

200-Foot List

Prior to being deemed “complete”, the applicant is required to submit Form No. 17 of this application package, entitled “200 Foot List Request Form,” along with related fees to the Planning and Zoning Department, to receive a “200-foot List.” This is a list of all property owners, utilities and others to whom the applicant is required to send notification of the hearing date. By law, the list will be prepared in accordance with the Township’s current tax records within seven (7) business days of the date of receipt of a completed Form No. 17.

If, during preparation of this list, it is determined that certain properties within the 200-foot boundary are located in other municipalities, the applicant is responsible for contacting the other municipalities and obtaining the certified list of those property owners in that municipality.

“Notice” All Parties of Hearing Date

The applicant must utilize the 200-foot List and the list of utilities and other organizations to “notice” all parties of the pending hearing date, either by certified mail or personal service, using Form 11 provided in this packet. Applicants who choose to “notice” by personal service will need to provide the Planning and Zoning Office with a notarized list containing the signatures of the owners listed on the tax records along with the date signed.

The applicant must also submit notification of the hearing for publication to one of the newspaper contacts included on the list of utilities that was provided to the applicant with the 200-foot list. This notice of the hearing date, time and place must be published, and all personal or certified notices must be completed, a minimum of ten (10) days prior to the hearing date. Adequate time must be taken into account for the preparation, mailing, and publication requirements of the particular newspaper.

Affidavit of Proof of Service - Form No. 12

When notifications are complete, the applicant must submit the following to the Cranford Planning and Zoning Department no less than four days prior to the hearing date:

- 1) The notarized Affidavit of Proof of Service (Form No. 12) with the following attached:

A copy of the Notice of Public Hearing

A copy of the 200-foot list of all property owners served and others to whom notification of the application has been made

The original (white) Certified Mail tickets stamped by the Post Office, along with

- 2) The original proof of publication provided to the applicant by the newspaper.

If the applicant chooses to obtain signatures personally rather than use Certified Mail, the applicant must be sure to have the original signatures of the property owners for each property and the date served included on the 200-foot list attached to the Affidavit of Proof of Service.

**If proper notice is not provided either to the required parties
or in the newspapers, your hearing date will be postponed.**

HEARING DATE OVERVIEW

Zoning Board of Adjustment hearings typically begin at 8:15 p.m. in Room 107 at the Cranford Township Municipal Building, 8 Springfield Avenue, Cranford. The workshop portion of the Zoning Board of Adjustment meeting typically begins at 7:45 p.m. in Room 108.

Planning Board hearings typically begin at 8:00 p.m. in Room 107 at the Cranford Township Municipal Building, 8 Springfield Avenue, Cranford. The workshop portion of the Planning Board meeting typically begins at 7:30 p.m. in Room 108.

There may be more than one application scheduled for a meeting date. The applicant must come prepared to the hearing with all expert witnesses, documents, testimony, and exhibits as deemed necessary to adequately present the application to the Board. Such presentation is solely the decision of the applicants and their advisors.

The Board will typically render its decision the same evening that the application is heard. In some cases, however, the hearing may take several additional meetings. If that is the case, typically, the Board will announce at the end of the meeting the date the hearing will continue.

Once all testimony has been taken, the Board will vote on the application. The Board will then instruct the Board Attorney to draft a resolution of memorialization. This document serves as the legal instrument stating the reason that Board approved or denied an application and any conditions upon any approval. In most cases, the resolution of memorialization is adopted at the workshop portion of the next meeting, following the vote. Once approved, a copy is mailed to the applicant within ten (10) days.

If applicable, the applicant can then request final site plan/subdivision approval utilizing Form No. 7 or No. 9. These forms along with all other checklist items are to be submitted to the Planning and Zoning Office. Once all items are received or waivers requests are submitted, the application will then be distributed to the Township Professionals as appropriate for their review. Their findings will then be returned to the Planning and Zoning within two (2) weeks of the date of submission. If deficiencies are found, the applicant will be notified in writing by the Zoning Officer and advised of the specific items omitted.

This process will be repeated until all required documents and conforming plans are received. Upon final acceptance, the Board Scribe will schedule the matter for hearing and notify the applicant in writing of the hearing date for final site plan approval. A copy of the Board's resolution of memorialization of final site plan approval is mailed to the applicant within ten (10) days after the hearing at which the Board approves the wording of the Resolution and it is adopted. If applicable the Board Chairman and Secretary will then sign the plans and distribute them as required. Two (2) sets will be returned to the applicant. One (1) set is for the applicant's official records and one (1) set is to be retained on the job site at all times. (The other sets are distributed to the Township Engineer and the Cranford Construction Official.). The applicant can then submit all necessary applications and plans to the Cranford Construction Official for applicable construction permits. Township officials will conduct post-construction compliance inspections to ensure that all conditions and site plan requirements have been satisfactorily completed before the issuance of any certificate of occupancy.

GENERAL INFORMATION

All checks are to be made payable to the Township of Cranford.

Any lessee or contract purchaser applying for development must submit a letter from the owner authorizing such persons to apply to the Board for development. (See Form No. 01)

Should an attorney sign the application for the applicant, an instrument granting Power of Attorney must be presented to the Board.

Corporations must be represented at a public hearing by a New Jersey licensed attorney and must submit a disclosure affidavit. (See Form No. 01)

All items submitted to the Board are public record and are available for review upon request via a "Request for Access to Government Records," at the fee set by the OPRA Act.

NOTES:

- "1" The applicant may obtain the tax map sheets by completing Form No. 17 and submitting same to the Planning and Zoning Department, Municipal Building, 8 Springfield Avenue, Cranford, New Jersey. A fee is charged for this service in accordance with the OPRA Act.
- "2" The applicant may obtain a tax certification by writing to the Township Treasurer or visiting the Tax Collector's Office, 8 Springfield Avenue, Cranford, New Jersey. A fee may be charged for this service.
- "3" To certify the property location relative to an "A" flood hazard area, the applicant should write to the Township Engineer's Office, 8 Springfield Avenue, Cranford, New Jersey. A fee may be charged for this service. If the property lies within the "A" flood hazard area, the applicant must notify the Land Use Regulation Program, New Jersey Department of Environmental Protection, P.O. Box 439, Trenton, New Jersey 08625-0439 and obtain the necessary permit or waiver. (Stream Encroachment)
- "4" For development involving the disruption of 5,000 square feet or more of soil, the applicant must notify the Somerset-Union Soil Conservation District, Somerset County 4-H Center, 308 Milltown Road, Bridgewater, New Jersey 08807, Phone 908-526-2701, and obtain the necessary permits or exemptions.
- "5" For all properties located on a State highway, the applicant must notify the New Jersey Department of Transportation, P.O. Box 600, Trenton, New Jersey 08625 and obtain the necessary permit or waiver.
- "6" For all properties located adjacent to an existing county road or proposed road shown on the Official County Map or on the County Master Plan, adjoining other County Land or situated within 200 feet of a municipal boundary, the applicant must notify the Union County Planning Board, ATTN.: Union County Department of Engineering and Planning, Union County Administration Building, Elizabethtown Plaza, Elizabeth, New Jersey 07207.

Form 01/Board Application

TOWNSHIP OF CRANFORD - ZONING DEPARTMENT

8 Springfield Avenue - Cranford, NJ 07016
Phone: (908) 709-7216 • Fax: (908) 276-7664
Email: Zoning@CranfordNJ.org



Form Updated 10-12

The application, with supporting documentation, must be filed with the Planning and Zoning Department of the Township, and will be reviewed by Township professionals prior to scheduling the meeting at which the application is to be considered.

To Be Completed by Township Staff Only

Dated Received: _____

Application No.: _____

To Be Completed by Applicant

1. Subject Property

Location/Address: 40-42 Jackson Drive and 677-679 Raritan Road
Tax Map: Block: 640, Lot(s): 2, 3 and 6.01
Block: _____, Lot(s): _____
Dimensions: Frontage: Moen Ave.: 320 FT Depth: Varies Total Area: 172,814 SF
Jackson Dr.: 420.49 FT
Zoning District: C-1 (Commercial-1 District) and NC (Neighborhood Commercial District)

2. Applicant Information

Name: Food Truck, Inc.
Address: 115 Broadway, New York City, New York 10006
Phone: 201-347-4549 Email: Adam@remarkablefoods.com

Applicant is a: Corporation Partnership _____ Individual _____
Limited Liability Company _____ Other (Specify) _____

3. Disclosure Statement

Pursuant to N.J.S.A. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S.A. 40:55d-48.2 that disclosure requirement applies to any corporation, limited liability company or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate

stockholders and partners exceeding the 10% ownership criterion have been disclosed.
[Attach pages as necessary to fully comply.]

<u>Name(s)</u>	<u>Address(es)</u>
Chad Lore	33 Robin Road, Rumson, New Jersey 07760

**4. If Owner is other than the Applicant -
Please provide the following information on the Owner(s):**

Owner's Name: 40-42 Jackson Drive, LLC
Address: c/o Pravco, Inc., 245 Westcott Drive, Rahway, New Jersey 07065
Telephone Number: 732-388-0800

5. Property Information:

Present use of the premises: Commercial warehousing / distribution, accessory office and off-street parking area
Restrictions, covenants, easements, association by-laws, existing or proposed on the property:
Yes [attach copies]: _____ No: _____
Proposed use of the premises: Manufacturing / food prep, accessory office and off-street parking of passenger and delivery vans

NOTE: All deed restrictions covenants, easements, and association by-laws, existing and proposed, must be submitted for review and must be written in easily understandable English.

6. Licensed professionals representing the Applicant before the Board (if any):

A. Attorney's Name: Stephen F. Hehl, Esq.
Address: 370 Chestnut Street
City/State/ZIP: Union, New Jersey 07083
Phone Number: 908-687-7000
E-mail: SHehl@lawjw.com

B. Planner's Name: Victor E. Vinegra, P.E., P.P., P.L.S. / Harbor Consultants, Inc
Address: 320 North Avenue East
City/State/ZIP: Cranford, New Jersey 07016
Phone Number: 908-276-2715
E-mail: Victorv@hcicg.net

C. Engineer's Name: Victor E. Vinegra, P.E., P.P., P.L.S. / Harbor Consultants, Inc.
Address: 320 North Avenue East
City/State/ZIP: Cranford, New Jersey 07016
Phone Number: 908-276-2715
E-mail: Victorv@hcicg.net

D. List any other Expert who will submit a report or will testify for the Applicant:
[Attach Additional sheets as may be necessary.]

Name: ***See attached List of Applicant's Project Professionals
Area of Expertise: _____
Address: _____
City/State/ZIP: _____
Phone Number: _____
E-mail: _____

7. Application Type

A. SUBDIVISION

- _____ Minor Subdivision Approval
- _____ Subdivision Approval [Preliminary]
- _____ Subdivision Approval [Final]

B. SITE PLAN

- _____ Minor Site Plan Approval
- _____ Preliminary Site Plan Approval [Phases (if applicable)]
- _____ Final Site Plan Approval [Phases (if applicable)]
- Amendment or Revision to an Approved Site Plan
- _____ Request for waiver from Site Plan review and approval

Reason requesting waiver of site plan approval (use additional pages if necessary): **N/A**

C. INFORMAL REVIEW: _____ Subdivision _____ Site Plan

D. CONDITIONAL USE APPROVAL per N.J.S.A. 40:55D-67

E. DIRECT ISSUANCE OF A PERMIT:

- _____ N.J.S.A. 40:55D-34 (permit building or structure in the bed of a mapped Street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32)
- _____ N.J.S.A. 40:55D-36 (permit building or structure not related to an official suitably improved street pursuant to N.J.S.A. 40:55D-35).

F. VARIANCES PURSUANT TO N.J.S.A. 40:55D-70.C

- (C1) "Hardship" Variance
- (C2) "Flexible" Variance (benefits v. detriments)

G. VARIANCES PURSUANT TO N.J.S.A. 40:55D-70.D

- (D1) A use or principal structure in a district restricted against such use or principal structure
- (D2) An expansion of a nonconforming use
- (D3) Deviation from a specification or standard pursuant to Section 54 of P.L. 1975, c.291 (C.40:55D-67) pertaining solely to a conditional use
- (D4) An increase in the permitted floor area ratio as defined in Section 3.1 of P.L. 1975, c.291 (C.40:55D-4)
- (D5) An increase in the permitted density as defined in Section 3.1 of P.L. 1975, c.291 (C:40:55D-4) except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision.
- (D6) A height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.

H. APPEAL/INTERPRETATION PURSUANT TO N.J.S.A. 40:55D-70, (a) & (b):

- (a) Appeal to Board of Adjustment of Order, Requirement, Decision or Refusal by an administrative officer based on or made in the enforcement of the zoning ordinance.
- (b) Request for Interpretation of the zoning map or ordinance or for Decisions upon other special questions upon which the Board of Adjustment is authorized to pass by any zoning or offered map or ordinance.

8. **Explain in detail** the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises: [attach additional pages if needed]

***See attached Statement of Principal Points

9. Is a public water line available? Yes - No changes proposed

10. Is public sanitary sewer available? Yes - No changes proposed

11. Does the application propose a well and septic system? No changes proposed

12. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block numbers? N/A

13. Are any off-tract improvements required or proposed? No

14. Is the subdivision to be filed by Deed or Plat? No

15. What form of security does the applicant propose to provide as performance and maintenance guarantees? TBD

16. Other approvals which may be required and date plans submitted:

Yes No Date Plans Submitted County Planning Board: Pending
County Soil Conservation District:

- Any Utilities Authority
- County Health Department
- County Planning Board
- County Soil Conservation District
- NJ Dept. of Environmental Protection
- Sewer Extension Permit
- Sanitary Sewer Connection Permit
- Stream Encroachment Permit
- Waterfront Development Permit
- Wetlands Permit
- NJ Department of Transportation
- Public Service Electric & Gas Company
- Other _____

17. List of maps, reports and other materials accompanying the application (attach additional pages as required for complete listing.)

Quantity	Description of Item
18	Preliminary & Final Site Plan, prepared by Harbor Consultants, Inc., Dated 08/23/2019, Last Revised 04/14/2020
18	Stormwater Management Report, prepared by Harbor Consultants, Inc., Dated 9/30/19; Last Revised April 16, 2020
18	Architectural Floor Plans & Elevations, prepared by Mancini Duffy, Dated 05/04/2020
18	Traffic Letter Report, prepared by Atlantic Traffic & Design Engineering, LLC, Dated May 4, 2020
18	Boundary and Topographic Survey, prepared by Harbor Consultants, Inc., Dated 12/07/2017

18. The Applicant hereby requests that copies of the reports of the professional staff reviewing the application be provided to the following of the applicant's professionals.

Specify which reports are requested for each of the applicant's professionals or whether all reports should be submitted to the professional listed.

Reports Requested:

Send reports to:

All _____

Name/Address Stephen F. Hehl, Esq.

370 Chestnut Street, Union, New Jersey 07083

Name/Address _____

Name/Address _____

Certifications

Complete #19 *or* #20 a and b as indicated:

~~19. **Applicant is Property Owner:** I certify that I am the Owner of the property which is the subject of this application, for which I am also the Applicant, and that the foregoing statements and the materials submitted are true. As such, I further certify that I am authorized to sign this application, and that I agree to be bound by the application and the decision. [If the Owner who is also the Applicant is a corporation this must be signed by an authorized corporate officer. If the Owner who is also the Applicant is a partnership, this must be signed by a general partner.]~~

Sworn to and subscribed before me this
_____ day of _____, 20__

NOTARY PUBLIC

SIGNATURE OF APPLICANT and OWNER

20. a) **Applicant Who is Not the Property Owner:** I certify that the foregoing statements and materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant. [If the Applicant is a corporation this must be signed by an authorized corporate officer. If the Applicant is a partnership, this must be signed by a general partner.]

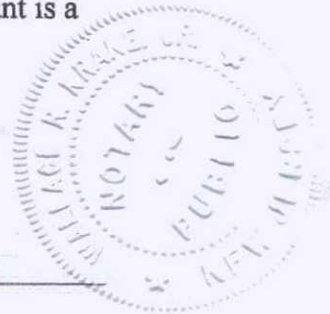
Sworn to and subscribed before me this
4th day of May, 2020

NOTARY PUBLIC

FOOD TRUCK, INC.

SIGNATURE OF APPLICANT

Adam Wright, Sr., Director of Real Estate



b) **Owner Who is Not the Applicant:** I certify that I am the Owner of the property which is the subject of this application, that I have authorized the Applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the Applicant. [If the Owner is a corporation this must be signed by an authorized corporate officer. If the Owner is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this
4th day of May, 2020

NOTARY PUBLIC

40-42 JACKSON DRIVE, LLC

SIGNATURE OF OWNER

Print Name and Title:

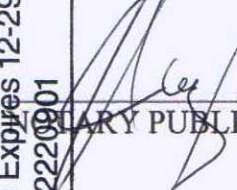
Wallace R Krake Jr.
Notary Public
New Jersey
My Commission Expires 12-29-2023
NJ 2220901

Checklist Certification


21. To be completed by the applicant: I certify that all of the required checklist items and any waiver requests (which includes a listing of each waiver requested and a statement of arguments in support of granting each waiver requested) have been provided as part of this application. I understand that a determination of completeness is not a determination of approval and that the Board of jurisdiction has the right to request additional information. [If the Applicant is a corporation this must be signed by an authorized corporate officer. If the Applicant is a partnership, this must be signed by a general partner.]

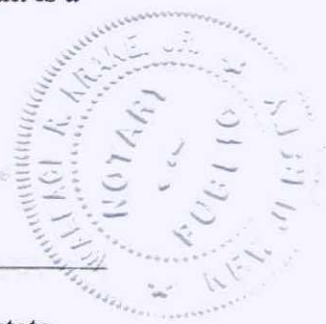
Wallace R Krake Jr.
Notary Public
New Jersey
My Commission Expires 12-29-2023
No. 222001

worn to and subscribed before me this
4th day of May, 2020


NOTARY PUBLIC

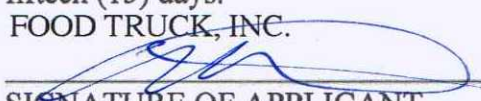
FOOD TRUCK, INC.


SIGNATURE OF APPLICANT
Adam Wright, Sr., Director of Real Estate



Escrow Certification

1. Escrow Certification I (please print name) Adam Wright, Sr., Director of Real Estate understand that I have provided the non-refundable sum of \$ _____ to be deposited in a Township of Cranford escrow account. In accordance with the Ordinances of the Township of Cranford, I further understand that the escrow account is established to cover the cost of professional services including but not limited to engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned upon my written request to the Zoning Department for same. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days.

FOOD TRUCK, INC.

SIGNATURE OF APPLICANT
Adam Wright, Sr., Director of Real Estate

5/4/20
DATE

TAX STATEMENT

22. Applicant is to complete and sign form, and bring it to the Cranford Township Tax Collector for signature. If you would like the signed form returned to you by mail, please provide a self-addressed, stamped envelope for same. One copy of the signed Tax Statement should be included in each of the *eighteen completed sets* of Form 01.

I, Adam Wright, Sr. of 115 Broadway, New York City, NY, 10006
Name Address

am submitting an application to the

PLANNING BOARD ZONING BOARD OF ADJUSTMENT

for the development of Block 640 Lots 2, 4 & 6.01 in Zone C-1 and NC

located at 40-42 Jackson Drive and 677-679 Raritan Road
Address

The owner of record is 40-42 Jackson Drive, LLC of 245 Westcott Drive, Rahway, New Jersey 07065
Name Address

I acquired interest in this property on _____ Lessee _____ and request the Tax
Date

Collector to determine whether or not there are any delinquent taxes or other assessments due.

FOOD TRUCK, INC.


Applicant's Signature

5/4/20
Date

Adam Wright, Sr., Director of Real Estate

TO BE COMPLETED BY TAX COLLECTOR

- All taxes due have been paid.
- All assessments due have been paid.
- The following are delinquent and past due:



Tax Collector's Signature

Date

Form 04/Appeal for Relief from Zoning Requirements

NOTE: For "C" Variances and Design Waivers Only

TOWNSHIP OF CRANFORD - ZONING DEPARTMENT

8 Springfield Avenue - Cranford, NJ 07016

Phone: (908) 709-7216 • Fax: (908) 276-7664



Form Updated 8-12

To be completed by Township Staff Only

Application No.: _____ Date received: _____

Appeal is hereby made by the applicant pursuant to NJSA 40:55D-70(c) of the New Jersey Municipal Land Use Law, for permission to vary from the requirements set forth in the Land Development Code of the Township of Cranford as follows:

1. Applicant information

Name: Food Truck, Inc.

Address: 115 Broadway, New York City, New York 10006

Phone: 201-347-4549 Email: Adam@remarkablefoods.com

2. Appeal information

Section(s) of Land Development Code	Requirement(s) set forth in the Land Development Code	Relief Requested
See attached Variance Table & List of Previously Granted Exceptions / Design Waivers		

3. Please list all pre-existing non conforming conditions

Section(s) of Land Development Code	Requirement(s) set forth in the Land Development Code	Existing Conditions
		See attached Variance Table & List of Previously Granted Exceptions / Design Waivers

4. Arguments submitted in support of the requested relief.

On a separate sheet of paper, for each variance requested, explain fully how the physical characteristics of the property in question prevents compliance with the strict application of the code requirements creating an undue hardship for the applicant.

See attached Statement of Principal Points

****** 5. Public Hearing Notification Information**

Notice shall be given by the applicant at least ten (10) days prior to the date of the hearing to the following parties where applicable. Notice shall be by personal service or certified mail. An affidavit of proof of service demonstrating compliance with this requirement shall be filed with the Board Administrator in the Planning and Zoning Department at least four (4) business days prior to the date of the hearing.

Please circle responses:

1. Is the subject property located within two hundred feet (200') of any municipal boundary?

YES NO If yes, Municipal Clerk of adjacent municipality and County Planning Board shall be notified of hearing by applicant. (Note 1)

2. Is the subject property adjacent to an existing or proposed county road or adjoining other County Land?

YES NO If yes, County Planning Board shall be notified of hearing by applicant. (Note 1).

*****Applicant will publish a public hearing notice and serve a copy of same via certified mail on all property owners within 200 feet of the subject properties as required by the MLUL. An affidavit of publication and mailing will be filed by this office prior to the public hearing on this matter.*

3. Is the subject property adjacent to a State highway?

YES NO If yes, applicant shall notify the Commissioner of Transportation of the hearing. (Note 2).

4. Is the subject property greater than one hundred fifty (150) acres or involve more than 500 dwelling units?

YES NO If yes, applicant shall notify the Director of New Jersey State Planning Commission of the hearing. Notice shall include a copy of any maps or documents required to be on file with the Municipal Clerk. (Note 3).

THE APPLICANT SHALL NOTIFY ALL OWNERS OF PROPERTY LOCATED WITHIN TWO HUNDRED FEET (200') IN ALL DIRECTIONS OF THE PROPERTY IN QUESTION AND OTHERS AS REQUIRED.

6. Disclosure Information

Is applicant and/or owner a corporation, Limited Liability Company or partnership and does the application involve variances to construct a multiple dwelling of twenty-five (25) or more family units or approval of a site to be used for commercial purposes?

YES NO If yes, submit disclosure of all stockholders holding ten percent (10%) or greater interest in the partnership pursuant to N.J.S.A. 40:55D-48.1 et.seq. (see Form 01)

NOTES:

“1” Union County Planning Board
Attn: Union County Department of Engineering and Planning
Union County Administration Building, Elizabethtown Plaza
Elizabeth, New Jersey 07207

“2” New Jersey Department of Transportation
P.O. Box 600
Trenton, NJ 08625

“3” New Jersey Business Action Center
Office for Planning Advocacy
State Planning Commission
Department of State
P.O. Box 820
Trenton, New Jersey 08625-0820

Form 09/Preliminary Approval of Site Plan Application

TOWNSHIP OF CRANFORD - ZONING DEPARTMENT

8 Springfield Avenue - Cranford, NJ 07016
Phone: (908) 709-7216 • Fax: (908) 276-7664



Form Updated 8-12

To be completed by Township Staff Only

Application No.: _____ Date received: _____

Application is hereby made for approval of the proposed Site Plan for the land herein described:

1. PLAN DESCRIPTION:

Applicant received prior Planning Board approval to convert an existing commercial warehousing / distribution facility with accessory office space and off-street parking areas to a commercial manufacturing / food preparation facility with accessory office space and off-street parking areas. Applicant now seeks to eliminate the previously approved second floor mezzanine and to expand the previously approved building addition. See attached Statement of Principal Points for project details.

- a) **PREPARED BY:** Engineering / Site Plan: Harbor Consultants, Inc.
- b) **LATEST REVISION:** April 14, 2020

2. **CLASSIFICATION OF SITE PLAN:** Major _____ Minor

- a) Does the site plan involve the creation of any new streets? YES NO
- b) Does the site plan involve the extension of any off-tract improvements? YES NO
- c) Does the site plan involve a planned development? YES NO

3. UNION COUNTY PLANNING BOARD REVIEW:

A Union County Development Review application form must be filed with the Union County Planning Board by the applicant on ALL site plans. (Note 1) The application form may be obtained at their website:

<http://www.ucnj.org/p&cr/landstd/applform.pdf> (Note 1)

4. NOTIFICATION INFORMATION:

Notification of the hearing shall be given to the Union County Planning Board by the applicant. (Note 1)

**** 5. PUBLIC HEARING NOTIFICATION INFORMATION:

Notice shall be given by the applicant at least ten (10) days prior to the date of the hearing to the following parties where applicable. Notice shall be by personal service or certified mail. An affidavit of proof of service demonstrating compliance with this requirement shall be filed with the Board Administrator in the Planning/Zoning Department at least four (4) business days prior to the date of the hearing.

Please circle responses:

- a) Is the subject property located within two hundred feet (200') of any municipal boundary? **YES** **NO** If yes, City Clerk of adjacent municipality and County Planning Board shall be notified of hearing by applicant. (Note 1)
- b) Is the subject property adjacent to a State highway? **YES** **NO** If yes, applicant shall notify the Commissioner of Transportation of the hearing. (Note 2)
- c) Is the property in question greater than one hundred fifty (150) acres or involves more than five hundred (500) dwelling units? **YES** **NO** If yes, applicant shall notify the Director of the New Jersey State Planning Commission of the hearing. Notice shall include a copy of maps and documents required to be on file with the Municipal Clerk. (Note 3)

THE APPLICANT SHALL NOTIFY ALL OWNERS OF PROPERTY LOCATED WITHIN TWO HUNDRED FEET (200') IN ALL DIRECTIONS OF THE PROPERTY IN QUESTION AND OTHERS AS REQUIRED.

6. DISCLOSURE INFORMATION:

Is applicant and/or owner a corporation, limited liability company or partnership and does the application involve variances to construct a multiple dwelling of twenty-five (25) or more family units or approval of a site to be used for commercial purposes? **YES** **NO** If yes, submit disclosure of all stockholders holding ten percent (10%) or greater interest in the partnership pursuant to N.J.S.A. 40:55D-48.1 et.seq.

NOTES:

- "1" Union County Planning Board
Attn: Union County Department of Engineering and Planning
Union County Administration Building, Elizabethtown Plaza
Elizabeth, New Jersey 07207
- "2" New Jersey Department of Transportation
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 08625
- "3" New Jersey State Planning Commission
150 West State Street
P.O. Box 204
Trenton, New Jersey 08625

****Applicant will publish a public hearing notice and serve a copy of same via certified mail on all property owners within 200 feet of the subject properties as required by the MLUL. An affidavit of publication and mailing will be filed by this office prior to the public hearing on this matter.

Form 10/Final Approval of Site Plan Application

TOWNSHIP OF CRANFORD - ZONING DEPARTMENT

8 Springfield Avenue - Cranford, NJ 07016
Phone: (908) 709-7216 • Fax: (908) 276-7664



Form Updated 8-12

To be completed by Township Staff Only

Application No.: _____ Date received: _____

Application is hereby made for approval of the proposed site plan for the land hereinafter more particularly described.

1. a) **DATE OF PRELIMINARY APPROVAL:** Preliminary & Final Approval granted on 11/13/19;
Resolution memorialized on 1/15/2020
- b) **DATE OF ANY EXTENSIONS GRANTED** (attach documentation):
N/A

Pursuant to N.J.S.A. 40:55D-49, preliminary site plan approvals expire three (3) years from the date of preliminary approval. The applicant may apply to the reviewing Board for extensions for additional periods of at least one (1) year but not to exceed a total extension of two (2) years.

- c) **DATE OF LATEST REVISION:** N/A
- d) **CONTACT PERSON:** Victor E. Vinegra, P.E., P.L.S. - Harbor Consultants, Inc.
Phone: 908-276-2715 **Email:** Victorv@hcicg.net

2. Does the Application include (check all that apply):

- a) **Drainage Plan**
- b) **Paving Plan**
- c) **Utility Plan**
- d) **Landscaping Plan**
- e) **Sign Plan**
- f) **Lighting Plan**
- g) **Elevation Drawing**

- **N/A 3. **Does the final plan follow exactly the plan granted preliminary approval in regard to development plans, area covered, other details?** YES NO If not, indicate any changes (attach copy if necessary).

- **N/A 4. **Have all conditions of preliminary approval been met?** YES NO Attach evidence of compliance, if not included on plans. If conditions have not been met, specify reasons.

***Applicant previously sought and obtained simultaneous preliminary and final site plan approval; Applicant now seeks amended preliminary and final site plan approval*

DO NOT WRITE BELOW THIS LINE

REVIEW BY TOWNSHIP ENGINEER: WILLIAM MASOL	REVIEW BY ZONING OFFICER: RONALD JOHNSON
COMMENTS:	COMMENTS:
_____ SIGNATURE OF APPROVAL	_____ SIGNATURE OF APPROVAL
_____ DATE	_____ DATE

Form 17/200 Foot List Request Form

TOWNSHIP OF CRANFORD - ZONING DEPARTMENT

8 Springfield Avenue - Cranford, NJ 07016

Phone: (908) 709-7216 • Fax: (908) 276-7664



Form Updated 2-18

Date Request Received: _____ Date of Response: _____

To be completed by Departmental Staff

*Applicant's Name: Food Truck, Inc.

Address: 115 Broadway

New York City, New York 10006

Phone (Day): 201-347-4549

Information on a Specific Property Address 40-42 Jackson Drive / 677-670 Raritan Road

Block 640 Lots 2, 3 and 6.01

As provided in N.J.S.A.40:55D-12, the fee is the greater of \$.25 per name or \$10.00

Fee: _____ Date Processed: _____ Cash [] Check [] Check No. _____

**If 200ft list is not being sent to Applicant*

PROFESSIONAL TO RECEIVE 200 FT LIST:

Name: Stephen F. Hehl, Esq. - Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins, P.C.

Address: 370 Chestnut Street

Union, New Jersey 07083

Phone (Day): 908-687-7000

***200 Foot List previously requested and received A copy of same has been submitted with this application.

Hold Harmless And Indemnification Agreement

FORM 15/Updated 4/09

This agreement made this 4th day of May, 2020, witnesses:

WHEREAS, Food Truck, Inc., Applicant, has submitted an application to the Planning Board (Board) of the Township of Cranford with said application designated as Application No. _____; and


WHEREAS, it may be necessary for the members of the Planning Board (Board) to inspect and walk the subject property known as 40-42 Jackson Drive / 677-670 Raritan Road Block 640, Lots 2, 3 & 6.01 and

WHEREAS, the Planning Board (Board) deems it advisable and fiscally prudent to obtain permission from the individual applicants for the members inspection of said property and to preclude claims for alleged damage in connection with the inspection;

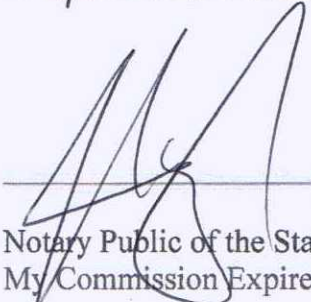
NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual promises and covenants made by and between the parties, and is hereby agreed as follows:

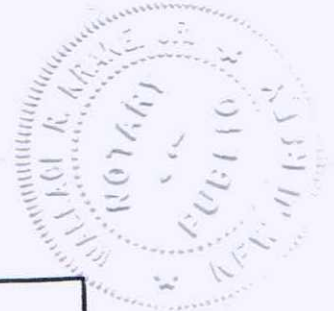
I, Adam Wright, Sr., Director of Real Estate, Applicant, shall indemnify and hold harmless the Planning Board (Board) with regard to claims for damages associated with the inspection and shall preclude claims for alleged damage in connection with the inspection and give my permission for members of said Board to walk the property listed above.

FOOD TRUCK, INC.


Adam Wright, Sr., Director of Real Estate
Signature of Applicant

Sworn and subscribed before me
this 4th day of May, 2020


Notary Public of the State of New Jersey
My Commission Expires on _____



Wallace R Krake Jr.
Notary Public
New Jersey
My Commission Expires 12-29-2023
No. 2220901

APPLICANT: FOOD TRUCK, INC.
PROPERTY: 40-42 JACKSON DRIVE
BLOCK 640, LOT 6.01
677-679 RARITAN ROAD
BLOCK 640, LOTS 2 & 3

LIST OF APPLICANT'S PROJECT PROFESSIONALS

Architect: Keith H. Lesser, A.I.A.
Mancini Duffy Inc.
374 Millburn Avenue
Millburn, New Jersey 07041
(T) 973-218-0010

Attorney: Stephen F. Hehl, Esq.
Hehl Offices of Javerbaum Wurgaft Hicks
Kahn Wikstrom & Sinins, P.C.
370 Chestnut Street
Union, New Jersey 07083
(T) 908-687-7000
(F) 908-687-7028
SHehl@lawjw.com

Civil Engineer: Victor E. Vinegra, P.E., P.L.S
Harbor Consultants, Inc.
320 North Avenue East
Cranford, New Jersey 07016
(T) 908-276-2715
(F) 908-709-1738
Victorv@hcicg.net

Professional Planner: Victor E. Vinegra, P.E., P.P., P.L.S
Harbor Consultants, Inc.
320 North Avenue East
Cranford, New Jersey 07016
(T) 908-276-2715
(F) 908-709-1738
Victorv@hcicg.net

Traffic Engineer: John R. Harter, P.E.
Atlantic Traffic + Design
35 Technology Drive
Warren, New Jersey 07059
(T) 908-769-5588
JHarter@atlanticttraffic.com

APPLICANT: FOOD TRUCK, INC.
PROPERTY: 40-42 JACKSON DRIVE
BLOCK 640, LOT 6.01
677-679 RARITAN ROAD
BLOCK 640, LOTS 2 & 3

VARIANCE TABLE

Description	Section	Required	Existing	Previously Proposed & Approved	Proposed	Comment
Minimum Rear Yard Setback - Proposed Building Addition Lot 6.01 (C-1 Zone)	255-34, Schedule I	100 FT	91.8 FT	61.9 FT	31.9 FT	Bulk (“c”) Variance Requested
Side Yard Setback - Ground Mounted Emergency Building Generator (From Moen Avenue)	255-35D(4)	50 FT	N/A	47.6 FT	42 FT	Bulk (“c”) Variance Requested
Permitted Accessory Structures - Emergency Building Generator & Concrete Pad	255-38.A(1)	No accessory structure shall be located in the front or required rear yard	N/A	N/A	Accessory structure - emergency building generator is proposed in the front yard along Moen Avenue	Bulk (“c”) Variance Requested

Maximum Impervious Coverage Lot 6.01 (C-1 Zone)	255-34, Schedule I	70%	75.2%	79.2%	79.2%	Bulk (“c”) Variance Previously Requested & Approved; No Changes Proposed
Maximum Impervious Coverage Lot 6.01 (NC Zone)	255-34, Schedule I	75%	70.7%	79.2%	79.2%	Bulk (“c”) Variance Previously Requested & Approved; No Changes Proposed
Maximum Impervious Coverage Entirety of Lot 6.01 (C-1 & NC Zone)	255-34, Schedule I	70%	70.7%	73%	73%	Bulk (“c”) Variance Previously Requested & Approved; No Changes Proposed
Minimum Front Yard Setback - Existing Building Setback from Jackson Drive Lot 6.01 (C-1 Zone)	255-34, Attachment 1, Schedule 1	50 FT	25.5 FT	25.5 FT	25.5 FT	Pre-existing Nonconforming Condition; No changes proposed
Minimum Lot Area Lot 2 (NC Zone)	255-34, Attachment 1, Schedule 1	10,000 SF	5,839 SF	5,839 SF	5,839 SF	Pre-existing Nonconforming Condition; No changes proposed

Minimum Lot Area Lot 3 (NC Zone)	255-34, Attachment 1, Schedule 1	10,000 SF	7,808 SF	7,808 SF	7,808 SF	Pre-existing Nonconforming Condition; No changes proposed
Minimum Lot Width - Raritan Road Lot 2 (NC Zone)	255-34, Attachment 1, Schedule 1	100 FT	60 FT	60 FT	60 FT	Pre-existing Nonconforming Condition; No changes proposed
Minimum Lot Width - Raritan Road Lot 3 (NC Zone)	255-34, Attachment 1, Schedule 1	100 FT	80 FT	80 FT	80 FT	Pre-existing Nonconforming Condition; No changes proposed

APPLICANT: FOOD TRUCK, INC.
PROPERTY: 40-42 JACKSON DRIVE
BLOCK 640, LOT 6.01
677-679 RARITAN ROAD
BLOCK 640, LOTS 2 & 3

LIST OF PREVIOUSLY GRANTED EXCEPTIONS / DESIGN WAIVERS

1. Subsection 255-26A(3)(b)

Required: Install concrete sidewalks which are a minimum of four (4) feet in width are required on all streets;

Proposed and Approved: No sidewalks are proposed along the right-of-way.

2. Subsection 255-26A(3)(c)

Required: Granite block curbs are required on all streets;

Proposed and Approved: Concrete curbing is existing and will remain.

3. Subsection 255-26G(1)(e)

Required: Driveway aprons shall be of concrete material;

Proposed and Approved: Asphalt aprons are existing and will remain.

4. Subsection 255-26G(3)(a)(1)

Required: Each off-street parking space shall have a useable area of not less than 180 square feet, exclusive of access drives or aisles, and shall measure not less than 10 feet in width and 18 feet in length;

Proposed and Approved: Parking spaces will be nine (9) feet in width.

5. Subsection 255-26G(8)(c)

Required: Parking lots shall be planted with trees at a rate of one tree per 12 spaces and parking shall not extend more than 12 spaces without a tree island break;

Proposed and Approved: Zero (0) tree island breaks will be installed.

6. Subsection 255-26G(8)(d)

Required: Whenever an off-street parking area exceeds 100 spaces, the area shall be divided into four sections with each section being separated by a curbed divided strip, a minimum of 15 feet wide, landscaped with canopy trees as provided in such divider strip to provide adequate and safe lighting for the site. Such divider strip shall also be designed with a pedestrian route similar to a sidewalk which will provide safe access from the off-street parking area to the principal buildings on the site;

Proposed and Approved: Parking area is not separated by a curbed divided strip landscaped with canopy trees.

7. Subsection 255-26G(8)(e)

Required: At time of parking lot construction and planter installation, all planter islands shall be excavated to the full width of the parking planter island and through the full depth of compacted subgrade to remove all compacted material, or other material harmful to plant health, and backfilled with clean planting fill;

Proposed and Approved: Zero (0) planter islands will be installed in the parking lot.

8. Subsection 255-26G(10)

Required: Parking spaces shall be marked with double space markings;

Proposed and Approved: Single strip parking space.

9. Subsection 255-26A(2)(m)

Required: Developments that include existing streets which do not conform to pavement and/or right-of-way widths as shown on the Master Plan, Official Map or as required by this article shall provide for the dedication, and improvement to Township specifications, of the additional width. If the development adjoins one side of an existing street which does not meet Township standards, only 1/2 of the required extra width shall be dedicated and improved to Township specifications.

Proposed and Approved: Existing roadway width of Jackson Drive along the property is forty-six feet (46') wide in the vicinity of the access driveways, while on either side of the Property's Jackson Drive driveways it is reduced to thirty-six feet (36').

10. Section 255-26G(11)(b)

Required: Off-street loading spaces shall be no less than twelve feet (12') in width and fifty feet (50') in length;

Proposed and Approved: The existing loading spaces along Moen Avenue are approximately ten feet (10') in width and forty-five (45') in length and will remain.

APPLICANT: FOOD TRUCK, INC.
PROPERTY: 40-42 JACKSON DRIVE
BLOCK 640, LOT 6.01
677-679 RARITAN ROAD
BLOCK 640, LOTS 2 & 3

STATEMENT OF PRINCIPAL POINTS

The applicant, Food Truck, Inc. (the “Applicant”), submits the subject application seeking Amended Preliminary and Final Site Plan approval, Bulk (“c”) Variances and Exceptions / Design Waivers (the “Application”) in connection with the properties located at 40-42 Jackson Drive and 677-679 Raritan Road, formally identified as Block 640, Lot 6.01 and Block 640, Lots 2 and 3 respectively on the Tax Maps of the Township of Cranford (the “Property” or the “Site”). Lot 6.01 is improved with an existing one-story masonry warehouse / distribution building (the “Building”) and accessory off-street parking area. Lots 2 and 3 are undeveloped / vacant parcels that are unimpacted by this Application. The Site is “split-zoned[,]” situated within both the Township’s Commercial-1 (the “C-1 Zone”) and Neighborhood Commercial (the “NC Zone”) Zone Districts. The Property is owned by 40-42 Jackson Drive, LLC, which has consented to this Application.

The Applicant is submitting this Application to make certain modifications to the Building layout and propose an increase in the Building’s square footage for purposes of food production and warehouse storage to support operation throughput, but otherwise the Applicant’s business remains unchanged from the Planning Board’s prior review (as further detailed in this Application). The Planning Board’s prior approval allows the Applicant to repurpose the Building and Site to be utilized in connection with its food production and delivery business (the “Prior Application”). See Exhibit A, Planning Board’s Prior Resolution of Approval (Application No. PB-19-004; Approved: November 13, 2019; Resolution Adopted: January 15, 2020) (the “Prior Approval”). The Applicant’s on-site business operations include, but are not necessarily limited to, food preparation, warehousing / distribution, accessory office and the off-street parking of passenger and/or delivery vehicles; all of which are permitted land uses in compliance with the

Township's Land Use Ordinance. See Exhibit B, Zoning Permit No. Z-19-600.

As part of the Prior Application, the Applicant proposed, and the Planning Board approved, several Site and Building improvements. In relevant part to this Application, these improvements included: the addition of thirteen (13) loading doors to the Building's east side; construction of an addition to the Building's southern side, consisting of approximately 3,570 square feet (30 feet by 119 feet) and containing a maintenance garage and command center (the "Original Building Addition"); construction of second floor mezzanine extension for additional office space (the "Mezzanine Extension"); the restructuring of the existing parking area; and the installation of a ground-mounted emergency generator.

Since the granting of the Prior Approval, the Applicant has worked diligently to evolve and refine its operational model. In order to maximize efficiency at the Site, the Applicant is proposing modifications to the previously approved site plan and building layout. Specifically, the Applicant seeks to eliminate the Mezzanine Extension and expand the Original Building Addition by approximately 5,863 square feet (total proposed square footage: 9,433 square feet; proposed dimensions: 60.9 feet by 154.9 feet) (the "Proposed Building Addition"). As is depicted on the Revised Architectural Floor Plans, the previously approved maintenance garage has been eliminated and both the command center and refuse areas have been reworked and expanded. While the Proposed Building addition will also house additional bathrooms / changing rooms and a second lounge for employees, the purpose of the additional proposed square footage is to increase operational efficiency and output capacity. To that end, the lion's share of the Proposed Building's square footage is dedicated to food production and warehousing / storage uses; including newly proposed food production lines and coolers. As such, the Applicant does not anticipate nor intend to increase the on-site employee count due to this Proposed Building Addition. While the

modifications proposed in this Application will increase operational efficiency at the Site, they will not alter the Applicant's overall business model or previously approved land uses.

The Proposed Building Addition necessitates the relocation of the previously approved ground-mounted emergency building generator, which will be shifted slightly toward Moen Avenue. The proposed relocation will not negatively impact the surrounding properties as it is adequately set back from the neighboring residential properties and will be screened from view by landscaping / plantings. The Applicant is also proposing the installation of an outdoor building equipment area and associated concrete pad in the proposed delivery vehicle parking / loading area. While this will result in a reduction of three (3) delivery vehicle parking spaces (previously proposed and approved: sixty-seven (67) delivery vehicle parking spaces; newly proposed delivery vehicle parking spaces: sixty-four (64)), the Site will adequately accommodate the Applicant's off-street parking demands. In addition, the Applicant has modified the vehicle loading areas in the vicinity of the thirteen (13) loading doors to accommodate a redesigned, smaller and more efficient delivery vehicle.

The Application requires amended and/or new Bulk ("c") Variances to permit deviations from the following sections of the Township's Land Development Ordinance / Zoning Code:

- Minimum Rear Yard Setback - Proposed Building Addition (Lot 6.01, C-1 Zone) (§ 255-34, Attachment 1, Schedule 1): Required, 100 feet; Existing, 91.8 feet; Previously Proposed and Approved: 61.9 feet; Newly Proposed: 31.9 feet;
- Side Yard Setback - Ground Mounted Emergency Building Generator (From Moen Avenue) (§ 255-35D(4)): Required, 50 feet; Existing, N/A; Previously Proposed and Approved: 47.6 feet; Newly Proposed: 42 feet; and
- Accessory Structures Located Within the Front Yard (Emergency Building Generator & Concrete Pad) (§ 255-38.A(1)): Permitted, No accessory structure shall be located in the front or required rear yard; Proposed, Accessory structure (emergency building generator and concrete pad) are proposed in the front yard along Moen Avenue.

The Applicant also seeks to continue the following nonconforming conditions, which the Planning Board allowed by grant of Bulk (“c”) Variance in its Prior Approval and/or are pre-existing nonconformities that remain unimpacted by this Application:

- Maximum Impervious Coverage (Lot 6.01, C-1 Zone) (§ 255-34, Attachment 1, Schedule 1): Permitted, 70%, Existing 75.2%, Previously Proposed and Approved: 79.2% (*no change proposed*);
- Maximum Impervious Coverage (Lot 6.01, NC Zone) (§ 255-34, Attachment 1, Schedule 1): Permitted, 75%; Existing, 70.7%; Previously Proposed and Approved: 79.2% (*no change proposed*);
- Maximum Impervious Coverage (Entirety of Lot 6.01, C-1 and NC Zones) (§ 255-34, Attachment 1, Schedule I): Permitted, 70%; Existing, 70.7%; Previously Proposed and Approved, 73% (*no change proposed*);
- Minimum Front Yard Setback – Existing Building Setback from Jackson Drive (Lot 6.01, C-1 Zone) (§ 255-34, Attachment 1, Schedule I): Required, 50 feet; Existing: 25.5 feet; Previously Proposed and Approved: 25.5 feet (*no change proposed*);
- Minimum Lot Area (Lot 2, NC Zone) (§ 255-34, Attachment 1, Schedule I): Required, 10,000 square feet; Existing, 5,839 square feet; Previously Proposed and Approved 5,839 square feet (*no changes proposed*);
- Minimum Lot Area (Lot 3, NC Zone) (§ 255-34, Attachment 1, Schedule I): Required, 10,000 square feet; Existing, 7,808 square feet; Previously Proposed and Approved, 7,808 square feet (*no changes proposed*);
- Minimum Lot Width - Raritan Road (Lot 2, NC Zone) (§ 255-34, Attachment 1, Schedule I): Required, 100 feet; Existing, 60 feet; Previously Proposed and Approved, 60 feet (*no changes proposed*); and
- Minimum Lot Width – Raritan Road (Lot 3, NC Zone) (§ 255-34, Attachment 1, Schedule I): Required, 100 feet; Existing, 80 feet; Previously Proposed and Approved, 80 feet (*no changes proposed*).¹

The benefits of granting the amended or newly requested variance relief outweighs any perceived detriments. While the rear yard setback to the Proposed Addition has been decreased,

¹ In addition to these bulk (“c”) variances and pre-existing nonconforming conditions, the exceptions / design waivers granted as part of the Prior Approval are unimpacted by this Application. See attached List of Previously Granted Exceptions / Design Waivers.

the Property is well screened / buffered and is consistent with neighboring land uses. The proposed emergency building generator will not negatively impact the adjacent properties or the public roadway as it will be screened from view by landscaping / plantings. Any perceived detriments resulting from the Application will be minimized by the proposed Site Plan. In addition, neither the remaining variances granted by the Board in the Prior Approval nor the pre-existing nonconformities are exasperated by this Application. The Applicant will offer the necessary expert planning testimony establishing that the variances sought in connection with the Application may be granted without impairing the Zoning Ordinance of Master Plan.

The modifications proposed herein will ensure the facility will meet the Applicant's operational demands in both the short- and long-term. Despite these alterations, the Applicant's core business remains unchanged. The Applicant will continue to have end-to-end control of the customer's dining experience. The Applicant remains committed to sustainability, reducing its carbon footprint and being a positive member of the community. As stated above, the Applicant redesigned its first fleet of delivery vehicles and will now utilize a smaller more efficient model. The Applicant continues its research and development efforts to achieve its goal of eventually deploying a fully electric delivery fleet. In addition, the Applicant is implementing programs that encourage and incentivize employee's use of Cranford's existing public transportation infrastructure and ridesharing.

The Applicant will comply with the conditions of the Prior Approval, as well as completing the previously approved Site and Building improvements. The Traffic Letter Report confirms the Site will meet the Applicant's on-site parking demands. In addition, the Applicant's professionals have revised their respective plans to satisfy the Prior Approval's conditions and the Planning Board's professional's comments. See Exhibit C, Resolution Compliance Letter, prepared by

Harbor Consultants, Inc. dated April 29, 2020. The proposed Building and Site modifications sought in connection with this Application are modest in nature. The reasons for granting the Prior Approval are unchanged and remain valid. The Applicant is excited to begin operations and looks forward to becoming an active member of the Township. The Applicant will provide expert testimony demonstrating that the project will not negatively impact the public interest, nor the intent and purpose of the Township's Land Use Ordinance or the Master Plan. For these reasons, as well as any the Applicant will introduce through testimony and other evidence at the public hearing of this matter, the Applicant respectfully requests that the Planning Board grant the Application.

EXHIBIT A

CRANFORD TOWNSHIP PLANNING BOARD

**FOOD TRUCK, INC.
40-42 JACKSON DRIVE
BLOCK 640, LOT 6.01
677-679 RARITAN ROAD
BLOCK 640, LOTS 2 & 3**

APPLICATION NO. PB-19-004

RESOLUTION MEMORIALIZING GRANT OF PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH “C(1)” AND “C(2)” VARIANCES AND EXCEPTIONS TO ALLOW FOR THE REPURPOSING OF AND THE CONSTRUCTION OF AN ADDITION TO AN EXISTING WAREHOUSE BUILDING TO FACILITATE THE APPLICANT’S BUSINESS OPERATIONS FOR ITS FOOD DELIVERY BUSINESS

WHEREAS, Food Truck, Inc. (the “**Applicant**”) is the lessee of an approximately 3.97-acres (+/- 172,814 square feet) tract of land in the Township of Cranford (the “**Township**”), which is owned by 40-42 Jackson Drive, LLC (the “**Property Owner**”), which property is comprised of three (3) separate parcels, identified as follows on the Township Tax Maps: (1) Block 640, Lot 6.01, having an address of 40-42 Jackson Drive (“**Lot 6.01**”); (2) Block 640, Lot 2, having an address of 679 Raritan Road (“**Lot 2**”); and (3) Block 640, Lot 3, having an address of 677 Raritan Road (“**Lot 3**”) (collectively referenced as the “**Property**” or the “**Site**”);;

WHEREAS, the Property is split-zoned (located within two (2) of the Township’s zoning districts and divided by a zoning boundary line), with Lot 6.01 situated within both the C-1 (Commercial-1) Zone District (the “**C-1 Zone**”) and the NC (Neighborhood Commercial) Zone District (the “**NC Zone**”), and Lot 2 and Lot 3 wholly situated within the NC Zone;

WHEREAS, Lot 6.01 is currently improved with a one-story warehouse and office building which is a principally permitted use in the C-1 zone and which consists of approximately 32,625 square feet (the “**Building**”) as well as an accessory parking lot, with the Building is entirely located in the C-1 Zone, while a portion of the accessory parking lot is in the NC Zone, and Lot 2 and Lot 3 were previously developed with residential, single-family homes, but the homes have been demolished, and Lot 2 and Lot 3 are currently vacant;

WHEREAS, the Applicant submitted an application dated August 28, 2019, with a revised submission dated November 27, 2019, to the Township of Cranford Planning Board (the “**Board**”) seeking preliminary and final major site plan approval with “c(1)” and “c(2)” variances from various zoning ordinance regulations and exceptions from various site plan ordinance requirements (all requested relief is together referred to as the “**Application**”) to allow for the addition of thirteen (13) loading doors on the east side of the Building, the construction of a 30-foot by 119-foot addition consisting of 3,570 square feet to the southern side of the Building and various Site improvements, including, but not limited to restructuring of the existing parking area,

installation of a ground-mounted emergency generator, electric vehicle charging stations, stormwater runoff and flood mitigation measures, a monument sign and Site lighting (the “**Proposed Development**”) for the purpose of repurposing of the Building for Applicant’s proposed “Food Truck” business operation which includes on-site food preparation, accessory warehousing, accessory distribution and accessory office space (the “**Proposed Use**”), which Proposed Use was determined to be permitted in the Building via Zoning Permit No. Z-19-600 issued by the Township Zoning Officer on October 30, 2019 on the following bases: Food preparation was interpreted to be a form of manufacturing and manufacturing is a principally permitted use in the C-1 zone, Warehousing is a principally permitted use in the C-1 zone, Distribution, while not listed as a permitted standalone use, was interpreted to be an activity related to manufacturing and/or accessory to manufacturing so is permitted on that basis, and Business, administrative, executive and professional offices are principally permitted uses in the C-1 zone;

WHEREAS, the Board has exclusive subject matter jurisdiction over the Application by virtue of N.J.S.A. 40:55D-46, 50, 51, 60, 70c and 20, and by virtue of the Proposed Use being permitted;

WHEREAS, a number of documents were submitted with regard to the Application by the Applicant, the Board’s professionals, various Township departments and professionals, all of which documents are on file with the Board and are part of the record in this matter, and the following are the latest versions of the plans, drawings and documents for which the Applicant seeks Board approval, which plans, drawings and documents have been on file and available for public inspection for at least ten (10) days prior to the hearing on the Application in accordance with N.J.S.A. 40:55D-10b:

1. “Preliminary & Final Site Plan No. 40-42 Jackson Drive & 677-679 Raritan Road Lots 2, 3 & 6.01, Block 640 Tax Map Sheet No. 159 Township of Cranford Union County[,]” prepared by Victor E. Vinegra, P.E., P.P., P.L.S. of Harbor Consultants, Inc., 320 North Avenue East, Cranford, New Jersey 07016, dated August 23, 2019, last revised October 8, 2019, consisting of the following nine (9) sheets (the “**Site Plans**”):

- a. Sheet 1 of 9, entitled “Cover Sheet[;]”
- b. Sheet 2 of 9, entitled “Existing Conditions & Demolition Plan[;]”
- c. Sheet 3 of 9, entitled “Layout & Dimensioning Plan[;]”
- d. Sheet 4 of 9, entitled “Grading & Utility Plan[;]”
- e. Sheet 5 of 9, entitled “Landscaping Plan[;]”
- f. Sheet 6 of 9, entitled “Lighting Plan[;]”

- g. Sheet 7 of 9, entitled “Grading & Utility Plan[;]”
- h. Sheet 8 of 9, entitled “Turning Template Plan[;]” and
- i. Sheet 9 of 9, entitled “Construction Details – 1[;]”

2. Architectural Floor Plans and Elevations titled “Food Truck Inc. 40-42 Jackson Drive Cranford NJ, 07016[,]” prepared by Keith H. Lesser, A.I.A. of Mancini Duffy Inc., 374 Millburn Avenue, Millburn, New Jersey 07041 and 275 Seventh Avenue, New York, New York 1001, dated August 26, 2019, last revised September 30, 2019, consisting of the following three (3) sheets (the “**Architectural Plans**”):

- a. Sheet A-101, entitled “First Floor Plan[;]”
- b. Sheet A-102, entitled “Second Floor Plan[;]” and
- c. Sheet A-103, entitled “Elevations[;]”; and

3. “Stormwater Management Report for No. 40-42 Jackson Drive & 677-679 Raritan Road Lots 2, 3 & 6.01, Block 640 Township of Cranford, Union County, New Jersey[,]” prepared by Jose M. Betances, P.E., P.P., M.C.E. of Harbor Consultants, Inc. , 320 North Avenue East, Cranford, New Jersey 07016, dated September 30, 2019, consisting of 117 pages (the “**Stormwater Management Report**”);

WHEREAS, the Board held a duly noticed public hearing on the Application on November 13, 2019, with proof of service and proof of publication of notices of the hearing being on file with the Board, thereby conferring procedural jurisdiction over the Application with the Board, during which hearing the Applicant was represented by Stephen F. Hehl, Esq. and the Board was represented by Jonathan E. Drill, Esq.; and

WHEREAS, the following individuals testified under oath during the hearing, were subject to cross examination, and the testimony is part of the record in this matter:

1. Jay Naik (the Applicant’s chief operating officer (COO) and representative);
2. Victor E. Vinegra, P.E., P.P., P.L.S. (the Applicant’s civil engineering and planning expert);
3. Logan Marhefka, R.A., A.I.A. (the Applicant’s architectural expert);
4. Michael Kipfer (the Applicant’s architectural design expert);
5. John R. Harter, P.E. (the Applicant’s traffic engineering expert);

6. Christopher Dour, P.E. (the Board's engineering expert);
7. Nicholas A. Dickerson, P.P., A.I.C.P. (the Board's planning expert);
8. Jeffery Fiore, P.E. (the Board's traffic engineering expert);
9. Jason Bottcher, P.P., A.I.C.P, C.F.M (the Township's zoning officer and planner);

WHEREAS, Charles Horara, a member of the public, appeared during the hearing to ask questions of witnesses but did not testify or otherwise present evidence regarding the Application;

WHEREAS, AFTER CONSIDERING THE APPLICATION, DOCUMENTS, TESTIMONY AND EXHIBITS REFERENCED ABOVE, AND GIVING APPROPRIATE WEIGHT TO ALL OF THE SAME, AND BASED ON ITS UNDERSTANDING OF THE APPLICABLE LAW, THE BOARD MAKES THE FOLLOWING FACTUAL FINDINGS AND LEGAL CONCLUSIONS FOR THE PURPOSE OF MEMORIALIZING IN A WRITTEN RESOLUTION IN ACCORDANCE WITH N.J.S.A. 40:55D-10G(2) ITS ACTION IN GRANTING THE APPLICATION SUBJECT TO CONDITIONS AS SET FORTH BELOW:

A. FACTUAL FINDINGS

1. **The Property and Zoning.** As set forth above, the Property is approximately 3.97-acres (+/- 172,814 square feet) and is comprised of three (3) separate lots: Lot 6.01, Lot 2 and Lot 3. The Property is located in both the Township and the City of Linden, with the municipal boundary bisecting the Property. Lot 6.01 has frontage on Jackson Drive, Moen Avenue, Raritan Road and a portion of Berwood Drive in the City of Linden. Lot 6.01's multiple street frontages renders it a "through lot" under the Township Zoning Ordinance. Lot 2 and Lot 3 have frontage on Raritan Road only. As also set forth above, the Property is also split-zoned, with Lot 6.01 situated within both the C-1 Zone and the NC Zone, and Lot 2 and Lot 3 wholly situated within the NC Zone. Approximately 152,152 square feet (81.6%) of the Property is located in the C-1 Zone and approximately 34,309 square feet (18.4%) of the Property is located in the NC Zone. As further set forth above, Lot 6.01 contains the Building, a one-story warehouse and office building consisting of approximately 32,625 square feet, as well as an accessory parking lot. The Building is entirely located in the C-1 Zone, while a portion of the accessory parking lot is in the NC Zone. Lot 2 and Lot 3 were previously developed with residential, single-family homes, but the homes have been demolished.

2. **The Previous Approval and Previous Use.** The Cranford Township Zoning Board of Adjustment (the "**Zoning Board**") previously granted to the Property Owner a

“d” type variance and subdivision approval to allow the Property to be subdivided to accommodate the construction of a new spec warehousing / distribution facility (ZBA-18-014) (the “**Prior Approval**”). However, the Property Owner never constructed that facility. The Building was most recently occupied by Nuts.com, a company which operates an internet-based gourmet foods wholesale and distribution business. Nuts.com utilized the Property and Building as a warehousing / distribution facility with accessory office space. Nuts.com outgrew the facility and recently moved its operation of the Building and into another facility which was recently the subject of a site plan approval by the Board. ¹

3. **The Applicant, Proposed Use and the Applicable Zoning Ordinance Use Regulations.** The Applicant, Food Truck, Inc., is a pre-launch, food technology company, which will offer customers high-quality, on-demand food delivery options. It will develop unique cuisines and menu items in its commissary kitchen, which will be delivered to customers via fuel-efficient, hybrid vehicles, equipped with fully electric kitchens. The Applicant will have end-to-end control of its customers’ dining experience. Shipments of food ingredients will be received in the Building, packaged into kits in the commissary kitchen and then loaded onto the mobile kitchens / delivery vehicles for final delivery to customers’ homes or places of business. The Applicant will utilize proprietary technology and algorithms to predict customer demand and manage / optimize delivery routes and patterns. The fully electric cooking equipment in the delivery vehicles is flameless, ventless, smokeless and greaseless. At launch, the Applicant anticipates utilizing approximately five (5) fuel-efficient, hybrid vehicles. Once the business is fully operational in the Building, the Applicant anticipates having a maximum of fifty (50) delivery / mobile kitchen vehicles on the Property. In addition to a commissary kitchen / warehousing and distribution facility, the Applicant intends to utilize the Building as its corporate headquarters for its New Jersey based operations. As such, the Applicant has designed the interior space to be open and inviting, with the ultimate goal of encouraging employee collaboration. The Applicant has engaged local food safety and fire safety consultants to ensure local and State code compliance. The Applicant projects creating approximately two hundred fifty (250) new jobs, during the first three (3) years of the Facility’s operations. These jobs include corporate, office, culinary and delivery fleet roles. These will be permanent positions with advancement opportunities within the company. The Applicant will implement a “local first” program, hiring local residents and partnering with local businesses and purveyors when possible. The business operations in the Building will be operated on a twenty-four-hour, seven day per week basis. The Applicant’s employees will work across three (3) shifts to meet customer demand. Most of the traffic generated, including employee shift turn over and food truck delivery departures, will be off-peak. Depending on customer demand, the Applicant will offer breakfast, lunch and dinner dining options. The Applicant anticipates two (2) to five (5) deliveries of food items to the Property per day. These food items will be delivered to the Property by smaller delivery vehicles, not large tractor-trailers. As set forth above, the Applicant proposes to repurpose the Building for

¹ See, Board Resolution memorializing the grant of preliminary and final site plan approval with “c(1)” and “c(2)” variances and site plan ordinance exceptions to allow the construction of a warehouse addition to a facility located on Block 639, Lot 1 (125 Moen Avenue) to be used by Nuts.com.

Applicant's Proposed Use which is the "Food Truck" business operation which includes on-site food preparation, accessory warehousing, accessory distribution and accessory office space. As also set forth above, the Proposed Use was determined to be permitted in the Building via Zoning Permit No. Z-19-600 issued by the Township Zoning Officer on October 30, 2019 on the following bases: Food preparation was interpreted to be a form of manufacturing and manufacturing is a principally permitted use in the C-1 zone, Warehousing is a principally permitted use in the C-1 zone, Distribution, while not listed as a permitted standalone use, was interpreted to be an activity related to manufacturing and/or accessory to manufacturing so is permitted on that basis, and Business, administrative, executive and professional offices are principally permitted uses in the C-1 zone See, Zoning Ordinance Section 255-36.D(1). Finally, as a condition of all land use approvals and the continuance of any and all uses, occupancy of any structure and operation of any process or equipment, the performance standards set forth in Zoning Ordinance Section 255-27 must be complied with, and the Applicant's representatives testified that they would be complied with.

4. **The Proposed Development, Applicable Zoning and Site Plan Ordinance Regulations and Requirements, and the Requested Relief in.** As set forth above, the Proposed Development is subject to the C-1 Zone and NC Zone area, yard and building regulations as set forth in the Schedule of Area, Yard and Building Requirements ("Schedule 1") which is appended to the end of Zoning Ordinance Section 255 and is incorporated and adopted by reference in Zoning Ordinance Section 255-34. Schedule 1 contains the so-called zoning ordinance "bulk" regulations. Additionally, the Proposed Development is subject to the off-street parking regulations contained in Zoning Ordinance Section 255-44. Finally, the Proposed Development is subject to the Site Plan Ordinance requirements set forth in Ordinance Section 255-26A, 26G, and 26J. As set forth above, the Application is for preliminary and final major site plan approval with requests for "c(1)" and "c(2)" variances from various of the Zoning Ordinance regulations and request for exceptions from various of the Site Plan Ordinance requirements to allow the Proposed Development. As also set forth above, the Proposed Development is the addition of thirteen (13) loading doors on the east side of the Building, the construction of a 30-foot by 119-foot addition consisting of approximately 3,570 square feet to the southern side of the Building (the "Addition") and various Site improvements, including, but not limited to restructuring of the existing parking area, installation of a ground-mounted emergency generator, electric vehicle charging stations, stormwater runoff and flood mitigation measures, a monument sign and Site lighting. The aspects of the site plan that comply with all ordinance regulations and requirements as well as the aspects of the site plan that do not comply and require relief to allow ordinance deviations are set forth below.

5. **Loading/Unloading and Parking.** The loading doors will be utilized by the Applicant to unload deliveries of food and other products used in the business operation to the Building and to load and unload its delivery / mobile kitchen delivery vehicles. The Addition will be utilized as a trash/recycling and truck garage area. This will allow the Applicant to store all trash and recycling indoors for later pickup by private trash / recycling haulers. This will also allow the Applicant to perform minor vehicle maintenance and / or cleaning indoors. (Anything

other than minor maintenance and cleaning will be performed off-site.) The existing parking lot on the north, east and southeast sides of the Building will be reconfigured to provide dedicated truck parking and employee parking areas. While there are currently 200 on-site parking spaces on the property, a total of 167 on-site parking spaces are proposed, which represents a reduction of 33 spaces but will provide a sufficient number of spaces as required by Zoning Ordinance Section 255-44. Specifically, the Board approves 167 parking spaces under the “unscheduled use” category set forth in Zoning Ordinance Section 255-44 based on there being no more than 89 employees on the Property at any one time. As such, a condition to that effect will be imposed. The loading and unloading as well as parking areas will comply with most of the Site Plan Ordinance requirements, except for some limited exceptions set forth below.

6. **Impervious Coverage and Stormwater Management.** The Proposed Development will result in a net reduction in impervious coverage on the Property as a whole. The remaining foundations, asphalt and improvements associated with the now demolished residential dwellings on Lot 2 and Lot 3 will be removed. No improvements are proposed for either of these lots as part of the Proposed Development; Lot 2 and Lot 3 will remain vacant. In fact, Lot 2 and Lot 3 will be preserved as an open, green space / lawn area. The Applicant will also utilize pervious pavers in select areas of the parking lot on Lot 6.01. Despite the decrease in impervious coverage, the Proposed Development still requires a “c” variance from the maximum impervious coverage regulation as is set forth below. As a result of the Proposed Development involving less than 1-acre of disturbance and the not involving any increase in impervious surface (let alone not involving the addition of more than ¼ acre of impervious coverage), the Proposed Development is not subject to Township Stormwater Ordinance Section 364-1.D(1)(a).

7. **Traffic Circulation.** The number five (5) vehicular access points at the Property will be maintained: three (3) existing access drives on Moen Avenue and two (2) existing access drives on Jackson Drive. The eastern Jackson Drive driveway will be dedicated to passenger / employee vehicles. The western Jackson Drive driveway will be dedicated to the Applicant’s delivery vehicles. The western Jackson driveway, which is currently one-way circulation, will be converted to two-way drives. The northernmost driveways on Moen Avenue will only be accessed by passenger vehicles, while the southernmost driveway on Moen Avenue will be accessed by passenger / employee vehicles to utilize the twenty (20) space passenger vehicle parking lot as well as the Applicant’s delivery vehicles. However, the Applicant’s delivery vehicles will not be permitted to exit the Property from this driveway. All of the Applicant’s delivery vehicles will exit the Property from the Jackson Drive driveway. Unlike the Prior Approval, the Applicant is not proposing access to and from Raritan Road; all ingress and egress will remain on the lower volume roadways. As set forth in the Traffic Report, the Applicant’s business operations will not result in a significant increase in traffic.

8. **Landscaping and Lighting.** The Property currently contains approximately thirty-eight (38) mature trees. As depicted on the Landscape Plan, the Applicant proposes to plant an additional forty-four (44) new trees, ranging in height from six (6) to eight (8) feet at the time of planting. The Applicant also proposes to plant two hundred sixty-eight (268)

new shrubs to fill-in below the tree canopies. The Applicant only intends to remove existing trees that are either dead or diseased. If any of the existing trees are removed, they will be replaced in accordance with the Township's Tree Replacement Ordinance. The Applicant will not seek a payment in lieu of planting as permitted in the Township's Tree Replacement Ordinance and, instead, will plant replacement trees. The Applicant will utilize the services of a professional landscaper to maintain both the existing and new landscaping. The Applicant also agreed to establishing a formal landscape maintenance plan to ensure proper upkeep. The proposed landscaping will comply with most of the Site Plan Ordinance requirements, but some exceptions are required and have been requested as set forth below. As is depicted on the Lighting Plan, new light emitting diode (LED) lighting is proposed for the Property, which will comply with all Site Ordinance requirements

9. **"C" Variances Requested.** As set forth above, the Application does not conform to all Zoning Ordinance regulations. The Applicant requested the following "c(1)" and "c(2)" variances to allow the following deviations from the Zoning Ordinance regulations:

a. "c(2)" variance from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, which requires a minimum rear yard setback of 100 feet, whereas 91.8 feet is existing, and 61.9 feet is proposed on Lot 6.01 for the Addition in the C-1 Zone;

b. "c(2)" variance from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, which permits a maximum impervious coverage of 70%, whereas 75.2% is existing, and 79.2% is proposed for the portion of Lot 6.01, which is situated within the C-1 Zone;

c. "c(2)" variance from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, which permits a maximum impervious coverage of 70%, whereas 70.7% exists on the entirety of Lot 6.01, which is situated within both the C-1 Zone and NC Zone, and 73% is proposed;

d. "c(2)" variance from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, which permits a maximum impervious coverage of 75% in the NC Zone, whereas 70.7% exists, and 79.2% is proposed;

e. "c(2)" variance from Zoning Ordinance Section 255-35D(4), which requires a minimum side yard setback of 50 feet for the proposed ground-mounted emergency building generator, whereas 47.6 feet is proposed from Moen Avenue (which request was made orally during the hearing in response to the Planning Report);

f. "c(1)" variance from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, which requires a minimum front yard setback of 50 feet on Jackson Drive for Lot 6.01, a portion of which is in the C-1 Zone, whereas 25.5 feet is existing for the Building, to allow the 25.5 feet deviation to remain after the Proposed Development;

g. “c(1)” variance from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, which requires a minimum lot area of 10,000 square feet for Lot 2, which is located in the NC Zone, whereas 5,839 square feet is existing, to allow the 5,839 square feet deviation to remain after the Proposed Development;

h. “c(1)” variance from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, which requires a minimum lot area of 10,000 square feet for Lot 3, which is located in the NC Zone, whereas 7,808 square feet is existing, to allow the 7,808 square feet deviation to remain after the Proposed Development;

i. “c(1)” variance from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, which requires a minimum lot width of 100 feet for Lot 2, which is located in the NC Zone, whereas 60 feet is existing, to allow the 60 feet deviation to remain after the Proposed Development;

j. “c(1)” variance from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, which requires a minimum lot width of 100 feet for Lot 3, which is located in the NC Zone, whereas 80 feet is existing, to allow the 80 feet deviation to remain after the Proposed Development;

10. **Site Plan Ordinance Exceptions Requested.** As set forth above, the Application does not conform to all Site Plan Ordinance requirements. The Applicant requested the following exceptions to allow the following deviations from the Site Plan Ordinance requirements:

a. Exception from Site Plan Ordinance Section 255-26A(3)(b), which requires concrete sidewalks which are a minimum of four (4) feet in width be installed on all street, whereas no new sidewalks are proposed;

b. Exception from Site Plan Ordinance Section 255-26A(3)(e), which requires the installation of granite block curbs on all streets, whereas no modifications to the existing concrete curbs are proposed;

c. Exception from Site Plan Ordinance Section 255-26G(1)(e), which requires driveway aprons to be made of concrete, whereas no the existing asphalt aprons are proposed to remain;

d. Exception from Site Plan Ordinance Section 255-26G(3)(a)[1], which requires a minimum parking space width of ten (10) feet, whereas several parking spaces are proposed to be nine (9) feet in width;

e. Exception from Site Plan Ordinance Section 255-26G(8)(c), which requires that parking lots shall be planted with trees at a rate of one tree per 12 spaces and parking shall not

extend more than 12 spaces without a tree island break, whereas zero (0) tree island breaks are proposed;

f. Exception from Site Plan Ordinance Section 255-26G(8)(d), which requires whenever an off-street parking area exceeds 100 spaces, the area shall be divided into four sections with each section being separated by a curbed divided strip, a minimum of 15 feet wide, landscaped with canopy trees as provided in such divider strip to provide adequate and safe lighting for the site. Such divider strip shall also be designed with a pedestrian route similar to a sidewalk which will provide safe access from the off-street parking area to the principal buildings on the site, whereas the parking area is not separated by a curbed divided strip landscaped with canopy trees;

g. Exception from Site Plan Ordinance Section 255-26G(8)(e), which requires at the time of parking lot construction and planter installation, all planter islands shall be excavated to the full width of the parking planter island and through the full depth of compacted subgrade to remove all compacted material, or other material harmful to plant health, and backfilled with clean planting fill, whereas zero (0) planter islands are propped in the parking area;

h. Exception from Site Plan Ordinance Section 255-26(10), which requires parking spaces to be marked with double space markings, whereas single strip markings are proposed;

i. Exception from Site Plan Ordinance Section 255-26A(2)(m), which requires that developments that include existing streets which do not conform to pavement and/or right-of-way widths as shown on the Master Plan, Official Map or as required by this article shall provide for the dedication, and improvement to Township specifications, of the additional width. If the development adjoins one side of an existing street which does not meet Township standards, only 1/2 of the required extra width shall be dedicated and improved to Township specifications, whereas the existing roadway width of Jackson Drive along the property is forty-six feet (46') in the vicinity of the access driveways, while on either side of the Property's Jackson Drive driveways it is reduced to thirty-six feet (36'); and

j. Exception for Site Plan Ordinance Section 255-26G(11)(b), which requires off-street loading spaces shall be no less than twelve feet (12') in width and fifty feet (50') in length, whereas the existing loading spaces along Moen Avenue are approximately ten feet (10') in width and forty-five feet (45') in length (which request was made orally during the hearing in response to the Planning Report);

11. **Findings as to the "C(1)" Variances for Front Yard Setback of the Building, Minimum Lot Area for Lot 2, Minimum Lot Area for Lot 3, Minimum Lot Width for Lot 2, and Minimum Lot Width for Lot 3.** As set forth above, the Application seeks five (5) "c(1)" variances from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, to allow certain existing deviations to remain after the Proposed Development. Specifically, the Application seeks "c(1)" or so-called "hardship" variances from: (a) the required minimum setback

of 50 feet on Jackson Drive for Lot 6.01, a portion of which is in the C-1 Zone, to allow the 25.5 feet front yard setback deviation of the Building to remain after the Proposed Development; (b) the required minimum lot area of 10,000 square feet for Lot 2, which is located in the NC Zone, to allow the 5,839 square feet deviation to remain after the Proposed Development; (c) the required minimum lot area of 10,000 square feet for Lot 3, which is located in the NC Zone, to allow the 7,808 square feet deviation to remain after the Proposed Development; (d) the required minimum lot width of 100 feet for Lot 2, which is located in the NC Zone, to allow the 60 feet deviation to remain after the Proposed Development; and (e) the required minimum lot width of 100 feet for Lot 3, which is located within the NC Zone, to allow the 80 feet deviation to remain after the Proposed Development. The Board's findings as to the positive and negative criteria of the aforementioned "c(1)" variances are as follows:

a. **Positive Criteria for the "C(1)" Variances.** The Board finds that the existing 25.5 feet front yard setback deviation of the Building, the existing 5,839 square feet minimum lot area deviation for Lot 2, the existing 7,808 square feet minimum lot area deviation for Lot 3, the existing 60 feet lot width deviation for Lot 2, and the existing 80 feet lot width deviation for Lot 3 are all lawfully created pre-existing nonconforming conditions. The Applicant is seeking to repurpose an existing Building for permitted land uses and business operations. Other than the Addition, interior modifications, and minor exterior aesthetic improvements, the Building will exist in substantially the same manner and fashion as it does today. Not only is the existing Building well suited to meet the Applicant's proposed business operations but the existing Property is also well suited. Further, the Proposed Development will revitalize the Property and put it to productive use. Moreover, Lot 2 and Lot 3 were previously developed with residential, single-family homes, which have been demolished. And, Lot 2 and Lot 3 will remain vacant; the Applicant is not proposing any improvements for either of these lots. Lot 2 and Lot 3 will be preserved as an open, green space / lawn area. There is nothing that can be done to increase either the minimum lot area and/or minimum lot widths for Lot 2 nor Lot 3. Finally, the Proposed Development is not exacerbating any of the aforementioned pre-existing conditions. As such, the Board finds that there exists an extraordinary and exceptional situation uniquely affecting the Property and the Building which is lawfully existing on the Property and the strict application of the zoning regulation at issue would result in exceptional and undue hardship because: (a) compliance with the setback regulation can be achieved only if a large portion of the Building is demolished and rebuilt, (b) no improvements are proposed for Lot 2 or Lot 3, these parcels will be preserved as green space, (c) compliance with the minimum lot area regulation is impossible, and (d) compliance with the lot width regulation is impossible. Therefore, the Board ultimately finds that the "c(1)" variance relief is warranted, but subject to the satisfaction of the negative criteria.

b. **Negative Criteria for the "C(1)" Variances.** As to the negative criteria of the "c(1)" variances, the Board finds as follows. First, the Board finds and notes that the existing conditions at issue will not be exacerbated by the Proposed Development and there have been no complaints or problems arising from the existing deviations. As such, the Board finds that the "c(1)" variances can be granted to allow the deviations to remain without substantial detriment to the public good. As to the second prong of the negative criteria, the Board finds that the "c(1)"

variances can be granted without substantial impairment of the intent and purpose of the Master Plan and Zoning Ordinance provided that the conditions set forth below are imposed and complied with. While not determinative, the Board notes that the Zoning Board's Prior Approval allowed for the construction of a much larger building, which likely would have resulted in greater traffic generation and a larger overall impact on the adjoining properties. As previously stated, the Applicant is seeking to repurpose and revitalize the Building, which was constructed in the 1970s. The Building has existed for decades in its current configuration without issue. Lot 2 and Lot 3 will remain unimproved and will be preserved as green space. This will benefit the surrounding properties and Township as a whole. These deviations are preexisting nonconformities that have not caused any impairment to date and are not expected to cause any impairment in the future provided that the conditions set forth below are imposed and complied with.

12. **Findings as to the "C(2)" Variances to Allow the New Rear Yard Setback Deviation for the Addition, Maximum Impervious Coverage Deviations, and Minimum Side Yard Setback for the Ground-Mounted Emergency Building Generator.** As set forth above, the Applicant seeks a number of "c(2)" or so-called "benefits v. detriments" variances. Specifically, the Applicant seeks four (4) "c(2)" variances from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1 and one (1) "c(2)" variance from Zoning Ordinance Section 255-35D(4) to allow new deviations to facilitate the Proposed Development. Specifically, the Applicant seeks "c(2)" variances from: (a) the required minimum rear yard setback of 100 feet, whereas 91.8 feet existing and 61.9 feet is proposed on Lot 6.01 for the Addition, which is situated within the C-1 Zone; (b) the permitted maximum impervious coverage of 70%, whereas 75.2% is existing and 79.2% is proposed for the portion of Lot 6.01, which is situated within the C-1 Zone; (c) the permitted maximum impervious coverage of 70%, whereas 70.7% exists on the entirety of Lot 6.01, which is situated within both the C-1 Zone and the NC Zone, and 73% is proposed; (d) the permitted maximum impervious coverage of 75%, whereas 70.7% exists in the portion of Lot 6.01 situated within the NC Zone, and 79.2% is proposed; (e) the required minimum side yard setback of 50 feet for the proposed ground-mounted emergency building generator, whereas 47.6 feet is proposed from Moen Avenue (which request was made orally during the hearing in response to the Planning Report). Before providing the findings as to the positive and negative criteria of the "c(2)" variances, the Board notes that the variances requested from impervious coverage as set forth above in items "c" and "d" are not required for the following reasons. Lot 6.01 is in both the NC and C-1 zones (i.e., it is a so-called "split zoned" lot). Split zoned lots require that any portion of the lot in a given zone must comply with that zone's standards. As a result, the maximum lot coverage for the entirety of Lot 6.01 is irrelevant. The Board's findings as to the positive and negative criteria of the aforementioned "c(2)" variances are as follows:

a. **Positive Criteria for the "C(2)" Variance to Allow the Rear Yard Setback Deviation for the New Addition.** Provided that the conditions set forth below are imposed and complied with, the Board finds that a "c(2)" rear yard setback variance to allow the proposed new deviation from the Zoning Ordinance to facilitate the construction of the Addition is warranted. The Addition is thirty feet (30') by one hundred nineteen feet (119') and is comprised of 3,570 square feet. The Addition will house an interior refuse area, which will accommodate

garbage, food waste and recycling receptacles, along with a trash compactor. Storing refuse and food waste indoors, in a regulated environment, will virtually eliminate the potential of any foul-smelling odors and will greatly reduce the risk that unwanted vermin will be attracted to the Property. The Board notes and finds that this benefits the health and welfare of the general public, especially the neighboring residential property owners. The Addition will also house a delivery vehicle maintenance area, which will allow the Applicant's employees to clean and reconfigure the delivery vehicle's internal kitchen components indoors. Performing these tasks indoors is ideal and will ensure that no nuisance conditions are created on the Property. Furthermore, the Addition will house a command center, which the Applicant will utilize to manage all operations on the Property. The Addition is proposed on the Building's southern elevation, far from the neighboring residential lots. Provided that the conditions set forth below are imposed and complied with, the Board finds that the zoning benefits from the grant of this "c(2)" variance will substantially outweigh any resulting detriment. Specifically, the Board finds that granting this "c(2)" variance subject to the conditions set forth below will advance the purposes of the Municipal Land Use Law ("MLUL") enunciated in N.J.S.A. 40:55D-2a (guiding development of land in a manner which will promote health and the general welfare). Finally, the Board notes and finds that the resulting zoning benefits represent community wide benefits and are not merely private benefits for the Applicant.

b. **Negative Criteria for the "C(2)" Variance to Allow the Rear Yard Setback Deviation for the New Addition.** Provided that the conditions set forth below are imposed and complied with, the Board finds that the "c(2)" rear yard setback variance can be granted without substantial detriment to the public good for the following reasons. First, while the Addition will create a nonconforming condition, it is being constructed on an existing impervious area and will therefore not increase impervious coverage. As such, there are no negative impacts relative to drainage or runoff created by the Addition or intensity of use of the Property. Therefore, the Board finds that no substantial negative impacts will result from the Addition or the deviation for the rear yard setback. Moreover, through the imposition of the conditions set forth below, there will be improvements to the Property in terms of functionality and aesthetics. For these reasons, the Board finds that the "c(2)" rear yard setback variance can be granted without substantially impairing the intent and purpose of the master plan and C-1 Zone.

c. **Positive Criteria for the "C(2)" Variances to Allow the Maximum Impervious Coverage Deviations.** As set forth above, despite a decrease in impervious coverage on the Property, the Proposed Development still requires a "c" variance from the maximum impervious coverage regulation. Provided that the conditions set forth below are imposed and complied with, the Board finds that "c(2)" impervious coverage variances to allow the Proposed Development are warranted because the overall result will be less impervious coverage on the Property than currently exists which advances the purposes of the MLUL established in N.J.S.A. 40:55D-2c (by providing more open space on the Property than currently exists) and N.J.S.A. 40:55D-2g (by providing sufficient space in an appropriate location for both commercial and industrial use along with open space in order to meet the needs of the surrounding community for the business operation proposed). The Board notes and stresses that Lot 2 and Lot 3 were

previously developed with residential, single-family homes, which have been demolished and the remaining foundations, asphalt and improvements associated with the now demolished residential dwellings on Lot 2 and Lot 3 will be removed. Further, Lot 2 and Lot 3 will remain vacant; the Applicant is not proposing any improvements for either of these lots. In fact, the Application has agreed that these areas will be preserved as an open, green space / lawn area. And, conditions to these effects will be imposed. The Applicant will also utilize pervious pavers in select areas of the parking lot on Lot 6.01, at a significant expense when it could have simply replaced impervious asphalt with another impervious material. The Board finds that the reduction in impervious coverage on the Property is a community wide benefit and that, provided that the conditions set forth below are imposed and complied with, the zoning benefits resulting from the grant of these “c(2)” variances will substantially outweigh any detriment.

d. **Negative Criteria for the “C(2)” Variances to Allow the Maximum Impervious Coverage Deviations.** Provided that the conditions set forth below are imposed and complied with, the Board finds that the “c(2)” impervious coverage variances can be granted without substantial detriment to the public good for the following reasons. Despite the Proposed Development requiring a “c” variance from the maximum impervious coverage regulation, the fact is that the Proposed Development will provide for a decrease in impervious coverage on the Property as a whole. Further, the Board finds that there will be no negative impacts relative to drainage or runoff created by the Proposed Development. As such, the Board finds that no substantial negative impacts will result from the Proposed Development or the deviations for the maximum impervious coverage requirement. Finally, the Board finds that granting the variance will not substantially impair the intent and purpose of the master plan and zoning ordinance by reason of the resulting decrease in impervious coverage on the Property, provided that the conditions set forth below are imposed and complied with.

e. **Positive Criteria for the “C(2)” Variance to Allow the Side Yard Setback Deviations for the New Ground-Mounted Emergency Building Generator.** Provided that the conditions set forth below are imposed and complied with, the Board finds that “c(2)” side yard setback variances to allow the installation of the ground-mounted emergency building generator will advance the purposes of the MLUL. Specifically, the ground-mounted building generator will ensure that the Applicant’s business can continue to safely operate in the event of a power outage, which advances the purposes of the MLUL established in N.J.S.A. 40:55D-2a (promoting public health and safety). The proposed location is optimal because of its proximity to the existing transformer. This location is also as far away from the neighboring residential property as possible, which promotes the purposes of the MLUL established in N.J.S.A. 40:55D-2g (providing sufficient space in an appropriate location for the commercial and industrial use proposed vis-à-vis the neighboring residential uses). Further, the Applicant cannot feasibly increase the setback from Moen Avenue, because repositioning it further from the street will not give PSE&G the clearance required to safely service and maintain the existing transformer. Thus, the proposed location also advances the health and safety purposes of the MLUL established in N.J.S.A. 40:55D-2a vis-à-vis PSE&G. Provided that the conditions set forth below are imposed

and complied with, the Board finds that these zoning benefits will substantially outweigh any detriment.

f. **Negative Criteria for the “c(2)” Variance to Allow the Side Yard Setback Deviations for the New Ground-Mounted Emergency Building Generator.** Provided that the conditions set forth below are imposed and complied with, the Board finds that “c(2)” side yard setback variances to allow the installation of the ground-mounted emergency building generator can be granted without substantial detriment to the public good for the following reasons. The proposed location, while it creates a nonconforming condition, is the most practicable place to install the ground-mounted generator. In addition, the generator’s location is as far from the neighboring residential property as possible. While the ground-mounted generator’s proposed location creates a non-conforming condition, it does not obstruct site triangles and/or impede site circulation. As such, the Board finds that no substantial negative impacts will result from the Proposed Development or the deviation for the minimum side yard setback deviation. Finally, the Board finds that granting the variances will not substantially impair the intent and purpose of the master plan and zoning ordinance provided that the conditions set forth below are imposed and complied with.

13. **Findings as to Exception from Site Plan Ordinance Requirement for Concrete Sidewalks.** As set forth above, the Applicant seeks an exception from Site Plan Ordinance Section 255-26A(3)(b), which requires concrete sidewalks which are a minimum of four (4) feet in width be installed on all street, whereas no new sidewalks are proposed. The Board finds that the requested exception is reasonable and within the intent of the Site Plan Ordinance at issue, because there is not an existing sidewalk network in the area. The requirement is impracticable and unnecessary because the Property’s location, the Proposed Use, and the surrounding uses in the area are not expected to generate pedestrian traffic. The Board finds that requiring the Applicant to conform with the Site Plan Ordinance requirement at issue solely for the purposes of ordinance compliance, not for better planning, would be imprudent under the circumstances.

14. **Findings as to Exception from Site Plan Ordinance Requirement for Granite Block Curbs.** As set forth above, the Applicant seeks an exception from Site Plan Ordinance Section 255-26A(3)(e), which requires the installation of granite block curbs on all streets, whereas no modifications to the existing concrete curbs are proposed. The Applicant agrees that any newly installed curbing will comply with the Site Plan Ordinance requirement, but otherwise seeks to maintain all existing concrete curbing on the Property. The Board finds that requiring the Applicant to conform with the Site Plan Ordinance requirement at issue solely for the purposes of ordinance compliance, not for better planning, would be imprudent under the circumstances.

15. **Findings as to Exception from Site Plan Ordinance Requirement for Concrete Driveway Aprons.** As set forth above, the Applicant seeks an exception from Site Plan Ordinance Section 255-26G(1)(e), which requires driveway aprons to be made of concrete,

whereas the existing aprons are asphalt and are proposed to remain. The Applicant agrees that any newly installed driveway aprons will comply with the Site Plan Ordinance, but otherwise seeks to maintain all existing driveway aprons on the Property which are not concrete. The Board finds that requiring the Applicant to conform with the Site Plan Ordinance requirement at issue solely for the purposes of ordinance compliance, not for better planning, would be imprudent under the circumstances.

16. **Findings as to Exception from Site Plan Ordinance Requirement for Minimum Parking Space Width.** As set forth above, the Applicant seeks an exception from Site Plan Ordinance Section 255-26G(3)(a)[1], which requires a minimum parking space width of ten (10) feet, whereas several parking spaces are proposed to be nine (9) feet in width. The Board finds that the requested exception is reasonable and within the intent of the Site Plan Ordinance at issue, because the Property will not generally be visited by members of the public and the width of the spaces is sufficient to accommodate the Proposed Use. The Board finds that requiring the Applicant to conform with the Site Plan Ordinance requirement at issue solely for the purposes of ordinance compliance, not for better planning, would be imprudent under the circumstances.

17. **Findings as to Exception from Site Plan Ordinance Requirement for Tree Island Breaks.** As set forth above, the Applicant seeks an exception from Site Plan Ordinance Section 255-26G(8)(c), which requires that parking lots shall be planted with trees at a rate of one tree per 12 spaces and parking shall not extend more than 12 spaces without a tree island break, whereas zero (0) tree island breaks are proposed. The Board finds that the requested exception is reasonable and within the intent of the Site Plan Ordinance at issue, because the tree island breaks are not practicable under the circumstances as they would interfere with traffic circulation on the Property. Further, despite the lack of tree island breaks, the Property is well landscaped, and the Applicant is proposing additional landscaping and buffering as described in detail above. The Board finds that requiring the Applicant to conform with the Site Plan Ordinance requirement at issue solely for the purposes of ordinance compliance, not for better planning, would be imprudent under the circumstances.

18. **Findings as to Exception from Site Plan Ordinance Requirement for a Curbed Divided Strip Landscaped with Canopy Trees in the Parking Area.** As set forth above, the Applicant seeks an exception from Site Plan Ordinance Section 255-26G(8)(d), which requires whenever an off-street parking area exceeds 100 spaces, the area shall be divided into four sections with each section being separated by a curbed divided strip, a minimum of 15 feet wide, landscaped with canopy trees as provided in such divider strip to provide adequate and safe lighting for the site. Such divider strip shall also be designed with a pedestrian route similar to a sidewalk which will provide safe access from the off-street parking area to the principal buildings on the site. The parking area here is not separated by a curbed divided strip landscaped with canopy trees. While the parking area is separated into four (4) areas and employee and truck parking is appropriately segregated, the Applicant is not proposing a curbed divided strip landscaped with canopy trees in the parking area. The Board's findings as to the requested exception are as follows. The requested exception is reasonable and within the intent of the Site Plan Ordinance at issue because the

proposed division and landscaping is not practicable under the circumstances as they would interference with traffic circulation on the Property. Further, despite the lack of tree island breaks, the Property is well landscaped, and the Applicant is proposing additional landscaping and buffering as described in detail above. The Board finds that requiring the Applicant to conform with the Site Plan Ordinance requirement at issue solely for the purposes of ordinance compliance, not for better planning, would be imprudent under the circumstances.

19. **Findings as to Exception from Site Plan Ordinance Requirement for Planter Islands in the Parking Area.** As set forth above, the Applicant seeks an exception Ordinance Section 255-26G(8)(e), which requires at the time of parking lot construction and planter installation, all planter islands shall be excavated to the full width of the parking planter island and through the full depth of compacted subgrade to remove all compacted material, or other material harmful to plant health, and backfilled with clean planting fill, whereas zero (0) planter islands are proposed in the parking area. The Board finds that the requested exception is reasonable and within the intent of the Site Plan Ordinance at issue, because the tress island breaks are not practicable under the circumstances as they would interference with traffic circulation on the Property. Further, despite the lack of planter islands, the Property is well landscaped, and the Applicant is proposing additional landscaping and buffering as described in detail above. The Board finds that requiring the Applicant to conform with the Site Plan Ordinance requirement at issue solely for the purposes of ordinance compliance, not for better planning, would be imprudent under the circumstances.

20. **Findings as to Exception from Site Plan Ordinance Requirement for Double Space Markings.** As set forth above, the Applicant seeks an exception from Site Plan Ordinance Section 255-26G.(10), which requires parking spaces to be marked with double space markings, whereas single strip markings are proposed. The Board finds that the requested exception is reasonable and within the intent of the Site Plan Ordinance at issue, because the Property will not generally be visited by members of the public and the width of the spaces are sufficient to accommodate the Proposed Use, without the need for double space markings. The Board finds that requiring the Applicant to conform with the Site Plan Ordinance requirement at issue solely for the purposes of ordinance compliance, not for better planning, would be imprudent under the circumstances.

21. **Findings as to Exception from Site Plan Ordinance Requirement for Loading Space Dimensions.** As set forth above, the Applicant seeks an exception from Site Plan Ordinance Section 255-26G(11)(b), which requires off-street loading spaces shall be no less than twelve feet (12') in width and fifty feet (50') in length, whereas the existing loading spaces along Moen Avenue are approximately ten feet (10') in width and forty-five feet (45') in length (which request was made orally during the hearing. The Board finds that the requested exception is reasonable and within the intent of the Site Plan Ordinance at issue because the Applicant's business operations do not require the increased loading space dimensions. The Applicant's delivery vehicles will adequately function with the dimensions proposed by the Applicant. The Board finds that requiring the Applicant to conform with the Site Plan Ordinance requirement at

issue solely for the purposes of ordinance compliance, not for better planning, would be imprudent under the circumstances.

22. **Findings as to Exception from Site Plan Ordinance Requirement for Right-of-Way Widths.** As set forth above, the Applicant seeks an exception from Site Plan Ordinance Section 255-26A(2)(m), which requires that developments that include existing streets which do not conform to pavement and/or right-of-way widths as shown on the Master Plan, Official Map or as required otherwise by the Township Ordinance, shall provide for the dedication, and improvement to Township specifications, of the additional right-of-way width. The Ordinance further provides that, if the development adjoins one side of an existing street which does not meet Township standards, only 1/2 of the required extra width shall be dedicated and improved to Township specifications. Here, the existing roadway width of Jackson Drive adjoining the Property is forty-six feet (46') in the vicinity of the access driveways, while on either side of the Property's Jackson Drive driveways it is reduced to thirty-six feet (36'). The Applicant agreed to remove the no longer utilized bus shelter. However, the presence of existing storm sewer and utilities in that area make compliance with this Site Plan Ordinance impracticable as those existing underground utilities would have to dug up and relocated to accommodate any road widening. The Board finds that requiring the Applicant to conform with the Site Plan Ordinance requirement at issue solely for the purposes of ordinance compliance, not for better planning, would be imprudent under the circumstances.

23. **Findings as to Preliminary and Final Site Plan Review.** The Board's findings as to preliminary and final site plan review are as follows:

a. **Ordinance Compliance in General.** With the exception of the variances from the zoning ordinance regulations at issue set forth above and the exceptions from the site plan ordinance requirements set forth above, the Board finds that the Site Plans, Architectural Plans and Stormwater Management Report will comply with all other applicable zoning ordinance regulations and site plan ordinance requirements provided, however, that the conditions set forth below are imposed and complied with.

b. **Compliance with Matters Vital to Public Health.** Provided that the conditions set forth below are imposed and complied with, the Board also finds that matters vital to the public health (water supply, sewage disposal, stormwater drainage, and traffic circulation) will be adequately provided for and appropriately designed as part of the Proposed Development.

c. **Ultimate Finding.** For all of the foregoing reasons, the Board's ultimate finding is that preliminary and final site plan approval is warranted to allow the Proposed Development provided that the conditions set forth below are imposed and complied with.

B. LEGAL CONCLUSIONS

1. **“C” Variances.** The Board’s conclusions as to the requested “c” variances from the zoning ordinance regulations at issue are as follows:

a. **Standards for Considering the “C” Variances.** The Board has the power to grant “c” or so-called “bulk” variances from zoning ordinance regulations pursuant to N.J.S.A. 40:55D-70c under either of the following two sets of standards, both of which are commonly referred to as the “positive criteria” of a “c” variance:

(1) **Positive Criteria of “C(1)” or “Hardship” Variances.** The Board may grant “c(1)” or so-called “hardship” variances pursuant to N.J.S.A. 40:55D-70c(1) where: (1) “(a) by reason of exceptional narrowness, shallowness or shape of a specific piece property, (b) or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structure lawfully existing thereon; (2) the strict application of any regulation . . . would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property.” This is the so-called “positive” criteria of a “c(1)” variance. The “hardship” that the applicant must prove is not that the zoning regulation at issue has zoned the property into inutility. While inutility caused by a zoning regulation would require a variance to avoid an unconstitutional taking of the property, the Board may (but is not required to) grant a variance where the hardship at issue may inhibit “the extent” to which the property can be used. Lang v. North Caldwell Board of Adjustment, 160 N.J. 41, 54-55 (1999). A hardship variance is not available to relieve “personal hardship” of the owner, financial or otherwise. Jock v. Wall Township Zoning Board of Adj., 184 N.J. 562, 590 (2005). A hardship variance is also not available to relieve hardship caused by a mistake, Deer-Glen Estates v. Borough of Fort Lee, 39 N.J. Super. 380, 386 (App. Div. 1956), and/or for an intentionally created situation, which is referred to as a “self-created” hardship. Commons v. Westwood Board of Adj., 81 N.J. 597, 606 (1980); Chirichello v. Monmouth Park Board of Adj., 78 N.J. 544, 553 (1979).

(2) **Positive Criteria of “C(2)” or “Benefits v. Detriments” Variances.** The Board may grant “c(2)” or so-called “benefits v. detriments” variances pursuant to N.J.S.A. 40:55D-70c(2) where, in an application or appeal relating to a specific piece of property, the purposes of [the MLUL] would be advanced by a deviation from the zoning ordinance requirements, and the benefits of the deviation from the zoning ordinance requirements would substantially outweigh any detriment. This is the so-called “positive” criteria of a “c(2)” variance. The zoning benefits resulting from permitting the deviation(s) must be public benefits (“improved zoning and planning that will benefit the community”) and not merely benefits for the private purposes of the owner. Kaufmann v. Warren Township Planning Board, 110 N.J. 551, 563 (1988). The zoning benefits resulting from permitting the deviation(s) are not restricted to those directly obtained from permitting the deviation(s) at issue; the benefits of permitting the deviation can be considered in light of benefits resulting from the entire development proposed. Pullen v. South Plainfield Planning Board, 291 N.J. Super. 1,9 (App. Div. 1996). Finally, while “c(1)” hardship variances are not available for self-created situations and/or for mistakes, an intentionally created situation or mistake does not serve to bar a “c(2)” variance because the focus of a “c(2)” variance is not on hardship but, rather, on advancing the purposes of zoning. Ketcherick v. Mountain Lakes Board of Adj., 256 N.J. Super. 647, 656-657 (App. Div. 1992); Green Meadows v. Montville Planning Board, 329 N.J. Super. 12, 22 (App. Div. 2000).

(3) **Negative Criteria of “C(1)” and “C(2)” Variances.** Even if an applicant proves the “positive” criteria of a “c(1)” or “c(2)” variance, the Board may not exercise its power to grant the variance unless the so-called “negative criteria” has been satisfied. Pursuant to the last unlettered paragraph of N.J.S.A. 40:55D-70, “no variance or other relief ... may be granted ... unless such variance or other relief ... can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.” The phrase “zone plan” as used in the N.J.S.A. 40:55D-70 means the Township “master plan.” Medici v. BPR Co., 107 N.J. 1, 4, 21 (1987).

b. **Conclusions to Grant the “C(1)” Variances.** As set forth above, the Board found that, by reason of extraordinary and exceptional situations - the pre-existing nonconforming conditions - the strict application of the ordinance regulations at issue will result in exceptional and undue hardship upon the applicant. As also set forth above, the Board found that “c(1)” variances were warranted to relieve the hardship by allowing the pre-existing conditions to remain after the Proposed Development. Finally, provided that the conditions set forth below are imposed and complied with, the Board also found that the “c(1)” variances can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the master plan and zoning ordinance. As such, the Board now concludes that it can and should grant the “c(1)” variances subject to the conditions set forth below.

c. **Conclusions to Grant the “C(2)” Variances.** As set forth above, the Board found that granting “c(2)” variances from the zoning ordinance regulations at issue to allow the new deviations would advance the purposes of the MLUL and that the resulting zoning benefits were public, community wide, benefits. The Board also found that, provided that the conditions set forth below are imposed and complied with, the zoning benefits arising from the grant of the variances would substantially outweigh any detriment. As also set forth above, provided again that the conditions set forth below are imposed and complied with, the Board found that the “c(2)” variances can be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of the master plan and zoning ordinance. As such, the Board now concludes that it can and should grant the “c(2)” variances subject to the conditions set forth below.

2. **Exceptions from the Site Plan Ordinance Requirements at Issue.** The Board’s conclusions as to the requested exceptions from the site plan ordinance requirements at issue are as follows:

a **Standards Applicable to Review of Exceptions from Site Plan Ordinance Requirements.** N.J.S.A. 40:55D-51b provides that the Board, “when acting upon applications for preliminary . . . site plan approval, shall have the power to grant such exceptions from the requirements for . . . site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval . . . if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.” While neither “impracticable” nor “hardship” is defined in the MLUL, “hardship” has been defined in numerous land use and zoning cases in New Jersey. As set forth above to qualify for “c(1)” variance relief, the “hardship” at issue

does not have to rise to the level of confiscation. If the ordinance provisions at issue “inhibit . . . the extent” to which the property can be used, our courts have held that “hardship” to warrant a “c(1)” variance exists. Lang v. North Caldwell Board of Adjustment, 160 N.J. 41, 54-55 (1999). Unlike “hardship,” however, “impracticable” has not been defined in any land use or zoning case of which the Board is aware. Following the basic rule of construction that legislative language should be given its plain and ordinary meaning, Pennsauken v. Schad, 160 N.J. 156, 170 (1999); DiProspero v. Penn, 183 N.J. 477, 492 (2005), the Board concludes that “impracticability” is derived from the root word “impractical,” which is defined as “not wise to put into or keep in practice or effect”; an inability to deal “sensibly or prudently with practical matters.” *See*, Merriam-Webster’s Collegiate Dictionary (11th Ed. 2004).

b. **Conclusions as to the Grant of the Exceptions.** As set forth above in the factual findings, the Board found that it is reasonable and within the intent and purpose of the site plan ordinance provisions to grant the exceptions from the site plan ordinance requirements at issue, subject to the conditions set forth below being imposed and complied with. As also set forth above in the factual findings, the Board found that it is imprudent to literally enforce the site plan ordinance requirements at issue under the circumstances. As such, the Board now concludes that it can and should grant the exceptions at issue subject to the conditions set forth below.

3. **Preliminary and Final Site Plan Review.** The Board’s conclusions as to preliminary and final site plan review are as follows:

a. **Standards Applicable to Preliminary and Final Site Plan Review.** N.J.S.A. 40:55D-46b and 50a are the focal points for consideration of preliminary and final site plan applications. N.J.S.A. 40:55D-46b provides that the Board “shall” grant preliminary site plan approval if the proposed development complies with all provisions of the applicable ordinances. Similarly, N.J.S.A. 40:55D-50a provides that final site plan approval “shall” be granted if the detailed drawings, specifications, and estimates of the application conform to the standards of all applicable ordinances and the conditions of preliminary approval. As such, if the application complies with all ordinance provisions, the Board must grant approval. Conversely, if the application does not comply with all ordinance requirements, the Board must deny approval. Cortesini v. Hamilton Planning Board, 417 N.J. Super. 201, 215 (App. Div. 2010). However, there are two exceptions:

(1) The first exception is where an application does not comply with all ordinance provisions but the Board grants relief in terms of variances or exceptions. In that case, the Board then must review the application against all remaining ordinance provisions and grant approval if the application complies with all such remaining provisions.

(2) The second exception is where an application does not comply with all ordinance provisions but a condition can be imposed requiring a change that will satisfy the ordinance provisions. In that case, the Board can either grant approval on the condition that the application is revised prior to signing the plan to comply with the ordinance provisions or the Board can adjourn the hearing to permit the applicant the opportunity to revise the plans to comply with the ordinance provisions prior to the Board granting approval.

b. **Grant of Preliminary and Final Site Plan Approval.** As set forth in the factual findings above, with the exception of (1) the variances from the zoning ordinance regulations at issue and (2) the exceptions from the from the site plan ordinance requirements at issue, the Board found that the Site Plans and other documents will comply with all other applicable zoning ordinance regulations and site plan ordinance requirements provided, however, that the conditions set forth below are imposed and complied with. And, as set forth in the conclusions above, the Board determined that the variances and exceptions from the afore-referenced regulations and requirements should be granted, subject to the conditions set forth below. As such, provided that matters vital to the public health and welfare (stormwater management and drainage, sewage disposal, water supply, and traffic circulation safety) are provided for, the Board concludes that preliminary and final site plan approval is warranted and should be granted subject to the conditions set forth below. As set forth in the factual findings above, the Board found that matters vital to the public health and welfare will be adequately provided for and have been appropriately designed, subject to specific conditions being imposed as set forth below. The Board's ultimate finding was that preliminary and final site plan approval is warranted to allow the Proposed Development provided that the conditions set forth below are imposed and complied with. As such, the Board concludes that preliminary and final site plan approval can and should be granted as set forth below and subject to the conditions set forth below.

4. **Imposition of Conditions.** Boards have inherent authority to impose conditions on any approval they grant. North Plainfield v. Perone, 54 N.J. Super. 1, 8-9 (App. Div. 1959), certif. denied, 29 N.J. 507 (1959). Further, conditions may be imposed where they are required in order for a board to find that the requirements necessary for approval of the application have been met. Alperin v. Mayor and Tp. Committee of Middletown Tp., 91 N.J. Super. 190 (Ch. Div. 1966) (holding that a board is required to impose conditions to ensure that the positive criteria is satisfied); Eagle Group v. Zoning Board, 274 N.J. Super. 551, 564-565 (App. Div. 1994) (holding that a board is required to impose conditions to ensure that the negative criteria is satisfied). Moreover, N.J.S.A. 40:55D-49a authorizes a board to impose conditions on a preliminary approval, even where the proposed development fully conforms to all ordinance requirements, and such conditions may include but are not limited to issues such as use, layout and design standards for streets, sidewalks and curbs, lot size, yard dimensions, off-tract improvements, and public health and safety. Pizzo Mantin Group v. Township of Randolph, 137 N.J. 216, 232-233 (1994). *See also*, Stop & Shop Supermarket Co. v. Springfield Board of Adj., 162 N.J. 418, 438-439 (2000) (explaining that site plan review "typically encompasses such issues as location of structures, vehicular and pedestrian circulation, parking, loading and unloading, lighting, screening and landscaping" and that a board may impose appropriate conditions and restrictions based on those issues to minimize possible intrusions or inconvenience to the continued use and enjoyment of the neighboring residential properties). Further, municipal ordinances and Board rules also provide a source of authority for a board to impose conditions upon a developmental approval. *See*, Cox and Koenig, New Jersey Zoning and Land Use Administration (Gann 2019), sections 28-2.2 and 28-2.3 (discussing conditions limiting the life of a variance being imposed on the basis of the Board's implicit authority versus by virtue of Board rule or municipal ordinance). Finally, boards have authority to condition site plan and subdivision approval on review and approval of changes to the plans by board experts so long as the delegation of authority for review and approval is not

a grant of unbridled power to the expert to approve or deny approval. Lionel Appliance Center, Inc. v. Citta, 156 N.J. Super. 257, 270 (Law Div. 1978). As held by the court in Shakoor Supermarkets, Inc. v. Old Bridge Tp. Planning Board, 420 N.J. Super. 193, 205-206 (App. Div. 2011): “The MLUL contemplates that a land use board will retain professional consultants to assist in reviewing and evaluating development applications” and using such professional consultants to review and evaluate revised plans “was well within the scope of service anticipated by the applicable statutes. It was the Board, and not any consultant, that exercised the authority to approve the application.” The conditions set forth below have been imposed on all of the foregoing bases.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD, BY MOTION DULY MADE AND SECONDED ON NOVEMBER 13, 2019 AS FOLLOWS:

C. RELIEF GRANTED

1. **“C(1)” Variance from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, as to Minimum Front Yard of the Building.** Subject to the conditions set forth below, a “c(1)” variance is granted from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, to allow the 25.5 foot front yard setback of the Building where 50 feet is the minimum required front yard setback of the Building.

2. **“C(1)” Variance from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, as to Minimum Lot Area for Lot 2.** Subject to the conditions set forth below, a “c(1)” variance is granted from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, to allow the minimum lot area of 5,839 square feet for Lot 2 where a minimum of 10,000 square feet is required.

3. **“C(1)” Variance from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, as to Minimum Lot Area for Lot 3.** Subject to the conditions set forth below, a “c(1)” variance is granted from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, to allow the minimum lot area of 7,808 square feet for Lot 3 where a minimum of 10,000 square feet is required.

4. **“C(1)” Variance from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, as to Minimum Lot Width for Lot 2.** Subject to the conditions set forth below, a “c(1)” variance is granted from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, to allow the minimum lot width of 60 feet for Lot 2 where a minimum of 100 feet is required.

5. **“C(1)” Variance from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, as to Minimum Lot Width for Lot 3.** Subject to the conditions set forth below, a “c(1)” variance is granted from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, to allow the minimum lot width of 80 feet for Lot 3 where a minimum of 100 feet is required.

6. **“C(2)” Variance from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, as to Minimum Rear Yard Setback for the Addition.** Subject to the conditions set forth below, a “c(2)” variance is granted from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1 to allow a minimum rear yard setback of 61.9 feet for the Addition where a minimum of 100 feet is required.

7. **“C(2)” Variance from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1, as to Maximum Impervious Coverage for the Portion of Lot 6.01, which is situated within the C-1 Zone.** Subject to the conditions set forth below, a “c(2)” variance is granted from Zoning Ordinance Section 255-34, Attachment 1, Schedule 1 to allow a maximum impervious coverage of 79.2% for the portion of Lot 6.01 in the C-1 Zone where a maximum of 70% is permitted.

8. **“C(2)” Variance from Zoning Ordinance Section 255-35D(4) as to Minimum Side Yard Setback for the Ground-Mounted Emergency Building Generator.** Subject to the conditions set forth below, a “c(2)” variance is granted from Zoning Ordinance Section 255-35D(4) to allow a side yard setback of 47.6 feet from Moen Avenue for the ground-mounted emergency building generator where a minimum of 50 feet is required.

9. **Exception from Site Plan Ordinance Section 255-26A(3)(b) as to Concrete Sidewalks.** Subject to the conditions set forth below, an exception is granted from Site Plan Ordinance Section 255-26A(3)(b), which requires concrete sidewalks which are a minimum of four (4) feet in width be installed on all streets, to allow no new sidewalks to be installed as part of the Proposed Development.

10. **Exception from Site Plan Ordinance Section 255-26A(3)(e) as to Granite Block Curbs.** Subject to the conditions set forth below, an exception is granted from Site Plan Ordinance Section 255-26A(3)(e), which requires the installation of granite block curbs on all streets, to allow the existing concrete curbs to remain.

11. **Exception from Site Plan Ordinance Section 255-26G(1)(e) as to Concrete Driveway Aprons.** Subject to the conditions set forth below, an exception is granted from Site Plan Ordinance 255-26G(1)(e), which requires driveway aprons to be made of concrete, to allow the existing asphalt driveway aprons to remain.

12. **Exception from Site Plan Ordinance Section 255-26G(3)(a)[1] as to Minimum Parking Space Width.** Subject to the conditions set forth below, an exception is granted from Site Plan Ordinance Section 255-26G(3)(a)[1], which requires a minimum parking space width of ten (10) feet, to allow parking space width of nine (9) feet.

13. **Exception from Site Plan Ordinance Section 255-26G(8)(c) as to Parking Lot Tree Island Breaks.** Subject to the conditions set forth below, an exception is granted from Site Plan Ordinance Section 255-26G(8)(c), which requires that parking lots shall be planted with trees

at a rate of one tree per twelve (12) spaces and parking shall not extend more than 12 spaces without a tree island break, to allow zero (0) tree island breaks.

14. **Exception from Site Plan Ordinance Section 255-26G(8)(d) as to Curbed Divided Strip Landscaped with Canopy Trees in the Parking Lot.** Subject to the conditions set forth below, an exception from Site Plan Ordinance Section 255-26G(8)(d), which requires whenever an off-street parking area exceeds 100 spaces, the area shall be divided into four sections with each section being separated by a curbed divided strip, a minimum of 15 feet wide, landscaped with canopy trees as provided in such divider strip to provide adequate and safe lighting for the site. Such divider strip shall also be designed with a pedestrian route similar to a sidewalk which will provide safe access from the off-street parking area to the principal buildings on the site, to allow no curbed divided strip landscaped with canopy trees in the parking lot.

15. **Exception from Site Plan Ordinance Section 255-26G(8)(e) as to Planter Islands in the Parking Lot.** Subject to the conditions set forth below, an exception from Site Plan Ordinance Section 255-26G(8)(e), which requires at the time of parking lot construction and planter installation, all planter islands shall be excavated to the full width of the parking planter island and through the full depth of compacted subgrade to remove all compacted material, or other material harmful to plant health, and backfilled with clean planting fill, to allow zero (0) planter islands are propped in the parking area.

16. **Exception from Site Plan Ordinance Section 255-26(10) as to Parking Space Markings.** Subject to the conditions set forth below, an exception from Site Plan Ordinance Section 255-26(10), which requires parking spaces to be marked with double space markings, to allow single strip markings.

17. **Exception from Site Plan Ordinance Section 255-26A(2)(m) as to Right-of-Way Width.** Subject to the conditions set forth below, an exception from Site Plan Ordinance Section 255-26A(2)(m), which requires that developments that include existing streets which do not conform to pavement and/or right-of-way widths as shown on the Master Plan, Official Map or as required by this article shall provide for the dedication, and improvement to Township specifications, of the additional width. If the development adjoins one side of an existing street which does not meet Township standards, only 1/2 of the required extra width shall be dedicated and improved to Township specifications, whereas the existing roadway width of Jackson Drive along the property is forty-six feet (46') in the vicinity of the access driveways, to allow thirty-six feet (36') on either side of the Property's Jackson Drive driveways.

18. **Exception for Site Plan Ordinance Section 255-26G(11)(b) as to Off-Street Loading Space Dimensions.** Subject to the conditions set forth below, an exception from Site Plan Ordinance Section 255-26G(11)(b), which requires off-street loading spaces shall be no less than twelve feet (12') in width and fifty feet (50') in length, to allow the existing loading spaces along Moen Avenue to be ten feet (10') in width and forty-five feet (45') in length.

D. **CONDITIONS**

1. **Revisions to Site Plans and Related Documents.** The Applicant shall revise the Site Plans and obtain signatures on same by July 15, 2020, (which is within six (6) months of the adoption of the within resolution on January 15, 2019) in accordance with the following Board's experts' reports and Board member comments to the satisfaction to the Township Engineer and Township Planner and any other expert that the Engineer and/or Planner directs (the Board notes that, in the absence of the within time limitation condition, it would decline to grant conditional approvals and, instead, would continue the hearing on an application for no more than a six (6) month period to provide the Applicant with the opportunity to revise the Site Plans and documents and, failure by the Applicant to resubmit same to the Board within that period or submission within that period but failure of the Applicant to make all the required revisions, would result in denial of the Application):

a. **Following Conditions Emanating from the Board's Comments Elicited During the Public Hearing on this Application:**

i. Add a note on the Site Plans referencing the fact that it will create a landscape maintenance plan to ensure proper upkeep of the existing and newly planted trees and shrubs. The note shall reference that the landscape maintenance plan shall be submitted to and subject to the review and approval of the Township's Zoning Officer. The note shall also reference that the Applicant shall be required to utilize the services of a professional landscaper to maintain both the existing and new landscaping.

ii. Add notes to the Site Plans stating that: The Applicant shall remove only sick, dead and/or dying trees; If any of the existing trees are removed, they shall be replaced in accordance with the Township's Tree Replacement Ordinance; and The Applicant shall not seek a payment in lieu of planting as permitted in the Township's Tree Replacement Ordinance and, instead, shall plant actual replacement trees.

iii. Add a note to the Site Plans stating that Lot 2 and Lot 3 shall be left as green open space.

iv. Add a note to the Site Plans stating that no variances and/or exceptions shall be sought for signage on the Property and Building, including but not limited to signage illumination.

v. Add a note to the Site Plans stating that there shall be no more than 89 employees on the Property at any one time.

vi. Add notes to the Site Plans stating the following: The western Jackson Drive driveway shall be dedicated to the Applicant's delivery vehicles. The northernmost driveways on Moen Avenue shall only be accessed by passenger vehicles, while

the southernmost driveway on Moen Avenue shall be accessed by passenger / employee vehicles to utilize the twenty (20) space passenger vehicle parking lot as well as the Applicant's delivery vehicles. However, the Applicant's delivery vehicles shall not be permitted to exit the Property from this driveway. All of the Applicant's delivery vehicles shall exit the Property from the Jackson Drive driveway.

vii. Add notes to the Site Plans stating the following: The Addition shall be utilized as a trash/recycling and truck garage area. The Applicant to store all trash and recycling indoors for later pickup by private trash / recycling haulers. The Applicant shall perform all vehicle maintenance and cleaning indoors in the Addition and only indoor minor vehicle maintenance and indoor cleaning of vehicles shall be permitted on the Property. Anything other than minor vehicle maintenance and indoor vehicle cleaning shall be performed at facilities off-site.

b. **Following Conditions Emanating in the Engineering Report to the Board from Carl P. O'Brien, P.E. (the Board's Engineering Expert):**

Existing Conditions and Demolition Plan (Sheet 2 of 9):

Comment 2. The Applicant shall revise the Site Plans to identify the discharge location of the two (2) existing inlets located near Berwood Drive. Add a note to the Site Plans reflecting an easement granted by the Applicant to the Township over the existing storm sewer pipe and stating that the easement is for the purpose of allowing the Township to access and maintain and service the existing storm sewer.

Comment 4. The Applicant shall replace the driveway aprons and curbing on Lot 2 and Lot 3 will full height curb along the depressed curbs. Add a note to the Site Plans stating that the Applicant shall file for and obtain a road opening permit with the Township prior to performing the work.

Comment 6. The Applicant shall remove any existing parking lot signs associated with the bus stop or otherwise in the northeast parking area.

Layout and Dimensioning Plan (Sheet 3 of 9):

Comment 7. Revise the Site Plans to add four (4) ADA accessible spaces at the front in the parking area off of Moen Avenue.

Comment 10. Revise the Site Plans to add details of the proposed electric vehicle (EV) charging stations after such details have been submitted to the Township Zoning Officer for review and approval.

Comment 11. The Site Plans shall be revised to show that the electric gate for the truck driveway off of Jackson Avenue has been relocated to the satisfaction of the Township Engineer, which distance is estimated to be at least thirty (30) feet from the right-of-way. Add a note to the Site Plans indicating that all of the Township's emergency services will have access to gate frequency and/or code to be able to access the Property in the case of an emergency.

Comment 12. Revise the Site Plans to add "One Way" directional signs and "Do Not Enter" signs in the parking area located in the northwest portion of the Property and include reference to a directional sign package after same is submitted to the Township Zoning Officer for review and approval. Directional sign details shall also be added to the Site Plans after same is submitted to the Township Zoning Officer for review and approval.

Comment 13. Revise the Site Plans to provide for "Employee Only Parking" parking in the parking area off of Jackson Avenue and to provide "Employee Only Parking" signs for the parking area located off of Jackson Avenue. Additionally, include on the Site Plans details of a directional sign package for the "Employee Only Parking" signs after same is submitted to the Township Zoning Officer for review and approval. Finally, also revise the Site Plans to provide "Visitor" parking in the front parking area off Moen Avenue, provide "Visitor Parking" signs for this parking area, and include on the Site Plans details of a directional sign package for the "Visitor Parking" signs after same is submitted to the Township Zoning Officer for review and approval.

Grading & Utility Plan (Sheet 4 of 9):

Comment 14. Add a note on the Site Plans stating that the Applicant shall clean and televise the existing on-site stormwater management pipelines, to be witnessed by the Township Engineer, and that the Applicant shall repair and/or replace any piping that is in poor condition in consultation with the Township Engineer.

Comment 15. The Applicant shall revise the Site Plans to show that storm manhole #2 and the 30" pipe do not conflict with a section of the permeable paver area. The revised plan will be reviewed by the Township Engineer to ensure there is no conflict.

Comment 17. A note shall be added to the Site Plans indicating that the roof water is internally collected in the Building through scupper drains, which are connected internally through the Building and then are connected to external underground pipes. The Applicant shall revise the Site Plans to identify all internal cleanouts

Comment 18. Add a note to the Site Plans stating that the existing stormwater management basin area located near the Jackson Drive access points shall be cleaned, televised and repaired (if any repair is needed) to the satisfaction of the Township Engineer. Add a reference on the Site Plans to a stormwater management maintenance manual that shall be reviewed and approved by the Township Engineer.

Comment 19. The Site Plan shall be revised to show the existing utility connections for water, gas and sanitary sewer. (The Applicant agreed during the hearing to x-ray the concrete floor slab to located the utilities.)

Comment 20. Add a reference on the Site Plans to the water demand that will be generated from the Proposed Use and also add a reference on the Site Plans to the will-serve letter from the water company.

Comment 21. Add a note to the Site Plans stating that the Applicant shall obtain the necessary approvals from the Department of Health for disposal of any industrial waste generated by the use of onsite refrigerator/freezer units, bakery, and/or food washing areas.

Comment 22. Revise the Site Plans to add handicap accessible ramps with detectible warning devices at the most easterly driveway apron.

Comment 23. The Site Plans shall be revised to show the proposed electrical utility lines.

Comment 24. The Site Plan shall be revised to show designated snow storage areas. Add a note stating that no snow storage shall take place on either Lot 2 or Lot 3.

Lighting Plan (Sheet 6 of 9):

Comment 26. The Applicant shall perform a lumens test to determine if the existing Site lighting is adequate. If the Site lighting is inadequate, the Applicant shall revise the Lighting Plan to upgrade same to meet the requirements of the Zoning Ordinance. Any new Site and/or Building lighting proposed shall be added to the Lighting Plan and have a color below 3,500 kelvin and it shall be “dark sky” compliance. Notes to these effects shall be added to the Lighting Plan.

Comment 27. The Applicant shall revise the Lighting Plan to eliminate light spillage along the Jackson Avenue and Moen Drive right-of-way areas as well as onto adjacent Lot 5. (The Applicant is granted an exception from this

requirement at the entrances and exits only to allow between two (2) to three (3) foot candles in these areas.) The Lighting Plan shall be revised to show that lighting shall be shielded in all other areas.

Soil Erosion & Sediment Control Plans (Sheet 7 of 9):

Comment 28. The Applicant shall revise the Site Plans to provide a tabulation for the entire site disturbance area.

Comment 29. Revise the Site Plans to reference approval from the Soil Erosion and Sediment Control Division. Add a note to the Site Plans stating that said approval shall be provided the Township Engineer prior to the issuance of any building permits.

Truck Turning Exhibit (Sheet 8 of 9):

Comments 30 and 31. The Site Plans shall be revised to include a fire truck turning template.

Comment 32. The Site Plans shall be revised to include a delivery truck turning template.

Construction Detail (Sheet 9 of 9):

Comment 34. The Site Plans shall be revised to include the Township standard details for the right-of-way improvements.

Comment 35. The Site Plans shall be revised to convert the existing type "B" inlet to a Storm Manhole detail. This detail shall also be added to the Site Plans.

Comment 36. The Site Plans shall be revised to provide a guardrail detail.

Comment 37. The Site Plans shall be revised to provide ADA parking stall details and parking stall ADA pathway grading details.

Comment 38. Add a note to the Site Plans reflecting that a six foot (6') high chain link fence is proposed around the truck and employee parking lots. The fence shall be properly labeled on the Site Plans. The Applicant shall remove from the Site Plans the reference to the vinyl privacy fence and any details regarding same. A chain link fence detail shall be added to the Site Plans.

Grading and Stormwater:

Comment 1. The Applicant will clarify the existing and proposed impervious coverage amounts and update the Site Plans and Stormwater Management Report accordingly. The Applicant shall also provide on the Site Plans and in the Stormwater Management Report a breakdown of the impervious coverage areas.

Comment 2. The Applicant shall provide on the Site Plans and in the Stormwater Management Report a tabulation of the disturbance areas.

Comment 3. The Applicant shall perform a soil permeability test for the proposed paver permeability area. The results shall be added to the Site Plans after review and approval by the Township Engineer.

Comment 4. Add a note to the Site Plans stating that the entire existing stormwater management system shall be cleaned, televised and repaired (if any repair is needed) to the satisfaction of the Township Engineer. The Applicant shall review the stormwater detention system to ensure it functions as originally designed and, if any corrections and/or repairs are required, revise the Site Plans to include the corrective / repair work.

Comment 5. The Stormwater Management Report shall be updated to reflect the latest revision of the Site Plans and the reference on the Site Plans to the Stormwater Management Report shall be revised to reflect the latest revision to the Stormwater Management Report.

Comment 6. The Site Plans shall be revised, if necessary, to show the details of the existing outlet structure. The Applicant shall also provide photographs to the Township Engineer with photos demonstrating how the detention basin functions. Add a reference on the Site Plans to a stormwater management maintenance manual that shall be reviewed and approved by the Township Engineer. The Stormwater Management Maintenance plan shall include this existing outlet.

Comment 7. The Stormwater Management Report shall be revised to depict the longest flow path and time of concentration calculations will be updated accordingly.

Comment 8. The Applicant shall demonstrate that the modeling approach contained in the Stormwater Management Report is accurate or model pervious and impervious areas as separate subareas, in lieu of combined areas with a weighted CN Value. The Stormwater Management Report shall be revised

accordingly to incorporate the calculations after they are reviewed and approved by the Township Engineer.

Traffic Signal and Traffic Impact Study Review:

Comment 4. The Site Plans shall be revised to increase the sight triangle to 335 feet in each direction at each site driveway.

Miscellaneous:

Comment 4. Add a note to the Site Plans stating the following: All excavated material shall be removed from the Property. No material is to be stored on Township property, unless prior approval is obtained from the Township Engineer in writing. Under no circumstance can the contractor place excavated material within Township owned property. Any soil disturbance shall be done as set forth by Subsection 197-1.

Comment 5. Add a note on the Site Plans stating the following: The Applicant shall repair any damage to improvements within the Township Right-of-Way, including but not limited to sidewalk, driveway apron, curb and asphalt pavements as required by subsection 136-27.

c. Following Comments Emanating in the Planning Report to the Board from Nicholas A. Dickerson, P.P., A.I.C.P. (the Board's Planning Expert):

i. Any proposed building, site and/or monument signage shall comply with the Zoning Ordinance.

ii. Any proposed architectural accent lighting shall comply with the Zoning Ordinance.

iii. The Site Plans shall be revised to correctly identify the Addition as a principal structure (shall not be referenced as an accessory structure).

2. Design, Construction and location of Proposed Development. The Applicant shall be required to design, construct and locate the Proposed Development in substantial conformity with the Site Plans and the Architectural Plans which have been reviewed and approved and signed by the appropriate Board / Township Officials as well as to the exhibits which are part of the record in this matter.

3. Landscaping Maintenance and Replacement Conditions. The Applicant create a landscape maintenance plan to ensure proper upkeep of the existing and newly planted trees and shrubs. The landscape maintenance plan shall be submitted to and subject to the review and approval of the Township's Zoning Officer. The Applicant shall be required to utilize the services of a professional landscaper to maintain both the existing and new landscaping. The

Applicant shall remove only sick, dead and/or dying trees. If any of the existing trees are removed, they shall be replaced in accordance with the Township's Tree Replacement Ordinance. The Applicant shall not seek a payment in lieu of planting as permitted in the Township's Tree Replacement Ordinance and, instead, shall plant actual replacement trees.

4. **Enforcement and Maintenance of Parking.** The applicant shall strictly monitor and enforce parking as permitted and reflected on a signed Site Plans. This means that parking shall be permitted only in those areas and in those spaces designated on the Site Plans for same. The owner of the Property shall include provisions in all leases to this effect. The Applicant shall identify on the Property through pavement markings and signage (as approved by the Township Engineer) all parking spaces and fire lanes/zones. The Applicant shall have a continuing obligation to maintain all parking areas, which shall include but not be limited to repainting and reinstalling signage for all required spaces.

5. **Limitation on Number of Employees on the Property at any One Time.** There shall be no more than 89 employees on the Property at any one time based on the Board approving the proposed 167 parking spaces under the "unscheduled use" category set forth in Zoning Ordinance Section 255-44.

6. **Vehicular Access and Egress, and Traffic Circulation.** The western Jackson Drive driveway shall be dedicated to the Applicant's delivery vehicles. The northernmost driveways on Moen Avenue shall only be accessed by passenger vehicles, while the southernmost driveway on Moen Avenue shall be accessed by passenger / employee vehicles to utilize the twenty (20) space passenger vehicle parking lot as well as the Applicant's delivery vehicles. However, the Applicant's delivery vehicles shall not be permitted to exit the Property from this driveway. All of the Applicant's delivery vehicles shall exit the Property from the Jackson Drive driveway.

7. **Vehicular Access and Egress, and Traffic Circulation.** The western Jackson Drive driveway shall be dedicated to the Applicant's delivery vehicles. The northernmost driveways on Moen Avenue shall only be accessed by passenger vehicles, while the southernmost driveway on Moen Avenue shall be accessed by passenger / employee vehicles to utilize the twenty (20) space passenger vehicle parking lot as well as the Applicant's delivery vehicles. However, the Applicant's delivery vehicles shall not be permitted to exit the Property from this driveway. All of the Applicant's delivery vehicles shall exit the Property from the Jackson Drive driveway.

8. **Vehicle Maintenance and Cleaning, and Trash and Recycling.** The Addition shall be utilized as a trash/recycling and truck garage area. The Applicant to store all trash and recycling indoors for later pickup by private trash / recycling haulers. The Applicant shall perform all vehicle maintenance and cleaning indoors in the Addition and only indoor minor vehicle maintenance and indoor cleaning of vehicles shall be permitted on the Property. Anything other than minor vehicle maintenance and indoor vehicle cleaning shall be performed at facilities off-site.

9. **Night-Light Test.** There shall be a night-light test conducted by the Township Engineer prior to the issuance of a certificate of occupancy, compliance or completion (whichever is applicable) and the applicant shall correct any lighting problems which are exposed as a result of the test prior to the issuance of said certificate. The purpose of the night-light test is to assure adequate lighting throughout the Property for safety purposes while safeguarding neighboring property owners and the traveling public from glare, unnecessary brightness and glow.

10. **Escrow Fees.** Any and all outstanding escrow fees shall be paid in full and the escrow account replenished to the level required by ordinance within 30 days of the adoption of the within resolution, within 30 days of written notice that a deficiency exists in the escrow account, prior to signing the Site Plans, prior to the issuance of a zoning permit, prior to the issuance of construction permits, and prior to the issuance of a temporary and/or permanent certificate of occupancy, completion or compliance (whichever is applicable). Failure to abide by this condition shall result in the relief granted, as well as any and all of the relief granted for the Property, automatically terminating and becoming null and void.

11. **Easements, Dedications and Conveyances.** Any and all easements, dedications and/or conveyances running to and in favor of the Township which are proposed on the Site Plans and/or required as a condition of the within resolution shall, in addition to being identified on the Site Plans, be contained in separate documents to be prepared by the applicant and approved by both the Planning Board Attorney and the Township Attorney after the metes and bounds descriptions of the easement, dedication and/or conveyance areas have been reviewed and approved by the Township Engineer. Said documents shall specifically outline the grant of the easement, dedication and/or conveyance and its purpose and shall contain a metes and bounds description of the easement, dedication and/or conveyance area. All such documents shall then be recorded and, upon completion of the recording process, be transmitted to the Township Clerk for maintenance with other title documents of the Township.

12. **Lot 2 and Lot 3 to be left as Green Open Space; No Snow Storage.** Lot 2 and Lot 3 shall be left as green open space. No snow storage shall take place on Lot 2 and/or Lot 3.

13. **No Variances or Exceptions to be Sought for Signage.** No variances and/or exceptions shall be sought for signage on the Property and Building, including but not limited to signage illumination.

14. **Time to Obtain Construction Permits, Commence and Complete Construction, and Obtain Certificates of Occupancy.** The applicant shall apply for and obtain zoning and construction permits for the Proposed Development by January 15, 2022 (which is within two (2) years of the adoption of the within resolution on January 15, 2019). If during said two (2) year period, or extension thereof as granted by the Board, the applicant fails to obtain zoning and construction permits, the within approvals shall automatically expire and become null and void. The applicant shall have one (1) year from the date of issuance of the first construction permit to commence construction and obtain a permanent certificate of occupancy for the Proposed Development. If during said one-year period, or extension thereof as granted by the Board, work is not completed and/or a permanent certificate of occupancy is not obtained, the within approvals shall automatically expire and become null and void.

15. **Soil Erosion Permit.** No site work on the Property shall commence until and unless a soil erosion permit is obtained.

16. **Grading Plan.** No changes in grading are permitted without the submission to, and approval of a grading plan, by the Engineering Department.

17. **Engineering Inspections.** The Applicant shall call to coordinate inspections with the Engineering Department 24-hours prior to start of construction as related to grading and drainage improvements on the Property.

18. **Outside Agency Approvals and Permits.** The within approvals shall be conditioned upon the applicant obtaining all required permits and/or approvals from all applicable outside agencies and/or departments including (if applicable) but not necessarily limited to the following municipal, county and/or state agencies and/or departments:

a. Department of Health for disposal of any industrial waste generated by the use of onsite refrigerator/freezer units, bakery, and/or food washing areas.

b. Union County Planning Board, if required;

c. Somerset-Union Count Soil Conservation District approval, if required;
and

d. NJDEP approval of any and all aspects of the proposed development within its jurisdiction.

19. **Subject to Other Approvals and Laws.** The within approvals and the use of the Property are conditioned upon and made subject to the performance standards set forth in Zoning Ordinance Section 255-27 as well as any and all laws, ordinances, requirements and/or regulations of and/or by any and all municipal, county, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or use of the Property (with the only deviations allowed being those Township Zoning Ordinance regulations and Site Plan Ordinance requirements from which variances and exceptions have been granted as memorialized in the within resolution). The within approval and the use of the Property are also conditioned upon and made subject to any and all approvals by and/or required by any and all municipal, county, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or use of the property. In the event of any inconsistency(ies) between the terms and conditions of the within approval and any approval(s) required above, the terms and/or conditions of the within approval shall prevail unless and until changed by the Board upon proper application.

20. **As-Built Drawings.** An as-built drawings of all site improvements with grades shall be prepared by a NJ licensed surveyor and submitted to the Township Engineer.

21. **Compliance with Noise Requirements.** The applicant shall conduct a post construction noise test to confirm compliance with all applicable State and Township noise requirements.

22. **Stormwater Management Maintenance Manual.** The Applicant shall submit a stormwater management maintenance manual for review and approval by the Township Engineer.

23. **No Stormwater to be Directed to Adjacent Lots.** The Applicant shall not direct any stormwater towards adjoining properties.

24. **Excavated Material.** All excavated material shall be removed from the Property. No material is to be stored on Township property, unless prior approval is obtained from the Township Engineer in writing. Under no circumstance can the contractor place excavated material within Township owned property. Any soil disturbance shall be done as set forth by Subsection 197-1.

25. **Repair Any Damage to Township Rights-of-Way.** The Applicant shall repair any damage to improvements within the Township Rights-of-Way, including but not limited to sidewalks, driveway aprons, curbs and asphalt pavements as required by subsection 136-27.

26. **Conditions Precedent to Commencement of Site Work, Including Grading Work.** Prior to the commencement of any and all site work, including grading work, the following conditions of the within resolution shall be complied with to the satisfaction of the Township Zoning Officer and Construction Official: #1, #10, #11 #15 through #19, and #22.

27. **Conditions Precedent to Issuance of Zoning and Construction Permits.** Prior to issuance of any zoning and/or construction permits for the Proposed Development, the following conditions of the within resolution shall be complied with to the satisfaction of the Township Zoning Officer and Construction Official: #1, #10, #11 #15 through #19, and #22.

28. **Conditions Precedent to Issuance of Certificate of Occupancy.** Prior to issuance of any certificate of occupancy for any phase of the Proposed Development, the following conditions of the within resolution shall be complied with to the satisfaction of the Township Zoning Officer, Township Construction Official and Township Engineer: #2, #3, #9, #10, #11, #17, #19, #20 and #21.

VOTE ON MOTION DULY MADE AND SECONDED ON NOVEMBER 13, 2019 TO GRANT "C" VARIANCES, EXCEPTIONS AND PRELIMINARY SITE PLAN APPROVAL:

THOSE IN FAVOR: WALTON, TAYLOR, DIDZBALIS, CHAPMAN, PEDDE & MURRAY.

THOSE OPPOSED: NONE.

VOTE ON MOTION DULY MADE AND SECONDED ON NOVEMBER 13, 2019 TO GRANT FINAL SITE PLAN APPROVAL:

THOSE IN FAVOR: WALTON, TAYLOR, DIDZBALIS, CHAPMAN & PEDDE.

THOSE OPPOSED: MURRAY.

The above memorializing resolution was adopted on January 15, 2020 by the following vote of eligible Board members:

<u>Members</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
WALTON	✓			
TAYLOR	✓			
DIDZBALIS	✓			
CHAPMAN	✓			
PEDDE	✓			

ATTEST:


DONNA PEDDE
 Board Secretary

EXHIBIT B



Cranford Township
 8 Springfield Ave.
 Rm. 101
 Cranford, NJ 07016
 (908) 709-7216

Date Issued: 8/29/2019
 Application Number: Z-19-492
 Application Date: 8/28/2019
 Project Number: _____
 Permit Number: Z-19-505
 Fee: \$50.00 CHK 0991

Zoning Permit

Worksite: **40-42 JACKSON DR**
 Location: **677-679 RARITAN RD**
Cranford, NJ 07016

Owner: **40-42 JACKSON DRIVE LLC**
 Address: **245 WESCTOTT DR**
RAHWAY, NJ 07065

Applicant: **FOOD TRUCK, INC. c/o CHAD LORE, CEO**
 Address: **110 WALL ST**
SUITE 2-011
NEW YORK, NY 10005

Block: 640 Lot: 6.01 Qualifier: _____ Zone: C-1

This Certifies that an application for the issuance of a Zoning Permit has been examined.

Present Use: Warehouse Distribution

Non Conforming Use

Non Conforming Structure

Proposed Use: Food Truck Business

Work Description:

Confirmation of Use - Application to confirm use for the property located at 40-42 Jackson Drive located in a split zone consisting of the C-1 District and the NC District. The primary structure is located entirely within the C-1 District. The applicant is seeking to modify the existing building for the purposes of locating a large-scale food truck business on-site. The proposed uses would include on-site food preparation, warehouse / distribution uses, as well as accessory office space. The site was subject to a Zoning Board Approval (ZBA-18-014) to subdivide the site to make way for the construction of a new warehouse facility. The subdivision was ultimately approved however the new facility has not been built.

The applicant notes that the current tenant is Nuts.com; a company which operates an online based gourmet foods wholesale and distribution business. The subject property is utilized as a warehousing / distribution facility with accessory office space. The proposal, as previously noted, includes warehouse/distribution space, manufacturing/food preparation, and accessory office space.

As per §255-3DB - Use Regulations - Research-Office-Industrial Districts, the following can be found to be true regarding the proposed:

- 1. The current facility is located entirely within the C-1 District although part of the subject property falls within the NC District.**
- 2. Warehouse uses are a principal permitted use.**
- 3. Distribution is not listed as a permitted use however:**
 - 3a) distribution can be considered to be an assumed activity related to warehouse use;**
 - 3b) distribution can be considered accessory to warehouse use;**
 - 3c) distribution is currently taking place on-site by the current tenant, Nuts.com, and represents an existing nonconforming use.**
- 4. Food preparation is interpreted to be a permitted use in the C-1 district based upon the following:**
 - 4a) The North American Industry Classification System (NAICS), which is the standard use by Federal agencies in classifying business establishments, specifically NAICS 31-33-Manufacturing, includes Food Manufacturing - NAICS 311;**
 - 4b) NAICS 31199 - Other Food Manufacturing is a subsector of NAICS 311-Food Manufacturing;**
 - 4c) NAICS 311991 - Perishable Prepared Food Manufacturing is a subsector of NAICS 31199-Other Food Manufacturing.**
 - 4d) Industrial and manufacturing uses are a principal permitted use in the C-1 District.**

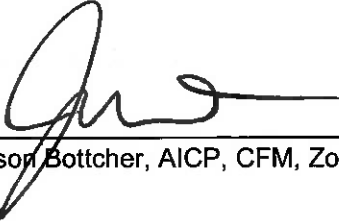
5. Business, administrative, executive and professional offices are a principal permitted use in the C-1.

Based upon the aforementioned summary, the applicant's proposed operations on the subject property consists of permitted uses.

Application Approved Date: 8/29/2019

Upon review it was determined that the Zoning Permit:

- Permitted by Ordinance
- Permitted by Variance approved on: _____
- Approved with Conditions
- Valid Nonconforming Use/Structure is established by
 - Zoning Board of Adjustment
 - Zoning Officer



Jason Bottcher, AICP, CFM, Zoning Officer

8/29/2019

Date

EXHIBIT C

April 29, 2020

Jason Bottcher, AICP, CFM
Zoning Officer, Planner
Township of Cranford
8 Springfield Avenue
Cranford, New Jersey 07016

**Re: Application No. PB-19-004
Food Truck, Inc.
40-42 Jackson Drive, Block 640, Lot 6.01, and
677-679 Raritan Road, Block 640, Lots 2 and 3
Township of Cranford, Union County, New Jersey
Preliminary & Final Site Plan Approval, c(1) hardship variance, and c(2)
variance(s)
Harbor Consultants, Inc. Project Number 2019118**

Dear Mr. Bottcher:

Enclosed please find the following revised materials in response to the planning board resolution No. PB-19-004, memorialized on January 15, 2020, for the above referenced project:

1. One (1) complete set of revised plans entitled “Preliminary & Final Site Plan – No. 40-42 Jackson Drive & 677-679 Raritan Road Lots 2, 3 & 6.01, Block 640, Township of Cranford, Union County, New Jersey”, dated 08/23/19, last revised 4/16/20.
2. One (1) copy of the Stormwater Management Report, dated 9/30/19, last revised 4/16/20.
3. One Copy of the Stormwater Management Operations and Maintenance Manual (O&M Manual) dated 9/30/19, last revised 4/16/20. Please note that the O&M Manual is included in Annex 1 of the Stormwater Management Report.

The plans and stormwater management report have been revised in accordance with the resolution and more specifically as follows:

D. CONDITIONS

1. Revisions to Site Plans and Related Documents.

The site plans and stormwater management report have been revised in accordance with the resolution and the various Board’s expert’s reports. In addition, the previously submitted site plan, last revised 12/9/19, have been modified as follows:

- The proposed 30’x119’ building addition has been revised and increased to 60’x154.9’.
- The grading within the proposed loading docks for the existing building have been revised and two retaining walls have been added. A new trench drain was added to the loading dock and connect to the existing drainage system.

**RE: Application PB-19-004
Food Truck, Inc.
40-42 Jackson Drive & 677-679 Raritan Road
Block 640, Lots 2, 3 & 6.01
Township of Cranford, Union County, New Jersey**

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- The zoning table has been revised on sheet 3 of the plans. The zoning table now shows the difference between (C-1) zone and (NC) zone and the calculations have been broken out for each lot with the applicable zone district regulations cited.
- The proposed generator pad has been relocated and a new electric transformer pad has been added near the west section of the building addition and additional trees have been added as shown on sheets 3 and 5 of the plans.
- A new equipment area concrete pad has been added within the west section of the proposed loading docks and the parking area was adjusted accordingly.
- The lighting in parking area has been revised to meet the minimum of 1 ½ foot-candles throughout the parking area.

a. Following Conditions Emanating from the Board's Comments Elicited During the Public Hearing on this Application:

- i. The Note has been added to sheet 4 as Note 17.
- ii. The Note has been added to sheet 4 as Note 18.
- iii. The Note has been added to sheet 4 as Note 19.
- iv. The Note has been added to sheet 4 as Note 20.
- v. The Note has been added to sheet 4 as Note 21.
- vi. The Note has been added to sheet 4 as Note 22.
- vii. The Note has been added to sheet 4 as Note 23.

b. Following Conditions Emanating in the Engineering Report to the Board from Carl P. O'Brien, P.E. (the Board's Engineering Expert):

Existing Conditions & Demolition Plan (Sheet 2 of 10)

Comment 2. Testimony was provided concerning the two existing inlets located near Berwood Drive. Note #24 has been provided on sheet 4 for the requested easement.

Comment 4. The driveway aprons and the depressed curbs associated with Lots 2 and 3 will be removed and replaced with full height curb along the depressed curbs as shown on Sheets 2 and 3 of the plans. The county curb detail was added on Sheet 10 and Note #25 has been provided on Sheet 4 of the plans.

Comment 6. The existing parking lot signs associated with the bus stop or otherwise in the northeast parking area will be removed as indicated in Note #9 and Note #26 of Sheet 2 and Sheet 4 respectively.

Layout & Dimensioning Plan (Sheet 3 of 10)

Comment 7. The ADA parking spaces have been provided in the front yard along Moen Avenue as shown on Sheet 3.

Comment 10. The preliminary electric vehicle detail has been added on Sheet 9.

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Comment 11. The electric gate has been relocated and Note #27 added on Sheet 4.

Comment 12. The “One-way” and “Do Not Enter” signs have been added to the site plans and the details are shown on Sheet 9.

Comment 13. The visitor and employee parking are shown on Sheet 3 and the details are shown on Sheet 9.

Grading & Utility Plan (Sheet 4 of 10)

Comment 14. Note #10 has been provided on Sheet 4 of the plans.

Comment 15. Only that portion of the manholes and storm sewer pipes located within the 15” subbase reservoir will reduce the overall storage volume by only 187 CF. The permeable paver calculations have been revised accordingly. The required 2-year, 10-year and 100-year storm volumes are 2,061 CF, 2,775 CF and 4,075 CF respectively, while the proposed storage volume is 4,241.70 CF as shown on appendix B of the revised stormwater management report.

Comment 17. Note #11 has been provided on sheet 4 of the plans.

Comment 18. Note #28 has been provided on sheet 4 of the plans.

Comment 19. The existing and proposed utilities are shown on Sheets 2 and 4. Note #29 has been provided on sheet 4 of the plans. The utilities inside the building will be provided by the MEP engineer.

Comment 20. Note #30 has been provided on sheet 4 of the plans.

Comment 21. Note #31 has been provided on sheet 4 of the plans.

Comment 22. The Handicap ramps with detectible warning devices has been provided on Sheets 3 and 4, and the details are shown on Sheet 10 of the plans.

Comment 23. The electrical plan will be submitted by the MEP engineer at the time of building permit. Note #16 was added on Sheet 4 to satisfy this requirement.

Comment 24. The snow storage areas have been provided on Sheet 5 and Note #32 has been provided on Sheet 4 of the plans.

Lighting Plan (Sheet 6 of 10)

Comment 26. Testimony has been provided. The Note has been added on Sheet 6.

Comment 27. The lighting plan has been revised accordingly.

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Township of Cranford, Union County, New Jersey**

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Soil Erosion & Sediment Control Plan (Sheet 7 of 10)

Comment 28. The tabulation of the entire site disturbance area has been provided on Sheet 4 of the plans.

Comment 29. The Soil Erosion application has been submitted. A copy of the permit will be provided once received. Note #33 was added on Sheet 4.

Truck Turning (Sheet 8 & 8a of 10)

Comments 30 and 31. The fire truck turning template has been provided on Sheet 8 of the plans.

Comment 32. The delivery truck turning temple has been provided on sheet 8A of the plans.

Construction Details (Sheet 9 & 10 of 10)

Comment 34. The Township standard details have been added on Sheet 10 of the plans.

Comment 35. The existing Type 'B' inlet detail to be converted to storm manhole has been added on Sheet 10 of the plans.

Comment 36. The guardrail detail has been provided on Sheet 9 of the plans.

Comment 37. The handicap detail has been provided on sheet 10 of the plans. The area for the ADA parking spaces will be restriped only, and the existing grades do not exceed 2% as shown on Sheet 4.

Comment 38. Note #34 has been provided on Sheet 4 reflecting that a 6' high chain link fence is proposed. The detail has been added on Sheet 9. The reference to the vinyl fence has been removed.

Grading and Stormwater:

Comment 1. The existing and proposed impervious coverages amounts have been clarified and the breakdown are shown on Sheet 4. The plans and stormwater management report have been revised accordingly.

Comment 2. The tabulation of the disturbance areas has been added on Sheet 4.

Comment 3. Per discussions with Maser, two (2) overflow pipes where added that will discharge into the existing drainage system. Since the project is a minor development and we are reducing the impervious areas and the existing peak flows, no additional improvements to the drainage system is required. However, the permeable paver has been

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added to provide additional improvement to the existing drainage system. Therefore, a waiver is requested for the soil permeability test requirement.

Comment 4. Notes #10 and #28 were added on Sheet 4 accordingly.

Comment 5. The stormwater management report and plans have been revised.

Comment 6. Testimony has been provided. Note #28 was added on Sheet 4 indicating that the stormwater management maintenance plan shall be approved by the township engineer.

Comment 7. The time of concentration has been calculated for the longest flow path and we have confirmed that the Tc is less than 10 min. The drainage report has been revised to include the Tc calculations.

Comment 8. Maser agree to remove this comment as per the email of 12/4/19 from Ty Apgar to Jose Betances. The requested pervious and impervious areas separation is not applicable for the rational and modified rational methods, which are the methods used in the calculations.

Traffic Signal and Traffic Impact Study Review:

Comment 4. The sight distance has been increased to 335 feet as shown as shown on Sheet 5 of the plans.

Miscellaneous

Comment 4. Note #12 was added on Sheet 4 of the plans.

Comment 5. Note #13 was added on Sheet 4 of the plans.

c. Following Comment Emanating in the Planning Report to the Board from Nicholas A. Dickerson, P.P., A.I.C.P. (the Board's Planning Expert):

- i. Acknowledged.
- ii. Acknowledged.
- iii. The site plans have been revised accordingly.

2. Design, Construction and Location of proposed Development.

The Applicant will comply.

3. Landscaping Maintenance and Replacement Conditions.

The Applicant will comply. Note #17 was added on Sheet 4.

**RE: Application PB-19-004
Food Truck, Inc.
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4. Enforcement and Maintenance of Parking.

The Applicant will comply.

5. Limitation on number of Employees on the Property at any One Time.

The Applicant will comply. Note #21 was added on Sheet 4.

6. Vehicular Access and Egress, and Traffic Circulation.

The Applicant will comply. Note #22 was added on Sheet 4.

7. Vehicular Access and Egress, and Traffic Circulation.

The Applicant will comply. Note #22 was added on Sheet 4.

8. Vehicle Maintenance and Cleaning, and Trash and Recycling.

The Applicant will comply. Note #23 was added on Sheet 4.

9. Night-Light Test.

Acknowledged.

10. Escrow Fees.

Acknowledged.

11. Easements, Dedication and Conveyances.

The Applicant will comply. Note #24 was added on Sheet 4.

12. Lot 2 and Lot 3 to be left as Green Open Space; No Snow Storage.

Acknowledged. The snow storage areas are shown on Sheet 5. Note #32 was added on Sheet 4.

13. No Variances or Exceptions to be Sought for Signage.

The Applicant will comply. Note #20 was added on Sheet 4.

14. Time to Obtain Construction Permits, Commence and Complete Construction, and Obtain Certificates of Occupancy.

Acknowledged.

**RE: Application PB-19-004
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Block 640, Lots 2, 3 & 6.01
Township of Cranford, Union County, New Jersey**

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15. Soil Erosion Permit.

Acknowledged. Note #33 was added on Sheet 4.

16. Grading Plan.

Acknowledged.

17. Engineering Inspections.

Acknowledged. Note #14 was added on Sheet 4.

18. Outside Agency Approvals and Permits.

The Applicant will obtain all required permits and/or approvals from all applicable outside agencies and/or departments.

19. Subject to Other Approvals and Laws.

Acknowledged.

20. As-built Drawings.

The Applicant will comply. Note #15 was added on Sheet 4.

21. Compliance with Noise Requirements.

The Applicant will comply.

22. Stormwater Management Maintenance Manual.

The Stormwater Management Manual has been submitted and included under Annex 1 of the Stormwater Management Report.

23. No Stormwater to be Directed to Adjacent Lot.

The Applicant will comply.

24. Excavated Material.

The Applicant will comply.

25. Repair Any Damage to Township Rights-of-Way.

The Applicant will comply. Note #13 was added on Sheet 4.

**RE: Application PB-19-004
Food Truck, Inc.
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26. Conditions Precedent to Commencement of Site Work, Including Grading Work.

The Applicant will comply.

27. Conditions Precedent to Issuance of Zoning and Construction Permits.

The Applicant will comply.

28. Conditions Precedent to Issuance of Certificate of Occupancy.

The Applicant will comply.

Should you have any questions or require any additional information, please contact this office at your earliest convenience.

Very truly yours,

Harbor Consultants, Inc.

Jose M. Betances, PE, PP, MCE

cc: Carl P. O'Brien, PE, Township Engineer
Nicholas A. Dickerson, P.P., A.I.C.P., Board's Planner
Food Truck, Inc.
Stephen Hehl, Esq.