



Fox Rothschild LLP  
ATTORNEYS AT LAW

Princeton Pike Corporate Center  
997 Lenox Drive, Building 3  
Lawrenceville, NJ 08648-2311  
Tel 609.896.3600 Fax 609.896.1469  
www.foxrothschild.com

**Henry L. Kent-Smith**  
Direct Dial: 609.896-4584  
Email Address:  
Hkent-smith@foxrothschild.com

August 30, 2022

VIA EMAIL

Jonathan E. Drill, Esq.  
Stickel, Koenig, Sullivan & Drill, LLC  
571 Pompton Avenue  
Cedar Grove, New Jersey 07009

Re: 750 Walnut Avenue Variance issue  
Planning Board Meeting July 20, 2022

Dear Mr. Drill:

This firm represents Hartz Mountain Industries, Inc., (“Hartz”), the owner of 750 Walnut Avenue a/k/a Block 541, Lot 2 (the “Property”), the applicant on the application schedule for a public hearing on June 20, 2022. I am in receipt of the Planning Report by Colliers (Nicholas Dickerson, PP) dated July 14, 2022 (“Planning Report”) noting three (3) variances required for the pending application. Please accept this letter as Hartz’ response to the Planning Report.

1. Hartz will comply with the Outdoor Bicycle Parking requirement, based on seventeen (17) required spaces. This stipulation will be noted on the record, eliminating the need for the variance.
2. Hartz seeks a design exception as it relates to design standards for pedestrian sidewalks on Walnut Ave. The Redevelopment Plan Section 4.7F.2 requires an 8’ wide “pedestrian zone” on Walnut Ave. Hartz is requesting approval for a six (6’) walkway along the Walnut Ave. frontage as the proposed “pedestrian zone”. Hartz will present a concept plan for the “typical” walkway and locate same on an Exhibit for the Board’s consideration. Hartz will present the planning proofs for the requested relief at the September 21 hearing.
3. The Front Yard setback for Subdistrict 2 presents a question as to the scope of that regulation. The Planning Report states that the applicable front yard setback for the Subdistrict 2 Commercial Buildings is to be measure from the side lot line between the Residential Building and the Commercial Building. The Planning Report correctly notes the language in the Redevelopment Plan Section 4.2B.2.c(i) on page 21. However, this specific design standard relates to “architectural treatment and site landscaping design in accordance with section 4.6.”. The next section c(ii) correctly notes that the front yard setback is 100 feet.

As stated on the record on July 20,2022, the Township will require a “c” variance from this front yard setback requirement. The treatment of the building facade and landscaping plan are designed so that the facade facing the Subdistrict 1 residential buildings will conform with the Redevelopment Plan front building elevation requirements and landscaping requirements of the Plan. Hartz will present the planning proofs for the requested c variance relief from Section 4.2B.2.c(i) at the September 7 hearing.

4. Hartz will comply with the freestanding monument sign area and height requirements, but will require variance/ design exception relief for the location of the proposed monument sign being less than ½ the required setback per Ordinance 255-26J(4)(e)[4]. Hartz intends to provide a single tenant identification sign for each tenant in the Commercial Buildings.
5. Hartz is requesting a variance/ design exception from 255-26.G(9) for the proposed 25’ height of the wall mounted light standards associated with the internal commercial loading and circulation area between the two buildings, where 16’ is the maximum permitted lighting height. Hartz will present the planning proofs for the requested relief at the September 7 hearing.
6. Hartz is submitting a proposal to eliminate the basketball court, which is an amenity required by the Redevelopment Plan. Hartz will present a concept proposal that will landscape and provide additional storm water management facilities in the area of the proposed basketball court and associated lighting. The elimination of the basketball court will require “c” variance relief. Hartz will present the planning proofs for the requested relief at the September 7 hearing.
7. Hartz requests a variance/ design exception from Ordinance 255-26.J.4(b)(3) for any façade signs on the Commercial Building that are within 150’ of the residential property. Hartz will present the planning proofs for the requested relief at the September 7 hearing

Please accept this letter as an amendment to the pending application to request the relief as stated above.

In addition, I have been advised that our professional planner, Keenan Hughes, is not available for the September 21 public hearing. Therefore, I intend to present Mr. Hughes and have him present his planning testimony at the September 7 meeting. I will start the September 7th meeting with the presentation of the two exhibits requested by the Planning Board involving (i) the proposed new sidewalk on Walnut Ave and (ii) the option to eliminate the basketball court. Both of these exhibits and the associated testimony by Mr Seckler and Mr Chaplin are foundational to Mr. Hughes testimony. If possible, I would also like to have all public and board questioning of the witnesses completed, and as we discussed, have Maurice Rached present his responsive testimony as the Board's traffic consultant. It is my belief that we should be able to complete all of the traffic testimony and questioning within an hour and a half to two hours maximum.

I anticipate Mr. Hughes testimony will take no longer than 30 minutes on direct and reserving 30 minutes for cross and questioning, Mr. Hughes should be able to complete his planning testimony by the end of the September 7 meeting. On September 21, I will present the architects and open space landscape design witnesses, as well as reopen Mr Chaplin for further testimony to address the issues and responses raised by the Board’s engineering consultants and to describe the modifications to the site plan in order to address the board consultant comments.

Once these witnesses have completed their testimony, I will conclude my direct presentation. At that juncture, the hearing can be open for public comment and ultimate action by the Board. Please advise if you have questions or concerns related to the proposed presentation described above.

Very truly yours,

A handwritten signature in black ink, appearing to read "Henry Kent-Smith". The signature is fluid and cursive, with the first name "Henry" and last name "Kent-Smith" clearly distinguishable.

Henry Kent-Smith

HKS:jfp

cc: Cranford Planning Board  
Nicholas Dickerson, PP  
Annie Hindenlang, PP