

# Remo A. Caputo

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March 4, 2021

Ms. Karen Coffey, Board Secretary  
Borough of Morris Plains Planning Board  
Borough Annex  
Morris Plains Borough Hall  
531 Speedwell Avenue  
Morris Plains, N.J. 07950-0305

***Re: Morris Plains Holding UE LLC - Application for:  
Removal of a Condition of Planning Board Resolution dated July 10, 1984;  
Preliminary and Final Site Plan Approval with Variances,  
Design and Checklist Waivers; Soil Disturbance and Importation of Soils Permit;  
Borough of Morris Plains Planning Board  
Block 161 Lots 1, and 3 and Block 161.05 Lot 3.01 Borough of Morris Plains  
17-01, 1705 and 1711 Route 10 East & Littleton Road, Morris Plains, New Jersey***

Dear Ms. Coffey:

Please be advised that this office represents Morris Plains Holding UE LLC, with regard to the above referenced Application for (a) removal of a condition of a Planning Board Resolution dated July 10, 1984; (b) Preliminary and Final Site Plan Approval with Variances and Design and Checklist waiver requests; and (c) Application for Soil Disturbance and Importation of Soils Permit, which is presently on the agenda for the Morris Plains Planning Board for March 15, 2021. Enclosed are the five (5) packages, each containing a copy of the following items from the file for distribution to the public upon request:

1. Copy of this transmittal letter dated March 4, 2021;
2. Copy of the initial letter from Remo A. Caputo, Esq. to the Morris Plains Planning Board dated December 29, 2020 forwarding the original Application submission;
3. Copy of a completed Application for Development with Rider to Application for Development and Checklists D(2) E, and F and Statement of Purpose;
4. Copy of a completed "Section 13-4.2G(4) Checklist D(2) "Checklist for Determining Completeness of an Application for Approval of a Minor Site Plan -Change of Use";
5. Copy of a completed "Section 13-4.2G(5) Checklist E "Checklist for Determining Completeness of an Application for Approval of a Preliminary and Final Site Plan";
6. Copy of a completed "Section 13-4.2G(6) Checklist F "Checklist for Determining Completeness of an Application Variances and Appeals Pursuant to N.J.S.A. 40:55D-34, -35 & 70";

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7. Copy of ownership disclosure information as required pursuant to N.J.S.A. 40:55D-48.1 and N.J.S.A. 40:55D48.2;

8. Copy of a completed Application for Soil Disturbance and Importation of Soils Permit with attached Braen certification;

9. Copy of a document entitled "Electric Parking Lighting Plan" dated September 10, 1986 for the subject Shopping Center (reduced in size - not to scale). It is provided for the purpose of establishing that part of the Shopping Center that was designated as "Phase I" (that portion of the Shopping Center affected by the condition/restriction in the Resolution) in the 1984 Resolution sought herein to be amended in this Application;

10. Copy of a Freshwater Wetland Letter of Interpretation: Line Verification File No & Activity No.: 1423-07-0001.1, FWW100001 from the State of New Jersey Department of Environmental Protection - Division of Land Use Regulation dated January 21, 2020;

11. Copy of a Certified List of Property Owners within 200 feet of Block 161, Lots 1 and 3 and Block 161.05 Lot 3.01, provided by Scott J. Holzhaus CTA, SCGREA, Tax Assessor for the Borough of Morris Plains and dated December 21, 2020;

12. Copy of a Certified List of Property Owners within 200 feet of Block 161, Lots 1 and 3 and Block 161.05 Lot 3.01, provided by Daniel S. Cassese, Tax Assessor for the Township of Parsippany Troy Hills and dated December 15, 2020;

13. Copy of initial drafts of proposed Notice to Property Owners and Newspaper Notice. (subject to further revision as necessary);

14. Copy of a completed Morris County Planning Board Application together with cover letter forwarding the original and one copy of same, together with the County application fee and two copies of the all plans and drawings, to the Morris County Planning Board;

15. Copy of a letter from Remo A. Caputo, Esq. to the Morris Plains Planning Board dated January 12, 2021 with a clarification and, to the extent necessary, an Amendment of the Application in the above referenced matter submitted to The Borough of Morris Plains Planning Board on December 29, 2020. The letter also declined appearance at the January 18, 2021 completeness hearing and granted an extension of time within which the board must act;

16. Copy of a letter from Remo A. Caputo, Esq. to the Morris Plains Planning Board dated January 25, 2021 responding to completeness comments of Borough and requesting further amendments to Application;

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17. Copies of relevant Planning Board Resolutions of the Borough of Morris Plains Planning Board as follows:

- (a) Resolution of the Borough of Morris Plains Planning Board dated July 10, 1984;
- (b) Resolution of the Borough of Morris Plains Planning Board dated January 18, 2016;
- (c) Resolution of the Borough of Morris Plains Planning Board dated April 18, 2016;
- (d) Resolution of the Borough of Morris Plains Planning Board dated May 16, 2016;
- (e) Resolution of the Borough of Morris Plains Zoning Board of Adjustment dated December 18, 2017;
- (f) Resolution of the Borough of Morris Plains Zoning Board of Adjustment dated August 19, 2019;
- (g) Resolution of the Borough of Morris Plains Zoning Board of Adjustment dated November 25, 2019;
- (h) Resolution of the Borough of Morris Plains Planning Board dated September 21, 2020;

18. Copies of easements and restrictions of record affecting the subject property as follows:

- (a) Declaration of Taking and Easements, Slope and Drainage Rights to the State of New Jersey recorded in Deed Book B33 page 123 and Deed Book R33 page 450;
- (b) Utility Easement recorded in Deed Book V30 page 475, Deed Book O72 page 200, Deed Book 1812 page 618, Deed Book 2112 page 760, Deed Book 2209 page 1133, Deed Book 2667 page 647, Deed Book 2791 page 532 and Deed Book 2987 page 375 and Quitclaim of Easement recorded in Deed Book OR 23324 page 590;
- (c) Easements, slope and drainage rights to the State of New Jersey as set forth in Deed Book 1798 page 283, Deed Book 1798 page 289, Deed Book 1798 page 293, Deed Book 2560 page 103, Deed Book 2560 page 115 and Deed Book 2560 page 126;
- (d) Storm Sewerage Easement and Maintenance Agreement recorded in Deed Book 3017 page 134;
- (e) Right of Way Agreement recorded in Deed Book 3297 page 7;

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- (f) Grant of Easement recorded in Deed Book OR 23324 page 593;
- (g) Utility Easement recorded in Deed Book OR 23532 page 1668;
- (h) Agreement as set forth in Deed Book 2794 page 150; Deed Book 2794 page 160 and Deed Book 2870 page 368;
- (i) Recognition, Non-disturbance and Attornment Agreement between Morris Plains Holding UE LLC and Chick-Fil-A, Inc., recorded in Deed Book OR 23486 page 797.

19. Copy of Revised Checklist E (Borough of Morris Plains Land Development Ordinance Section 13-4.2G(5)) together with the "Rider to Application for Development Checklist E", which supercedes any previous submission or amendment of this Checklist and/or any Riders or amendments thereto;

20. Copy of a revised proposed drafts of Notice to Property Owners and Newspaper Notice (subject to further revision as necessary);

21. Copy of a letter from Paul W. Anderson, N.J. Professional Engineer, dated February 23, 2021 addressing the engineering completeness letter of Leon C. Hall, P.E., Borough Engineer, dated February 3, 2021 and the planner's completeness memorandum of Elizabeth C. Leheny, AICP, PP, municipal planner dated February 4, 2021 as same are reflected on the revised site plan engineering drawings previously submitted in this Application;

22. Copy of a letter report regarding the Environmental Status & Proposed Remedial Approach - Former Shop Rite & Gamestop Tenancies - Briarcliff Commons (partial Environmental Impact Statement per waiver granted) prepared by Kenneth J. Luperi, PG, LSRP, and Christopher Seib, PG, LSRP, Whitestone Associates, Inc., Environmental & Geotechnical Engineers & Consultant, 35 Technology Drive, Warren, NJ 07059, dated April 2, 2020 as requested by Joseph Norton, LSRP during the February 11, 2021 TRC Meeting;

23. Copy of a completed Revised Application for Soil Disturbance and Importation of Soils Permit revised February 25, 2021 along with rider thereto prepared by Paul W. Anderson, N.J. Professional Engineer, dated February 24, 2021 addressing issues raised by Leon Hall, PE in his report of February 3, 2021 and by Joseph Norton, LSRP in his report dated February 4, 2021 as well as their respective comments at the Zoom TRC meeting of February 11, 2021;

24. Copy of the attachment to the Revised Application for Soil Disturbance and Importation of Soils Permit document entitled "Geotechnical Investigation Report - Proposed Briarcliff Commons Redevelopment - Morris Plains, New Jersey" prepared by Sor Consulting Engineers, Inc, 88 Sand Park Road, Cedar Grove, New Jersey 07009 dated May 20, 2020;

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25. Copy of a "floor plan" drawing for the proposed Chopt restaurant (Restaurant A) which is entitled "Proposed Fixture Plan" - "CHOPT Creative Salad Co, Briarcliff Commons, 1711 NJ 10E Suite 10 Morris Plains NJ." prepared by Sargenti, 441 From Road, Paramus, NJ 07652, dated January 21, 2021 and consisting of one (1) sheet;

26. Copy of a color drawing dated February 18, 2020, prepared by M. Tanner of Jones Signs and consisting of one (1) page, depicting the proposed signage for "Chopt" (Restaurant A), including the size of the lettering and dimensions of the proposed facade signage, along with specifications of the proposed signage together with a copy of a color elevation rendering of the proposed "Chopt" restaurant (Restaurant A) dated March 19, 2019 and consisting of One (1) sheet;

27. Copy of the Tax Collector's certification that all taxes and assessments are current for each of the three lots in this Application Dated December 29, 2020;

28. Letter of Denial from Donald Salerno, Zoning Officer dated January 5, 2021, a report from the Fire subcode official dated January 4, 2021 and a report from the Police Department dated January 4, 2021;

29. Copy of an updated Certified List of Property Owners within 200 feet of Block 161, Lots 1 and 3 and Block 161.05 Lot 3.01, provided by Scott J. Holzhaus CTA, SCGRETA, Tax Assessor for the Borough of Morris Plains and dated February 16, 2021;

30. Copy of an updated Certified List of Property Owners within 200 feet of Block 161, Lots 1 and 3 and Block 161.05 Lot 3.01, provided by Daniel S. Cassese, Tax Assessor for the Township of Parsippany Troy Hills and dated February 19, 2021;

31. Copy of revised proposed drafts of Notice to Property Owners and Newspaper Notice (subject to further revision if an as necessary);

32. Copy of Newspaper Notice submitted to the Daily Record for publication on or before March 5, 2021;

33. Copy of Property Owners Notice sent to property owners within 200 feet of the site and to others as required by law on March 4, 2021;

34. Copy of the "completeness" letter reports of Leon C. Hall, P.E. dated January 14, 2021;

35. Copy of the "completeness" letter reports of Leon C. Hall, P.E. dated February 3, 2021;

36. Copy of the "completeness" memorandum of Elizabeth Lenehy, AICP, P.P., dated January 14, 2021;

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37. Copy of the "completeness" memorandum of Elizabeth Lenehy, AICP, P.P., dated February 4, 2021;
38. Copy of correspondence from Harold K. Maltz, P.E., P.P. dated January 13, 2021;
39. Copy of Traffic Report from Klein Traffic Consulting, LLC dated January 18, 2021
40. Copy of traffic report from Hamal Associates dated February 8, 2021;
41. Copy of a report of Joseph Norton, LSRP dated January 14, 2021;
42. Letter Report of French & Parrello Associates regarding Soil Disturbance Permit, dated February 4, 2021;
43. Copy of Morris County Planning Board Approval Dated January 28, 2021;
44. Copy of Morris Plains Planning Board Agenda for January 18, 2021;
45. Copy of Morris Plains Planning Board Agenda for February 8, 2021;
46. Copy of Letter regarding Completeness from Karen Coffey dated February 9, 2021;
47. Letter from Karen Coffey dated December 30, 2020 indicating application has been distributed to Board members;
49. Copy of a letter from Remo A. Caputo, Esq. to the Morris Plains Planning Board dated February 26, 2021 forwarding resubmission application package to Board;
50. Borough of Morris Plains Planning Board Meeting Notice instructions for the March 15, 2021 hearing date
51. Copy of the Tax Collector's certifications that all taxes and assessments are current for each of the three lots in this Application dated March 2, 2021;
52. Copy of a letter from Paul W. Anderson, N.J. Professional Engineer, dated January 25, 2021 addressing the engineering completeness letter of Leon C. Hall, P.E., Borough Engineer, dated January 14, 2021 and the planner's completeness memorandum of Elizabeth C. Leheny, AICP, PP, municipal planner dated January 14, 2021 as same are reflected on the revised site plan engineering drawings previously submitted in this Application;
53. Copy of "As Built" Survey dated January 21, 2020 and consisting of one (1) sheet;

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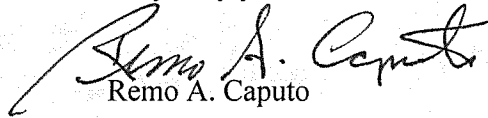
54. Copy of architectural drawings Prepared by Perry M. Perilla Architects, PC, consisting of one (1) sheet;

55. Copy of Traffic report from Hamal Associates dated March 2, 2021;

56. Copy of signed and sealed drawings entitled " Preliminary and Final Site Plan Briarcliff Commons, Block 161 Lots 1 and 3, Tax Map # 16 - Borough of Morris Plains, Morris County, New Jersey, prepared by Paul W. Anderson, N.J. Professional Engineer, License Number 33410, Anderson Consulting Services, LLC, 40 Miller Drive, Boonton, New Jersey 07005, dated December 22, 2020 revised to February 23, 2021 consisting of (16) sheets.

Thank you for your courtesy and cooperation in this matter.

Very truly yours,

  
Remo A. Caputo

RAC/rc  
Enclosures

cc: Morris Plains Holding UE LLC  
Paul W. Anderson, N.J. P.E., Anderson Consulting Services, LLC