

Remo A. Caputo

Attorney at Law

ONE BROADWAY
SUITE 201
DENVER, NJ 07834
(973) 625-3326
FAX (973) 625-3564
EMAIL remocaputo@msn.com

December 29, 2020

Ms. Karen Coffey, Board Secretary
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;
Change of Use; 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
1701, 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 removal of a condition of a Planning Board Resolution dated July 10, 1984; Change of Use; Preliminary and Final Site Plan Approval with Variances and Design and Checklist waiver requests and Application for Soil Disturbance and Importation of Soils Permit.

Enclosed, therefore, please find the following:

1. Applicant's check in the amount of \$8,213.00 representing the Application Fee; Applicant's check in the amount of \$22,815.00 representing the Professional Fee Escrow Deposit; Applicant's check in the amount of \$100.00 representing the Application Fee for the Soil Disturbance and Importation of Soils Permit; and Applicant's check in the amount of \$1,000.00 representing the Professional Fee Escrow of the Soil Disturbance and Importation of Soils Permit
2. One (1) copy of Applicant's W-9;
3. An original and nineteen (19) copies of a completed Application for Development with Rider to Application for Development and Checklists D(2) E, and F and Statement of Purpose;
4. An original and nineteen (19) copies 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";

Ms. Karen Coffey, Board Secretary
Morris Plains Borough Planning Board
December 29, 2020
Page 2 of 5

5. An original and nineteen (19) copies 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. An original and nineteen (19) copies 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";

7. An original and nineteen (19) copies 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. An original and nineteen (19) copies of a completed Application for Soil Disturbance and Importation of Soils Permit together with attached "Material Certification Calendar Year 2020" from Braen Stone Companies, Aggregates Division and "Geotechnical Investigation Report - Proposed Briarcliff Commons Redevelopment - Morris Plains, New Jersey", Prepared by Sor Consulting Engineers, Inc, 98 Sand Park Road, Cedar Grove, New Jersey 07009 dated May 14, 2020;

9. Twenty (20) copies 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. Twenty copies 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. Twenty (20) Copies of 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. Holzhaue CTA, SCGREAA, Tax Assessor for the Borough of Morris Plains and dated December 21, 2020;

12. Twenty (20) Copies of 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. Twenty (20) copies of a proposed Notice to Property Owners and Newspaper Notice;

14. Twenty (20) 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;

Ms. Karen Coffey, Board Secretary
Morris Plains Borough Planning Board
December 29, 2020
Page 3 of 5

15. Twenty (20) copies of 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;

16. Twenty 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;

Ms. Karen Coffey, Board Secretary
Morris Plains Borough Planning Board
December 29, 2020
Page 4 of 5

- (e) Right of Way Agreement recorded in Deed Book 3297 page 7;
- (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.

17. Twenty (20) signed and sealed copies of a Survey entitled "Final As Built Survey of Tax Lots 1, 2.04 & 3 Block 161 -Tax Lot 3.01 - Block 161 - 1701 - 1711 Route 10 - Township of Morris Plains - Morris County, New Jersey", prepared by Marc J. Cifone, and Jeffrey O. Males, Lakeland Surveying, 117 Hibernia Avenue, Rockaway, NJ, dated January 21, 2020 and consisting of one (1) sheet;

18. Twenty (20) signed and sealed copies of architectural drawings entitled "Briarcliff Commons Tenant Out-Parcel Bldg. 1711 Route 10, Morris Plains, New Jersey 07950" Prepared by Perry M. Petrillo Architects, PC, 9 Park Avenue, Park Ridge, New Jersey 07656, dated December 23, 2020 and consisting of one (1) sheet;

19. Twenty (20) signed and sealed copies of drawings entitled " Preliminary and Final Site Plan Briarcliff Commons, Block 161 Lots 1 and 3 - Block 161.05 Lot 3.01- Tax Map # 16 - Borough of Morris Plains, Morris County, New Jersey, including an aerial photograph of the site 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 consisting of Sixteen (16) sheets;

20. The Tax Collector's certifications that all taxes and assessments are current for each of the three lots in this Application;

21. Letter of Denial from Donald Salerno, Zoning Officer, will follow under separate cover;

22. Traffic report from Lee D. Klein, P.E., PTOE, Klein Traffic Consulting, LLC. will be submitted under separate cover.

Ms. Karen Coffey, Board Secretary
Morris Plains Borough Planning Board
December 29, 2020
Page 5 of 5

I would appreciate very much if, upon review for “completeness” by the Board Professionals, the Application could be scheduled for the next available the Planning Board meeting with a view towards being deemed complete and being placed on the Planning Board agenda for public hearing.

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