

# Remo A. Caputo

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January 25, 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  
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 (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.

In response to: (a) discussions during a virtual TRC meeting that the Applicant and its professionals attended on January 13, 2021 via Zoom with Christopher H. Falcon, Esq., Elizabeth Lenehy, AICP, PP and Leon C. Hall, P.E.; (b) the "completeness" letter reports of Leon C. Hall, P.E. dated January 14, 2021; (c) the "completeness" memorandum of Elizabeth Lenehy, AICP, PP dated January 14, 2021; and (d) correspondence from Harold K. Maltz, P.E., P.P. dated January 13, 2021, please deem this letter as supplemental to my letter of January 12, 2021 wherein certain Amendments to the Application made to The Borough of Morris Plains Planning Board and submitted under cover of December 29, 2020 were requested. Please therefore deem this letter as an additional request to Amend the said Application as follows:

1. Since both Mr. Hall and Ms. Lenehy have indicated in their respective reports that Change of User - Minor Site Plan Application is not applicable to this Application, and further, since my letter of January 12, 2021 requested that the Application be Amended to either withdraw the Change of User Application or merge it with the Preliminary and Final Site Plan Application, I further request that all waivers requested in Checklist D(2) (Borough of Morris Plains Land Development Ordinance Section 13-4.2G(4) Checklist D(2)) be withdrawn from this Application as no longer applicable;

Ms. Karen Coffey, Board Secretary  
Borough of Morris Plains Planning Board  
January 25, 2021  
Page two of three

2. Amendment to Checklist E (Borough of Morris Plains Land Development Ordinance Section 13-4.2G(5)) to correct items 36, 47a and 62 to indicate waivers are requested from these items. Please note that while these items are incorrectly checked on the Checklist E as being provided, the "Rider to Application for Development and Checklists D(2) E, and F" correctly requests waivers of these checklist items as follows:

"**Number 36.** No new impervious surface or new drainage construction is proposed with this application therefore a waiver of this item is requested."

"**Number 47a.** No new impervious surface or new drainage construction is proposed with this application therefore a waiver of this item is requested."

"**Number 62.** No new impervious surface or new drainage construction is proposed with this application therefore a waiver of this item is requested."

Also, in response to the aforesaid TRC Virtual meeting and the completeness reports of Mr. Hall and Ms. Lenehy, the following is being submitted herewith:

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

(b) Twenty (20) copies of a Traffic Engineering Evaluation entitled "Briarcliff Commons Redevelopment Project Block 161, Lots 1, 3 and 2.04 Borough of Morris Plains, Morris County, New Jersey" dated January 18, 2021 and prepared by: Klein Traffic Consulting, LLC, 156 Walker Road, West Orange, New Jersey 07052 - Lee D. Klein, P.E., PTOE, Professional Engineer License No. 37104 Professional Traffic Operations Engineer 1627;

(c) Twenty (20) copies 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;

(d) Twenty (20) copies of signed and sealed 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, 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 January 25, 2021 consisting of (16) sheets.

Ms. Karen Coffey, Board Secretary  
Borough of Morris Plains Planning Board  
January 25, 2021  
Page two of three

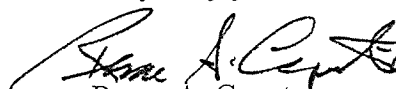
It should be noted that in "Section C Parking Variance" of Mr. Hall report he indicates that Lot 2.04 (Bottleking and Duncan Donuts) should be included in the parking calculations for the site. While consideration may be given to the additional parking burden which may or may not be imposed by any parking associated with Lot 2.04, the Applicant's position, however, respectfully remains that, as a matter of law, Lot 2.04 should not be considered in making the parking calculations for the site. Therefore, no changes have been made with regard to the parking calculations as a result thereof.

I would also like to confirm that, per discussions during the TRC meeting Mr. Hall agreed that my letter of January 12, 2021 would adequately serve to amend the Application for the purposes set forth in that letter, and this position was not disputed by the other Borough professionals attending the meeting. As indicated earlier, please deem this letter as a supplemental Amendment to the Application as set forth herein and in the revised site plan documents prepared by Mr. Anderson and accompanying letter from Mr. Anderson dated January 25, 2021 being submitted herewith.

I, therefore, respectfully request that the Application for Preliminary and Final Site Plan Approval previously submitted in this matter and Amended by letter of January 12, 2021 be deemed further amended as set forth above and, as previously requested, that the Application for Change of User previously submitted be deemed either merged with the Preliminary and Final Site Plan Application or be deemed withdrawn.

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