

NOTICE OF HEARING

**TO: OWNERS OF PROPERTY WITHIN 200 FEET OF
BLOCK 161 LOTS 1 AND 3 AND BLOCK 161.05 LOT 3.01 BOROUGH OF MORRIS PLAINS
1701, 1705 and 1711 NEW JERSEY ROUTE 10 EAST AT LITTLETON ROAD, MORRIS PLAINS, NJ**

PLEASE TAKE NOTICE:

That the undersigned has applied to the Planning Board of the Borough of Morris Plains to request the following:

(a) To remove a condition from a certain Resolution of the Planning Board of the Borough of Morris Plains adopted July 10, 1984, affecting Block 161 Lots 1, and 3 and Block 161.05 Lot 3.01 in the Borough of Morris Plains (formerly known as Block 1, 2D and, 3 in Block 161 in the Borough of Morris Plains). The condition sought to be removed is set forth on Page 6 (the last page of the of the Resolution) at Paragraph 3.E.d.i., which reads: "no restaurant or food preparation use shall be permitted to occupy Phase I". The Applicant seeks to remove this condition as to its applicability to a 2,599 sf space to be configured from 1,600 sf from the former Gamestop store and 999 sf from the former 2,400 sf Village Spa Space. Both spaces are presently vacant. The Applicant further seeks to have the condition removed as it would apply to the adjacent 1,400 sf space remainder area of the former Village Spa space and also for a 1,600 sf vacant space adjacent to the currently existing Chipotle restaurant and formerly occupied by a GNC store. If the Board grants the removal of the said condition, the Applicant will seek to locate a Chopt restaurant in the 2,599 sf space and will endeavor to also locate restaurant food preparation uses in each of other two rental spaces though no tenants have yet been identified for those spaces. The Applicant is aware that when a new tenant is identified for either of the two new proposed rental spaces a Change of User, Application pursuant to Section 13-4.2.A (1.4) of the Land Development Ordinances of the Borough of Morris Plains will be necessary prior to any new occupancy;

(b) To grant Preliminary and Final Site Plan approval for Block 161 Lots 1 and 3 in the Borough of Morris Plains more commonly known as 1705 and 1711 New Jersey Route 10 East at Littleton Road, Morris Plains, NJ to: (1) permit the construction of a 3,500 sf new building together with ancillary appurtenances thereto including a drive-through component, to be occupied and operated by a restaurant or food preparation use. No proposed tenant has been identified to occupy this proposed structure. The Applicant is aware that when new tenant is identified, a Change of User Application pursuant to Section 13-4.2.A (1.4) of the Land Development Ordinances of the Borough of Morris Plains will be necessary prior to any occupancy; (2) permit (subject to the Board approving the removal of the condition from the 1984 Resolution as set forth above), the Applicant to reconfigure 1,600 sf from the former Gamestop store and 999 sf from the former 2,400 sf Village Spa Space, both spaces which are presently vacant into a 2,599 sf space to be leased to and occupied by Chopt, a restaurant use; and (3) permit (again, subject to the Board approving the removal of the condition from the 1984 Resolution as set forth above) the 1,400 sf space remainder area of the former Village Spa space (adjacent to the proposed Chopt space) and a 1,600 sf vacant space adjacent to the currently existing Chipotle restaurant (formerly occupied by a GNC store), to each also be used as proposed restaurant and /or food preparation uses. As no tenants have been identified for these two spaces, the Applicant is aware that in the event such approval is granted, a Change of User, Application pursuant to Section 13-4.2.A (1.4) of the Land Development Ordinances of the Borough of Morris Plains will be necessary for each of the two new proposed rental spaces at such time as a new tenant is identified for such space and prior to any new occupancy.

In conjunction with the Application, the Applicant will ask for certain variances, waivers and deviations from the requirements of the Land Development Ordinances of the Borough of Morris Plains:

Variances:

(a) The Applicant seeks relief from Section 13-5.7A - Schedule E of the Morris Plains Land Use Ordinance. The parking calculations made pursuant to the aforesaid Section of the Ordinance would require 1,095 off-street parking spaces for the site including parking requirements for the four (4) proposed restaurant uses. The site as currently configured has 1,000 spaces. The Applicant proposes to decrease the number parking spaces by 69 spaces from the existing 1,000 spaces for a total of 931 parking spaces, therefore a variance is requested.

(b) The Applicant seeks variance relief from Borough of Morris Plains Ordinance Section 13-5.1D - Schedule D - Schedule of Zoning Requirements. The 3,500 sf proposed free standing building will require two front yard setback variances. Section 13-5.1D - Schedule D Schedule of Zoning Requirements of the Borough of Morris Plains requires a front yard set back of 150 ft. The proposed building will have front yard setback of 38.2 ft from Route 10 at the northwesterly corner of the building and a 81.7 ft front yard setback at the more westerly corner from Rt 202.

Design Waivers:

(a) A Design waiver is requested from Section 13-4.14C(2.2)(d) which requires parking spaces to be 10ft by 20ft. The Applicant requests a design waiver from this section of the ordinance to permit some of the parking spaces to be 9ft x18ft;

(b) Section 13-4.14C(2.2)(g)(ii) requires that no light source shall exceed the height of fifteen (15) feet. The Applicant requests a design waiver from this section of ordinance as the applicant proposes that the light fixtures will be on poles that are thirty (30) feet in height;

(c) Section 13-4.14C(2.2)(n)(vii) requires that there shall be provided at the end of each bay of parking, and between adjoining bays of parking, extending the full length of the bays, a landscaped area at least 10 feet wide. The applicant proposes parking aisle end islands to be less than 10 ft in width;

Checklist Item Waivers:

(a) The Applicant will request Waivers from items 11, 31, 34b, 34c, 34d and 34e, 35a, 35b, 35c, 36, 37, 44, 45, 47a, 47b, 47d, 47e, 49b, 49c and 49d, 50, 52, 54, 57a, 57b, 57c, 58b, 58c, 60, 61, 62, 63 and 64a of the Borough of Morris Plains Land Development Ordinance Section 13-4.2G(5) Checklist E as the Applicant believes that these items are either not applicable to this Application or the information sought by the items of the checklist will not be relevant or significant to the Board in making a determination on the Application.

(b) The Applicant will request Waivers from items 13, 24a through 24g and 28 of the Borough of Morris Plains Land Development Ordinance Section 13-4.2G(6) Checklist F as the Applicant believes that these items are either not applicable to this Application or the information sought by the items of the checklist will not be relevant or helpful to the Board in making a determination on the Application.

Certain of the checklist waivers requested above may in, some cases, be for partial or temporary relief.

The Applicant shall further request that Board grant any other waivers, deviations and/or variances, which it may deem necessary, desirable or appropriate with regard to the aforesaid Application.

The public hearing in this matter will take place at the March 15, 2021 regular meeting of the Morris Plains Planning Board which begins at 7:30 P.M. The meeting will be held in the Morris Plains Borough Hall, Council Chambers, 531 Speedwell Avenue, Morris Plains, NJ. The outbreak of the COVID-19 virus currently limits all indoor gatherings to an occupancy limitation of 25% percent of room capacity with a maximum attendance of 22 persons, with the mandatory wearing of masks at all times and six-foot social distancing. In an effort to continue to conduct Planning Board business, this meeting will be held both IN PERSON and REMOTELY by means of electronic equipment via Zoom, a video conferencing service that allows the Board, its professionals, the general public and other interested parties to participate. If you desire to attend IN PERSON, members of the public will be admitted on a first come first serve basis starting at 7:00 pm until the maximum room attendance of 22 persons is reached. Persons unable to gain in-person access due to Executive Order occupancy limitations are encouraged to participate remotely and persons without access to the internet shall be able to participate via telephone access. All participants will be muted until called upon by the Chair. You will have two methods to indicate that you would like to address the board. If you are joining from a computer or mobile device using the Zoom application, you can "Raise Your Hand" and you will be acknowledged and unmuted during the appropriate portion of the meeting. From a dial-in phone, you can raise your hand by hitting the STAR+9 KEYS only once. From a computer or mobile device with wifi, you can also indicate that you would like to speak by sending a "Chat" message to the board.

The meeting will be conducted as a normal regular scheduled meeting consisting of general business such as the approval of minutes, consideration of Committee Reports, the processing of bills for payment, review of correspondence and matters pertaining to applications filed with the Board and to hold public hearings on applications. Formal action may or may not be taken.

A copy of a Notice of this meeting will be posted on the Borough's Website at www.morrisplainsboro.org, on the vestibule door in the Borough Hall for such Zoom Notices and filed with the Borough Clerk of Morris Plains.

Any person or persons affected by this Application may have an opportunity to be heard at the said meeting to be held on March 15, 2021 at 7:30 P.M. prevailing time as follows:

OPTION 1: You may appear at the Morris Plains Borough Hall, Council Chambers, 531 Speedwell Avenue, Morris Plains, NJ. 07950, at your option, either in person, or by authorized agent or attorney at which time you may present any objections which you may have to the granting of this Application. Due to the COVID-19 Pandemic and the Public Health Emergency and the State of Emergency regarding the COVID - 19 Pandemic declared by the Governor, please note that all persons who appear must wear a protective face covering, comply with applicable and appropriate social distancing regulations and all other applicable regulations and restrictions as set forth in the N.J. Governor's Executive Order No. 107 and subsequent applicable Executive Orders including, but not limited to Executive Order No 152 as modified by Executive Orders 156 and 173, until such time as the restrictions enumerated therein are relaxed, rescinded or otherwise modified.

OPTION 2: The hearing shall also be accessible to the public by means of Zoom and telephonic equipment as follows:

A: Via Zoom: Join Zoom Meeting Link from computer or mobile device:

Zoom Webinar Link: <https://zoom.us/j/93531582753>

Meeting ID: 935 3158 2753

Password: 736027

or

B: (audio only) - Dial in by cell phone or landline:

Dial: 1-929-436-2866

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At the time of the said hearing you may participate by way of Option 1, Option 2A or 2B set forth above, either individually or by attorney and present testimony which you may have with respect to the subject matter of the hearing.

Ten days prior to the meeting, the application and related documents will be available electronically which can be found on the home page of the Borough's Website at www.morrisplainsboro.org. Arrangements can also be made with the Planning Board Secretary to obtain a paper copy of the application and related documents by an appointment to receive a copy placed outside of the Planning Board Office located at the Borough Annex, 531 Speedwell Avenue, Morris Plains, NJ, at the appointed time. The telephone number of the Board Secretary is 973-538-0325 who may be reached Monday through Friday, between the hours of 8:30 A.M. and 4:30 P.M. Please note that the availability of the Planning Board Secretary may be adjusted due to the public health emergency and reduced staffing requirements applicable to the municipal employees, but that a voicemail message can be left and will be responded to as soon as reasonably possible.

Remo A. Caputo

Remo A. Caputo, Esq.
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One Broadway
Suite 201
Denville, New Jersey 07834
(973) 625-3326

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