



Colleen Reardon
Land Use Board Secretary
Borough of Rockaway
1 East Main Street
Rockaway, NJ 07866

412 Mount Kemble Avenue
Suite G22
Morristown NJ 07960
United States of America

T +1 (908) 730 6000
F +1 (973) 267 2890
www.mottmac.com

Creating Better Days, LLC
Use Variance & Site Plan Waiver
LUB #074
347 East Main Street
Block 24, Lot 12
Borough of Hopatcong, Morris County
Applicant: Creating Better Days, LLC
Owner: Diamond Bits and Blades, LLC

January 12, 2021

Dear Ms. Reardon:

On behalf of the Borough of Rockaway Land Use Board, Mott MacDonald has reviewed the following documents received in connection with the above referenced application:

- Completed Borough of Rockaway Application for the Land Use Board filed December 3, 2020, signed by Patrick Simpson of Creating Better Days, LLC including Rider to Borough of Rockaway, Land Use Board, Application for Development;
- Site Inspection Authorization Form, signed and dated November 12, 2020;
- Affidavit of Ownership, signed and dated November 12, 2020;
- Administrative Checklist;
- Schedule "A" Checklist;
- Schedule "A" Checklist "D" Variance;
- Survey of property entitled "Map of Property 347 East Main Street, Lot 12, Block 24, Borough of Rockaway, Morris County, N.J." prepared by Alfred A. Stewart, PE, PLS of Stewart Surveying & Engineering, LLC dated August 3, 2018;
- Parking Layout Sketch, undated and unsigned;
- Morris County Planning Board Application for Land Development Review for 346 East Main Street, Block 24, Lot 12 in the Borough of Rockaway signed by Jason R. Rittie, Esq. and dated December 2, 2020;
- Morris County Planning Board Application Site Plan Report for "347 East Main Street", File No. 2020-34-3-SP-0 dated January 5, 2021;

PROJECT DESCRIPTION

The subject property is located at 347 East Main Street (Lot 12 in Block 24) within the General Light Industrial Zone (GLI) of the Borough of Rockaway. The subject property is currently developed with a two and a half story mixed use building that includes both a residential apartment, as well as vacant space for a non-residential use. The site also contains associated improvements such as a paved asphalt driveway, concrete walkways and lawn areas.

The Applicant proposes to use approximately 495 square feet of existing non-residential space in the mixed-used building for retail sales and services of CBD (Cannabidiol) products, services and related merchandise. The applicant proposes interior renovations to the non-residential space for the proposed change in use. The applicant is not proposing any exterior changes to the subject property at this time.

The Applicant is seeking a use variance for the proposed use of the vacant space for retail sales and services.

COMPLETENESS REVIEW

Based on our review, Mott MacDonald offers the following comments related to the completeness of the application:

A. Administrative Checklist:

- i. **Checklist Item 2 for six (6) copies of the preliminary and final site plans** – *The applicant has requested a site plan waiver for this application. Due to the nature of the application, the proposed use variance requested, and that improvements have been made to the subject property without prior site plan approval, a site plan should be provided that at a minimum includes the following:*
 - a. *The applicant has provided a survey however the survey is not current (significant changes have been made to the site since 2018 which directly impact the ability to review this application). An up-to-date signed and sealed survey must be provided.*
 - b. *The survey/site plan should include all improvements that have been done at the subject property that were not subject to prior approval (including but not limited to: expanded parking area, size and location of striped parking stalls, dumpster location, shed/external storage).*
 - c. *A zoning table listing the bulk requirements and existing/proposed setbacks/coverages must be provided. This should denote any pre-existing non-conforming conditions.*
 - d. *Floor Plans (sketches) should be provided which document the number, location, and size of the residential units as well as the size and location of the proposed retail space.*
 - e. *All design waivers of Municipal Code Section 171 should be identified.*
- ii. **Checklist Item 3 for twenty (20) copies of plans and maps as required by the applicable checklist** - *The applicant has requested a site plan waiver for this application. See comment A.i above.*
- iii. **Checklist Item 10 for Tax Collector Certification for payments of taxes, liens, and assessments** – *This Applicant indicates that*

this will be submitted under separate cover, but to date this has not been included in the submission.

- iv. Checklist Item 12 for compliance with legal Notice Requirements – *This checklist item must be submitted prior to the Public Hearing and we defer completeness to the Board Secretary/Board Attorney for this item.*
- v. Checklist Item 13 for the Affidavit of Applicant – *This checklist item must be submitted prior to the Public Hearing and we defer completeness to the Board Secretary/Board Attorney for this item.*
- vi. Checklist Item 15 for a Key Map showing the Subject Property - *The applicant has requested a site plan waiver for this application. See comment A.i above.*

B. Schedule “A” Checklist “D” Variance

- i. Checklist Item 2 for a graphic or written description of the area surrounding the subject property - *The applicant has requested a site plan waiver for this application. See comment A.i above.*
- ii. Checklist Item 3 for a description of the alternatives which were considered – *The applicant has requested a waiver for this application. We do not object to the waiver for completeness. Given the nature of this application, the Board may elect to require testimony regarding potential alternatives reviewed by the applicant.*

The Checklist items above that are **boldened** are required. Therefore, the application is incomplete.

TECHNICAL REVIEW

Based on our review, Mott MacDonald offers the following technical review comments regarding the subject application:

1. As noted above, the survey provided, dated August 3, 2018 does not reflect the current site conditions. The current conditions have been reflected on the hand-drawn sketch provided with the application. The Applicant must provide an updated survey.
2. The Application states that the use of the second floor of the building for a residential apartment is a pre-existing non-conforming condition, however documentation/proofs of this pre-existing non-conforming condition have not been provided.
3. The Applicant should describe the operations and how the building will be used for the proposed use (number of employees, expected number of patrons, hours of operation, location and timing of deliveries, etc.).
4. The Applicant must provide testimony as it relates to the number of parking spaces on-site including:
 - a. The required number of parking spaces, and the number of parking spaces existing/proposed
 - b. The number of bedrooms in the second-floor apartment must be confirmed. As noted above, a sketch of the floor plans should be provided.
 - c. If there will be signage installed to designate parking for employees, patrons, and residents of the second-floor apartment.

- The Board shall determine whether the employee and residential parking spaces should be restricted and designated with signage.
- d. The size of the existing parking spaces should be confirmed. Parking spaces measuring 20' x 9' are required, or a Design Waiver must be requested.
 - e. One off-street loading space be provided per Borough Code Section 171-18, or a Design Waiver must be requested.
5. The Applicant should confirm that no additional lighting is proposed.
 6. The existing site conditions do not contain any striping to delineate ADA parking and/or ADA signage. Compliance with ADA requirements should be addressed by the applicant as part of this application.
 7. The site contains an existing dumpster. Testimony should be provided on if this is a permanent dumpster. If so, the dumpster area should be appropriately located and screened. Furthermore, the dumpster must be covered at all times to prevent refuse from spilling out or overflowing. It should be clarified if the residential unit will also be utilizing the dumpster or how their refuse will be managed.
 8. Proposed signage for the proposed use has not been provided for review. If signage is proposed, it must comply with the Borough's Sign ordinance, Article IV, Signs sections 172-35 through 172-49.

If you have any questions concerning this review letter, please do not hesitate to contact my office.

Very truly yours,

Mott MacDonald



Samantha J. Anello, PE, CME, CFM
Borough Engineer
samantha.anello@mottmac.com
T 908.238.5032 F 973.267.2890

Cc: Rockaway Borough Land Use Board Members
John Mills, III, Esq.
Golda Speyer, PP
Jason R. Rittie, Esq., Einhorn Barbarito, PC
Creating Better Days, LLC
Diamond Bits and Blades, LLC