



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

**LUB #075**  
**27 East Main Street**  
**Block 40, Lot 22 & 23**  
**Borough of Rockaway, Morris County**  
**Applicant/Owner: Mot-Laur Properties LLC**

412 Mount Kemble Avenue  
Suite G22  
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April 21, 2021

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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 March 9, 2021, signed by Moti Almakias, Applicant including Use Variance/Waiver of Site Plan Rider/Description and aerial site image.
- Site Inspection Authorization Form, signed and dated February 21, 2021;
- Affidavit of Ownership Form, signed and dated February 21, 2021;
- Administrative Checklist;
- Schedule "A" Checklist for "D" Variance;
- Certificate of Paid Taxes, signed and dated February 4, 2021;
- Certified list of property owners within 200 feet of Block 40, Lot 22 & 23, dated September 25, 2020
- Deed of Block 40, Lot 22 & 23
- Corporate or Partnership Form
- Rockaway Borough Planning Board Dispositional Resolution Mot-Laur Properties, LLC PB-2-10 Application dated September 16, 2010.
- Board of Adjustment, Borough of Rockaway, Morris County, New Jersey, August 3<sup>rd</sup> 2004, Premises: Block 40; Lots 22 & 23, 27 East Main Street, Rockaway, NJ 07866, Case No.: 647-02, Applicant: Rowley Development Corp.
- Board of Adjustment, Borough of Rockaway, Morris County, New Jersey, August 3<sup>rd</sup> 1999, Premises: Block 40; Lots 22 & 23, Franklin Road and Main Street, Case No.: 612-99, Applicant: Rowley Building Products
- Planning Board, Borough of Rockaway, Resolution dated September 21, 1978.
- Engineering plan set entitled "27 East Main Street, Variance Plan, Block 40, lots 22 7 23, Tax Maps 7, 8, 9, 13, Borough of Rockaway, Morris County,

New Jersey” prepared by Paul W. Anderson, PE of Anderson Consulting Services dated February 8, 2021 consisting of two (2) sheets.

- Architectural plan set entitled “Existing Floor Plan, 27 E. Main St., Rockaway, New Jersey” prepared by Cesari Architects, dated February 28, 2021
- Property survey entitled “Survey of Property, Tax Lot 22 & 23 – Block 40, 27 East Main Street, Borough of Rockaway, Morris County, New Jersey” prepared by Marc J. Cifone, PLS of Lakeland Surveying dated January 9, 2019.

### PROJECT DESCRIPTION

The subject property is located at 27 East Main Street (Lot 22 & 23 in Block 40) partially within the High-Tech/Light Industrial (HT/LI) Zone and partially within the Business Commercial (BC) Zone of the Borough of Rockaway. The subject property is a corner lot located at the corner of East Main Street (CR 644) and Franklin Avenue. The subject property is currently developed with three buildings. Building One is an existing two-story frame building containing a gym, Building Two is an existing one-story aluminum building, and Building Three is an existing two-story aluminum building partially occupied by a vehicle re-possession company. The subject property is also developed with associated improvements for various uses including paved asphalt driveways and parking areas, a paver parking area, and chain link exterior fencing. The subject properties are bounded to the North and West by the Rockaway River, bounded to the South by existing railroad tracks, and bounded to the East by East Main Street (CR 644).

The subject property is located within a FEMA Flood Zone, and a New Jersey Department of Environmental Protection (NJDEP) Floodway, Flood Hazard Area, and Riparian Zone.

The Applicant proposes to lease existing warehouse buildings to multiple uses; namely, a landscaper for office use in the building and indoor storage of equipment in a warehouse; storage for a moving company; and a vehicle repossession company that will utilize office space and park vehicles outdoors behind the buildings. The Applicant is seeking general office, storage, warehouse, and shop use approval which are not permitted in the HT/LI Zone of the Borough of Rockaway. No site improvements are proposed as part of this application.

The Applicant is seeking a “D” use variance (to permit the proposed uses) under 40:55D-70d, “C” Hardship variances under 40:55d-70c, and a site plan waiver.

### COMPLETENESS REVIEW

Based on our review, and in consultation with the Borough Planner, Mott MacDonald offers the following comments related to the completeness of the application:

A. Administrative Checklist:

- i. 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.*

Based on the above, the application may be deemed **complete** and scheduled for a public hearing.

#### TECHNICAL REVIEW

Based on our review, Mott MacDonald offers the following comments:

1. All or a portion of the subject property is located within a Federal Emergency Management Agency (FEMA) flood zone as per the Flood Insurance Rate Map (FIRM). As such, the flood zone limits in the vicinity of the property should be delineated and the base flood elevation for the site should be indicated on the plot plan.

It should be noted that a nonresidential substantial improvement must meet the standards set forth in the Borough of Rockaway's Flood Damage Prevention Ordinance, Section 139A-17B. A substantial improvement is defined as *"Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed."*

The Applicant's professionals should submit a written statement, with supporting documentation, verifying that the proposed interior improvements to the subject buildings do not constitute a substantial improvement.

2. The Borough of Rockaway's Flood Damage Prevention Ordinance, Section 139A-18 for the Floodway *"Prohibits encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge."*

The applicant's Professional's should provide this technical evaluation regarding how the storage of vehicles within a Floodway meets this provision. Consideration should be given to a condition that in advance of large storm events, all vehicles must be temporarily removed from the Floodway.

3. All or a portion of the subject property is located within a New Jersey Department of Environmental Protection (NJDEP) delineated floodway, flood hazard area, and/or riparian zone. The limits of these regulated areas should be indicated on the plot plan.
4. The Applicant's professionals should obtain a Letter of Non-Applicability from the NJDEP that the proposed activities (i.e. storage of vehicles within a floodway) is not a regulated activity by the NJDEP under the Flood Hazard Area Control Rules Act (FHA), N.J.A.C. 7:13, or obtain FHA permitting as required.
5. The limits of existing Freshwater Wetlands are delineated on the property survey. The Applicant should clarify if a Letter of Interpretation (LOI) for the wetlands has been obtained from the NJDEP. A copy of the LOI should be provided, if applicable.

6. Given the presence of Freshwater Wetlands and Freshwater Wetlands Transition Areas on the subject property, the applicant should obtain a letter of non-applicability for the proposed activities (i.e. storage of vehicles within a transition area) under the NJDEP Division of Land Use Regulation, Freshwater Wetlands (FWW) Protection Act regulations, N.J.A.C. 7:7a, or obtain an FWW permitting as required.
7. The applicant has not indicated that they are seeking relief from any condition of approval included in any prior Board Resolutions for the subject property. As such, the following conditions of previous resolutions have not been met and must be undertaken by the Applicant for compliance (notes added in italics):
  - a. Condition 8 of the Resolution for Application PB-2-10, dated September 16, 2010: "The Applicant's business traffic shall be limited to the southerly ingress/egress point on Franklin Avenue. The northerly entrance shall be reserved to the sue of the future tenant(s) of the office/commercial building at the East Main Street frontage of the site"  
*Signage should be installed to indicate that the southerly ingress/egress point on Franklin Avenue is to be used for the tenants of buildings #2 & #3*
  - b. Condition 9 of the Resolution for Application PB-2-10, dated September 16, 2010: "Use of the paver area shall be reserved for the exclusive use of the office/commercial building"  
*Signage should be installed to indicate that parking within the paver area is for Gym patrons only.*
  - c. Condition 10 of the Resolution for Application PB-2-10, dated September 16, 2010: "The macadam parking areas associated with the Applicant's business shall be striped and a handicap space shall be provided. The Applicant shall coordinate such work with the Borough Engineer. No additional paving shall be added to the site"  
*Striping, in accordance with the above condition, must be provided. The number of handicap stalls must be in accordance with the ADA regulations. Striping for vehicle storage is not required.*
8. The Applicant's engineer should provide a parking analysis to support the 65 required parking spaces as noted on the provided zoning table.
9. All proposed signage must conform to the Borough code and must be submitted to the zoning officer for review and approval.
10. Should the Board view this application favorably, approval should be conditioned upon the property owner notifying all existing and potential tenants, in writing of:
  - a. All conditions of current and past resolutions of approval
  - b. That the subject property is located within a 100-year flood plain



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

Very truly yours,

Mott MacDonald

A handwritten signature in blue ink, appearing to read 'Samantha Anello', written over a light blue horizontal line.

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Cc: Rockaway Borough Land Use Board Members  
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Golda Speyer, PP  
Mot-Laur Properties LLC  
Paul Anderson, PE  
Alyse Landano Hubbard, Esq.