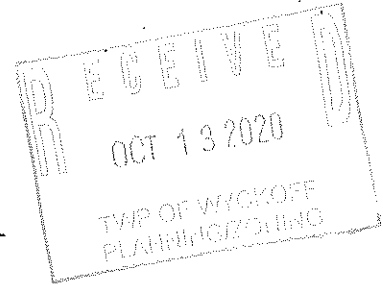


TOWNSHIP OF WYCKOFF
BERGEN COUNTY, NEW JERSEY

APPLICATION FOR SITE PLAN APPROVAL



Date filed _____ Fee \$975.00 Block 391 Lot(s) 42.01

A. APPLICATION IS HEREBY MADE FOR:

- Minor site plan
- Preliminary/final major site plan
- Waiver, modification or amendment of an existing site plan
- Fence permit

B. OWNER: UB Wyckoff I, LLC Tele # 203.863.8200
 Address: 321 Railroad Ave., Greenwich, CT 06830
 Applicant's Name (if other than owner):
Electrify America, LLC Tele# 973.326.7113
 Address: 2003 Edmund Halley Drive, Suite 200, Reston, VA 20191
 Name and address of person presenting application:
 Name: Michael T. Lavigne - Fox Rothschild LLP Profession Attorney
 Address: 49 Market Street, Morristown, NJ 07960 Tele # 973.326.7113
 Name of development: Cedar Hills Shopping Center

C. PROPERTY DESCRIPTION

Location: 525 Cedar Hill Avenue Zone: B-2
 Lot size: 5.24 Acres Tax Map #: 48 Block 391 Lot(s) 42.01
 Size of building in square feet: 38,925 SF Stories: 1-2 (Varies)

D. YARD DIMENSIONS – PROPOSED DEVELOPMENT APPLICATION

Zone: B-2 Minimum lot requirements: Area (sq. ft.): 6,000 square feet
 Frontage: 60 ft. Depth: 100 ft.
 Proposed yard dimensions: Principal building Front No change Rear No change
 Side: One No change Both No change
 Accessory buildings: Rear 12.9 ft Side No Change (accessory structure proposed)
 Maximum building height: Stories No change Feet No change
 Minimum habitable floor area per dwelling unit N/A
 Maximum lot coverage No change
 Principal building %: No change Principal & accessory building %: 17.15%

E. IF APPLICATION IS FOR WAIVER, MODIFICATION OR AMENDMENT OF AN EXISTING SITE PLAN, EXPLAIN REQUEST: Applicant is seeking amended site plan approval in order to convert six existing parking spaces into four electric vehicle charging stations at the Cedar Hills Shopping Center.

F. PROPOSED LAND USE: Accessory electric vehicle charging facility

G. DESCRIPTION OF PROPOSED OPERATIONS, INCLUDING DAYS AND HOURS OF OPERATION: Facility is unmanned. Proposed to be available for motorists to re-charge their vehicles 24 hours per day, seven days a week.

H. IF PROPOSAL IS FOR RESIDENTIAL CONSTRUCTION, STATE NUMBER OF DWELLING UNITS AND TYPE OF OWNERSHIP: None proposed

I. ESTIMATED COST OF CONSTRUCTION: \$150,000.00

J. ARE ANY DEED RESTRICTONS APPLICABLE TO THE PROPOSED USE KNOWN OR CONTEMPLATED? Yes No If yes, attach copy.

K. IS DEDICATION OF LAND FOR ROAD OR OTHER REASON REQUIRED? Yes No

If yes, complete the following:

Name of roads: _____

Number of feet: _____ Remarks: _____

L. PREVIOUS ACTION BY PLANNING BOARD: Date 10/2003, 6/2004, 9/2006 Details: Approval granted for existing shopping center and off-street parking area and existing tenants. As per response to OPRA request, three most recent approvals are attached.

Amendment requested: Seeking amended approval to convert six existing off-street parking spaces to four unmanned electric vehicle charging stations

M. DOES THIS DEVELOPMENT PLAN INCLUDE OR REQUIRE A SIMULTANEOUS APPLICATION FOR ANOTHER TOWNSHIP APPROVAL? Yes No

If yes, state type of additional approval being sought: bulk variance relief

N. LIST OF MAPS AND OTHER MATERIAL ACCOMPANYING THE APPLICATION AND THE NUMBER OF EACH ITEM:

ITEM	NUMBER
1. Site plan prepared by <u>Kimley-Horn and Associates, Inc.</u>	<u>2</u>
2. <u>200' Property Owners List</u>	<u>2</u>
3. <u>Tax Certification</u>	<u>2</u>
4. <u>Ownership Disclosure Statement</u>	<u>2</u>
5. <u>Application Fee and Escrow Deposit Checks</u>	<u>1</u>

O. DOES THE FINAL PLAT FOLLOW EXACTLY THE PRELIMINARY PLAT IN REGARD TO DETAILS AND AREA COVERED? Yes No [Not applicable]

If no, indicate changes: _____

ELECTRIFY AMERICA, LLC

P. SIGNATURE OF APPLICANT: By: _____

SIGNATURE OF OWNERS: Wilij L. Biddle

DATE OF APPLICATION: 8/31/2020

TOWNSHIP OF WYCKOFF
BERGEN COUNTY, NEW JERSEY

APPLICATION IS HEREBY MADE FOR:

- Appeal from Building Officer based on or made in the enforcement of the Zoning Ordinance. N.J.S.A. 40:55D-70a
- Zoning map interpretation N.J.S.A. 40:55D-70b
- Hardship variance N.J.S.A. 40:55-70c-1
- Flexible variance N.J.S.A. 40:55-70c-2
- Variance for use or principal structure N.J.S.A. 40:55D-70d-1
- Expansion of a nonconforming use N.J.S.A. 40:55D-70d-2
- Deviation from standard of conditional use N.J.S.A. 40:55-70d-3

PROPERTY HISTORY:

A. Owner: UB Wyckoff I, LLC
 Address: 321 Railroad Ave., Greenwich, CT 06830
 Telephone: 203.863.8200
 Applicant name (if other than owner): Electrify America, LLC
 Address: 2003 Edmund Halley Drive, Suite 200, Reston, VA 20191
 Telephone: 973.326.7113

B. Property Description:

Location: 525 Cedar Hill Avenue
 Zoning district: B-2 Block: 391 Lot: 42.01
 Existing use of building or premises: Shopping center

C. Type of variance requested: Bulk variance for setback relief, accessory structure in front yard, fence height, and number of parking spaces

D. The variance requested is for the purpose of: Permitting the installation of an accessory electric vehicle charging facility within the required setback

E. Does the attached survey reflect the property as it presently exists? Yes No
 If no, explain _____

F. Is the property sewered or septic? sewered Locate on survey.

G. Is this request connected with the simultaneous approval of another application before a Township board? Yes No
 If yes, explain Simultaneously seeking amended site plan approval from the planning board

H. Have there been any previous applications before a Township board involving the premises: Yes No
 If yes, state the date and disposition: Planning Board approved the existing shopping center on the subject property and existing tenants. As per response to OPRA request, three most recent approvals are attached.
 Date: 10/2003, 6/2004, 9/2006

I. If this application is for an appeal of a decision of the Building Officer or a zoning map interpretation, explain the appeal or question:
N/A

ALL APPLICANTS COMPLETE SECTION J

J. ZONING DISTRICT -- B-2

		<u>DIMENSIONS</u>			
		Zoning Requirement	Present Layout	Proposed Layout	**See Note
1. LOT SIZE (sq. ft.)		6,000 min.	225,914 SF	No Change	()
Frontage		<u>60 ft. min.</u>	<u>521 ft</u>	<u>No Change</u>	()
Depth		<u>100 ft. min.</u>	<u>220 ft</u>	<u>No Change</u>	()
2. SETBACKS (Corner Lot)					
Principal Building					
Front Yard (#1) (ft.)		<u>20 ft. min.</u>	<u>81.1 ft</u>	<u>No Change</u>	()
Front Yard (#2) (ft.)		<u>20 ft. min.</u>	<u>207 ft</u>	<u>No Change</u>	()
Rear Yard (ft.)		<u>20 ft. min.</u>	<u>20 ft</u>	<u>No Change</u>	()
Side Yard (ft.)		<u>12 ft. min.</u>	<u>64.7 ft</u>	<u>No Change</u>	()
2. SETBACKS (Interior Lot)					
Principal Building					
Front Yard (#1) (ft.)		<u>20 ft. min.</u>	<u>N/A</u>	<u>N/A</u>	()
Rear Yard (#2) (ft.)		<u>20 ft. min.</u>	<u>N/A</u>	<u>N/A</u>	()
Side Yard (ft.)		<u>12 ft. min.</u>	<u>N/A</u>	<u>N/A</u>	()
* Accessory Structure(s) (deck, garage, shed, pool, etc.)			(Attach a separate sheet if necessary).		
Rear Yard (ft.)		<u>20 ft. min.</u>	<u>N/A</u>	<u>12.9 ft</u>	(X)
Side Yard (ft.)		<u>12 ft. min.</u>	<u>N/A</u>	<u>13 ft</u>	()

*ALL ACCESSORY STRUCTURE SETBACKS SHOULD BE INDICATED ON SURVEY

3. BUILDING AREAS (footprint)					
Principal Building (sq. ft.)	.....		38,925 SF	No Change	
Accessory Structures (sq. ft.)	LIST				
Equipment Pad	.....		0 SF	298 SF	
Transformer Pad	.....		0 SF	62 SF	
4. LOT COVERAGE					
A. Principal Building (%)		<u>25% max.</u>	<u>17%</u>	<u>No Change</u>	()
B. Total Access. Structures (%)		<u>25% max.</u>	<u>0%</u>	<u>15%</u>	()
C. Total (%) (A & B)		<u>25% max.</u>	<u>17%</u>	<u>17.15%</u>	()
5. DWELLING AREA (Total sq. ft.)		<u>N/A min.</u>	<u>N/A</u>	<u>N/A</u>	()
First Floor	.....		<u>N/A</u>	<u>N/A</u>	()
6. BUILDING HEIGHT (ft.)					
Number of stories	2 1/2 stories/25 ft.max.		<u>2 STORIES</u>	<u>No Change</u>	()
7. IMPERVIOUS COVERAGE					

Calculation:

For lots over 25,000 sq. ft., the maximum allowable impervious coverage shall be 28.5% of the lot area. For lots between 10,000 and 25,000 sq. ft., the maximum allowable impervious coverage shall be equal to 45 divided by the square root of the lot area. Lots less than 10,000 sq. ft., the maximum allowable impervious coverage shall be 45% of the lot area.

	Sq. ft.	38,925	<u>Space reserved for calculation</u>
▪ Structures/Buildings	Sq. ft.	.....
▪ Driveways (paved or gravel)	Sq. ft.	.....	194,024 SF + 360 SF = 194,384 SF Impervious
▪ Patios and/or paved areas	Sq. ft.	.....
▪ Walkways and brick pavers	Sq. ft.	.....	194,384 SF / 225, 914 SF = 86.04% Impervious
▪ Tennis Court	Sq. ft.	<u>N/A</u>	
▪ Swimming Pool Water Surface	Sq. ft.	<u>N/A</u>	
▪ Decks w/o free drainage	Sq. ft.	<u>N/A</u>	
TOTAL IMPERVIOUS COVERAGE:	Sq. ft.	<u>194,024 SF</u>	Calculated % = 86.04 % (X)
Existing Impervious :		85.88%	% Increase in Impervious = .16%

**NOTE: MARK (X) WHERE NOT IN CONFORMANCE WITH ZONING

K. OTHER REQUIREMENTS

1. PARKING: Spaces required 286 provided 232
Actual area to be utilized (each floor): _____

Comments: Existing parking will be reduced from 232 spaces to 230 spaces with proposed improvements.

Buffer required Yes - B-2 zone adjacent to residential zone
Buffer provided Yes - existing fence & mature tree growth

Comments: _____

2. SIGN: (Also fill out separate Application for Sign Construction Permit)
Dimensions: [No site identification signage proposed]
Height: _____
Location: _____
Lighting: _____
Setbacks: _____

3. FENCE:
Height: 8 ft
Style: Trex Fence
Location: rear property line surrounding equipment

IF APPLICATION IS FOR A HARDSHIP OR FLEXIBLE VARIANCE, COMPLETE SECTION L

L. 1. How will the benefits of the proposed application outweigh any detriments? (See attached Applicant's statement)

2. What are the exceptional circumstances or conditions applicable to the property involved or to the intended use of development of the property that do not apply generally to other properties in the same zone or neighborhood?
(See attached Applicant's statement)

3. Explain what efforts have been made by the applicant to acquire adjoining lands so as to reduce the extent of the variances or eliminate such?
(See attached Applicant's statement)

4. State how the proposed variance:
a. Will not cause substantial detriment to the public good (See attached Applicant's statement)
b. Will not substantially impair the intent and purpose of the zoning plan and ordinance (See attached Applicant's statement)

IF APPLICATION IS FOR A USE VARIANCE, COMPLETE SECTION M. (Not Applicable)

M. 1. Explain how the proposed use can be granted without substantial detriment to the public good or how the proposed use would tend to minimize the discordant effect of the use, be less harmful to adjacent properties or tend to bring the use into closer conformity with the zoning ordinance.

2. Explain how the proposed use can be granted without substantially impairing the intent and purpose of the zoning plan and the zoning ordinance.

3. List any "special reasons" related to the request.

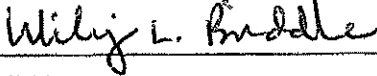
4. List any "hardship" related to the nature of the land and/or the neighborhood which presents reasonable utilization of the property for any permitted use.

N. Itemize material accompanying application:

<u>Item</u>	<u>Number submitted</u>
1. Site Plan prepared by Kimley-Horn and Associates, Inc.	2
2. 200' Property Owners List	2
3. Tax Certification	2
4. Ownership Disclosure Statement	2
5. Application Fee and Escrow Deposit Checks	1

ELECTRIFY AMERICA, LLC

Signature of Applicant: By: 

Signature of Owner(s): 

Date of Application: 8/31/2020

Name: Electrify America, LLC
Address: 525 Cedar Hill Avenue
Block 391 Lot 42.01 Date: _____

B
FOR USE
WITH ALL
APPLICATIONS

SECTION 46-40 COMPLETENESS OF APPLICATIONS

SECTION 1 – Section 46-40. Completeness of Applications.

B. DEVELOPMENT APPLICATION REVIEW CHECKLISTS.

(1) General requirements. No application for development shall be deemed complete unless the following items, information and documentation, where applicable, are submitted to the Administrative Officer.

Yes No

(x) () (a) Application form properly completed [sixteen (16) copies].

*- 2 initially, then
14 after Engineer
review*

(x) () (b) Correct filing fee and escrow deposits.

N/A () (x) (c) Filing for soil erosion and sediment control.

(x) () (d) Required variance or conditional use application.

(x) () (e) Certification that property tax payments and assessments are current.

(x) () (f) Proof that proper notice and publication of the application pursuant to N.J.S.A. 40:55D-12 has been made. [I will submit when hearing date assigned]

(x) () (g) Ownership disclosure statement, where required by law.

(x) () (h) Appropriate number of plat maps submitted.

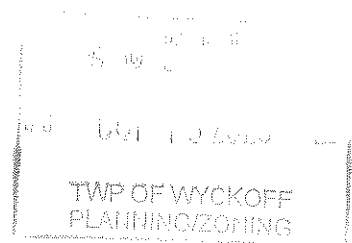
N/A () (x) (i) Flood-fringe application, where required.

() (x) (j) Landscaping Plan including the location and description of existing and proposed landscaping. Information on proposed landscaping shall include the numbers and type of any trees or plants existing on the property that are being removed as well as the common and botanical names, number of trees and/or plants, planted size and root specifications of all trees and plants to be added to the property. The plan shall include the method by which existing trees shall be protected during construction.

B – ALL APPLICATIONS

Yes No

- (x) () (k) A statement from the property owner granting permission for the Board and any of its experts to enter the subject premises for purposes of inspection in relation to a development application.
- (x) () (l) A copy of any protective covenants or deed restrictions, if any, affecting the property in question, provided that if none exist, an affidavit from the owner certifying that no such covenants or restrictions exist shall be submitted.
- N/A () (x) (m) Details of all proposed retaining walls over two (2) feet in height, signed and sealed by a licensed professional engineer.
- (x) () (n) Any additional information deemed necessary by the municipal agency.
- (x) () (o) A grading plan prepared by a professional engineer, which indicates topography, an ingress egress stone pad adjacent to the roadway consisting of, at a minimum of 10 feet wide by 30 feet long six (6) inch deep of two (2) and one half inch crushed stone, silt fenced located adjacent to all areas of new construction or renovation, elevations, draining patterns and all proposed seepage pits and/or dry wells. In addition, the application shall include a written certification from a professional engineer certifying that there will be a zero increase in storm water runoff as a result of the project.
- (x) () (p) Detailed drawings depicting all existing structures and proposed structures on the site. The drawings must include all portions of existing structures which the applicant proposes to remove.



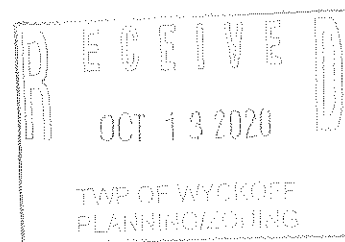
APPLICANT'S STATEMENT

Electrify America, LLC (the "Applicant") is the lessee of a portion of property commonly known as 525 Cedar Hill Avenue and designated as Block 391, Lot 42.01 on the official tax map of the Township of Wyckoff, Bergen County, New Jersey (the "Property"). The Property is located in the B-2 zoning district and contains the existing, mixed use Cedar Hill Shopping Center. The Property is also a corner lot having frontage on both State Highway 208 and Cedar Hill Avenue.

The Applicant is seeking amended preliminary and final site plan approval and bulk variance relief from the Wyckoff Planning Board (the "Board") in order to permit the conversion of six existing parking spaces on the Property into a four station electric vehicle charging facility. The Applicant is seeking bulk variance relief from the Wyckoff Township zoning ordinance (the "Ordinance") with respect to the required front and rear yard setbacks, maximum fence height, required number of off-street parking spaces and to permit an accessory structure in a front yard.

The Applicant is seeking amended preliminary and final site plan approval as well as bulk variance relief pursuant to N.J.S.A. 40:55D-70c of the New Jersey Municipal Land Use Law. The Applicant's development proposal represents a more desirable planning alternative than would strict adherence to all of the bulk standards under the Ordinance, and would further a number of the purposes of the Ordinance and the Municipal Land Use Law. The Applicant's use of green technology will reduce air and water pollution, representing development in a manner which will promote public health, safety, morals and the general welfare consistent with N.J.S.A. 40:55D-2a. The proposed electric vehicle charging facility helps to prevent the degradation of the environment through the improper use of land, and also promotes the conservation of energy resources and valuable natural resources in furtherance of N.J.S.A. 40:55D-2j. Locating the charging facility at an existing shopping center is an efficient use of land in that it involves much less land disturbance and fewer drainage impacts than would be the case for a new stand-alone facility, and will reduce the number of overall vehicle trips in the Township when shoppers and office visitors to the Property combine errands by making use of the on-site charging facility as opposed to making an additional, separate trip to an off-site charging facility. However, the location of the lawfully existing structures on the Property, and the fact that the Property is a corner lot having two front yards, create hardships for the Applicant in attempting to comply with all of the requirements of the B-2 zone.

With regard to the "negative criteria", the proposed charging facility is well buffered from adjoining roadways and land uses by existing fencing, proposed fencing and existing mature tree growth. It is a quiet, unstaffed, modestly sized facility. It will not produce noise, odors, excess storm water runoff, vibrations, or any other adverse, nuisance-like impacts. As such, the proposed development will not result in a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and the Ordinance. Indeed, the Applicant maintains that the benefits of having the proposed electric vehicle charging facility would certainly outweigh any potential detriments associated with it. For these reasons, the Applicant respectfully requests that the Board grant the required amended site plan approval and variance relief in connection with this project.



The Applicant's project team will provide testimony at the public hearing to demonstrate compliance with the applicable positive and negative criteria in support of the requested bulk variance relief.