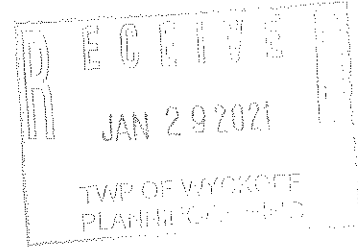


**TOWNSHIP OF WYCKOFF
BERGEN COUNTY, NEW JERSEY**

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
 Address: 2003 Edmund Halley Drive, Suite 200, Reston, VA 20191
 Telephone: (973) 326-7113

B. Property Description:

Location: 525 Cedar Hill Ave.
 Zoning district: B-2 Block: 391 Lot: 42.01
 Existing use of building or premises: Cedar Hills Shopping Center

C. Type of variance requested: Use Variance and use variance pursuant to N.J.S.A. 40:55D-70d(1) to permit an accessory use (electric vehicle charging station) that is not a permitted accessory use in the applicable zone under the zoning ordinance.

D. The variance requested is for the purpose of: electric vehicle charging stations are not an explicitly permitted use in the B-2 zoning district, and in a zone where the proposed accessory use is not permitted under the zoning ordinance

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

F. Is the property sewerred or septic? _____ Yes _____ Locate on survey.

G. Is this request connected with the simultaneous approval of another application before a Township board?
 Yes X No _____
 If yes, explain Zoning Board

H. Have there been any previous applications before a Township board involving the premises: Yes _____ No _____
 If yes, state the date and disposition: _____

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: No, this project has not been reviewed by a Building Officer yet.

ALL APPLICANTS COMPLETE SECTION J

J. ZONING DISTRICT – B-1 Business District / B2
DIMENSIONS

	Zoning Requirement	Present Layout	Proposed Layout	**See Note
1. LOT SIZE (sq. ft.)	6,000 min.	225,914 SF	No Change	()
Frontage	60 min.	521 FT	No Change	()
Depth	100 min.	220 FT	No Change	()
2. SETBACKS				
Principal Building				
Front Yard (ft.)	25 (j) min.	81.1 FT	No Change	()
Rear Yard (#2) (ft.)	20 min.	20 FT	No Change	()
Side Yard (#1) (ft.)	(a)	64.7 FT	No Change	()
Side Yard (#2) (ft.)	(a)		No Change	()
* Accessory Structure(s) (deck, garage, shed, pool, etc.) (Attach a separate sheet if necessary).				
Rear Yard (ft.)	20 min.	N/A	12.9 FT	(X)
Side Yard (ft.)	(a) 12 FT	N/A	13 FT	()
*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 (%)	75 max.	17%	No Change	()
B. Total Access. Structures (%)	5 max.	0%	.15%	()
C. Total (%) (A & B)	80 max.	17%	17.15%	()
5. DWELLING AREA (Total sq. ft.)	(l)	N/A	N/A	()
First Floor	.....	N/A	N/A	
Second Floor	.....	N/A	N/A	
6. BUILDING HEIGHT (ft.)	35 max.	2 Stories	No Change	()
Number of stories	2 ½ max.	2 Stories	No Change	()

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.	
Structures/Buildings	38,925	Space reserved for calculation
Driveways (paved or gravel)		194,024 SF + 380 SF = 194,384 SF Impervious
Patios and/or paved areas		
Walkways and brick pavers		194,384 SF / 225,915 SF = 86.04% Impervious
Tennis Court	N/A	
Swimming Pool Water Surface	N/A	
Decks w/o free drainage	N/A	
TOTAL IMPERVIOUS COVERAGE:	194,024 SF / 85.88%	Calculated % = 86.04% Proposed (X)

Existing **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 and 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 Rider)

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 Rider)

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 Rider)

4. State how the proposed variance:
a. Will not cause substantial detriment to the public good _____
(See attached Applicant's Rider)

b. Will not substantially impair the intent and purpose of the zoning plan and ordinance _____
(See attached Applicant's Rider)

IF APPLICATION IS FOR A USE VARIANCE, COMPLETE SECTION M.

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.

(See attached Applicant's Rider)

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

(See attached Applicant's Rider)

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

(See attached Applicant's Rider)

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.

(See attached Applicant's Rider)

N. Itemize material accompanying application:

<u>Item</u>	<u>Number submitted</u>
1. CD100 Plans	14
2.	
3.	
4.	
5.	

Signature of Applicant:

DocuSigned by:

Vince Churchill

Signature of Owner(s):

Walter L. Biddle

Date of Application:

1/21/2021

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



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]. <i>2 initially, then 14 after Engineer review</i> |
| (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. |
| N/A | () | (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, use and bulk variance relief from the Wyckoff Zoning Board of Adjustment (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 a use variance pursuant to N.J.S.A. 40:55D-70d(1) of the New Jersey Municipal Land Use Law to permit an accessory use (i.e. the electric vehicle charging station) in a zoning district in which the proposed accessory use is not permitted. The Applicant is also 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 use variance relief as noted above, and 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. The factors noted above, including the advancement of a number of the purposes of the Municipal Land Use Law, the promotion of the general welfare, and the appropriateness of the site location also suggest the particular suitability of the site for the Applicant's proposed use and help to satisfy the positive criteria for the requested use variance as well. In addition, 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 bulk 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 use and bulk variance relief.