



Colleen Reardon
Land Use Board Secretary
Borough of Rockaway
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Creating Better Days, LLC
Use Variance & Site Plan Waiver
LUB #071
347 East Main Street
Block 24, Lot 12
Borough of Rockaway, Morris County
Applicant: Creating Better Days, LLC
Owner: Diamond Bits and Blades, LLC

April 5, 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;
- Engineering plan entitled "Site Layout Plan for 347 East Main Street Lot 12, Block 24" prepared by Alfred A. Stewart, Jr., PE, PLS of Stewart Surveying & Engineering, LLC dated March 10, 2021 consisting of one (1) sheet.

- Architectural plan entitled “Existing Floor Plans and Photos, Existing Conditions, Creating Better Days LLC, 347 East Main Street, Borough of Rockaway, Morris County, New Jersey” prepared by Kenneth J. Fox, Architect of Fox Architectural Design PC dated February 22, 2021 consisting of one (1) sheet.

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 635 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 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.*
- ii. 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.*

B. Schedule “A” Checklist “D” Variance

- i. 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.*

Based upon 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 technical review comments regarding the subject application:

1. 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.
2. 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.).
3. The Applicant should provide testimony if there will be signage installed to designate parking (employees, patrons, and residents). If this signage is proposed, it must be shown on the plans.
4. Parking spaces measuring 18' x 9' are proposed where 20' x 9' are required. A Design Waiver must be requested.
5. One off-street loading space has not been provided as per Borough Code Section 171-18. A Design Waiver must be requested if this is not to be provided.
6. The Applicant should confirm that no additional lighting is proposed.
7. The proposed ADA parking space extends into the right of way of Route 46. The Applicant's Engineer should evaluate reconfiguring the proposed parking such that all spaces, including the ADA space are contained within the property lines. Furthermore, Applicant's Engineer should confirm that the access aisle meets the minimum requirements under the ADA standards.

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

Very truly yours,

Mott MacDonald



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