BOROUGH OF RARITAN APPLICATION

SITE PLAN - SUBDIVISION PLAN - VARIANCE

A map of plat must be annexed hereto showing a plan of current and proposed uses and structures, see checklist for plat details. (Note: It is necessary for this application to be fully completed. All application and plats are to be submitted to the Administrative Officer. A 45 day review period for completeness will start upon submission of documents.)

FOR OFFICE USE ONLY:

Tax Map Page: 27
Block: 116.02
Lot(s): 3&4
Zone: RC
Street: 21 Orlando Drive (Lot 4) & 20 Mill Street (Lot 3)

Date Received: _____
Fee Received: _____
Board of Adjustment No.: _____
Planning Board No.: _____
Phone No.: 973-232-0618

NATURE OF APPLICATION AND/OR RELIEF REQUESTED:

____ Minor Subdivision	____ "a" Appeal	____ "b" Interpretation
____ Preliminary Plat	____ "c" Variance	x "d" Variance
x Site Plan (Final)	____ Final Plat	____ Other

DESCRIPTION OF PROPOSED PREMISES AND USE:

1. Record Title Owner Lot 3: Bryan Carisone Plumbing & Heating, Inc.; Lot 4: Raritan Orlando Drive Associates, L.L.C.
   Address Lot 3: 20 Mill Street, Raritan, NJ 08869; Lot 4: 199 Baldwin Road, Parsippany, NJ 07054

2. Applicant Raritan Orlando Drive Associates, L.L.C.
   Address 199 Baldwin road, Parsippany, NJ 07054

3. Date of purchase The Applicant acquired Lot 4 by Deed dated July 11, 2008 (B 6149 P 3239)

4. Current (or last) use Warehousing / commercial uses. Lot 4 is currently unimproved land.

5. Size of parcel(s) Lot 3: 38,482SF / 0.883Ac Lot 4: 51,311 SF / 1.178 Ac Size of building Building A: 11, 400 SF Building B: 13,966 SF
   Total square feet (in all floors) 25, 366 SF

6 Number of new lots (including remainder) 1 - The Applicant proposes consolidation of both lots.

	PROVIDED	REQUIREMENT OF ZONE RC
7. Percentage of lot occupied by building	28.25%	35%
8. Height of building	44.25 FT	3.5 Stories / 45 FT
9. Area of lot	89, 793SF	87,120 SF
10. Setback from front of property line	Building A: 10' Building B: 15'	Building A: 10' Building B: 15'
11. Setback from left side line	Building A: 65' ~~Building B: 44.43'~~	Building A: 20' ~~Building B: 20'~~
12. Setback from rear property line	Building A: 70.57' ~~Building B: 26.86'~~	Building A: 20' ~~Building B: 20'~~
13. Percentage of impervious lot coverage	48.99%	74.71%

14. Has there been any previous appeal involving these premises? Yes.

15. If so, state character of appeal and date of disposition: Please see attached Rider.

16. Other contiguous lots owned by applicant or owner: None, but please see below note.
    Block(s) 116.02 Lot(s) The Applicant is the contract-purchaser of Lot 3.

17. Are there currently any violations of building codes or zoning ordinances known to applicant (include non-conforming uses)?
    None. The Applicant refers to the variances it was granted in the Resolution of Preliminary Approval.

18. Taxes paid to date. Please see attached certification.

Signature of Tax Collector

Date of Submission

Applicant Signature

REQUEST FOR VARIANCE

In connection with your application for zoning and/or subdivision variance relief from the terms of the Borough Land Use Ordinance, please set forth:

1. Nature of Relief Requested — Section of the Zoning Ordinance from which relief is requested

	"a" appeal	
	"b" appeal (interpretation)	
x	"c" variance appeal	207-63.B(1) (Parking); 207-64 (Loading) (this was previously granted)
x	"d" variance appeal	207-126.1(C)(1) (mixed use requirement)
	Other	

REQUEST FOR "C" VARIANCE INFORMATION

2. In what manner does the strict application of the foregoing present parctical difficulties and/or hardship?

Please see attached Rider for variance descriptions and justifications.

3. What exceptional circumstances or conditions affect the site which are in support of the request.

REQUEST FOR A,B, AND D VARIANCE INFORMATION

4. State the nature of the variance being sought, including dates of any decisions previously made on this tract.

Please refer to the Attached Rider for information regarding variances.

5. What are the "special reasons" for such a "d" variance request which apply to this particular case which would justify the appeal?

6. State other pertinent facts which support the request.

(Please note that an application presented to the Board also requires a plat submission in conformance with the Borough Development Checklist.)

Justin R. Calta
973.232.0618
jcalta@saiber.com

July 9, 2020

Bryan Carisone
Carisone Heating and Plumbing LLC
20 Mill Street
Raritan, New Jersey

Re: Final Site Plan Approval Application
21 Orlando Drive, Borough of Raritan, Tax Lots 3 and 4, Block 116.02
Raritan Orlando Drive Associates, L.L.C. (the "Applicant")

Dear Mr. Carisone:

As you are aware, this firm represents the Applicant with respect to the referenced Application seeking final site plan approval from the Land Use Board of the Borough of Raritan (the "Board") in connection with the final site plan drawings and other materials relevant to the application that have been previously delivered to your attorney, John Lavin, Esq.

As the owner and contract-seller of Tax Lot 3, your consent to the Application is required. Kindly countersign this letter in the provided for space below, indicating that you acknowledge and consent to the Applicant's filing of the Application with the Board.

Thank you for your anticipated cooperation with this matter. Should you have any questions, please do not hesitate to contact me or have Mr. Lavin, Esq. contact me.

Very truly yours,

/s/ Justin R. Calta

JUSTIN R. CALTA

ACKNOWLEDGED AND CONSENTED TO:

BRYAN CARISONE PLUMBING & HEATING, INC.
Name: Mr. Bryan Carisone
Title: President

JRC/sp

01467863.DOCX

RIDER TO FINAL SITE PLAN APPLICATION

Applicant: Raritan Orlando Drive Associates, LLC
Property: 21 Orland Drive & 20 Mill Street, Raritan Borough, New Jersey
Block: 116.02 Lots: 3 &4

The enclosed final application is being submitted in connection with the Settlement Agreement by and between the Applicant and the Municipal Land Use Board. As contemplated by the Settlement Agreement, and as previously provided to the Board, the Applicant is proposing a residential development without any retail component. As the Board is aware, Section 207-126.1(C)(1) governing the RC Zone provides that "more than one principal building is permitted on the given site as long as the buildings are under common ownership. At least one principal building shall be mixed use. Additional buildings on the site may be single-use multifamily buildings." Given that the Board and the Applicant have agreed that both buildings shall be single-use multifamily buildings, a "d" variance is necessary is connection with the proposed final site plan. Testimony regarding variances and other details of the application shall be provided at the public hearing on this matter.

Regarding application fees and escrow amounts, the Settlement Agreement provides that the Applicant shall replenish the existing escrow account in connection with this application to $5,000. The Borough, per a phone call on July 17, 2020, stated that the balance of the escrow account is $3,198.25. Accordingly, the Applicant has enclosed a check in the amount of $1,801.75 to bring the escrow account balance to $5,000.

207 Attachment 7

Borough of Raritan

Checklist 6
For Determining Completeness of Application For
Final Site Plan
Chapter 207, Land Use and Development
Borough of Raritan, Somerset County, New Jersey
[Amended 4-11-2017 by Ord. No. 2017-07]

Name of Application 21 Orlando Drive Application No. _____

Block 116.02 Lot 3 & 4 Date Filed _____

An application shall not be considered complete until all the materials and information specified below and on the specific checklist for the proposed development have been submitted. Waivers shall be considered upon receipt of written waiver request from the Applicant.

Note: See Article VIII of Chapter 207, Land Use and Development, of the Code of the Borough of Raritan for further details of submission requirements and procedures.

	Applicant Portion			Borough Portion		
	Plats Comply	Not Applicable	Waiver Requested	Plats Comply	Do Not Comply	Waiver Approved
1. Application form, including checklists, 22 copies; one CD, USB flash drive or the most recent compatible technology (please contact the Borough to determine its capabilities), with all submission materials, including plans and reports, in PDF format.	X					
2. Plans: six sets of full-sized plans that have been signed and sealed by a New Jersey professional engineer or New Jersey professional licensed surveyor, as required, and folded into eighths with the title block revealed, and 22 sets in 1/2 size. All submission materials must be collated into 22 packets using the 1/2 size plan sets. All plans must be folded. Non-collated materials and/or unfolded plans will be rejected and all materials returned to the Applicant.	X					

	Applicant Portion			Borough Portion		
	Plats Comply	Not Applicable	Waiver Requested	Plats Comply	Do Not Comply	Waiver Approved
3. Protective covenants or deed restrictions applying to the land being subdivided (20 copies).		X				
4. Application fee, executed escrow agreement and appropriate review fee.	X					
5. Separate application (and fee) for any conditional use or variance with the application.	X					
6. Certification from the Borough Tax Collector that all taxes and assessments on the property are paid in full.	X					
7. Disclosure form pursuant to N.J.S.A. 40:55D-48, providing the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant.	X					
8. Proof of filing with the Somerset County Planning Board, Somerset-Union Soil Conservation Service and any other outside agencies from which approval is necessary; and proof of filing by mail, hand delivery or electronic submission, with the Bridgewater Planning and Zoning Division and the Somerville Municipal Engineer when the project for the subject application meets the following thresholds:		X				
a. More than 50 dwelling units within 500 feet of a municipal border;		X				
b. More than 50,000 square feet of nonresidential building space within 500 feet of a municipal border.		X				
9. Certification that applicant is owner or authorized agent, or consent of owner to file application.	X					
Plans shall show or include the following:						
10. Map scale not less than 1 inch equals 100 feet, showing the entire tract on one sheet, using 1 of 4 standard sheet sizes: 8 1/2 x 13; 15 x 21; 24 x 36; or 30 x 42 inches per ordinance.	X					
11. A key map showing the entire tract and lands within 2,000 feet, at a scale of 1 inch equals not less than 1,000 feet.	X					
12. Name, address and telephone number of the following:						
a. Professional responsible for preparing the plans.	X					
b. Owner or owners of the site.	X					
c. Subdivider or developer.	X					

	Applicant Portion			Borough Portion		
	Plats Comply	Not Applicable	Waiver Requested	Plats Comply	Do Not Comply	Waiver Approved
13. The names of all adjoining owners of any and all property located within 200 feet of the site, as shown on the most recent tax list prepared by the Borough Tax Assessor.	X					
14. The Tax Map sheet, and existing block and lot numbers of tract to be subdivided or developed and all adjacent lots.	X					
15. Scale, North arrow and reference meridian. The reference source (i.e., deed, etc.) of the meridian should be identified.	X					
16. Zoning district(s), including district names and zone schedule.	X					
17. Boundary and acreage of original tract to the nearest tenth of an acre; number, acreage and configuration of all proposed lots; location of all existing buildings or structures to be removed or relocated.	X					
18. Title block containing the name of the development, the name of the Borough, county and state, date of original preparation and all revisions.	X					
19. An index for the complete set of plans.	X					
20. Location, size and nature of the entire lot or lots in question and any contiguous lots under common ownership or interest.	X					
21. Location, use and ground floor area of all existing and proposed buildings or structures and all accessory buildings or structures, with setbacks, sideline and rear line distances, and finished grades at all corners.	X					
22. Location, names and widths of all existing and proposed streets, including cross sections and profiles across the tract and within 200 feet; and the location of proposed entrances and exits, traffic signals, channelization, acceleration and deceleration lanes, etc.	X					
23. Location, size and nature of all existing and proposed rights-of-way, easements and other encumbrances affecting the tract.	X					
24. Location, size and nature of all existing and proposed curbs, sidewalks, driveways, fences, retaining walls, parking areas, and the layout thereof, all off-street loading areas, with dimensions, on site and within 100 feet of tract.	X					
25. Location, type and size of all existing and proposed catch basins, storm drainage facilities and utilities, per ordinance.	X					

	Applicant Portion			Borough Portion		
	Plats Comply	Not Applicable	Waiver Requested	Plats Comply	Do Not Comply	Waiver Approved
26. Existing topography based on NJ Geodetic Control Survey datum and proposed grading, per ordinance.	X					
27. All existing and proposed signs and lighting standards, utility poles and their sizes, type of construction and location.	X					
28. Location, size and description of any lands to be dedicated to the Borough or county.	X					
29. A soil erosion and sediment control plan if required by N.J.S.A. 4:24-39 et seq.	X					
30. A landscaping plan showing the size, species and spacing of trees, plants and other landscaping treatment of unpaved areas.	X					
31. The nature and location of public and private utilities, including maintenance and solid waste disposal and/or storage facilities.	X					
32. Preliminary architectural plans for the proposed buildings or structures, with typical floor plans, elevations, heights and general architectural styling.	X					
33. Cost estimates of all on-site improvements.	X					
34. Signature and seal of a licensed professional engineer.	X					
35. Environmental impact statement, per § 207-69.			X			
36. Final contours on site and within 100 feet at two-inch intervals; final elevations at building corners, paved areas and property corners.	X					

The Board reserves the right to acquire additional information before granting preliminary approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and the surrounding area. Such information may include but not be limited to drainage calculations and traffic analyses; provided, however, that no application shall be declared incomplete for lack of such additional information.

Application Deemed Complete Date _____

Application Deemed Incomplete Date _____

Completeness subject to the Board approving the written requests for the following completeness items:

Application Deemed Incomplete Date _____

Submission of additional information or written request for waivers of the following completeness items is required.

207 Attachment 8

BOROUGH OF RARITAN

Checklist 7
for Determining Site Plan Application Completeness for
GREEN DEVELOPMENT
Chapter 207, Land Use and Development
Borough of Raritan, Somerset County, New Jersey

Name of Application Raritan Orlando Drive Application No. _____

Block 116.02 Lot 3 & 4 Date Filed _____

This checklist must be completed and submitted with any application for site plan approval. Failure to do so will render the application incomplete. While completion of the checklist is mandatory, it is for information purposes only, and compliance with the items found herein will not become a condition of approval.

The checklist includes various green building design strategies that can be implemented as part of a residential or commercial development. The information provided in the checklist will guide and inform the dialogue between an applicant and the Borough regarding possible options and opportunities to use resources more efficiently, promote smart economic development, improve the environment, and generally improve the quality of life in the Borough.

The checklist is organized into three sections: first, it addresses the site within its regional and local context, looking at its physical location, development status, and availability of certain infrastructure; second, it addresses the impact of the proposed development on the site itself; and third, it addresses the structures on the site.

The applicant should provide examples of how they meet or address each of the items on the checklist.

Note: See Article VIII of Chapter 207, Land Use and Development, of the Code of the Borough of Raritan for further details of submission requirements and procedures.

		YES	NO	COMMENTS
A.	CONTEXT			
1.	Is the site a redevelopment or brownfield site?		x	
2.	Is the site served by public transit, or easily accessible on foot or by bicycle?	x		
3.	Is there train service within 1/2 mile or bus service within 1/4 mile?	x		

	YES	NO	COMMENTS
4. Do the roads within the development comply with the Borough's Complete Streets policy? (Examples: sidewalks, enhanced crosswalks, traffic calming, bike lanes, transit shelters)	x		
5. Does the development include historic preservation, or adaptive reuse of existing facilities?		x	
6. Does the site's location, scale or use support the historic context of surrounding historic properties?	x		
7. Does the development provide or enhance the following:			
a) A mix of land use types? Please list.		x	
b) Housing diversity by type and income?	x		
c) Civic and public spaces or have proximity to them? (Examples: open plazas, courtyards, public art)	x		
d) Recreation facilities and green space/parks (or have proximity to them) and is it part of an integrated network?	x		
e) Alternative parking designs such as reduced parking ratios, compact stalls, banked parking, shared parking, priority parking for low emission vehicles and provisions for bicycle storage?	x		
f) Access to or partnerships with local farms or farmers' markets to promote local food production?		x	
g) Natural features such as streams, wetlands, forests or the Raritan River?	x		
h) Regional stormwater management? (A regional stormwater management plan addresses stormwater-related water quality and water quantity impacts of new and existing land uses on a drainage area basis and is not limited to on-site stormwater management measures.)	x		
	YES	NO	COMMENTS
B. SITE DEVELOPMENT			
1. Does the design provide for the following:			
a) Minimum site disturbance during construction?	x		
b) Increased erosion and sedimentation control beyond county or municipal requirements?		x	
c) Low-impact design features such as:			
• Bioswales		x	
• Rain gardens	x		
• Green roofs		x	
• Pervious pavements		x	
• Green walls (Also known as vertical gardens, they are designed and engineered for maximum biofiltration of indoor air, thermal regulation and aesthetics.)		x	
• Trees (beyond that required by the ordinance)	x		
• Indigenous plant species (noninvasive species, low-maintenance landscaping)	x		

	YES	NO	COMMENTS
• On-site management of vegetative waste		x	
d) Regenerative design?			
• Does the site design conserve habitat, wetlands or water bodies?	x		
• Does the site design include restoration of habitat, wetlands or water bodies?	x		
• Does the project include long-term conservation management of habitat, wetlands or water bodies?	x		
2. Does the site minimize heat island effects through reduced paving, enhanced landscaping or other methods?	x		
3. Does the site provide alternatives to single-occupancy vehicles such as van spaces, bike storage and changing facilities, and alternative energy vehicle parking?		x	
4. Does the site include light pollution reduction techniques that help prevent misdirected or excessive light to reduce glare, light trespass, and sky-glow?	x		
5. Does the site include energy efficient site lighting and controls?	x		
6. Do the landscape and stormwater management specifications employ integrated pest management practices?	x		
	YES	NO	COMMENTS
C. GREEN BUILDING			
1. Will the building(s) meet any criteria for a Certified Green Building? (A green building — also referred to as sustainable or high-performance building — is a collection of better design, construction, and operating practices that have the potential to reduce or eliminate the negative impacts of development on the environment and on human health. Green building programs and guidelines commonly address energy efficiency and carbon emissions reduction, water conservation, waste reduction, healthy and sustainably produced materials, indoor air quality, occupant productivity and health, and other components of green building. For more info visit http://rcgb.rutgers.edu or https://new.usgbc.org/leed.)			Insulation values, energy efficient appliances, lighting, and cooling would meet green criteria.
2. Is the building oriented to maximize the benefits of daylighting and energy conservation and minimize any detrimental impacts on surrounding sites? (Example: Maximize southern building exposure for solar energy, orient building to minimize effects of cold winter winds and maximize cool summer breezes. Minimize shadows on open space and other buildings.)		x	

	YES	NO	COMMENTS
3. Water Reduction			
a) Does the building provide a 20% or greater reduction beyond minimum water efficiency standards set by the EPA? http://www.cepa.gov/WaterSense/docs/matrix508.pdf		x	
b) Does the building employ water conservation features, including low-flow fixtures, waterless urinals, or sensor-controlled faucets?			Low-flow fixtures will be utilized.
c) Does the building capture and re-use rainwater, gray water and storm water?		x	
4. Energy			
a) Does the building reduce energy usage through efficient heating and cooling, geothermal technology, enhanced daylighting, efficient lighting, occupant controls and an efficient building envelope?			The building will utilize heating, cooling, and lighting and will also feature an efficient envelope.
b) Does the project incorporate Energy Star-labeled building products?	x		
c) Does the building include on-site energy generation, e.g., solar or wind?		x	
d) What is the anticipated energy savings expected to be realized from any or all of the above?			Unknown at this time.
5. Indoor Air Quality			
a) Does the building utilize natural ventilation and efficient use of outdoor air during heating and cooling periods?	x		
b) Are other measures, such as reducing the quantity of VOCs from adhesives, sealants, paints, composite wood systems and carpet systems, being used to improve indoor air quality?	x		
6. Materials			
a) Is an existing building being reused? If so, to what extent: 100%, 75%, 50%?		x	
b) Are there waste management/recycling plans in place to divert construction, demolition and land clearing debris from landfill disposal?			Not at this time. A contractor will recycle waste where possible.
c) Are any building materials reused on or off site?		x	
d) Do new building materials contain recycled content? If so, to what extent (%)?	x		Extent unknown at this time.
e) Are building materials extracted, processed or manufactured locally or within the region?	x		

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
www.state.nj.us/dep/landuse

PERMIT

In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.

Approval Date: JUN 2 8 2018

Expiration Date: JUN 2 7 2023

Permit Number(s):

1816-18-0001.1 FHA180001
1816-18-0001.1 FHA180002

Type of Approval(s):

Individual Permit
Verification

Enabling Statute(s):
N.J.S.A. 13:1D-1 et seq.
N.J.S.A. 58:11A-1 et seq.
N.J.S.A. 58:10A-1 et seq.
N.J.S.A. 58:16A-50 et seq.
N.J.S.A. 13:1D-29 et seq.

Permittee:
Raritan Orlando Drive Associates LLC
199 Baldwin Street
Parsippany, NJ 07054

Site Location:
Block(s) & Lot(s): [116.02, 3] [116.02, 4]
Municipality: Raritan Borough
County: Somerset

Description of Authorized Activities:

This document verifies the flood hazard area design flood elevation limits, floodway limits and riparian zone limits and grants permission for the redevelopment of a 2.15-acre site, to include the removal of multiple structures and the construction of two multi-unit apartments buildings with garage parking, surface parking areas, access drives, stormwater management system, and associated infrastructure, including the : the disturbance of 370 square feet (0.008 acres) for the construction of a stormwater outfall structure; and the disturbance of 410 square feet (0.009 acres) for the construction of a porous paver walkway, as shown on the plans referenced on the last page of this permit.

Prepared by:

Damian Friebel

If the permittee undertakes any regulated activity authorized under a permit, such action shall constitute the permitee's acceptance of the permit in its entirety as well as the permitee's agreement to abide by the permit and all conditions therein.

Received and/or Recorded by County Clerk:

This permit is not valid unless authorizing signature appears on the last page.

FLOOD HAZARD SPECIAL CONDITIONS:

1. Any new, reconstructed, enlarged, or elevated structure within a flood hazard area shall be secured to resist flotation, collapse, and displacement due to hydrostatic and hydrodynamic forces from floodwaters.

2. The regulated activity shall not adversely affect low-flow aquatic passage in any regulated water.

3. The regulated activity shall not expose unset or raw cement to flowing water within any channel or regulated water during construction.

4. All riparian zone vegetation that is temporarily cleared, cut, and/or removed to conduct a regulated activity, access an area where regulated activities will be conducted, or otherwise accommodate a regulated activity shall be replanted immediately after completion of the regulated activity, unless prevented by seasonal weather, in which case the vegetation shall be replanted as soon as conditions permit. The vegetation to be replanted shall:
    a. Consist of vegetation of equal or greater ecological function and value as the vegetation that was cleared, cut, or removed. For example, herbaceous vegetation may be replaced with the same type of vegetation or with trees, but the trees in forested areas must be replaced with trees of equal or greater density and ecological function and value;
    b. Consist of native, non-invasive vegetation, except in an actively disturbed area. In an actively disturbed area, the vegetation may be replaced with the same type of vegetation that was cleared, cut, or removed, or with another kind of vegetation typical of an actively disturbed area. For example, lawn grass may be replaced with garden plants or agricultural crops; and
    c. In cases where replanting would interfere with continued access to or maintenance of a structure that is required by Federal, State, or local law, the vegetation replanted shall meet the requirements to the extent feasible.

5. The Department has determined that the riparian zone adjacent to the Raritan River is 50 feet. This permit authorizes the following disturbances of riparian zone vegetation: the disturbance of 370 s.f. (0.008 acres) for the construction of a stormwater outfall structure; and the disturbance of 410 s.f. (0.009 acres) for the construction of a porous paver walkway. In addition, this permit also authorizes construction activities within previously disturbed portions of the riparian zone as shown on the approved plans. No other vegetation within 50 feet of the top of bank of the Raritan River shall be disturbed for any reason. This condition applies to all channels regardless of contributory drainage area. The applicant shall be responsible for preserving and minimizing vegetative disturbances along streams.

6. Upon completion of the project, all temporarily disturbed areas within 50 feet of the top of bank of the Raritan River shall be restored to original topography and replanted with indigenous, non-invasive vegetation in accordance with N.J.A.C. 7:13-11.2(z).

7. The permittee must take all necessary precautions to prevent petroleum products and other pollutants from entering the Raritan River.

8. Prior to the commencement of site clearing, grading or construction, the permittee shall have a silt fence erected at the limits of the clearing. These fences shall serve as both a siltation and debris barrier as well as a physical barrier protecting the riparian zone from encroachment by construction vehicles or activities. These fences shall be kept in place and maintained throughout the duration of construction, until such time that the site is stabilized.

9. In order to protect the general game fish within the Raritan River and its tributaries, any proposed grading or construction activities within the banks of the Raritan River **are prohibited between May 1st through July 31st of each year.** In addition, any activity within the 100-year floodplain or flood hazard area of the Raritan River which would introduce sediment into said waters or which could cause more than a minimum increase in the natural level of turbidity is also prohibited anytime, but especially during this period. The Department reserves the right to require additional soil conservation measures if it becomes evident that additional soil conservation measures are required to protect State regulated resources or to suspend all regulated activities on-site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.

10. The permittee is responsible for installing and maintaining a sediment/turbidity barrier around all soils disturbed by construction, which are sufficient to prevent the sedimentation of the Raritan River. All sediment barriers and other soil erosion control measures shall be installed prior to commencing any demolition, grading, or construction onsite, and shall be maintained daily in proper working condition throughout the duration of the project.

11. Construction equipment shall not be stored, staged or driven within any channel, riparian zone, freshwater wetland, or transition area, unless expressly approved by this permit and/or described on the approved plans.

12. All excess excavated material and construction debris shall be disposed of in a lawful manner outside of any regulated flood hazard area, riparian zone, open water, freshwater wetlands and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.

13. The deed for each lot on which the private roadway or parking area is constructed, as well as any lot served by the private roadway or parking area, and each lease or rental agreement for a unit within a multi-residence building served by a private roadway or parking area that lies below the flood hazard area design flood elevation, shall be modified to:
    a. Explain that the private roadway or parking area is likely to be inundated by floodwaters, which may result in damage and/or inconvenience; and
    b. Disclose the depth of flooding that the private roadway or parking area would experience during the FEMA 100-year flood and the flood hazard area design flood;

14. Each deed modified in accordance with 13 above shall be recorded in the Office of the County Clerk or the registrar of deeds and mortgages of the county in which each lot served by the private roadway or parking area is located, and proof that the modified deed has been recorded shall be provided to the Department prior to the sooner of either:
    a. The start of any site disturbance (including pre-construction earth movement, removal of vegetation or structures, or construction of the project); or
    b. The date that is 90 calendar days after the issuance of the individual permit.

STANDARD CONDITIONS:

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.

2. The issuance of a permit does not convey any property rights or any exclusive privilege.

3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.

4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District having jurisdiction over the site.

5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.

6. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (Warn DEP Hotline) of any noncompliance that may endanger the public health, safety, and welfare, or the environment. In addition, the permittee shall inform the Division of Land Use Regulation by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:
   a. A description of the noncompliance and its cause;
   b. The period of noncompliance, including exact dates and times;
   c. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
   d. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

7. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.

8. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.

9. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.

10. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.

11. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
    a. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of the permit;
    b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
    c. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action under.

12. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action under, as well as, in the appropriate case, suspension and/or termination of the permit.

13. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect so long as the regulated activity or project, or any portion thereof, is in existence, unless the permit is modified.

14. For Coastal Permits, Flood Hazard Permits and Flood Hazard Verifications, the permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to the Division of Land Use Regulation at the address set forth in the rules.

15. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.

16. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.

17. A permit shall be transferred to another person only in accordance with the regulations.

18. A permit can be suspended or terminated by the Department for cause.

19. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.

20. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.

21. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, P.O. Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.

22. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris, or structures within or adjacent to the channel while the regulated activity(ies) is being undertaken. Upon completion of the regulated activity(ies), the permittee shall remove and dispose of in a lawful manner, all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.

23. The regulated activity shall not destroy, jeopardize, or adversely modify a present or documented habitat for threatened or endangered species, and shall not jeopardize the continued existence of any local population of a threatened or endangered species.

APPROVED PLANS:

The drawings hereby approved are four (4) sheets prepared by CASEY & KELLER INCORPORATED, dated January 2, 2015, last revised March 27, 2018, unless otherwise noted, entitled:

"21 ORLANDO DRIVE TAX LOTS 3 & 4, BLOCK 116.02 TAX MAP SHEET #27 BOROUGH OF RARITAN SOMERSET COUNTY, NJ"

"EXISTING CONDITIONS TITLE & TOPOGRAPHIC SURVEY" drawing no. FHA-2,

"FLOOD HAZARD PLAN" drawing no. FHA-4, dated January 9, 2018, last revised April 23, 2018,

"GRADING, DRAINAGE & EROSION CONTROL PLAN" drawing no. FHA-5, dated January 9, 2018, last revised April 23, 2018, and

"LANDSCAPE PLAN" drawing no. FHA-10, dated August 28, 2015, last revised June 27, 2018.

In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this permit may request an adjudicatory hearing within 30 calendar days after public notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Adjudicatory Hearing Request form. The DEP Bulletin is available through the Department's website at http://www.nj.gov/dep/bulletin and the form is available through the Division's website at http://www.nj.gov/dep/landuse/download/lur_024.pdf. In addition to requesting a hearing, a request may be filed with the Department's Office of Dispute Resolution to determine whether the matter is suitable for mediation. Information concerning the dispute resolution process is available at www.nj.gov/dep/odr.

If you need clarification on any section of this permit or conditions, please contact the Division of Land Use Regulation's Technical Support Call Center at (609) 777-0454.

Approved By:

Dennis Contois

Dennis Contois, Supervisor
Division of Land Use Regulation

6-28-2018
Date

Original sent to Agent to record
c: Permittee
Construction Official

APPLICATION FOR FINAL SITE PLAN APPROVAL

BY

RARITAN ORLANDO DRIVE ASSOCIATES, L.L.C.

Certification that the Applicant is the owner or authorized agent of the owner

Elliot S. Leibowitz, the Manager of the applicant, Raritan Orlando Drive Associates, L.L.C., hereby certifies that Raritan Orlando Drive Associates, L.L.C. is the owner of Lot 4, Block 116.02 known as 21 Orlando Drive, Raritan, NJ and Bryan Carisone Plumbing & Heating, Inc., owner of Lot 3, Block 116.02, known as 20 Mill Street, Raritan, NJ, has consented in writing to the filing of the application for Preliminary and Final Site Plan Approval, which written consent is attached hereto:

Elliot S. Leibowitz

01472952.DOCX

APPLICATION FOR FINAL SITE PLAN APPROVAL
BY
RARITAN ORLANDO DRIVE ASSOCIATES, L.L.C.

Disclosure form pursuant to N.J.S.A. 40:55D-48

The following persons are owners of 10% or more of the applicant, Raritan Orlando Drive Associates, L.L.C.:

Elliot S. Leibowitz
199 Baldwin Road
Parsippany, NJ 07054

The following persons are owners of 10% or more of the owner of Bryan Carisone Plumbing & Heating Inc., owner of Lot 3, Block 116.02 which has consented to the application of Raritan Orlando Drive Associates, L.L.C.:

Bryan and Mary Carisone
20 Mill Street
Raritan, New Jersey 08869

APPLICATION FOR FINAL SITE PLAN APPROVAL
BY
RARITAN ORLANDO DRIVE ASSOCIATES, L.L.C.

Request for Waivers in connection with Application for Final Site Plan Approval for 21 Orlando Drive and 20 Mill Street, Lots 4 and 3 in Block 116.02

The Applicant hereby requests waivers from the following items on Checklist No. 6, Final Site Plan Application:

Item 35 -- Environmental Impact Study

Please note this waiver was previously granted. The Applicant requested and received this waiver because it previously provided a Storm Water Management Plan which addressed all issues that an Environmental Impact Study would have addressed.