

SAZHA ALEXANDRA RAMOS; SHANTELL
CHERRY; PRATIK PATEL; DANIEL
JACKSON; SARAH JACKSON; MATTHEW
KNOBLAUCH; RALPH JOHNSON; ZOE
SCOTTO; KAMUELA TILLMAN; and
STACI BERGER, individually and
o/b/o the PISCATAWAY PROGRESSIVE
DEMOCRATIC ORGANIZATION,
PISCATAWAY FAMILIES FOR CLEAN
AIR; and PISCATAWAY YOUTH
PROGRESSIVE ORGANIZATION,

Plaintiffs,

v.

TOWNSHIP COUNCIL OF PISCATAWAY
TOWNSHIP; and PLANNING BOARD OF
PISCATAWAY TOWNSHIP; JOHN DOES 1-
10, AND XYZ CORPS. 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX
COUNTY

DOCKET NO. MID-L-519-22

JOINT APPENDIX

Date: 6/1/2023

JOINT APPENDIX

Site Plan Application for Warehouse Complex submitted to Township of Piscataway Board of Adjustment by M&M Realty Partners at Piscataway, LLC for 1690 S. Washington Avenue (Block 5701 Lot 2) stamped received 7/15/2020	Ja1-5
Piscataway Township Council Meeting Minutes meeting held 2/9/2021 (unsigned)	Ja6-15
Resolution of the Piscataway Township Zoning Board of Adjustment regarding approvals for M&M Partners at Piscataway, LLC's warehouse project at 1690 S Washington Avenue dated 4/8/2021	Ja16-18
Piscataway Township Council Meeting Minutes meeting held 11/4/2021 (unsigned)	Ja19-35
Resolution retaining CME Associates for a Report to Rezone Block 5701, Lots 1.04, 1.05 and 2 dated 11/10/2021	Ja36
Affidavit of Service from Township Clerk dated November 30, 2021 appending <ul style="list-style-type: none">• 200' Property list dated September 22, 2021; Block 5701, Lot 2• 200' Property list dated November 3, 2021; Block 5701, Lot (s) 1.04 & 1.05• Green/white Post office receipts dated November 22, 2022	Ja37-59
Zoning Analysis for the Rezoning of Block 5701 Lots 1.04, 1.05, and 2 Prepared by: CME Associates, Steven L. Gottlieb, PP, LLA Dated: 12/1/2021 Revised 12/6/2021.	Ja60-82
Planning Board Resolution adopted on 12/8/2021	Ja83-84
Council Ordinance 2021-38 regarding zoning amendments to add the M-2 District adopted on 12/14/2021.	Ja85-91
Newspaper Notices of Ordinance No. 2021-38 published 11/9/2021 and 12/17/2021 produced by Township Council of Piscataway	Ja92-97

Letter to the Editor entitled "Mayor Wahler Responds to Residents' Concerns with 1690 South Washington Ave. Property" written by Mayor Brian C. Wahler and published by TAP into Piscataway on 12/24/2021.	Ja98-99
Order Granting Motion to Dismiss Plaintiffs' Complaint Without Prejudice and Statement of Reasons (Docket No.: MID-L-3271-21 P.W.) FILED by Hon. Thomas Daniel McCloskey, J.S.C. 5/27/2022	Ja100-111
Master Plan Revision of 2005 - Piscataway Township Adopted: December 14, 2005	(under separate cover)
Reexamination Report Master Plan & Development Regulations Prepared for: Township of Piscataway Middlesex County, New Jersey, Adopted: December 23, 2020 (under separate cover)	(under separate cover)

SITE PLAN APPLICATION - TOWNSHIP OF PISCATAWAY

PLANNING BOARD _____

APPLICATION #

20-28-41

BOARD OF ADJUSTMENT X

PRELIMINARY _____

FINAL _____

FEE \$ _____

DATE RECEIVED _____

BY _____

TITLE Proposed Warehouse Complex

1. APPLICANT M & M Realty Partners at Piscataway, L.L.C.

PHONE # 732-985-1900

ADDRESS 1260 Stelton Road, Piscataway, NJ

ZIP CODE 08854

2. OWNER OF PREMISES Clyde & Roberta Edrington

PHONE # _____

ADDRESS 111 New Monmouth Road, Middletown, NJ

ZIP CODE 07748

3. LESSEE _____

PHONE # _____

ADDRESS _____

ZIP CODE _____

4. LOCATION OF PROPERTY IN QUESTION (STREET ADDRESS) 1690 South Washington Avenue

BLOCK 5701 LOT/S 2 ZONE RR-1 LOT AREA 24.549 (acres)

BUILDING FINISHED FLOOR ELEVATION 98.75 & 101.25 DATUM NAVD88

BUILDING AREA (GROUND FLOOR) 184,848 s.f. & 174,674 s.f. (Sq. Ft.)

BUILDING AREA TOTAL (ALL FLOORS) 359,522 s.f. (Sq. Ft.)

TOTAL AREA OF PROPOSED NEW CONSTRUCTION 896,750 s.f. (Sq. Ft.)

BUILDING HEIGHT (FROM MEAN FINISHED GRADE FRONT OF BUILDING) 50 FT. 0 IN.

NUMBER OF PARKING SPACES 363 (CAR) 60 (TRUCK)

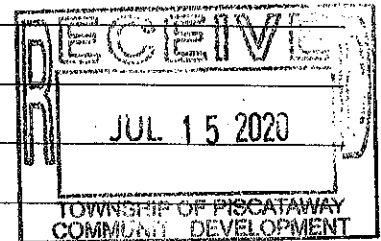
5. NATURE OF APPLICANT'S INTEREST IN PROPERTY Contract Purchaser

DATE INTEREST ACQUIRED _____

6. PRESENT USE OF PROPERTY Vacant Single Family Residence

DESCRIPTION OF PRESENT STRUCTURES Vacant

DISPOSITION OF STRUCTURES To Be Demolished



7. PROPOSED USE OF PROPERTY Warehouse

8. USE GROUP Group S

9. THE PLANNING BOARD GRANTED A (MINOR) (MAJOR) SUBDIVISION ON N/A

10. THE ZONING BOARD OF ADJUSTMENT GRANTED A (C - PROPERTY) (D - USE) VARIANCE(S) ON N/A

PLEASE NOTE: CORPORATIONS MUST BE REPRESENTED BY ATTORNEYS.

Ja000001

11. ADDRESS ALL CORRESPONDENCE CONCERNING THIS APPLICATION TO: (CHECK ONE)

(X) APPLICANT NAME Ronald Aulenbach TITLE Director of Engineering
() OWNER ADDRESS 1260 Stelton Road
() LESSEE CITY Piscataway STATE NJ ZIP 08854

NOTE: FAILURE TO ANSWER ANY OF THE ABOVE QUESTIONS SHALL VOID THIS APPLICATION.

12. ENCLOSURES

A. PROPERTY SURVEY TITLE Boundary & Topographic Survey DATE 10/9/19

PREPARED BY: NAME Solstice Surveying
ADDRESS 113 Upper Sunset Drive, Long Valley, NJ 07853

B. SITE PLAN TITLE Proposed Warehouse Complex-Overall Site Plan DATE 6-11-2020

PREPARED BY: NAME PS & S (Paulus, Sokolowski and Sartor, L.L.C.)
ADDRESS 67B Mountain Blvd. Ext., P.O. Box 4039 Warren, NJ 07059

C. DRAINAGE PLAN TITLE Proposed Warehouse Complex-Drainage Plan DATE 6-11-2020

PREPARED BY: NAME PS & S (Paulus, Sokolowski and Sartor, L.L.C.)
ADDRESS 67B Mountain Blvd. Ext., P.O. Box 4039 Warren, NJ 07059

D. LIGHTING PLAN TITLE Proposed Warehouse Complex-Lighting Plan DATE 6-11-2020

PREPARED BY: NAME PS & S (Paulus, Sokolowski and Sartor, L.L.C.)
ADDRESS 67B Mountain Blvd. Ext., P.O. Box 4039 Warren, NJ 07059

E. LANDSCAPE PLAN TITLE Proposed Warehouse Complex-Landscape Plan DATE 6-11-2020

PREPARED BY: NAME PS & S (Paulus, Sokolowski and Sartor, L.L.C.)
ADDRESS 67B Mountain Blvd. Ext., P.O. Box 4039 Warren, NJ 07059

F. BLDG. ELEVATIONS TITLE _____ DATE _____

PREPARED BY: NAME _____
ADDRESS _____

G. _____ TITLE _____ DATE _____

PREPARED BY: NAME _____
ADDRESS _____

I SWEAR THE ABOVE STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Sworn to and subscribed before me

this 15th day of June 2020

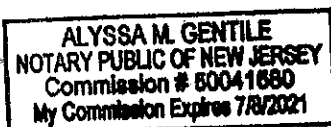
Alyssa Gentile
Notary Public

Ronald Aulenbach
SIGNATURE OF APPLICANT

Ronald Aulenbach-Director of Engineering
TYPE OR PRINT NAME AND TITLE

Clyde Edrington
SIGNATURE OF OWNER

Clyde Edrington
TYPE OR PRINT NAME AND TITLE



Ja000002

PISCATAWAY TOWNSHIP
PLANNING BOARD & ZONING BOARD OF ADJUSTMENT
SITE PLAN CHECK LIST

APPLICATION # _____
(ASSIGNED-BY CLERK)

TITLE Proposed Warehouse Complex

APPLICANT M & M Realty Partners at Piscataway, L.L.C.

ADDRESS 1260 Stelton Road, Piscataway, NJ 08854 PHONE # 732-985-1900

LOCATION OF PROPERTY IN QUESTION (STREET ADDRESS) 1690 South Washington Avenue

BLOCK 5701 LOT/s 2

Fourteen copies of the application, site plan, and supporting documentation shall be submitted to the Administrative Official at least 14 days prior to the regular meeting of the Zoning Board of Adjustment and Site Plan/Subdivision Committee meeting of the Planning Board. The Board will review the application with the Administrative Official as to completeness, and determine the public meeting date at which the application will be heard. Where County Planning Board approval is required, three additional copies of the application, site plan, and supporting documentation shall be submitted to the County Planning Board for review and approval.

The following check list is designed to assist the applicant in preparing proper site plans for Planning Board or Zoning Board of Adjustment review. The applicant should check off each item to ensure that it is included on the submitted plans. Utility plans; landscaping plans, architectural elevations, floor plans, parking plans, etc., may be shown on separate sheets. WAIVERS MUST BE REQUESTED IF ITEMS ARE OMITTED.

ITEMS OMITTED MAY SUBSTANTIALLY DELAY CONSIDERATION BY THE BOARD.

GENERAL INFORMATION:

- (X) Tax Map Sheet Number, Lot and Block Numbers
- (X) Proper size sheet under N.J. Map Filing Act: 8½ x 13, 15 x 21, or 24 x 36 inches. When several drawings are submitted as a set, they should all be the same size.
- (X) Scale: Not less than 1" = 100'
- (X) Date (X) Reference meridian (North arrow) (X) Graphic scale
- (X) Name (X) Signature, and (X) Seal of N.J. Licensed Professional Engineer, Surveyor, Architect, or Planner who prepared plans, on all sheets.
- (X) Land coverage by () Buildings () Parking () Loading () Landscaping
(in square feet and percentage of total site)
- (X) First Floor elevation of all buildings

- (X) Wooded areas, plus location of single trees not in wooded areas with a diameter of 6" or more as measured 4' above ground
- (X) Size, location, and number of () parking stalls () aisles shown to scale
- (X) Direction of parking traffic flow
- (X) Fencing (X) Screening (X) Retaining walls (X) Recycling facilities
- (X) Landscaping plan with planting schedule including (X) Botanical names (X) common names (X) caliper (X) planted height (X) number of plants, etc.
- (X) Signs (X) Locations (X) Size (X) Height (X) Illumination
- (X) Setbacks of (X) Buildings (X) Parking (X) Loading areas

THE FOLLOWING INFORMATION SHOULD BE SHOWN AS DETAILS, PROFILES, OR ARCHITECTURAL ELEVATIONS AS APPLICABLE:

- (X) Horizontal and (X) Vertical scales
- (X) Detail or catalog cut of proposed stanchion lighting (X) Model (X) Name and (X) Number
- (X) Sign details
- (X) Architect elevations of all building facades (X) Construction materials
- (X) Maximum building height
- (W) Profiles of all existing and proposed utilities (X) Pipe slopes
Inverts of (X) Pipes (X) Catch basins (X) Manholes (X) Type of pipe
- (X) Details of (X) Manholes (X) Catch basins (X) Headwalls and/or wingwalls
(X) Retaining walls (X) Full curb (X) Depressed curb (X) Sidewalk
(X) Pavement (X) Other proposed construction
- (X) Cross Sectional details of (X) Roadways (N/A) Embankments
() Other proposed construction
- (X) Name of owner or applicant and interest in property
- (X) Indicate topographic datum (should be consistent throughout the entire set of drawings)
- (W) Conformance with Master Plan (W) Zoning Ordinance
- (X) Street trees provided
- (X) Roof-mounted appurtenances screened from view
- (X) Soil stabilization control provided
- (X) Design criteria for storm and sanitary sewers

THE FOLLOWING INFORMATION SHOULD BE SHOWN IN PLAN VIEW OF THE DRAWINGS:

- (X) Entire tract should be shown with lot line dimensions
- (X) Names of all adjoining owners
- (X) Key map showing location of tract with respect to major roads
- (X) Location of all existing and proposed structures with dimensional ties to property lines
- (X) Location of proposed outside storage
- (X) Location and design of all existing and proposed utilities and connections (X) Water mains and hydrants (X) Sanitary sewers and appurtenances (X) Storm sewers and appurtenances
- (X) Location of all easements, public and private
- (W) "Hairpin" striping detail for parking stalls (attached)
- (X) Location and type of refuse disposal (dumpster or compactor if volume warrants)
- (X) Roof leader drains piped underground
- (X) Location of all (X) Zones and boundaries (X) Structures (X) Natural characteristics within 100 feet of any lot boundary
- (X) Outdoor lighting (X) Location (X) Intensity contours (X) All outdoor lighting should be stanchion-mounted
- (X) Parking areas (N)A Future parking expansion areas
- (X) Existing and proposed improvements (X) Sidewalk (X) Curb (X) Pavement
- (X) Structures to be removed (should be indicated by dashed lines)
- (X) Existing and proposed contours and grades (no larger than 2' intervals)
- (X) Map size no larger than 24" x 36"

February 9, 2021

A Regular Meeting of the Piscataway Township Council was held on February 9, 2021 at the Piscataway Municipal Building, 455 Hoes Lane, Piscataway, New Jersey. The meeting was called to order by Council President, Kapil Shah, at 7:30 pm.

Council President Shah made the following Statement, in compliance with the Open Public Meetings Act: Adequate notice of this meeting has been provided as required under Chapter 231, P.L. 1975, specifying the time, date, location or dial in information, and, to the extent known, the agenda by posting a copy of the notice on the Municipal Building, Municipal Court and the two Municipal Library Bulletin Boards, Municipal Website, providing a copy to the official newspapers of the Township and by filing a copy in the office of the Township Clerk in accordance with a certification by the Clerk which will be entered in the minutes.

The Township continues to use the telephone meeting format in an effort to mitigate the chance of exposure to COVID-19, as a part of the Township's ongoing effort to slow the rate of transmission and avoid overwhelming our treatment centers.

In order to make sure a clear record of the meeting can be made and that all parties are heard in an organized fashion, all members of the public will be muted during the meeting. If a member of the public wishes to speak during any public comment portion, please press *9 (star nine) in order to raise your hand to speak. We will unmute members of the public individually if they have their hand raised. When it is your turn to speak, you will hear a notification that you have been unmuted. It is at that time that you should begin to ask any questions you may have. You will have three minutes to speak, at the conclusion of which you will be muted again, and the council or administration will respond as necessary. Should you have any further comments or questions, the Township Council is always available by email and phone, and you can always call the Mayor's office during normal operating hours. Each member of the public shall only have one opportunity to speak during each public portion. As the technology does not allow us to know if there are multiple callers on an individual line, we ask that if you wish to speak, that you dial in on a separate line so that we can recognize you as a separate individual.

Individuals may also submit written comments to the Township Clerk up to forty-eight (48) hours prior to the meeting, to be read by the Township Clerk during the Public Comment Portion of the meeting. Said comments shall be limited to three minutes of reading.

Thank you in advance for your patience as we continue to move the Township forward during this Health Emergency.

On roll call, there were present: Messrs. Bullard, Cahill, Cahn, Lombardi, McCullum, Uhrin, and Shah.

There were no comments from Administration and Council on the Adjournment of any Agenda items.

Mr. Shah opened the meeting to the Public for comments regarding the Consent Agenda Items.

Brian Rak, 1247 Brookside Rd, asked about green energy for the street lighting. Stated he didn't see the meeting time on the agenda for the meeting. Raj responded it's only required on meeting notice.

There being no further comments, this portion of the meeting was closed to the public.

The Clerk read for SECOND READING the following ORDINANCE: **ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER XXI (21), ZONING.**

WHEREAS, the Mayor and Township Council of the Township of Piscataway, Middlesex County, finds it in the best interest of the public to amend Chapter XXI, Zoning, **CHAPTER XXI**
ZONING
21-3 DEFINITIONS

b. Specific Definitions:

ABANDONMENT

Shall mean the relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

ACCESSIBILITY RAMP

A sloping ramp constructed with a slope greater than 1:12 (one inch of vertical rise for every 12 inches of horizontal length, or run) and must conform to the standard Americans with Disabilities Act (ADA) specifications for ramps.

BLOCK

Shall mean a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterway, or any other barrier to the continuity of development.

BOOK EXCHANGE STRUCTURE

Shall mean a cabinet not to exceed 20 inches by 24 inches and mounted on a pole and which cabinet shall not exceed five feet in height. The placement and setback of such structure may be approved in the discretion of the Zoning Officer.

CANNABIS DISPENSARY

Any place in which marijuana in any form is sold for recreational purposes to members of the public.

PAWN SHOP

Any establishment where the primary means of business deals with purchasing private personal property with the intention of selling it back at a stipulated price, or providing loans or money advances on the security of pledges of personal property.

SOLAR PANELS

Shall mean a structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system.

21-401 Zones Created

For the purposes of this Chapter, the Township of Piscataway is hereby further divided into the following zones:

R-17.5 Residential

LI-2 Light Industrial

21.402 Zoning Map

The Zoning Map shall be further amended as follows:

Block 5701, Lots 11 and 12 shall be designated SCH, Senior Citizen Housing

Block 10514, Lots 15.05, 15.08, 31.03 and 41.01 shall be designated R-7.5, Residential

Block 11301, Lot 2.01, 5, 6.01, 7-9 and 10.02 shall be designated R-7.5, Residential

Block 11302, Lot 2.03 shall be designated R-7.5, Residential

Block 11307, Lot 7.02 shall be designated R-7.5, Residential

Block 11901, Lot 22.15 shall be designated R-17.5, Residential

Block 8203, Lots 1.02-1.06, 2, 66.01, 67.01, 68.03 and 70 shall be designated BP-1, Business Professional

Block 8306, Lot 1.01 shall be designated BP-1, Business Professional

Block 8501, Lot 1.02 shall be designated BP-1, Business Professional

Block 8509, Lots 1, and 10-16 shall be designated BP-1, Business Professional

Block 1701, Lots 1.01 and 1.02 shall be designated LI-2, Light Industrial

Block 1823, Lot 19.01 shall be designated LI-2, Light Industrial

21-501.1 Schedule of General Requirements – See attached chart**21-501.2 Schedule of Use Requirements**

Zone	Principal Uses Permitted	Accessory Uses Permitted	Conditional Uses Permitted
R-17.5	Same as RR-1 except Item 2	Same as RR-1	Same as RR-1 Zone except Items 2-8

21-501.3 Schedule of Uses in LI-1 and LI-5 Districts

Zone	Principal Uses Permitted	Accessory Uses Permitted	Conditional Uses Permitted
LI-2	Same as LI-1 except uses permitted in B-P Zones	Same as C Zone	Same as LI-1

21-627 STORAGE OF OUTDOOR MECHANICAL EQUIPMENT

All heating, ventilation, air-conditioning units/compressors, and/or auxiliary power generators, and/or swimming pool/hot tub/spa/whirlpool pumps and/or heat pumps, and/or any other similar outdoor mechanical equipment shall comply with the following criteria:

A. All outdoor mechanical equipment shall be muffled so as to comply with both the Noise Control Act of 1971 (N.J.S.A. 13:16-1 et seq.) and the New Jersey Noise Control Regulations (N.J.A.C. 7:29), as most recently amended;

B. Except for all auxiliary power generators in a residential zone, all new (but not replacement) outdoor mechanical equipment shall be set back a minimum of ten (10) feet from any property line abutting a residential zone or residential use, or five (5) feet from any nonresidential property line;

C. Except for all auxiliary power generators in a residential zone, all outdoor mechanical equipment shall be:

1. totally screened by evergreen plantings of a height at time of planting equal to the height of each piece of mechanical equipment to be screened;
2. completely behind the building envelope (the separation of the interior and exterior of a building); or
3. screened by fencing or other enclosures specifically designed to screen outdoor mechanical equipment.

D. A zoning permit must be obtained for any new outdoor mechanical equipment in a residential zone and for any new or replacement mechanical equipment in all non-residential zones.

E. Auxiliary power generators in a residential zone shall be:

1. Only located in a side or rear yard;
2. In compliance with both the Noise Control Act of 1971 (N.J.S.A. 13:16-1 et seq.) and the New Jersey Noise Control Regulations (N.J.A.C. 7:29);
3. Set back a minimum of 2 feet from any property line abutting a residential zone or residential use;

4. Screened by evergreen plantings, of a height equal to the height of the auxiliary power generator, or fencing or other enclosures equal to the height of the auxiliary power generator.

21-628 OUTDOOR ACCESSIBILITY EQUIPMENT

Outdoor accessibility ramps and other similar structures may be placed in the front, side, or rear yards and may encroach into the required setbacks by up to 50%. This permission is temporary and requires submission of documentation to the Township evidencing a resident's disability. Said permission shall last for a period of two (2) years from the initial zoning approval. A request via zoning permit application to permit the continuation of said structure(s) on the property shall be resubmitted every two (2) years.

In the event that a resident with a disability sells or no longer leases or occupies the property upon which an outdoor accessibility ramp or similar structure has been constructed or the resident no longer uses the property as their primary residence, the ramp must be removed within thirty (30) days of the sale or non-use.

21-13 Prohibited Uses

21-13.01.21 Pawn Shops

21-13.01.22 Cannabis Dispensary

BE IT FURTHER ORDAINED that if any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect immediately upon second reading, final passage and publication as required by law.

Mr. Shah opened the Meeting to the Public for Comments: **ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER XXI (21), ZONING.**

Alexander Malloy, 311 Roosevelt Ave – has issue with change in zoning from R-10 to R-7.5 for certain blocks and lots around his home. (page 3 of ordinance)

Dennia Duran, 300 Highland Ave – supports previous statement by Mr. Malloy.

Pratik Patel, 29 Redbud commented on wanting to keep area suburban.

Brian Rak, 1247 Brookside Rd, objects to this zoning ordinance.

James Clarkin, township attorney, spoke on this zoning ordinance.

There being no further comments, this portion of the meeting was closed to the public.

RESOLUTION offered by Mrs. Cahill, seconded by Mr. Cahn: BE IT RESOLVED, By the Township Council of Piscataway Township, New Jersey that: ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER XXI (21), ZONING was introduced on the 12th day of January, 2021 and had passed the first reading and was published on the 16th day of January, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the aforesaid Ordinance, having had a second reading on February 9, 2021, be adopted, passed, and after passage, be published, together with a notice of the date of passage or approval, in the official newspaper.

BE IT FURTHER RESOLVED that this Ordinance shall be assigned No. 2021-05.

On roll call vote: Messrs. Bullard, Cahill, Cahn, Lombardi, McCullum, Uhrin, and Shah answered yes.

RESOLUTION #21-79

WHEREAS, the Revised General Ordinances of the Township of Piscataway permit the adoption of Resolutions, Motions or Proclamations by the Township Council of the Township of Piscataway as part of the Consent Agenda, upon certain conditions; and

WHEREAS, each of the following Resolutions, Motions or Proclamations to be presented before the Township Council at its February 9, 2021 Regular Meeting appear to have the unanimous approval of all members of the Township Council:

- a. RESOLUTION – Authorizing Refund of Raffle Fee – Rutgers University Foundation Inc.
- b. RESOLUTION – Authorizing Return of Performance Surety and Cash Bonds:
 - o Crimson Builders, LLC – Block 1404, Lot 9.01 – 586 Dial Avenue.
 - o Valencia Piscataway LLC – Block 2101, Lot 11.02 – 73 Old New Brunswick Road.
- c. RESOLUTION – Authorizing Return of Soil Erosion Bond – Block 1404, Lot 9.01 – 586 Dial Avenue.
- d. RESOLUTION – Authorizing Return of Engineering and Inspection Fees:
 - o Ring Power Corp. – Block 4301, Lot 8.03 – 250 Circle Drive North.

- Sauma Warehousing Company LLC – Block 4401, Lot 3 – 226 Old New Brunswick Road.
- e. RESOLUTION – Authorizing Return of Sterling Village Security Deposits: Bolivar & Maria Cucalon Apt. 120 Barbara Labno – Apt. 220
- f. RESOLUTION – Authorizing Execution of License Agreement with Verizon for a Temporary Cellular Facility.
- g. RESOLUTION – Authorizing Return of Escrow Fees:
 - Concrete Construction Corp. – Block 6702, Lot 3.03 – 201 Centennial Avenue.
 - Colgate-Palmolive Company – Block 11701, Lot 16.05 – 909 River Road.
 - Black River Industrial LLC – Block 6703, Lot 2.02 – 800 Centennial Avenue.
 - Sauma Warehousing Company, LLC – Block 4401, Lot 3 – 226 Old New Brunswick Road.
- h. RESOLUTION – Correcting Resolution #21-57 – Pitney Bowes Inc.
- i. RESOLUTION – Correcting Resolution #21-59 – Pitney Bowes Inc.
- j. RESOLUTION – Authorizing Participation in the Houston-Galveston Area Council Cooperative Purchasing Program.
- k. RESOLUTION – Authorizing Award of Master Energy Sales Agreement for Township of Piscataway Streetlighting.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that each of the above-listed Resolutions, Motions or Proclamations be approved and adopted by the Township Council, with the same legal effect as through each was read in its entirety at the February 9, 2021 Regular meeting and adopted by separate vote.

On roll call vote: Messrs. Bullard, Cahill, Cahn, Lombardi, McCullum, Uhrin, and Shah answered yes.

The following are the Resolutions, typed in full, which were adopted by the foregoing consent agenda resolution:

RESOLUTION #21-80

WHEREAS, the Rutgers University Foundation, New Brunswick, NJ applied with the Township of Piscataway (the “Township”) for a raffle license to conduct a raffle at the Rutgers Athletic Center on April 12, 2021 (the “Raffle”); and

WHEREAS, Rutgers University Foundation, New Brunswick, NJ has cancelled the Raffle and has requested that their \$60.00 application fee paid via Check #1060, dated November 30, 2020, be refunded; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to refund the raffle license application fee to Rutgers University Foundation, New Brunswick, NJ, in the amount of \$60.00.

RESOLUTION #21-81

WHEREAS, Crimson Builders, LLC, Somerville, NJ, requests the release of a Performance Surety Bond in the original amount of \$5,049.00 and a Cash Bond in the original amount of \$459.00, both posted with the Township of Piscataway on May 6, 2019, regarding improvements for Block 1404, Lot 9.01 (586 Dial Avenue); and

WHEREAS, pursuant to a Request for Release of Funds dated October 31, 2020 and a letter from the Township Supervisor of Engineering dated November 20, 2020, copies of which are attached hereto and made a part hereof, the said Supervisor of Engineering advised that no maintenance bond is required, all improvements required and covered have been satisfactorily installed, and recommends the release of the Performance Surety Bond and Cash Bond; and

WHEREAS, Valencia Piscataway, LLC, Livingston, NJ, requests the release of a Cash Bond in the original amount of \$66,266.40, posted with the Township of Piscataway on October 9, 2020, regarding improvements for Block 2101, Lot 11.02 (73 Old New Brunswick Road); and

WHEREAS, pursuant to a Request for Release of Funds dated January 12, 2021 and a letter from the Township Supervisor of Engineering dated January 22, 2021, copies of which are attached hereto and made a part hereof, the said Supervisor of Engineering advised that no

maintenance bond is required, all improvements required and covered have been satisfactorily installed, and recommends the release of the Cash Bond; and

WHEREAS, Valencia Piscataway, LLC, Livingston, NJ, requests the release of a Performance Surety Bonds in the original amounts of \$203,984.00 and \$43,385.45, respectively, and a Cash Bond in the original amount of \$18,544.00, posted with the Township of Piscataway on March 13, 2019, March 13, 2019 and March 26, 2019, respectively, regarding improvements for Block 2101, Lot 11.02 (73 Old New Brunswick Road); and

WHEREAS, pursuant to a Request for Release of Funds dated January 12, 2021 and a letter from the Township Supervisor of Engineering dated January 22, 2021, copies of which are attached hereto and made a part hereof, the said Supervisor of Engineering advised that all improvements required and covered have been satisfactorily installed, and recommends the release of the Performance Surety Bond and Cash Bond subject to the posting of a two (2) year maintenance bond in the \$100,132.50; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to release a Performance Surety Bond in the amount of \$5,049.00 and a Cash Bond in the amount of \$459.00 to Crimson Builders, LLC, Somerville, NJ, regarding Block 1404, Lot 9.01 (586 Dial Avenue); and

BE IT FURTHER RESOLVED that the appropriate municipal officials be and are hereby authorized to release a Cash Bond in the amount of \$66,302.93 (including accrued interest) to Valencia Piscataway, LLC, Livingston, NJ, regarding Block 2101, Lot 11.02 (73 Old New Brunswick Road); and

BE IT FURTHER RESOLVED that the appropriate municipal officials be and are hereby authorized to release Performance Surety Bonds in the amounts of \$203,984.00 and \$43,385.45 and a Cash Bond in the amount of \$18,544.00 to Valencia Piscataway, LLC, Livingston, NJ, regarding Block 2101, Lot 11.02 (73 Old New Brunswick Road), subject to the posting of a two (2) year maintenance bond in the amount of \$100,132.50.

RESOLUTION #21-82

WHEREAS, Crimson Builders, LLC, Somerville, NJ, requests the return of a Soil Erosion/Landscaping Bond in the amount of \$1,000.00, posted on March 6, 2020 with the Township of Piscataway (the "Township") for improvements for Block 1404, Lot 9.01 (586 Dial Avenue); and

WHEREAS, pursuant to a Request for Release of Funds dated October 31, 2020 and a Memorandum from the Township Supervisor of Engineering dated November 20, 2020, copies of which are attached hereto and made a part hereof, the Supervisor of Engineering advised that the necessary improvements required and covered have been satisfactorily installed, and therefore recommended the return of said Soil Erosion/Landscaping Bond to Crimson Builders, LLC; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to return said Soil Erosion/Landscaping Bond in the amount of \$1,000.00 to Crimson Builders, LLC, Somerville, NJ, regarding Block 1404, Lot 9.01 (586 Dial Avenue).

RESOLUTION #21-83

WHEREAS, Ring Power Corporation, St. Augustine, FL has completed their project on Block 4301, Lot 8.03 (250 Circle Drive North); and

WHEREAS, pursuant to a Request for Release of Funds dated January 11, 2021 and a Memorandum from the Township Supervisor of Engineering dated January 11, 2021, copies of which are attached hereto and made a part hereof, said Supervisor of Engineering advised that all inspections and deductions for the project are complete and recommended that unexpended engineering and inspection fee funds in the amount of \$2,636.75 be returned to Ring Power Corporation; and

WHEREAS, Sauma Warehousing Company, LLC, Piscataway, NJ has completed their project on Block 4401, Lot 3 (226 Old New Brunswick Road); and

WHEREAS, pursuant to a Request for Release of Funds dated December 24, 2010 and a Memorandum from the Township Supervisor of Engineering dated January 19, 2021, copies of which are attached hereto and made a part hereof, said Supervisor of Engineering advised that

all inspections and deductions for the project are complete and recommended that unexpended engineering and inspection fee funds in the amount of \$20,062.21 be returned to Sauma Warehousing Company, LLC; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to return unexpended engineering and inspection fee funds to Ring Power Corporation, St. Augustine, FL, in the amount of \$2,636.75, regarding Block 4301, Lot 8.03 (250 Circle Drive North); and

BE IT FURTHER RESOLVED that the appropriate municipal officials be and are hereby authorized to return unexpended engineering and inspection fee funds to Sauma Warehousing Company, LLC, Piscataway, NJ, in the amount of \$20,062.21, regarding Block 4401, Lot 3 (226 Old New Brunswick Road).

RESOLUTION #21-84

WHEREAS, Barbara Labno requests the return of a Security Deposit in the amount of \$830.60 and a Pet Security Deposit in the amount of \$50.00, posted with the Township of Piscataway (the "Township") for Apartment 220 at Sterling Village; and

WHEREAS, the Township Finance Department recommends the release of said Security Deposit and Pet Security Deposit; and

WHEREAS, Bolivar and Maria Cucalon request the return of a Security Deposit in the amount of \$605.48, posted with the Township of Piscataway for Apartment 120 at Sterling Village; and

WHEREAS, the Township Finance Department recommends the release of said Security Deposit; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to release said Security Deposit in the amount of \$830.60 and said Pet Security Deposit in the amount of \$50.00, for a final total of \$880.60, to Barbara Labno in regard to Apartment 220 at Sterling Village; and

BE IT FURTHER RESOLVED that the appropriate municipal officials be and are hereby authorized to release said Security Deposit in the amount of \$605.48, to Bolivar and Maria Cucalon, in regard to Apartment 120 at Sterling Village.

RESOLUTION #21-85

WHEREAS, the Township of Piscataway (the "Township") wishes to enter into a License Agreement (the "Agreement") with New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon"), authorizing Verizon to place a communications facility upon the property located at 505 Sidney Road, Piscataway, NJ; and

WHEREAS, the Township Attorney has reviewed said Agreement, a copy of which is attached hereto as Exhibit A and made a part hereof, and recommends execution of same; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the Township Council formally approves the Agreement; and

BE IT FURTHER RESOLVED that the appropriate municipal officials and the Mayor are hereby authorized to execute the Agreement on behalf of the Township of Piscataway and approve the execution of same; and

BE IT FURTHER RESOLVED that the appropriate municipal officials and the Mayor are hereby authorized to take any additional action and execute any documentation as may be necessary to effectuate the aforementioned Agreement.

RESOLUTION #21-86

WHEREAS, on September 17 and November 22 of 2019, Concrete Construction Corporation, Hackensack, NJ, posted escrow checks with the Township of Piscataway in the amounts of \$5,000.00 and \$2,500.00, respectively, regarding Planning Board Application #19-PB-31/32V for Block 6702, Lot 3.03 (201 Centennial Avenue); and

WHEREAS, pursuant to a Request for Release of Funds dated February 11, 2020 and a Memorandum from the Township Supervisor of Planning dated January 20, 2021, the Supervisor of Planning and the Finance Department approved the release of the unexpended escrow fees in the amount of \$1,295.23 to Concrete Construction Corporation, Hackensack, NJ; and

WHEREAS, on July 16, July 18 and October 10 of 2013, Colgate-Palmolive Company, Piscataway, NJ, posted escrow checks with the Township of Piscataway in the amounts of \$5,000.00, \$15,000.00 and \$5,000.00, respectively, regarding Planning Board Application #13-ZB-27/28V for Block 11701, Lot 16.05 (909 River Road); and

WHEREAS, pursuant to a Request for Release of Funds dated September 25, 2020 and a Memorandum from the Township Supervisor of Planning dated January 20, 2021, the Supervisor of Planning and the Finance Department approved the release of the unexpended escrow fees in the amount of \$456.25 to Colgate-Palmolive Company, Piscataway, NJ; and

WHEREAS, on March 30, 2017, Black River Industrial, LLC, Pottersville, NJ, posted an escrow check with the Township of Piscataway in the amount of \$1,500.00, regarding Block 6703, Lot 2.02 (800 Centennial Avenue); and

WHEREAS, pursuant to a Request for Release of Funds dated November 30, 2020 and a Memorandum from the Township Supervisor of Planning dated January 20, 2021, the Supervisor of Planning and the Finance Department approved the release of the unexpended escrow fees in the amount of \$927.92 to Black River Industrial, LLC, Pottersville, NJ; and

WHEREAS, on July 14 and August 11 of 2015, Sauma Warehousing Company, LLC, Piscataway, NJ, posted escrow checks with the Township of Piscataway, both in the amounts of \$500.00, regarding Block 4401, Lot 3 (226 Old New Brunswick Road); and

WHEREAS, pursuant to a Request for Release of Funds dated September 10, 2020 and a Memorandum from the Township Supervisor of Planning dated January 22, 2021, the Supervisor of Planning and the Finance Department approved the release of the unexpended escrow fees in the amount of \$428.27 to Sauma Warehousing Company, LLC, Piscataway, NJ; and

WHEREAS, on April 12, 2018, Sauma Warehousing Company, LLC, Piscataway, NJ, posted an escrow check with the Township of Piscataway, in the amount of \$16,500.00, regarding Block 4401, Lot 3 (226 Old New Brunswick Road); and

WHEREAS, pursuant to a Request for Release of Funds dated September 10, 2020 and a Memorandum from the Township Supervisor of Planning dated January 22, 2021, the Supervisor of Planning and the Finance Department approved the release of the unexpended escrow fees in the amount of \$5,597.41 to Sauma Warehousing Company, LLC, Piscataway, NJ; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to release unexpended escrow fees to Concrete Construction Corporation, Hackensack, NJ in the amount of \$1,295.23 regarding Planning Board Application #19-PB-31/32V for Block 6702, Lot 3.03 (201 Centennial Avenue); and

BE IT FURTHER RESOLVED that the appropriate municipal officials be and are hereby authorized to release unexpended escrow fees to Colgate-Palmolive Company, Piscataway, NJ in the amount of \$456.25 regarding Zoning Board Application #13-ZB-27/28V, for Block 11701, Lot 16.05 (909 River Road); and

BE IT FURTHER RESOLVED that the appropriate municipal officials be and are hereby authorized to release unexpended escrow fees to Black River Industrial, LLC, Pottersville, NJ in the amount of \$927.92 regarding Block 6703, Lot 2.02 (800 Centennial Avenue); and

BE IT FURTHER RESOLVED that the appropriate municipal officials be and are hereby authorized to release unexpended escrow fees to Sauma Warehousing Company, LLC, Piscataway, NJ in the amount of \$428.27 regarding Block 4401, Lot 3 (226 Old New Brunswick Road); and

BE IT FURTHER RESOLVED that the appropriate municipal officials be and are hereby authorized to release unexpended escrow fees to Sauma Warehousing Company, LLC, Piscataway, NJ in the amount of \$5,597.41 regarding Block 4401, Lot 3 (226 Old New Brunswick Road).

RESOLUTION #21-87

Resolution # 21-57 is hereby amended as follows:

WHEREAS, the Township of Piscataway is in need of a Postage Mail Machine and Meter; and

WHEREAS, Township Business Administrator recommends awarding a contract for the Postage Mail Machine and Meter through New Jersey State Contract #A41258 to Pitney Bowes,

Inc., Neenah, WI, in the amount not to exceed \$17,500.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to enter into a contract to lease a Postage Mail Machine and Meter with Pitney Bowes, Inc., Neenah, WI, for a total cost not to exceed \$17,500.00, through New Jersey State Contract #A41258.

RESOLUTION #21-88

Resolution # 21-59 is hereby amended as follows:

WHEREAS, the Township of Piscataway (the “Township”) is in need of Postage for the Mail Machine; and

WHEREAS, the Township Business Administrator recommends awarding a contract for the Postage through New Jersey State Contract #A41258 to Pitney Bowes, Inc., Neenah, WI, in the amount not to exceed \$80,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to enter into a contract for Postage for the Mail Machine with Pitney Bowes, Inc., Neenah, WI, for a total cost not to exceed \$80,000.00, through New Jersey State Contract #A41258.

RESOLUTION #21-89

WHEREAS, N.J.S.A. 52:34-6.2 authorizes the Township of Piscataway (the “Township”) to enter into a Cooperative Purchasing Program (the “Agreement”); and

WHEREAS, the Houston-Galveston Area Council has offered voluntary participation in the Agreement with regard to governmental function and services, including the purchase of goods and services; and

WHEREAS, the Township wishes to participate in said Agreement, a copy of which is attached hereto as Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to participate in the Cooperative Purchasing Program; and

BE IT FURTHER RESOLVED that the appropriate municipal officials and the Mayor are authorized to sign, seal, and execute a Cooperative Purchasing Agreement with the Houston-Galveston Area Council.

RESOLUTION #21-90

WHEREAS, the Township of Piscataway has determined to move forward with the EMEX Reverse Auction in order to procure electricity for the Township of Piscataway Streetlighting; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the “Act”) authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

WHEREAS, the Township of Piscataway utilized the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction was conducted pursuant to the Act; and

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to execute, on behalf of the Township of Piscataway, a twenty-four (24) month Master Energy Sales Agreement commencing on December 1, 2021 for Township of Piscataway streetlighting with MP2 Energy, LLC who was the winning bidder in the EMEX Reverse Auction.

ANNOUNCEMENTS & COMMENTS FROM OFFICIALS:

Happy Valentine’s Day

Kudos to DPW on their hard work during snow storm.

Black History Month

The Council considered the matters on the Agenda for February 23, 2021:

- RESOLUTION – Authorizing Contract Amendment #1 – Italian-American Club Renovations – Netta Architects – Not to Exceed \$6,800.00.
- RESOLUTION – Authorizing Return of Cash Bond:
 - 97 Doyle, LLC – Block 2904, Lot 73 – 97 Doyle Street.
- RESOLUTION – Designating SW Investors, LLC as Conditional Redeveloper and Authorizing Execution of a Conditional Redeveloper Agreement – Block 5203, Lots 1.01, 5.01, 16.01 and 19.01.
- RESOLUTION – Authorizing Award of Master Energy Sales Agreement for Township of Piscataway Municipal Building Electricity.
- MOTION - Accept Council Meeting Minutes for December 1, 8 and 15, 2020.

OPEN TO PUBLIC:

Janae Daniel, 5257 Ludlow St – stating her opposition to the zoning ordinance

Brian Rak, 1247 Brookside Rd. – asking for ability to use computer for audio for meetings.

Staci Berger, 233 Ellis Parkway – read a statement

Syed Ahmed, 399 Highland Ave – spoke on the zoning ordinance

Pratik Patel, 29 Redbud Rd spoke on zoning ordinance.

Andrew Morris, 410 Highland Ave – spoke on the zoning ordinance.

There being no further comments, this portion of the meeting was closed to the public.

There being no further business to come before the council, the meeting was adjourned at 8:30pm on motion of Mrs. Lombardi, seconded by Mrs. McCullum, carried unanimously.

Respectfully submitted,

Melissa A. Seader, Township Clerk

Accepted:

Kapil Shah
Council President

**PISCATAWAY TOWNSHIP ZONING BOARD OF ADJUSTMENT
PRELIMINARY & FINAL SITE PLAN, BULK & USE VARIANCE RESOLUTION
FINDINGS OF FACT AND CONCLUSIONS**

WHEREAS, M & M PARTNERS AT PISCATAWAY, LLC, 1690 S. WASHINGTON AVENUE, PISCATAWAY, NEW JERSEY 08854, has requested of the Piscataway Township Zoning Board of Adjustment Preliminary & Final Site Plan approval and Use and Bulk variances to construct two warehouse buildings on the premises known and designated as Tax Map Block 5701, Lot 2 in the RR-1 Zone at 1690 S. Washington Avenue.

VARIANCES REQUIRED:

21=501

Required – Use permitted in zone
Proposed – Use not permitted in zone (warehouse)*

Required – Maximum building coverage 20%
Proposed – 33.6% building coverage

Required – Maximum building height 35'
Proposed – Building height 49.55' *

21-1102

Required – 738 parking spaces
Proposed – 363 parking spaces

21-1201

Required – No free-standing signs in residential zone
Proposed – Two free-standing signs (48 s.f, 6' high,
located 10' and 13.5' from property line)

*Variances are required pursuant to NJSA 40:55D-70(d)(1) & (d)(6)

IN ACCORDANCE WITH THE SITE PLAN, prepared by PS & S, dated 7/2/2020 and the Survey prepared by Solstice Surveying, dated 10/9/19 and supplied to the Zoning Board, and

WHEREAS, multiple public hearings were held via Zoom before the Zoning Board of Adjustment culminating on March 25, 2021, and

WHEREAS, the Board, after carefully considering the evidence presented at the above-mentioned public hearing has made the following factual findings:

1. The 24 acre property is located at 1690 S. Washington Avenue and is currently occupied by a vacant single family building.
2. The Applicant seeks a use variance, bulk variances and Preliminary & Final Site Plan approval to construct two warehouse buildings.
3. The property is zoned RR-1, which does not permit warehouses.

4. As a result of litigation resulting from a prior application on this property, the Zoning Board granted approval, in a Whispering Woods hearing, for 242 housing units with additional retail space; that project was not constructed and this application for two warehouse buildings was filed.
5. The Applicant offered the planning testimony through Ms. Christine Cofone, PP.
6. Ms. Cofone testified that the site is particularly suited to the warehouse use because of the distance from the nearest single family homes and the proximity to Route 287.
7. Ms. Cofone then addressed the purposes of the Municipal Land Use Law and identified three purposes of the Municipal Land Use Law that would be furthered by this application.
8. The Applicant presented evidence that the property, as zoned through the litigation settlement, could not be reasonably adaptable for 242 dwelling units and associated retail because of the economic hardship of providing adequate sewer service.
9. The Zoning Board agrees with the Applicant that this is an additional special reason supporting this application.
10. Ms. Cofone further testified that there would be no substantial detriment to the public good because the proposed Site Plan kept truck traffic approximately 1,000 feet from the closest single family houses coupled with the retention of the existing tree line.
11. Ms. Cofone also testified that there would be no substantial impairment to the intent and purpose of the Zone Plan and Zone Ordinance because the site was not reasonably adaptable to permitted uses in this zone.
12. The Zoning Board finds Ms. Cofone to be a credible witness and agrees with the aforementioned. The Zoning Board finds that there are planning justifications that support the granting of this Use Variance.
13. The Applicant also offered the testimony of Matt Seckler, Traffic Engineer. Mr. Seckler testified that in the warehouse industry, truck traffic to the site is spaced out to avoid a majority of truck traffic in the AM and PM peak traffic hours.
14. Mr. Seckler testified that on-site vehicle circulation is adequate and that ingress/egress points were safely designed.
15. Mr. Seckler also compared this proposed use to the previously approved use and noted that the previously approved use proposed ten times the proposed vehicle trips as compared to this application.
16. Mr. Seckler addressed the proposed parking variance. He noted that current warehouse parking requirements in the industry are significantly lower than Piscataway's warehouse parking ordinance. In his experience, the current warehouse parking requirements can be adequately addressed by the spaces proposed in this application.
17. Mr. Seckler concluded his testimony by agreeing to the revisions requested by Mr. Chen, the Zoning Board Traffic Engineer.
18. The Zoning Board finds Mr. Seckler to be a credible witness. The Zoning Board finds that this application provides adequate onsite circulation and safe ingress and egress.
19. The Zoning board finds that a parking variance can be granted based upon the evidence presented because adequate onsite parking has been provided.
20. Numerous members of the public expressed concerns with this Application.

WHEREAS: The Board has concluded, based upon the facts presented by the Applicant, that:

1. The Applicant has shown that the use variance, if granted, will advance the purposes of the Municipal Land Use Law and that the benefits of the deviation from the applicable ordinances substantially outweigh any detriment presented.
2. The Applicant has demonstrated that the use variance sought will not have any adverse impact upon the Master Plan or Zoning Ordinances for the reasons cited by the Applicant's Professional Planner, Ms. Christine Cofone.
3. The Applicant has demonstrated that the variances sought will cause no substantial detriment to the public good.

THEREFORE BE IT RESOLVED THAT: The Applicant is hereby granted the requested use variance subject to the following conditions:

1. The Applicant will obtain all necessary permits, inspections and approvals.
2. Applicant is required to post bonds and certified checks in amounts satisfactory to the Township Engineer for all improvements required herein by reason of this approval.
3. Satisfaction of the Township's growth share obligations as required by law, statute and/or ordinance.
4. Applicant will comply the reports submitted by the Zoning Board's professionals including Mr. Carley, Mr. Chadwick, Mr. Chen and Mr. Hinterstein.
5. Applicant shall publish notice of this decision in THE COURIER NEWS or the STAR LEDGER within twenty (20) days of the memorialization of this resolution.

BE IT FURTHER RESOLVED THAT: Copies of this resolution be forwarded to the Tax Assessor, Township Engineer, Zoning Officer and the Applicant.

THOSE IN FAVOR: Mr. Zimmerman, Mr. O'Reggio, Mr. Blount, Mr. Patel, Mr. Ali and Chairman Cahill

OPPOSED: Mr. Tillery

The undersigned, Secretary to the Piscataway Township Zoning Board of Adjustment, hereby certifies that the above is a true copy of a Resolution memorialized by said Board on the 8th day of April, 2021, on the following vote:

THOSE IN FAVOR: Mr. Zimmerman, Mr. Tillery, Mr. Blount, Mr. Patel, Mr. Ali and Chairman Cahill

OPPOSED: None



SHAWN CAHILL, SECRETARY & CHAIRMAN
PISCATAWAY ZONING BOARD OF ADJUSTMENT

November 4, 2021

A Regular Meeting of the Piscataway Township Council was held on November 4, 2021 at the Piscataway Municipal Building, 455 Hoes Lane, Piscataway, New Jersey. The meeting was called to order by Council President, Kapil Shah, at 7:30 pm.

Council President Shah made the following Statement, in compliance with the Open Public Meetings Act: Adequate notice of this meeting has been provided as required under Chapter 231, P.L. 1975, specifying the time, date, location or dial in information, and, to the extent known, the agenda by posting a copy of the notice on the Municipal Building, Municipal Court and the two Municipal Library Bulletin Boards, Municipal Website, providing a copy to the official newspapers of the Township and by filing a copy in the office of the Township Clerk in accordance with a certification by the Clerk which will be entered in the minutes.

The Township continues to use the telephone meeting format in an effort to mitigate the chance of exposure to COVID-19, as a part of the Township's ongoing effort to slow the rate of transmission and avoid overwhelming our treatment centers.

In order to make sure a clear record of the meeting can be made and that all parties are heard in an organized fashion, all members of the public will be muted during the meeting. If a member of the public wishes to speak during any public comment portion, please press *9 (star nine) in order to raise your hand to speak. We will unmute members of the public individually if they have their hand raised. When it is your turn to speak, you will hear a notification that you have been unmuted. It is at that time that you should begin to ask any questions you may have. You will have three minutes to speak, at the conclusion of which you will be muted again, and the council or administration will respond as necessary. Should you have any further comments or questions, the Township Council is always available by email and phone, and you can always call the Mayor's office during normal operating hours. Each member of the public shall only have one opportunity to speak during each public portion. As the technology does not allow us to know if there are multiple callers on an individual line, we ask that if you wish to speak, that you dial in on a separate line so that we can recognize you as a separate individual.

Individuals may also submit written comments to the Township Clerk up to forty-eight (48) hours prior to the meeting, to be read by the Township Clerk during the Public Comment Portion of the meeting. Said comments shall be limited to three minutes of reading.

Thank you in advance for your patience as we continue to move the Township forward during this Health Emergency.

On roll call, there were present: Messrs. Bullard, Cahill, Lombardi, Rouse, Uhrin, and Shah.

There were no comments from Administration and Council on the Adjournment of any Agenda items.

Mr. Shah opened the meeting to the Public for comments regarding the Consent Agenda Items.

David Akins, Ambrose Valley Ln asked for clarification on various items.

The Clerk read for SECOND READING the following ORDINANCE: AN ORDINANCE AMENDING A REDEVELOPMENT PLAN FOR 800 CENTENNIAL AVENUE, DESIGNATED AS BLOCK 6703, LOT 2.02 ON THE TAX MAP OF THE TOWNSHIP OF PISCATAWAY

WHEREAS, the Township of Piscataway (the "Township") by Ordinance No. 17-20, dated September 12, 2017, previously adopted a Redevelopment Plan prepared by CME Associates, entitled "800 Centennial Avenue Redevelopment Plan" ("Redevelopment Plan") for the property known and designated on the Tax Map of the Township as Block 6703, Lot 2.02, a parcel of land being commonly known as 800 Centennial Ave. (the "Property"); and

WHEREAS, the Township Council of the Township of Piscataway requested that the Piscataway Township Planning Board ("Planning Board") examine the previously adopted Redevelopment Plan and consider an amendment to said Redevelopment Plan permitting each tenant, up to six (6) tenants, at 800 Centennial Urban Renewal, LLC to install a separate façade sign ("Amendment"); and

WHEREAS, the Planning Board will be conducting a public hearing for the purpose of reviewing the proposed Amendment to the Redevelopment Plan on October 13, 2021, and at said meeting all those who desired to be heard will be heard; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Piscataway, County of Middlesex and State of New Jersey, that the Amendment to the Redevelopment Plan is found to be reasonable and appropriate for the redevelopment of the Property, which is located in an area previously determined to be an area in need of redevelopment; that the Amendment to the Redevelopment Plan is substantially consistent with the Township's development standards; and the Amendment to the Redevelopment Plan is not inconsistent with the Piscataway Township Master Plan; and

BE IT FURTHER ORDAINED by the Township Council of the Township of Piscataway, County of Middlesex and State of New Jersey, that the Redevelopment Plan is hereby amended to permit each tenant, up to six (6) tenants, at 800 Centennial Urban Renewal, LLC to install a separate façade sign.

This Ordinance shall take effect immediately upon second reading, final passage and publication as required by law.

Mr. Shah opened the Meeting to the Public for Comments. There being no comments, the public portion was closed.

RESOLUTION offered by Mrs. Cahill, seconded by Mr. Bullard: BE IT RESOLVED, By the Township Council of Piscataway Township, New Jersey that AN ORDINANCE ENTITLED: AN ORDINANCE AMENDING A REDEVELOPMENT PLAN FOR 800 CENTENNIAL AVENUE, DESIGNATED AS BLOCK 6703, LOT 2.02 ON THE TAX MAP OF THE TOWNSHIP OF PISCATAWAY was introduced on the 14th day of September, 2021 and had passed the first reading and was published on the 17th day of September, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the aforesaid Ordinance, having had a second reading on November 4, 2021, be adopted, passed, and after passage, be published, together with a notice of the date of passage or approval, in the official newspaper.

BE IT FURTHER RESOLVED that this Ordinance shall be assigned No. 2021-26.

On roll call vote: Messrs. Bullard, Cahill, Lombardi, Rouse, Uhrin, and Shah answered yes.

The Clerk read for SECOND READING the following ORDINANCE: **ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER VII (7), TRAFFIC, SECTION 14, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS**

WHEREAS, the Mayor and Township Council of the Township of Piscataway ("Township"), Middlesex County, finds it in the best interest of the public to amend Chapter VII, Section 14, Parking Prohibited at All Times on Certain Streets, of the Revised General Ordinances of the Township regarding the addition of parking restrictions on Constitution Avenue; and

BE IT THEREFORE ORDAINED by the Township Council of the Township of Piscataway, County of Middlesex, State of New Jersey, that Chapter VII, Traffic, Section 14, Parking Prohibited at All Times on Certain Streets, of the Revised General Ordinances of the Township of Piscataway is hereby amended with additions shown in italics with text as follows:

CHAPTER VII

TRAFFIC

7-14 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.

* * *

Name of Street	Sides	Location
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* * *

Commonwealth Avenue	South	From Stelton Road (CR #529) to Justice Street
<i>Constitution Avenue</i>	<i>Both</i>	<i>From Corporate Place South to the terminus of the roadway</i>

* * *

BE IT FURTHER ORDAINED that if any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect immediately upon second reading, final passage and publication as required by law.

Mr. Shah opened the Meeting to the Public for Comments. There being no comments, the public portion was closed.

RESOLUTION offered by Mr. Bullard, seconded by Mr. Rouse: **BE IT RESOLVED**, By the Township Council of Piscataway Township, New Jersey that AN ORDINANCE ENTITLED: ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER VII (7), TRAFFIC, SECTION 14, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS was introduced on the 12th day of October, 2021 and had passed the first reading and was published on the 15th day of October, 2021.

NOW, THEREFORE, **BE IT RESOLVED**, that the aforesaid Ordinance, having had a second reading on November 4, 2021, be adopted, passed, and after passage, be published, together with a notice of the date of passage or approval, in the official newspaper.

BE IT FURTHER RESOLVED that this Ordinance shall be assigned No. 2021-27.

On roll call vote: Messrs. Bullard, Cahill, Lombardi, Rouse, Uhrin, and Shah answered yes.

The Clerk read for SECOND READING the following ORDINANCE: **ORDINANCE FOR THE ACQUISITION OF RIGHTS OF WAY, EASEMENTS AND LAND IN FEE SIMPLE FOR THE IMPROVEMENT OF CEDARWOOD DRIVE, LESLIE AVENUE, THIRD AVENUE AND ELEVENTH STREET IN PISCATAWAY TOWNSHIP, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

WHEREAS, the following roadways are currently in need of improvement: Cedarwood Drive, Leslie Avenue, Third Avenue and Eleventh Street; and

WHEREAS, the improvement of said roadways is in the best interest of the residents of the Township of Piscataway; and

WHEREAS, it is necessary for the improvement of these roadways to acquire easements, rights of way and, if required, land in fee simple, in regard to certain properties on Cedarwood Drive, Leslie Avenue, Third Avenue and Eleventh Street.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Piscataway, County of Middlesex, State of New Jersey as follows:

- A. As part of the improvements to Cedarwood Drive, Leslie Avenue, Third Avenue and Eleventh Street, it is necessary to acquire easement interests, rights of way and, if required, land in fee simple, in a portion of the properties set forth on Schedule A attached hereto and made a part hereof.
- B. The Township Council has determined that the acquisition of the aforesaid easements, rights of way, rights and fee simple interests on the property designated on Schedule A is necessary for the safety of the public and conforms to the public interest.
- C. The Township Attorney, Assistant Township Attorney, or special counsel and such other appropriate officials as necessary be and are hereby authorized to acquire said land interests, either by negotiation or by instituting action by exercising the Township's right of eminent domain (condemnation).
- D. Counsel for said acquisition, by negotiation or condemnation, shall commence and complete proceedings as expeditiously as possible, and said Township Attorney, Assistant Township Attorney or special counsel, as the case may be, shall receive

reasonable compensation for their services in accordance with their contracts with the Township.

- E. The Township Attorney, Assistant Township Attorney and other appropriate officials be and are hereby authorized to hire and employ such appraisers, consultants and experts as may be appropriate to effectuate said acquisitions, whether by negotiation or eminent domain proceedings, and to pay said consultants and experts a reasonable fee for their services.

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

All other ordinances in conflict or in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereby shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect twenty (20) days after the first publication thereof, by summary, after final passage, in the manner provided by law.

Mr. Shah opened the Meeting to the Public for Comments. There being no comments, the public portion was closed.

RESOLUTION offered by Mrs. Lombardi, seconded by Mrs. Cahill: BE IT RESOLVED, By the Township Council of Piscataway Township, New Jersey that AN ORDINANCE ENTITLED: ORDINANCE FOR THE ACQUISITION OF RIGHTS OF WAY, EASEMENTS AND LAND IN FEE SIMPLE FOR THE IMPROVEMENT OF CEDARWOOD DRIVE, LESLIE AVENUE, THIRD AVENUE AND ELEVENTH STREET IN PISCATAWAY TOWNSHIP, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY was introduced on the 12th day of October, 2021 and had passed the first reading and was published on the 15th day of October, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the aforesaid Ordinance, having had a second reading on November 4, 2021, be adopted, passed, and after passage, be published, together with a notice of the date of passage or approval, in the official newspaper.

BE IT FURTHER RESOLVED that this Ordinance shall be assigned No. 2021-28.

On roll call vote: Messrs. Bullard, Cahill, Lombardi, Rouse, Uhrin, and Shah answered yes.

The Clerk read for SECOND READING the following ORDINANCE: **ORDINANCE FOR THE AMENDMENT OF A PERMANENT EASEMENT FOR MUNICIPAL PURPOSES BETWEEN UNION CARBIDE CORPORATION AND THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

WHEREAS, Union Carbide Corporation and the Township executed that certain Permanent Easement for Municipal Purposes dated October 29, 2015 ("Original Easement"), granting certain easement rights to the Township; and

WHEREAS, Union Carbide Corporation has requested several non-substantive amendments to the Original Easement; and

WHEREAS, the amendment of the Original Easement is both reasonable and appropriate and in the best interest of the residents of the Township of Piscataway.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Piscataway, County of Middlesex, State of New Jersey, that the aforesaid Original Easement be amended in substantially the same form as set forth in the Amended Permanent Easement for Municipal Purposes attached hereto.

BE IT FURTHER ORDAINED that the Mayor and Municipal Clerk are hereby authorized to execute the Amended Permanent Easement for Municipal Purposes in substantially the same form as annexed hereto.

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

All other ordinances in conflict or in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies

between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereby shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect twenty (20) days after the first publication thereof, by summary, after final passage, in the manner provided by law.

Mr. Shah opened the Meeting to the Public for Comments. Mr. Akins asked for clarification. There being no further comments, the public portion was closed.

RESOLUTION offered by Mrs. Cahill, seconded by Mrs. Lombardi: BE IT RESOLVED, By the Township Council of Piscataway Township, New Jersey that AN ORDINANCE ENTITLED: ORDINANCE FOR THE AMENDMENT OF A PERMANENT EASEMENT FOR MUNICIPAL PURPOSES BETWEEN UNION CARBIDE CORPORATION AND THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY was introduced on the 12th day of October, 2021 and had passed the first reading and was published on the 15th day of October, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the aforesaid Ordinance, having had a second reading on November 4, 2021, be adopted, passed, and after passage, be published, together with a notice of the date of passage or approval, in the official newspaper.

BE IT FURTHER RESOLVED that this Ordinance shall be assigned No. 2021-29.

On roll call vote: Messrs. Bullard, Cahill, Lombardi, Rouse, Uhrin, and Shah answered yes.

The Clerk read for FIRST READING the following ORDINANCE: ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY IDENTIFIED AS BLOCK 3802, LOT 116.01 IN THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY FOR PUBLIC PURPOSE PURSUANT TO N.J.S.A. 20:3-1, ET SEQ.

RESOLUTION offered by Mrs. Lombardi seconded by Mr. Bullard, BE IT RESOLVED, by the Township Council of Piscataway Township, New Jersey that AN ORDINANCE ENTITLED: ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY IDENTIFIED AS BLOCK 3802, LOT 116.01 IN THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY FOR PUBLIC PURPOSE PURSUANT TO N.J.S.A. 20:3-1, ET SEQ. be and is hereby adopted on the first reading, that it be published in the official newspaper, and that a second reading and public hearing be held at 7:30 p.m., prevailing time at the Piscataway Municipal Building, 455 Hoes Lane, Piscataway, New Jersey as well as by telephonic conference on the 23rd day of November, 2021.

BE IT FURTHER RESOLVED that a copy of this Ordinance shall be posted in at least two public places within the Township prior to the day of the second reading and final passage, and a copy of this Ordinance shall be made available at the Office of the Township Clerk for any interested member of the public.

On roll call vote: Messrs. Bullard, Cahill, Lombardi, Rouse, Uhrin, and Shah answered yes.

The Clerk read for FIRST READING the following ORDINANCE: : BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$10,285,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$9,770,750 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

RESOLUTION offered by Mrs. Cahill seconded by Mr. Rouse, BE IT RESOLVED, by the Township Council of Piscataway Township, New Jersey that AN ORDINANCE ENTITLED: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$10,285,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$9,770,750 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF be and is hereby adopted on the first reading, that it be published in the official newspaper, and that a second reading and public hearing be held at 7:30 p.m., prevailing time at the Piscataway Municipal Building, 455 Hoes Lane, Piscataway, New Jersey as well as by telephonic conference on the 23rd day of November, 2021.

BE IT FURTHER RESOLVED that a copy of this Ordinance shall be posted in at least two public places within the Township prior to the day of the second reading and final passage, and

a copy of this Ordinance shall be made available at the Office of the Township Clerk for any interested member of the public.

On roll call vote: Messrs. Bullard, Cahill, Lombardi, Rouse, Uhrin, and Shah answered yes.

The Clerk read for FIRST READING the following ORDINANCE: ORDINANCE FOR THE ACQUISITION OF RIGHTS OF WAY, EASEMENTS AND LAND IN FEE SIMPLE FOR THE IMPROVEMENT OF JUSTICE STREET, ETHEL ROAD, SECOND AVENUE AND CENTENNIAL AVENUE IN PISCATAWAY TOWNSHIP, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

RESOLUTION offered by Mrs. Lombardi seconded by Mr. Uhrin, BE IT RESOLVED, by the Township Council of Piscataway Township, New Jersey that AN ORDINANCE ENTITLED: ORDINANCE FOR THE ACQUISITION OF RIGHTS OF WAY, EASEMENTS AND LAND IN FEE SIMPLE FOR THE IMPROVEMENT OF JUSTICE STREET, ETHEL ROAD, SECOND AVENUE AND CENTENNIAL AVENUE IN PISCATAWAY TOWNSHIP, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY be and is hereby adopted on the first reading, that it be published in the official newspaper, and that a second reading and public hearing be held at 7:30 p.m., prevailing time at the Piscataway Municipal Building, 455 Hoes Lane, Piscataway, New Jersey as well as by telephonic conference on the 14th day of September, 2021.

BE IT FURTHER RESOLVED that a copy of this Ordinance shall be posted in at least two public places within the Township prior to the day of the second reading and final passage, and a copy of this Ordinance shall be made available at the Office of the Township Clerk for any interested member of the public.

On roll call vote: Messrs. Cahill, Cahn, Rouse, Uhrin, and Shah answered yes. No vote from Mr. Bullard.

The Clerk read for FIRST READING the following ORDINANCE: AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR BLOCK 5901, LOT 3.23 (10 CONSTITUTION AVENUE), AS SHOWN ON THE TAX MAP OF THE TAX MAP OF THE TOWNSHIP OF PISCATAWAY

RESOLUTION offered by Mr. Rouse seconded by Mr. Uhrin, BE IT RESOLVED, by the Township Council of Piscataway Township, New Jersey that AN ORDINANCE ENTITLED: AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR BLOCK 5901, LOT 3.23 (10 CONSTITUTION AVENUE), AS SHOWN ON THE TAX MAP OF THE TAX MAP OF THE TOWNSHIP OF PISCATAWAY be and is hereby adopted on the first reading, that it be published in the official newspaper, and that a second reading and public hearing be held at 7:30 p.m., prevailing time at the Piscataway Municipal Building, 455 Hoes Lane, Piscataway, New Jersey as well as by telephonic conference on the 14th day of December, 2021.

BE IT FURTHER RESOLVED that a copy of this Ordinance shall be posted in at least two public places within the Township prior to the day of the second reading and final passage, and a copy of this Ordinance shall be made available at the Office of the Township Clerk for any interested member of the public.

On roll call vote: Messrs. Cahill, Cahn, Rouse, Uhrin, and Shah answered yes. No vote from Mr. Bullard.

The Clerk read for FIRST READING the following ORDINANCE: ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXI (21), ZONING AND CHAPTER XXIV (24) SITE PLAN REVIEW TO AMEND SECTIONS §21-401 ZONES CREATED, §21-402 ZONING MAP, §21-501.5 M-1 AND M-5 INDUSTRIAL DISTRICTS, §21-501.1 ATTACHMENT 1 SCHEDULE OF GENERAL REQUIREMENTS AND, §21-501.1 ATTACHMENT 5 OF THE CODE TO ADD THE M-2 INDUSTRIAL DISTRICT AND REQUIREMENTS AND §24-702.2 DESIGN STANDARDS FOR OFF-STREET PARKING AREAS.

RESOLUTION offered by Mr. Bullard seconded by Mr. Uhrin, BE IT RESOLVED, by the Township Council of Piscataway Township, New Jersey that AN ORDINANCE ENTITLED: ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXI (21), ZONING AND CHAPTER XXIV (24) SITE PLAN REVIEW TO AMEND SECTIONS §21-401 ZONES CREATED, §21-402 ZONING MAP, §21-501.5 M-1 AND M-5 INDUSTRIAL DISTRICTS, §21-501.1 ATTACHMENT 1 SCHEDULE OF GENERAL REQUIREMENTS AND, §21-501.1 ATTACHMENT 5 OF THE CODE TO ADD THE M-2 INDUSTRIAL DISTRICT AND

REQUIREMENTS AND §24-702.2 DESIGN STANDARDS FOR OFF-STREET PARKING AREAS be and is hereby adopted on the first reading, that it be published in the official newspaper, and that a second reading and public hearing be held at 7:30 p.m., prevailing time at the Piscataway Municipal Building, 455 Hoes Lane, Piscataway, New Jersey as well as by telephonic conference on the 14th day of December, 2021.

BE IT FURTHER RESOLVED that a copy of this Ordinance shall be posted in at least two public places within the Township prior to the day of the second reading and final passage, and a copy of this Ordinance shall be made available at the Office of the Township Clerk for any interested member of the public.

On roll call vote: Messrs. Cahill, Cahn, Rouse, Uhrin, and Shah answered yes. No vote from Mr. Bullard.

RESOLUTION #21-369

RESOLUTION offered by Mrs. Lombardi, seconded by Mrs. Cahill:

WHEREAS, the Revised General Ordinances of the Township of Piscataway permit the adoption of Resolutions, Motions or Proclamations by the Township Council of the Township of Piscataway as part of the Consent Agenda, upon certain conditions; and

WHEREAS, each of the following Resolutions, Motions or Proclamations to be presented before the Township Council at its November 4, 2021 Regular Meeting appear to have the unanimous approval of all members of the Township Council:

- a. RESOLUTION –Authorizing Change Order #1 – Sterling Village Phase II Renovations – EMY Solutions, LLC – Not to Exceed \$44,602.50.
- b. RESOLUTION – Authorizing Refund of Firearm Overpayments.
- c. RESOLUTION – Authorizing Cancellation of Sewer for Various Blocks and Lots.
- d. RESOLUTION – Authorizing Award of Contract Under OMNI Partners Public Sector Purchasing Alliance – Telestaff Upgrade to Operating System and Security V7.4 – Ultimate Kronos Group – Not to Exceed \$76,320.00.
- e. RESOLUTION – Authorizing Return of Cash Bond – Joanne Construction, Inc. – Block 173, Lot 5A – 4 Central Avenue – 00-ZB-17V.
- f. RESOLUTION – Authorizing Execution of Agreement with Rutgers University Behavioral HealthCare Center - Employee Assistance Program – 1/1/2022 to 12/31/2022 – Not to Exceed \$9,302.28.
- g. RESOLUTION – Authorizing Agreement for Sewer Service Between the Borough of South Plainfield and the Township of Piscataway.
- h. RESOLUTION – Authorizing Professional Environmental Consulting Services for Remedial Investigation at DPW Facility – 505 Sidney Road – CME Associates – Not to Exceed \$139,779.00.
- i. RESOLUTION – Authorizing Refund of Permit Fees:
 - Block 8208, Lot 20 – 14 Ralston Ave.
 - Block 1203, Lot 17 – 32 Sefton Circle.
- j. RESOLUTION – Authorizing Submission of Strategic Plan for FY2023 Municipal Alliance Grant.
- k. RESOLUTION – Authorizing Acceptance of Funding for FY2023 Municipal Alliance Grant.
- l. RESOLUTION – Designating Block 6702, Lot 6.02 as an Area in Need of Redevelopment.
- m. RESOLUTION – Authorizing Acceptance of Funding for the 2022 Safe and Secure Communities Grant.
- n. RESOLUTION – Authorizing Budget Transfers.
- o. RESOLUTION – Authorizing Return of Performance Surety and Cash Bonds:
 - Block 3502, Lots 1.05, 6.04 & 6.05 – River Road, Baekeland Ave., Normandy Dr., Hancock Rd., Lilac Way, Wisteria Ct. and Ballas Ln. – 17-PB-02.
- p. RESOLUTION – Authorizing Return of Tree Removal Bond:
 - Block 5201, Lots 8, 12-14, 20.01 – 1518 South Washington Ave. – 18-ZB-43/44/45V.

- q. RESOLUTION – Authorizing Award of Bid – Year Two Option – 2021-2022 Janitorial Services – Pure Productive Services – Not to Exceed \$86,092.00.
- r. RESOLUTION – Authorizing Return of Escrow Fees:
 - Block 1301, Lot 2.03 – Conceptual Plan - 2200 New Brunswick Avenue.
 - Block 5101, Lots 1.02 & 1.04 – Conceptual Plan - 6 Corporate Place.
 - Block 5101, Lots 1.02 & 1.04 – 15-PB-06/07/08V/09V – 6 Corporate Place.
- s. RESOLUTION – Authorizing RFP for Professional Services for 2022 Reassessment.
- t. RESOLUTION – Authorizing Settlement Agreement – South Washington Avenue, LLC.
- u. RESOLUTION – Referring Ordinance to Create New M-2 Industrial District and Rezoning Certain Lots to Planning Board for Review and Recommendation.
- v. MOTION – Accept Council Meeting Minutes of October 12, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that each of the above-listed Resolutions, Motions or Proclamations be approved and adopted by the Township Council, with the same legal effect as through each was read in its entirety at the November 4, 2021 Regular meeting and adopted by separate vote.

On roll call vote: Messrs. Cahill, Cahn, Rouse, Uhrin, and Shah answered yes. No vote from Mr. Bullard. The following are the Resolutions, typed in full, which were adopted by the foregoing consent agenda resolution:

RESOLUTION 21-370

WHEREAS, the Township of Piscataway (the "Township") awarded a contract to EMY Solutions, LLC, Dayton, NJ for the Sterling Village Phase II Renovations Project (the "Project"), in the amount not to exceed \$833,000.00; and

WHEREAS, additional site work was necessary for the Project that was not included in the original scope of work outlined by the Township and not anticipated in the proposal from EMY Solutions, LLC to the Township for the Project; and

WHEREAS, there was no prior increase or decrease to this Project; and

WHEREAS, this change order would represent a \$44,602.50 increase in the total amount of the Project from the original contract amount for a final total not to exceed \$877,602.50, a 5.35% increase; and

WHEREAS, N.J.A.C. 5:30-11.3 authorizes a municipality to approve change orders up to twenty (20) percent of the originally awarded contract; and

WHEREAS, pursuant to a request from the Township Director of Public Works, dated October 8, 2021, said Director of Public Works recommends approving Change Order No. 1; and

WHEREAS, funds are available pursuant to certification # R-2021-0055;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to amend the total contract amount for the Sterling Village Phase II Renovations Project, from \$833,000.00, to a final total not to exceed \$877,602.50 and execute a Change Order in the amount of \$44,602.50, subject to all bid specifications and contract documents.

RESOLUTION 21-371

WHEREAS, on September 27, 2021, Mouloud Zendjebil paid sixty dollars (\$60.00) online in error as it pertains to a Firearm Deposit; and

WHEREAS, the total owed for said Firearm Deposit was only seven dollars (\$7.00); and

WHEREAS, on October 4, 2021, Nicholas Aversa, in two separate transactions, paid four dollars (\$4.00) and twenty dollars (\$20.00), in error as it pertains to a Firearm Deposit; and

WHEREAS, the total owed for said Firearm Deposit was only four dollars (\$4.00); and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to refund said overpayments, in the amount of fifty three dollars (\$53.00) to Mouloud Zendjebil, and in the amount of twenty (\$20.00) to Nicholas Aversa.

RESOLUTION 21-372

WHEREAS, the Tax Collector is requesting authorization to cancel sewer as listed below

BLOCK	LOT	NAME	YEAR	AMOUNT	REASON
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10401	9.01	BOARD OF EDUCATION	2021	\$ 4,016.63	WATER LEAK
10504	12.1	ALL SAINT'S LUTHERAN CHURCH	2021	\$ 144.96	INCORRECT WATER METER READING
201	2.02	SECOND STREET ASSOCIATES	2021	\$ 11,619.02	WATER LEAK
4202	8	RADHA SOAMI SOCIETY BEAS- AMERI	2021	\$ 8,416.36	INCORRECT WATER METER READING

THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to cancel the sewer and hereby authorized to adjust the records accordingly.

RESOLUTION 21-373

WHEREAS, the Township Chief of Police has advised that the Township Police Department is in need of telestaff upgrades to their operating system and security V7.4 (the "Upgrades"); and

WHEREAS, pursuant to a Recommendation to Award Contract dated October 20, 2021, a copy of which is attached hereto and made a part hereof, the Chief of Police recommends awarding a contract for the Upgrades through OMNI Partners, Public Sector Purchasing Alliance Contract #18-6390 to Ultimate Kronos Group, Lowell, MA in the amount not to exceed \$76,320.00; and

WHEREAS, N.J.S.A. 52:34-6.2 et. seq. authorizes the Township to make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process; and

WHEREAS, funds are available pursuant to certification # R-2021-103;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to award a contract for the telestaff upgrades to the Police Department operating system and security V7.4 through OMNI Partners, Public Sector Purchasing Alliance Contract #18-6390 to Ultimate Kronos Group, Lowell, MA in the amount not to exceed \$76,320.00, subject to all bid specifications and contract documents.

RESOLUTION 21-374

WHEREAS, Joanne Construction, Inc., Brick, NJ, requests the release of a Cash Bond in the original amount of \$61.00, posted with the Township of Piscataway on June 12, 2001, for improvements on Block 173, Lot 5A (4 Central Avenue) regarding Zoning Board Application #00-ZB-17V; and

WHEREAS, pursuant to a Request for Release of Funds dated October 6, 2021 and a letter from the Township Supervisor of Engineering dated October 6, 2021, copies of which are attached hereto and made a part hereof, the said Supervisor of Engineering advised that no maintenance bond is required, all improvements required and covered have been satisfactorily installed, and recommends the release of the Cash Bond; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to release a Cash Bond in the amount of \$68.00 (including accrued interest), to Joanne Construction, Inc., Brick, NJ, for improvements on Block 173, Lot 5A (4 Central Avenue) regarding Zoning Board Application #00-ZB-17V.

RESOLUTION 21-375

WHEREAS, the Administration has recommended the renewal of a professional services contract for the Employee Assistance Program for the Township with RUTGERS BIOMEDICAL AND HEALTH SCIENCES - UNIVERSITY BEHAVIORAL HEALTH CARE ("RUTGERS"); and

WHEREAS, RUTGERS has agreed to perform such professional services for the period of January 1, 2022 to December 31, 2022, in an amount not to exceed \$9,302.28 pursuant to a contract proposal, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Township Council of the Township of Piscataway is of the opinion that such agreement is in all respects in the public interest; and

WHEREAS, RUTGERS has submitted proof that it is not subject to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, funds are available pursuant to certification # R-2021-0105;

WHEREAS, the New Jersey Local Public Contracts Law, specifically, N.J.S.A. 40A:11-1 et seq., requires that a resolution authorizing the award of a contract for professional and/or extraordinary unspecifiable services without competitive bids must be publicly advertised, the within contract being one for generally recognized professional and/or extraordinary unspecifiable services, as defined by statute; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway as follows:

1. The Mayor and other appropriate officials be and the same are hereby authorized to enter into an agreement for services related to the Employee Assistance Program for the period from January 1, 2022 to December 31, 2022, with RUTGERS BIOMEDICAL AND HEALTH SCIENCES - UNIVERSITY BEHAVIORAL HEALTH CARE in a sum not to exceed \$9,302.28; and
2. This contract is being awarded without competitive bids as a professional service under the provisions of the Local Public Contracts Law, more specifically addressed in the body of this Resolution; and
3. The final form of said contract for these services shall be subject to the review and approval of the Township Director of Law; and
4. Notice of this Resolution shall be published as required by law.

RESOLUTION 21-376

WHEREAS, the Township of Piscataway (the "Township") wishes to enter into a Sewer Service Agreement (the "Agreement") with the Borough of South Plainfield (the "Borough"); and

WHEREAS, the Township and the Borough entered into an agreement, dated January 6, 1992, regarding sewer service for a period of thirty (30) years, which agreement the Borough and the Township desire and intend to replace with the aforementioned Agreement; and

WHEREAS, the Township Attorney has reviewed the Agreement, a copy of which is attached hereto as Exhibit A and made a part hereof, and recommends execution of same; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the Township Council formally approves the Agreement; and

BE IT FURTHER RESOLVED that the appropriate municipal officials and the Mayor are hereby authorized to execute the Agreement on behalf of the Township of Piscataway and that their signature constitutes acceptance of the terms and conditions of the Agreement.

RESOLUTION 21-377

WHEREAS, the Township of Piscataway requires Professional Services for the Township DPW Facility Project (the "Project"); and

WHEREAS, CME Associate, Monmouth Junction, NJ, has submitted a proposal dated October 15, 2021, for Environmental Consulting Services related to said Project, a copy of which is attached hereto and made a part hereof ("Proposal"), with a cost not to exceed \$139,779.00; and

WHEREAS, CME Associates, Monmouth Junction, NJ was previously qualified under the Fair and Open Process to provide professional services for Professional Engineering Services – Special Projects, Environmental, Etc. by the Township of Piscataway for 2021; and

WHEREAS, pursuant to a Recommendation to Award Contract dated October 19, 2021, the Township Director of Public Works recommends awarding the contract for the Project to CME Associates; and

WHEREAS, there is funding available pursuant to certification # R-2021-0102;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that the Township Council does hereby authorize CME Associates, Monmouth Junction, NJ, to provide Professional Environmental Consulting Services for the Township DPW

Facility Project, at the rates set forth in said Proposal, with such services not to exceed \$139,779.00 in cost.

RESOLUTION 21-378

WHEREAS, on September 27, 2021, Ritu Sharma, Piscataway, NJ incorrectly paid a construction permit fee to the Township of Piscataway (the “Township”) in the amount of \$82.00, regarding Block 8208, Lot 20 (14 Ralston Avenue), and has requested that same be refunded; and

WHEREAS, on September 23, 2021, Habib Abdul, Piscataway, NJ inadvertently made duplicate construction permit fee payments to the Township of Piscataway (the “Township”) in the amount of \$78.00, regarding Block 1203, Lot 17 (32 Sefton Circle), and has requested that the duplicate payment be refunded; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to refund the construction permit fee to Ritu Sharma, Piscataway, NJ, in the amount of \$82.00 regarding Block 8208, Lot 20 (14 Ralston Avenue); and

BE IT FURTHER RESOLVED that the appropriate municipal officials be and are hereby authorized to refund the construction permit fee to Habib Abdul, Piscataway, NJ, in the amount of \$78.00 regarding Block 1203, Lot 17 (32 Sefton Circle).

RESOLUTION 21-379

WHEREAS the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of Piscataway, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Middlesex.

NOW, THEREFORE, BE IT RESOLVED by the Township of Piscataway, County of Middlesex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Piscataway Municipal Alliance grant for fiscal year 2023 in the amount of:

DEDR	\$18,882.00
Cash Match	\$ 4,720.50
In-Kind	\$14,161.50
2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

RESOLUTION 21-380

WHEREAS the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of Piscataway, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex.

NOW, THEREFORE, BE IT RESOLVED by the Township of Piscataway, County of Middlesex, State of New Jersey hereby recognizes the following:

The Township Council does hereby authorize acceptance of funding for the Piscataway Municipal Alliance grant for fiscal year 2023 in the amount of:

DEDR	\$18,882
Cash Match	\$ 4,720.50
In-Kind	\$14,161.50

The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

RESOLUTION 21-381

WHEREAS, the Township of Piscataway (the "Township") contains property designated as Block 6702, Lot 6.02 (40 Kingsbridge Road) on the Piscataway Township Tax Map (the "Property"); and

WHEREAS, the Township authorized a Redevelopment Study to be completed for the Property by 4Site Planning, LLC, and authorized the Township Planning Board to undertake a preliminary investigation to determine whether the Property should comprise a Non-Condensation Area in Need of Redevelopment according to the criteria set forth in *N.J.S.A. 40A:12A-5*; and

WHEREAS, after completing the preliminary investigation, reviewing the report by 4Site Planning, LLC, and hearing testimony, the Township Planning Board recommended that the Property be found to be a Non-Condensation Area in Need of Redevelopment in accordance with Criteria B, D & H of *N.J.S.A. 40A:12A-5*, with said determination memorialized in a Resolution by the Township Planning Board on October 13, 2021; and

WHEREAS, the Township Council wishes to authorize 4Site Planning, LLC to prepare a redevelopment plan for the Property and to present same to the Township Council for its consideration, in an amount not to exceed \$5,000.00; and

WHEREAS, funds are available pursuant to certification # R-2021-0104;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that the Township Council does hereby designate 6702, Lot 6.02 (40 Kingsbridge Road) as a Non-Condensation Area in Need of Redevelopment pursuant to *N.J.S.A. 40A:12A-1 et. seq.*; and that 4Site Planning, LLC is hereby authorized to prepare a redevelopment plan for Property and to present same to the Township Council for its consideration, in an amount not to exceed \$5,000.00; and

BE IT FURTHER RESOLVED that in accordance with *N.J.S.A. 40A-12A-6b(5)(c)* the Clerk of the Township of Piscataway shall forthwith transmit a copy of this Resolution to the Commissioner of the Department of Community Affairs; and

BE IT FURTHER RESOLVED that in accordance with *N.J.S.A. 40A-12A-6b(5)(d)*, within ten (10) days of the Township Council's adoption of the within resolution, the Clerk of the Township of Piscataway shall serve notice of the Township Council's determination and this Resolution upon the record owner of property within the Non-Condensation Redevelopment Area, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of the determination and Resolution may be sent.

RESOLUTION 21-382

WHEREAS, The Piscataway Township Police Department has been awarded the **2022 Safe and Secure Communities Grant Program, Grant Sub award Number 22-1217** from the New Jersey Department of Law and Public Safety Sub Award. The Subgrant, award of **\$16,200.00** from the State, and \$144,752.17 Local Matching Funds for fringe benefits, (Total award and fringe benefits \$160,952.17), for the period August 1, 2021 to July 31, 2022 is for the purposes set forth in the approved application; and

WHEREAS, the subgrant award incorporates all conditions and representation contained or made in the application and notice of award number **22-1217**; and

WHEREAS, the Application for Subgrant Award calls for a match for fringe benefits amounting to \$144,752.17 which the Piscataway Township Police Department adequately through the 2021 Piscataway Township approved budget for Division salaries and wages and fringe benefits; and

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Piscataway, that the Township of Piscataway herewith accepts the subaward # 22-1217 of the 2022 Safe and Secure Communities Program, in the amount of \$16,200.00, and the match for fringe benefits in the amount of \$144,752.17, for a final total not to exceed \$160,952.17; for the period August 1, 2021 to July 31, 2022; and

BE IT FURTHER RESOLVED, that the Township Administrator, The Township Chief Financial Officer and the Chief of Police of the Township of Piscataway are hereby authorized to sign the appropriate subgrant award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey Department of Law and Public Safety, the Township Administrator, the Township Chief Financial Officer, and the Chief of Police, of the Township of Piscataway.

RESOLUTION 21-383

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriations transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any purposes specified in the budget an amount in the excess of the sum appropriated therefore, and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Piscataway, County of Middlesex, State of New Jersey, that the following transfers are hereby authorized:

Budget Code	Appropriation Description	Classification	From	To
01- 2021- 0200- 0121- 2	ELECTION	OTHER EXPENSES		50,000.00
01- 2021- 0200- 0145- 2	TAX COLLECTION	OTHER EXPENSES	10,000.00	
01- 2021- 0200- 0125- 2	COMPUTER CENTER	OTHER EXPENSES		25,000.00
01- 2021- 0200- 0150- 1	TAX ASSESSMENT	SALARIES AND WAGES	25,000.00	
01- 2021- 0200- 0150- 2	TAX ASSESSMENT	OTHER EXPENSES		20,000.00
01- 2021- 0200- 0170- 1	ECONOMIC DEVELOPMENT	SALARIES AND WAGES	40,000.00	
01- 2021- 0200- 0170- 2	ECONOMIC DEVELOPMENT	OTHER EXPENSES	40,000.00	
01- 2021- 0210- 0321- 1	ZONING ENFORCEMENT: PROPERTY MAINTENANCE	SALARIES AND WAGES		5,000.00
01- 2021- 0220- 0196- 1	HOUSING CERTIFICATE OF OCCUPANCY	SALARIES AND WAGES	20,000.00	
01- 2021- 0260- 0280- 1	FLEET MAINTENANCE	SALARIES AND WAGES		70,000.00
01- 2021- 0250- 0240- 1	POLICE DEPARTMENT	SALARIES AND WAGES	200,000.00	
01- 2021- 0250- 0245- 1	CROSSING GUARD	SALARIES AND WAGES	40,000.00	
01- 2021- 0260- 0305- 1	SOLID WASTE	SALARIES AND WAGES	100,000.00	
01- 2021- 0280- 0365- 1	PARKS& MAINTENANCE	SALARIES AND WAGES		10,000.00
01- 2021- 0280- 0370- 1	RECREATION	OTHER EXPENSES	25,000.00	
01- 2021- 0300- 0415- 2	SEVERENCE LIABILITY	OTHER EXPENSES		65,000.00
01- 2021- 0300- 0465- 2	SALARY ADJUSTMENTS	OTHER EXPENSES	15,000.00	
01- 2021- 0430- 0490- 1	MUNICIPAL COURT	SALARIES AND WAGES		7,000.00
01- 2021- 0430- 0490- 2	MUNICIPAL COURT	OTHER EXPENSES	7,000.00	
01- 2021- 7440- 7900- 2	POLICE EVIDENCE DATA MANAGEMENT/TASERS	OTHER EXPENSES	68,372.38	
01- 2021- 7440- 7900- 2	CAPITAL IMPROVEMENT FUND	OTHER EXPENSES		338,372.38
	TOTAL		590,372.38	590,372.38

RESOLUTION 21-384

WHEREAS, on December 1, 2017, RG-Piscataway Urban Renewal, LLC, Morristown, NJ posted a Performance Surety Rider Bond in the amount of \$8,852,592.00 and on December 6, 2017, Rockefeller Group Development Corporation, New York, NY posted a Cash Bond in the amount of \$983,621.28 with the Township of Piscataway, regarding Planning Board Application #17-PB-02 for Block 3502, Lots 1.05, 6.04 & 6.05 (River Road, Baekeland Ave, Normandy Dr., Hancock Rd., Lilac Way, Wisteria Ct and Ballas Ln); and

WHEREAS, pursuant to a Request for Release of Funds dated October 19, 2021 and a Memorandum from the Township Supervisor of Engineering dated October 19, 2021, copies of which are attached hereto and made a part hereof, the said Supervisor of Engineering advised that all improvements required and covered have been satisfactorily installed; and

WHEREAS, the Township Supervisor of Engineering has further advised that the release of the Performance Surety and Cash Bonds be conditioned upon Rockefeller Group Development Corporation posting a Maintenance Bond in the amount of \$1,229,526.60, to run for a period of two (2) years; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to release the Performance Surety Bond in the amount of \$8,852,592.00 and Cash Bond in the amount of \$994,788.22 (including accrued interest), to Rockefeller Group Development Corporation, New York, NY, upon Rockefeller Group Development Corporation posting a Maintenance Bond in the amount of \$1,229,526.60, to run for a period of two (2) years, regarding Planning Board Application #17-PB-02.

RESOLUTION 21-385

WHEREAS, PB Brown LLC, Winter Garden, FL, requests the return of a Tree Removal Bonds in the amounts of \$45,360.00 and \$5,040.00, for a total of \$50,400.00, posted on December 20, 2018 with the Township of Piscataway for improvements for Block 5201, Lots 8, 12, 13, 14 and 20.01 (1518 South Washington Avenue); and

WHEREAS, pursuant to a Request for Release of Funds dated October 14, 2021 and a Memorandum from the Township Supervisor of Engineering dated October 19, 2021, copies of which are attached hereto and made a part hereof, the Supervisor of Engineering advised that the necessary improvements required and covered have been satisfactorily installed, and therefore recommended the return of said Tree Removal Bond to PB Brown, LLC; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to return said Tree Removal Bonds in the amounts of \$45,360.00 and \$5,040.00, for a total of \$50,400.00, to PB Brown, LLC, regarding Block 5201, Lots 8, 12, 13, 14 and 20.01 (1518 South Washington Avenue).

RESOLUTION 21-386

WHEREAS, on January 28, 2020, the Township of Piscataway (the "Township") received bids for the 2021-2022 Janitorial Services (the "Services"); and

WHEREAS, the Township awarded a contract for the Services to Pure Productive Services, Princeton, NJ, who was the lowest qualifying bidder, in the amount not to exceed \$86,092.00, for Calendar Year 2021, with an option to extend the contract for an additional year, upon satisfactory performance, in the amount of \$86,092.00 for Calendar Year 2022; and

WHEREAS, the Township was satisfied with the performance of Pure Productive Services, Princeton, NJ for Calendar Year 2021 and wishes to award the second-year option for the Services for Calendar Year 2022, in the amount not to exceed \$86,092.00; and

WHEREAS, funds are available pursuant to certification # B-2021-032;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to award the second-year option of the contract for the 2021-2022 Janitorial Services to Pure Productive Services, Princeton, NJ, for a total cost not to exceed \$86,092.00, for Calendar Year 2022, subject to all bid specifications and contract documents.

RESOLUTION 21-387

WHEREAS, on November 6, 2017, DG Facility Solutions, LLC, Concord, NH, posted an escrow check with the Township of Piscataway in the amount of \$500.00, regarding Block 1301, Lot 2.03 (2200 New Brunswick Avenue); and

WHEREAS, pursuant to a Request for Release of Funds dated October 18, 2021 and a Memorandum from the Township Supervisor of Planning dated October 21, 2021, the Supervisor of Planning and the Finance Department approved the release of the unexpended escrow fees, in the amount of \$232.41, to DG Facility Solutions, LLC; and

WHEREAS, on March 9, 2015, Adler Development Equity Co., Edison, NJ, posted an escrow check with the Township of Piscataway in the amount of \$1,000.00, regarding Block 5101, Lots 1.02 & 1.04 (6 Corporate Place); and

WHEREAS, pursuant to a Request for Release of Funds dated May 20, 2021 and a Memorandum from the Township Supervisor of Planning dated October 21, 2021, the Supervisor of Planning and the Finance Department approved the release of the unexpended escrow fees, in the amount of \$5.50, to Adler Development Equity Co.; and

WHEREAS, on April 2, 2018, 6 Corporate Place, LLC, Edison, NJ, posted an escrow check with the Township of Piscataway in the amount of \$3,000.00, regarding Block 5101, Lots 1.02 (6 Corporate Place); and

WHEREAS, pursuant to a Request for Release of Funds dated October 26, 2021 and a Memorandum from the Township Supervisor of Planning dated October 26, 2021, the Supervisor of Planning and the Finance Department approved the release of the unexpended escrow fees, in the amount of \$495.81, to 6 Corporate Place, LLC; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to return unexpended escrow fees to DG Facility Solutions, LLC, Concord, NH, in the amount of \$232.41, regarding Block 1301, Lot 2.03 (2200 New Brunswick Avenue); and

BE IT FURTHER RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to release unexpended escrow fees to Adler Development Equity Co., Edison, NJ, in the amount of \$5.50, regarding Block 5101, Lots 1.02 & 1.04 (6 Corporate Place); and

BE IT FURTHER RESOLVED that the appropriate municipal officials be and are hereby authorized to return unexpended escrow fees to 6 Corporate Place, LLC, Edison, NJ, in the amount of \$495.81, regarding Block 5101, Lot 1.02 (6 Corporate Place).

RESOLUTION 21-388

WHEREAS, the Township of Piscataway (the "Township") desires to obtain professional services proposals in connection with the 2022 Township Reassessment Project (the "Reassessment Project"); and

WHEREAS, the Township Administration has recommended that the Township Council authorize the appropriate municipal officials to prepare bid specifications, advertise and receive bids for the Reassessment Project; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to prepare bid specifications, advertise and receive bids with regard to the above referenced Reassessment Project.

RESOLUTION 21-389

WHEREAS, the Township of Piscataway (the "Township") and South Washington Avenue, LLC, and multiple member of the Halper family (the "South Washington/Halper Party") and collectively (the "Parties") are parties to litigation with Docket Numbers MID-L-11715-99 and MID-L-9167-10; and

WHEREAS, After years of inconclusive litigation, at the direction of Superior Court Judge Gary Wolenitz, the Parties submitted their disputes to mediation to be conducted by a retired New Jersey Superior Court Judge;

WHEREAS, After 21 years of litigation, with the assistance of a Judge Frank Ciuffani, (J.C.S., retired), the Township and the South Washington/Halper parties have come to an amicable resolution of their disputes, except as to Halper family member Lawrence Halper; and

WHEREAS, the South Washington/Halper parties participating in the settlement represent approximately eleven twelfths (11/12) of the family's interest in the cases and provision has been made to reserve one twelfth (1/12) of the settlement proceeds for the benefit of Lawrence Halper should he chose to join the settlement; and

WHEREAS, the Parties, minus Lawrence Halper, have resolved all outstanding issues related to the aforementioned matters and have reached a Settlement Agreement to dispose of this matter, a copy of which is attached hereto as Schedule A; and

WHEREAS, as part of the Settlement, The Township will authorize the release to South Washington/Halper of the sum of \$3,676,615.03 which the Township deposited with the Supreme Court Trust Fund many years ago and the Township will withhold from funds that might otherwise be due to South Washington/Halper the sum of \$2,384,922.00 to offset the Township's costs of remediating the environmental contamination at the former Halper Farm.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the Mayor and the Township Attorney are hereby authorized to execute the above referenced Settlement Agreement and all applicable Township officials are authorized and directed to take any and all actions necessary to effectuate the Settlement Agreement.

RESOLUTION 21-390

WHEREAS, the Township Council of the Township of Piscataway has adopted an Ordinance on first reading to create a new M-2 industrial zone district; create bulk standards and parking requirements therefore; and to rezone three properties designated on the Piscataway Township Tax Map as Block 57.01, Lots 1.04, Lot 1.05 and 2 into the new M-2 zone district; and

WHEREAS, it is required that the Township Council refer the aforesaid proposed zoning amendments to the Piscataway Township Planning Board for its review and recommendation.

NOW, THEREFORE, be it resolved by the Township Council of the Township of Piscataway that it hereby refers the proposed aforesaid zoning amendments to the Piscataway Township Planning Board for its review and recommendation.

Discussion by Administration and Council on Best Practices Check List.

ANNOUNCEMENTS & COMMENTS FROM OFFICIALS:

Mrs. Cahill read a statement.

The Council considered the matters on the Agenda for November 9, 2021:

- ORDINANCE – FIRST READING – FULLY FUNDED – Various Capital Improvements - \$925,000 – RESOLUTION Adopting Ordinance.
- ORDINANCE – FIRST READING – FULLY FUNDED – Various Capital Improvements - \$1,500,000 – RESOLUTION Adopting Ordinance.
- ORDINANCE – FIRST READING – Acquisition for Improvements to Morris Lane – RESOLUTION Adopting Ordinance.
- RESOLUTION – Authorizing Award of Bid – Fireworks for July 4th 2022 – Fireworks by Grucci Inc. – Not to Exceed \$53,500.00.
- RESOLUTION – Authorizing Return of Escrow Fees:
 - Block 5101, Lots 1.02 & 1.04 – 15-PB-06/07/08V/09V – 6 Corporate Place.
 - Block 6703, Lot 2.02 – 17-PB-47 – 800 Centennial Avenue.
 - Block 2101, lot 11.02 – 17-PB-01/13V – 73 Old New Brunswick Road.
 - Block 6703, Lot 2.02 – 17-PB-20/30V – 80 Centennial Avenue.
 - Block 5101, Lot 1.02 – 18-PB-10/11V
- RESOLUTION – Authorizing the Township to Apply for and Accept \$10,000.00 Grant for Prevention/Diversion Program – YSC/Alliance Collaboration.
- RESOLUTION – Authorizing Chapter 159 – NJ State Library, American Rescue Plan Act of 2021 - \$25,000.00.

OPEN TO PUBLIC:

David Akins, Ambrose Valley Ln, asked for clarification on first reading ordinance.
Evan Shegoski, 280 River Rd Apt 12a, spoke.

There being no further comments, this portion of the meeting was closed to the public.

There being no further business to come before the council, the meeting was adjourned at 8:25pm carried unanimously.

Respectfully submitted,

Monica Orlando, Deputy Township Clerk

Accepted:

Kapil Shah
Council President

RESOLUTION
RETENTION OF CME ASSOCIATES FOR A REPORT
TO REZONED BLOCK 5701, LOTS 1.04, 1.05 AND 2, ON
THE PISCATAWAY TOWNSHIP TAX MAP

WHEREAS, the Planning Board of the Township of Piscataway after discussions with the Township of Piscataway has determined to undertake a preliminary investigation to determine whether Block 5701, Lots 1.04, 1.05 and 2, on the Tax Map of the Township of Piscataway, is an area that should be rezoned.

WHEREAS, the Planning Board believes it necessary to obtain the assistance of a professional planner to help it determine if the subject area is one that needs to be rezoned.

WHEREAS, the firm of CME Associates, is a well respected consulting firm in the region and has assisted the Board and the Township in their planning and rezoning needs on a number of prior instances. Based on that prior experience, the Planning Board of the Township of Piscataway has selected CME Associates to conduct a study of the subject property to determine if it should be rezoned.

NOW, THEREFORE, be it resolved that the Planning Board of the Township of Piscataway retains CME Associates, to assist the Planning Board in the determination of whether the subject property should be rezoned. The retention of CME Associates, for these purposes is subject to the funding of such positions by the Township Council of the Township of Piscataway.

BE IT FURTHER RESOLVED, that the Planning Board of the Township of Piscataway requests that the Township Council of the Township of Piscataway allocate funds from the Township Budget to compensate CME Associates, for the services it is to render to the Planning Board to determine if the subject property should be rezoned.

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Tax Assessor, Township Engineer, and Zoning Officer. The above is a memorialization of a motion which was duly seconded and passed on November 10, 2021, on the following vote:

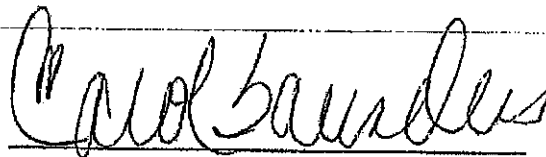
THOSE IN FAVOR: Mayor Wahler, Rev. Kenney, Dawn Corcoran, Dennis Espinosa and Carol Saunders.

OPPOSED: None

The undersigned, Secretary to the Piscataway Township Planning Board, hereby certifies that the above is a true copy of a Resolution memorialized by said Board on the 10th, day of November, 2021, on the following vote:

THOSE IN FAVOR: Mayor Wahler, Rev. Kenney, Dawn Corcoan, Dennis Espinosa and Carol Saunders.

OPPOSED: None



CAROL SAUNDERS, SECRETARY
PISCATAWAY PLANNING BOARD

RECEIVED
DEC 20 2021
TOWNSHIP OF PISCATAWAY
COMMUNITY DEVELOPMENT

AFFIDAVIT OF SERVICE

MELISSA A. SEADER, of full age, with an office address of 455 Hoes Lane, Piscataway, NJ 08854, being duly sworn upon her oath according to law, deposes and says:

1. I am the Township Clerk for the Township of Piscataway.
2. On November 22, 2021, written notice of the Planning Board meeting on December 8, 2021, for consideration of the above referenced rezoning was mailed to each of the three affected property owners and to each and all of the owners of property within 200 feet on all sides of the properties affected by said proposed rezoning, as listed on the certified property list from the Township of Piscataway, **Exhibit A**, annexed hereto and made a part hereof, all by certified mail, return receipt. The certified mail receipts with postmark are also attached as **Exhibit B**.
3. A copy of the written notice provided to the property owners is attached hereto as **Exhibit C**.

Melissa A. Seader
MELISSA A. SEADER

Sworn and Subscribed to before me
This 30 day of November, 2021.

Monica Klaut

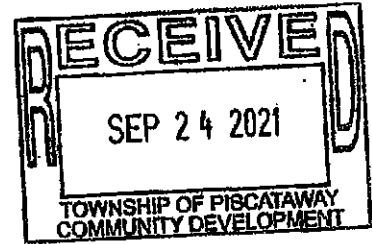




MUNICIPAL COMPLEX • 455 HOES LANE • PISCATAWAY, N.J. 08854

TOWNSHIP OF PISCATAWAY

September 22, 2021



Attached is a list of property owners in Piscataway within 200 feet of:

Block(s): 5701 Lot(s) 2

I certify the above is an accurate and complete list of owners and addresses. They must be given notice pursuant to the requirement of NJSA 40:55D-12. Said certification shall only be valid for a period of four months. This list has been prepared from the most recent tax rolls.

Lisa E. Stephens, Assessor

Dawn Corcoran-Gardella, Zoning Officer

ckh

** If you have questions regarding this list please contact Community Development at 732-562-6560.*

OWNER & ADDRESS REPORT

PISCATAWAY

1690 SOUTH WASHINGTON AVE

09/22/21 Page 1

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
5601	3.01		2	HERNANDEZ, ARMANDO C & MARLENE C R 1679 S WASHINGTON AVE PISCATAWAY, NJ 08854	1679 S WASHINGTON AVE ✓	
5601	4.01		15C	TOWNSHIP OF PISCATAWAY 455 HOES LN PISCATAWAY, N J 08854	1685 S WASHINGTON AVE ✓	
5601	4.08		<i>Pup</i> 15C	TOWNSHIP OF PISCATAWAY 455 HOES LN PISCATAWAY, NJ 08854	1707 S WASHINGTON AVE ✓	
5601	4.09		15C	COUNTY OF MIDDLESEX 75 BAYARD ST 5TH FLR NEW BRUNSWICK, NJ 08901	1669 S WASHINGTON AVE ✓	
5601	4.10		<i>Pup</i> 15C	TOWNSHIP OF PISCATAWAY 455 HOES LN PISCATAWAY, NJ 08854	1701 S WASHINGTON AVE ✓	
5701	1.04		4B	SOUTH WASHINGTON PK %SHI INTL CORP 290 DAVIDSON AVE SOMERSET, NJ 08873	10 KNOX DR ✓	
5701	1.05		4B	SOUTH WASHINGTON PK LLC-% CBRE INC 700 ALEXANDER PK-STE 102 PRINCETON, NJ 08540	30 KNOX DR ✓	
5701	11	00009	3B	FIELDS OF CORN LLC ET ALS 223 MONTGOMERY ST %F ROST HIGHLAND PARK, NJ 08904	1700 S WASHINGTON AVE ✓	
5901	3.23		✓ 4B	SIVANTOS INC 10 CONSTITUTION AVE PISCATAWAY, NJ 08854	10 CONSTITUTION AVE ✓	
5901	4.01		✓ 15A	BOARD OF EDUCATION 1515 STELTON RD-POB 1332 PISCATAWAY, NJ 08855	501 S RANDOLPHVILLE RD ✓	

County Road - So Washington Ave ✓
Middlesex County Planning Board
75 Bayard Street-5th Floor
New Brunswick, NJ 08901

Ja000039

TOWNSHIP OF PISCATAWAY UTILITIES-Revised September 2020

The following public and/or local utilities and cable companies have registered with the Municipality and must receive notice by certified mail of applications for development within Piscataway Township.

1. Public Service Electric & Gas-Central Division
Attn: Matt Rieger
472 Weston Canal Road
Somerset, NJ 08873

RE: _____

DAWN CORCORAN-GARDELLA
Zoning Officer

TOWNSHIP OF PISCATAWAY
PUBLICWORKS COMPLEX
505 Sidney Road
Piscataway, New Jersey 08854

DATE: 9/20/21

CERTIFIED LIST OF PROPERTY OWNERS within 200 ft. of premises known as:

Property Address: 1690 South Washington Avenue

Block/s: 5701 Lot/s: 2

TO: () SEND

EMAIL ADDRESS: _____

PHONE NUMBER: _____

☒ CALL FOR PICK UP

NAME: Dawn-Planning

PHONE NUMBER: _____

\$10.00 Fee Received by: N/a DATE: _____

Tax Map Prepared By: kh DATE: 9-20-21

Tax Map Sheet/s # 57

List Prepared By: Llo DATE: 9/22/21

2454



MUNICIPAL COMPLEX • 455 HOES LANE • PISCATAWAY, N.J. 08854

TOWNSHIP OF PISCATAWAY

November 3, 2021

Attached is a list of property owners in Piscataway within 200 feet of:

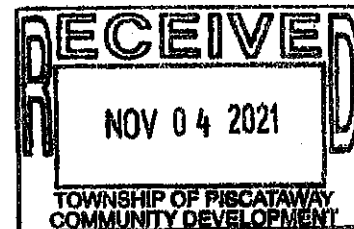
Block(s): 5701

Lot(s): 1.04 & 1.05

I certify the above is an accurate and complete list of owners and addresses. They must be given notice pursuant to the requirement of NJSA 40:55D-12. Said certification shall only be valid for a period of four months. This list has been prepared from the most recent tax rolls.


Lisa E. Stephens, Assessor


Dawn Corcoran-Gardella, Zoning Officer



** If you have questions regarding this list please contact Community Development at 732-562-6560.*

OWNER & ADDRESS REPORT

PISCATAWAY

10 KNOX & 30 KNOX DRIVE

11/03/21 Page 1

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
5601	1.02		4A	THE PRICE REIT INC C/O KIMCO RLTY 500 N BROADWAY SUITE 201 JERICO, NY 11753	1280 CENTENNIAL AVE ✓	
5601	2.05		2	HALPER, CINDY J & RAIMAN, SCOTT B 11 SUMMERSHADE CIR PISCATAWAY, NJ 08854	1659 S WASHINGTON AVE ✓	
5601	3.01		2	ALFARO, RANDY D C SR & ACEVEDO, D R 1679 S WASHINGTON AVE PISCATAWAY, NJ 08854	1679 S WASHINGTON AVE ✓	
5601	4.01	<i>Dep</i>	15C	TOWNSHIP OF PISCATAWAY 455 HOES LN PISCATAWAY, N J 08854	1685 S WASHINGTON AVE ✓	
5601	4.09	<i>Dep</i>	15C	COUNTY OF MIDDLESEX 75 BAYARD ST 5TH FLR NEW BRUNSWICK, NJ 08901	1669 S WASHINGTON AVE ✓	
5701	1.02	<i>Dep</i>	15C	COUNTY OF MIDDLESEX 75 BAYARD ST 5TH FLR NEW BRUNSWICK, NJ 08901	1650 S WASHINGTON AVE ✓	
5701	1.04	<i>Dep</i>	4B	SOUTH WASHINGTON PK %SHI INTL CORP 290 DAVIDSON AVE SOMERSET, NJ 08873	10 KNOX DR ✓	
5701	2	<i>owner</i>	3A	EDRINGTON, CLYDE & ROBERTA 111 NEW MONMOUTH RD MIDDLETOWN, NJ 07748	1690 S WASHINGTON AVE ✓	
5701	7.02	<i>Dep</i>	15C	COUNTY OF MIDDLESEX 75 BAYARD ST 5TH FLR NEW BRUNSWICK, NJ 08901	1640 S WASHINGTON AVE ✓	
5802	13.01		4B	TWO CPS DEVELOPERS LLC 245 GREEN VILLAGE RD CHATHAM, NJ 07028	2 CORPORATE PL S ✓	
5901	3.23	<i>Dep</i>	4B	SIVANTOS INC. 10 CONSTITUTION AVE PISCATAWAY, NJ 08854	10 CONSTITUTION AVE ✓	
5901	4.01	<i>Dep</i>	15A	BOARD OF EDUCATION 1515 STELTON RD-POB 1332 PISCATAWAY, NJ 08855	501 S RANDOLPHVILLE RD ✓	

County Road - So Washington Ave
Middlesex County Planning Board
75 Bayard Street-5th Floor
New Brunswick, NJ 08901 ✓

Ja000043

TOWNSHIP OF PISCATAWAY UTILITIES-Revised September 2020

The following public and/or local utilities and cable companies have registered with the Municipality and must receive notice by certified mail of applications for development within Piscataway Township.

1. Public Service Electric & Gas-Central Division
Attn: Matt Rieger
472 Weston Canal Road
Somerset, NJ 08873

RE: _____

DAWN CORCORAN-GARDELLA
Zoning Officer

TOWNSHIP OF PISCATAWAY
PUBLICWORKS COMPLEX
505 Sidney Road
Piscataway, New Jersey 08854

NOV - 3 P 3:32

PISCATAWAY

DATE: 11/3/21

CERTIFIED LIST OF PROPERTY OWNERS within 200 ft. of premises known as:

Property Address: 10 Knox & 30 Knox Drive

Block/s: 5701 Lot/s: 1.04 & 1.05

TO: () SEND

Planning - Dawn/Laura

EMAIL ADDRESS: _____

PHONE NUMBER: (732) 562-6570

() CALL FOR PICK UP

NAME: _____

PHONE NUMBER: _____

\$10.00 Fee Received by: N/A DATE: _____

Tax Map Prepared By: JLH DATE: 11-3-21

Tax Map Sheet/s #57

List Prepared By: LD DATE: 11/3/21

#2477

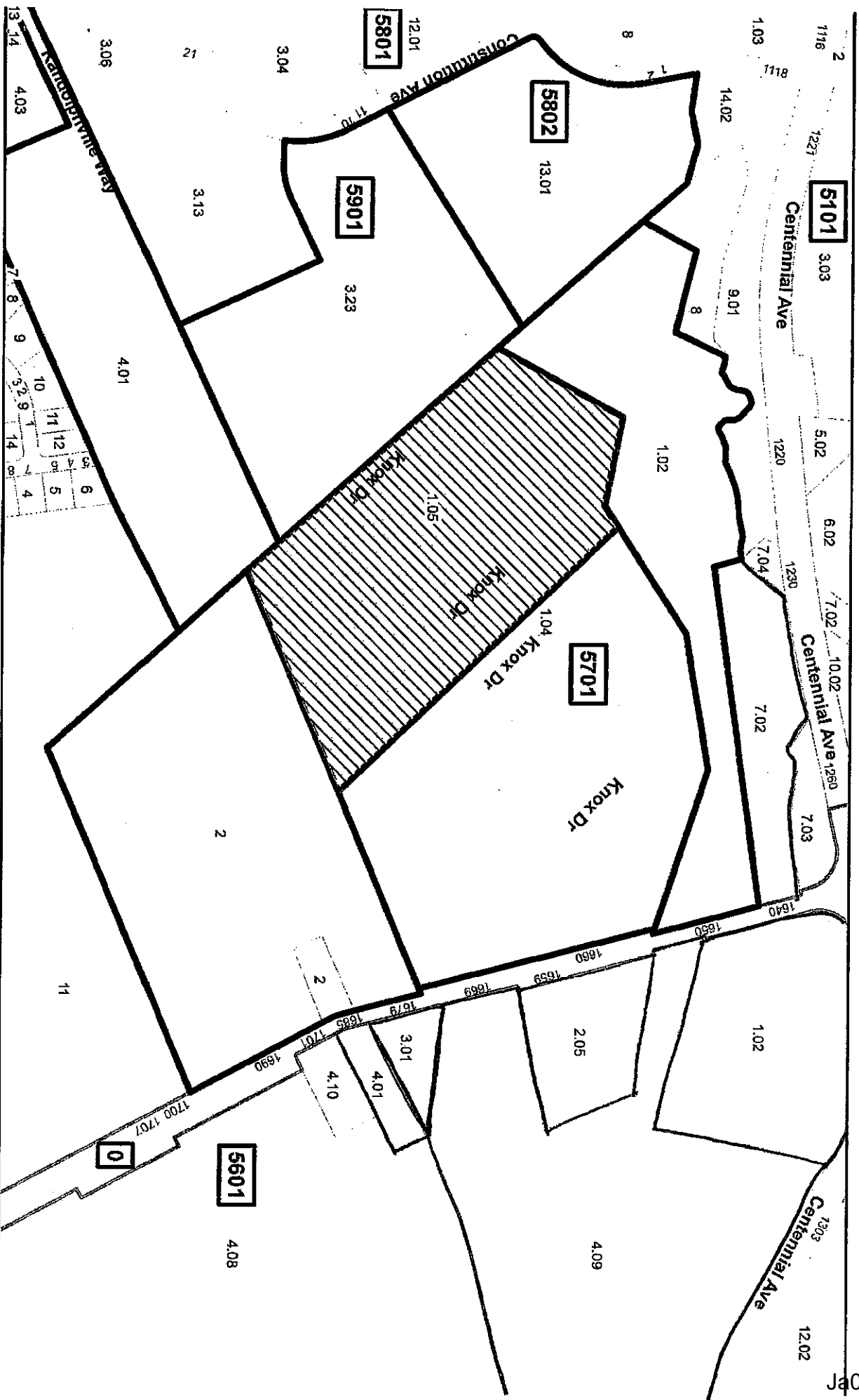
BLOCK	LOT	OWNER
5701	2	EDRINGTON, CLYDE & ROBERTA
5701	1.02	COUNTY OF MIDDLESEX
5701	1.04	SOUTH WASHINGTON PK LLC-%...
5701	1.05	SOUTH WASHINGTON PK LLC-%...
5802	13.01	TWO CPS DEVELOPERS LLC
5901	4.01	BOARD OF EDUCATION
5901	3.23	<Null>

5701 7.02 County of Middlesex

BLOCK	LOT	OWNER
0	665	<Null>
5601	4.09	COUNTY OF MIDDLESEX
5601	1.02	THE PRICE REIT INC C/O KIMCO R...
5601	4.01	TOWNSHIP OF PISCATAWAY
5601	3.01	HERNANDEZ, ARMANDO C & MARL...
5601	2.05	HALPER, CINDY J & RAIMAN, SCOT...

AVE (ROUTE 665)

Ja000047



Block: 5701	Prop Loc: 10 KNOX DR	Owner: SOUTH WASHINGTON PK %SHI INTL CORP	Square Ft: 0
Lot: 1.04	District: 1217 PISCATAWAY	Street: 290 DAVIDSON AVE	Year Built:
Qual:	Class: 4B	City State: SOMERSET, NJ 08873	Style:

Additional Information

Prior Block:	Acct Num:	Addl Lots:	EPL Code: 0 0 0
Prior Lot:	Mtg Acct:	Land Desc: 23.94AC+/-	Statute:
Prior Qual:	Bank Code: 0	Bldg Desc: WAREHOUSE	Initial: 000000 Further: 000000
Updated: 01/21/21	Tax Codes: F04	Class4Cd: 0	Desc:
Zone:	Map Page:	Acreage: 23.94	Taxes: 782294.81 / 0.00

Sale Date: 00/00/00	Book:	Page:	Price:	0 NU#: 0			
Sr1a	Date	Book	Page	Price	NU#	Ratio	Grantee

TAX-LIST-HISTORY

Year	Property Location	Land/Imp/Tot	Exemption	Assessed	Property Class
2021	10 KNOX DR	11970000	0	33460000	4B
		21490000			
		33460000			
<u>2020</u>	10 KNOX DR	6811000	0	22647000	4B
		15836000			
		22647000			
<u>2019</u>	10 KNOX DR	7666000	0	28320000	4B
		20654000			
		28320000			
<u>2018</u>	10 KNOX DR	7666000	0	26960000	4B
		19294000			
		26960000			

*Click on Underlined Year for Tax List Page

[*Click Here for More History.](#)

Owner

Block: 5701	Prop Loc: 30 KNOX DR	Owner: SOUTH WASHINGTON PK LLC-% CBRE INC	Square Ft: 0
Lot: 1.05	District: 1217 PISCATAWAY	Street: 700 ALEXANDER PK-STE 102	Year Built:
Qual:	Class: 4B	City State: PRINCETON, NJ 08540	Style:

Additional Information

Prior Block:	Acct Num:	Addl Lots:	EPL Code: 0 0 0
Prior Lot:	Mtg Acct:	Land Desc: 19.81AC+/-	Statute:
Prior Qual:	Bank Code: 0	Bldg Desc: WAREHOUSE	Initial: 000000 Further: 000000
Updated: 01/21/21	Tax Codes: F04	Class4Cd: 0	Desc:
Zone:	Map Page:	Acreage: 19.81	Taxes: 580993.00 / 0.00

Sale Date: 00/00/00	Book:	Page:	Price:	0 NU#: 0
Sria	Date	Book	Page	Price

NU#	Ratio	Grantee
-----	-------	---------

TAX-LIST-HISTORY

Year	Property Location	Land/Imp/Tot	Exemption	Assessed	Property Class
2021	30 KNOX DR	9905000	0	24850000	4B
		14945000			
		24850000			
<u>2020</u>	30 KNOX DR	9173000	0	30499000	4B
		21326000			
		30499000			
<u>2019</u>	30 KNOX DR	5689000	0	21030000	4B
		15341000			
		21030000			
<u>2018</u>	30 KNOX DR	5689000	0	20000000	4B
		14311000			
		20000000			

*Click on Underlined Year for Tax List Page

*Click Here for More History

Owner

New Search	Property Card
------------	---------------

Block: 5701 Prop Loc: 1690 S WASHINGTON AVE Owner: EDRINGTON, CLYDE & ROBERTA Square Ft: 1380
 Lot: 2 District: 1217 PISCATAWAY Street: 111 NEW MONMOUTH RD Year Built: 1929
 Qual: Class: 3A City State: MIDDLETOWN, NJ 07748 Style: 5

Additional Information

Prior Block: 496 Acct Num:
 Prior Lot: 2 Mtg Acct:
 Prior Qual: Bank Code: 0
 Updated: 02/03/20 Tax Codes: F04
 Zone: RR1 Map Page:

Addi Lots:
 Land Desc: 1.0000
 Bldg Desc: 2SF
 Class4Cd: 0
 Acreage: 1

EPL Code: 0 0 0
 Statute:
 Initial: 000000 Further: 000000
 Desc:
 Taxes: 4610.54 / 0.00

Sale Date: 09/03/19 Book: 17624 Page: 1156

Price: 1 NU#: 25

Sr1a	Date	Book	Page	Price	NU#	Ratio	Grantee
More Info	09/03/19	17624	1156	1	25	999.99	EDRINGTON, CLYDE & ROBERTA

TAX-LIST-HISTORY

Year	Property Location	Land/Imp/Tot	Exemption	Assessed	Property Class
2021	1690 S WASHINGTON AVE	72700	0	197200	3A
		124500			
		197200			
2020	1690 S WASHINGTON AVE	72700	0	200500	3A
		127800			
		200500			
2019	1690 S WASHINGTON AVE	72700	0	200900	3A
		128200			
		200900			
2018	1690 S WASHINGTON AVE	72700	0	193300	3A
		120600			
		193300			

*Click on Underlined Year for Tax List Page

*Click Here for More History

Owner

Laura Buckley

From: Lien Do
Sent: Wednesday, November 3, 2021 10:25 AM
To: Laura Buckley
Subject: 1690 S WASHINGTON AVE

Hi Laura,

We checked and did not see the new deed yet.

We will look out for the new deed and update you.

Best,

Lien

Screen: 1 of 5

1217 Block: 5701 Lot: 2 Q: M
Prior Block: 496 Lot: 2 Q: 02/03/20
Loc: 1690 S WASHINGTON AVE 17 PISCATAWAY, NJ 08854
Owner: EDRINGTON, CLYDE & ROBERTA Billing Code:
Street: 111 NEW MONMOUTH RD Account Num:
Town: MIDDLETOWN, NJ Zip: 07748 Mtg Acct#:
Class: 3A Deductions: S 0 V 0 W 0 R 0 D 0 Own: 2 Amt: 0
SaleD: 09/03/19 Bk: 17624 Pg: 1156 Price: 1 NU#: 25 Cd: R: 0.00
Lien Do
Senior Assessing Clerk
Tax Assessment

Phone: (732)562-2328
Fax: (732) 529-2509
assessor@piscatawaynj.org

11/3/2021

Ja000051

7021 0350 0000 9772 1684

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 Total Postage \$

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 Street and
 City, State

South Washington Pl. LLC
 % CBRE Inc.
 700 Alexander PK, Ste 102
 Princeton, NJ 08540

PS Form 3800, April 2015 PSN 7530-02-000-0017 See Reverse for Instructions

7021 0350 0000 9772 1730

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PSE & G-Central Division
 Attn: Matt Rieger
 472 Weston Canal Road
 Somerset, NJ 08873

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☐ Adult Signature Restricted Delivery \$

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 City, State

Cindy Halper & Scott Raiman
 11 Summershade Circle
 Piscataway, NJ 08854

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Sivantos Inc.
 10 Constitution Avenue
 Piscataway, NJ 08854

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 City, State, ZIP

The Price Reit Inc.
 C/O Kimco Rlty
 500 N Broadway Suite 201
 Jerico, NY 11753

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7021 0350 0000 9772 1769

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Sent To
 Street and
 City, State

Board of Education
 1515 Stelton Road POB 1332
 Piscataway, NJ 08855

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 Street and
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County Road-So Washington Ave
 Middlesex County Planning Bd
 75 Bayard Street-5th Floor
 New Brunswick, NJ 08901

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 City, State

County of Middlesex
 75 Bayard Street, 5th Floor
 New Brunswick, NJ 08901

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South Washington PK
 % SHI INTL Corp
 290 Davidson Avenue
 Somerset, NJ 08873

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Township of Piscataway
 455 Hoes Lane
 Piscataway, NJ 08854

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7021 0350 0000 9772 1691

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 City, State

Fields of Corn LLC ET ALS
 223 Montgomery Street % ROST
 Highland Park, NJ 08904

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7019 1640 0000 6477 4561

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Sent To
 Street
 City, State

Armando & Marlene Hernandez
 1679 S. Washington Avenue
 Piscataway, NJ 08854

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Cylde & Roberta Edrington
 111 New Monmouth Road
 Middletown, NJ 07748

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7021 0350 0001 2971 5001

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NJ Department of State
 NJ Business Action Center
 Office of Planning Advocacy
 PO Box 820
 Trenton, NJ 08625-0820

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Alfaro, Randy D Sr & Acevedo, D
 1679 S Washington Avenue
 Piscataway, NJ 08854

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7021 0350 0000 9772 1752

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M & M Realty Partners at
Piscataway, LLC
 1260 Stelton Road
 Piscataway, NJ 08854

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7021 0350 0001 2971 4998

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☐ Adult Signature Required \$

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Postage

Total Postage and Fees

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Street and

City, State, Z

TWO CPS Developers, LLC
 245 Green Village Road
 Chatham, NJ 07028

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7021 0350 0000 9772 1721

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Street and A

City, State, Z

Middlesex County Planning Board
 Attn: Mr. Douglas Greenfield
 75 Bayard Street-5th Floor
 New Brunswick, NJ 08901

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Ja000054

**TOWNSHIP OF PISCATAWAY
PLANNING BOARD
PUBLIC NOTICE**

PUBLIC NOTICE is hereby given that the Piscataway Township Planning Board shall consider and discuss whether to recommend to the Township Council that Lots 1.04, 1.05 and 2 in Block 5701, as designated on the Township Tax Map, be re-zoned to a new M-2 zoning district, to permit a warehouse use as a principal use and be required to comply with various bulk standards, also known as General Requirements, and a minimum parking requirement. Lots 1.04 and 1.05 are commonly known as 10 Knox Drive and 30 Knox Drive. Lot 2 is commonly known as 1690 S. Washington Avenue. The discussion will be heard on December 8, 2021.

The Planning Board Meeting at which this matter will be discussed will be held as a Zoom Meeting and will not be in person; please see below:

December 8, 2021 at 7:30 PM Eastern Time (US and Canada)

Join Zoom Meeting:

<https://us02web.zoom.us/j/81267070663?pwd=d2owcit5U1dFWFFenNGdU83NGwxUT09>

Meeting ID: 812 6707 0663

Passcode: 939162

Dial by your location +1 646 876 9923 US (New York)

Find your local number: <https://us02web.zoom.us/u/kdAkcArrC4>

RESOLUTION
RETENTION OF CME ASSOCIATES FOR A REPORT
TO REZONED BLOCK 5701, LOTS 1.04, 1.05 AND 2, ON
THE PISCATAWAY TOWNSHIP TAX MAP

WHEREAS, the Planning Board of the Township of Piscataway after discussions with the Township of Piscataway has determined to undertake a preliminary investigation to determine whether Block 5701, Lots 1.04, 1.05 and 2, on the Tax Map of the Township of Piscataway, is an area that should be rezoned.

WHEREAS, the Planning Board believes it necessary to obtain the assistance of a professional planner to help it determine if the subject area is one that needs to be rezoned.

WHEREAS, the firm of CME Associates, is a well respected consulting firm in the region and has assisted the Board and the Township in their planning and rezoning needs on a number of prior instances. Based on that prior experience, the Planning Board of the Township of Piscataway has selected CME Associates to conduct a study of the subject property to determine if it should be rezoned.

NOW, THEREFORE, be it resolved that the Planning Board of the Township of Piscataway retains CME Associates, to assist the Planning Board in the determination of whether the subject property should be rezoned. The retention of CME Associates, for these purposes is subject to the funding of such positions by the Township Council of the Township of Piscataway.

BE IT FURTHER RESOLVED, that the Planning Board of the Township of Piscataway requests that the Township Council of the Township of Piscataway allocate funds from the Township Budget to compensate CME Associates, for the services it is to render to the Planning Board to determine if the subject property should be rezoned.

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Tax Assessor, Township Engineer, and Zoning Officer. The above is a memorialization of a motion which was duly seconded and passed on November 10, 2021, on the following vote:

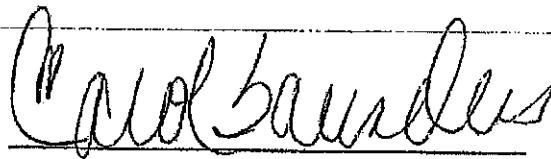
THOSE IN FAVOR: Mayor Wahler, Rev. Kenney, Dawn Corcoran, Dennis Espinosa and Carol Saunders.

OPPOSED: None

The undersigned, Secretary to the Piscataway Township Planning Board, hereby certifies that the above is a true copy of a Resolution memorialized by said Board on the 10th, day of November, 2021, on the following vote:

THOSE IN FAVOR: Mayor Wahler, Rev. Kenney, Dawn Corcoran, Dennis Espinosa and Carol Saunders.

OPPOSED: None



CAROL SAUNDERS, SECRETARY
PISCATAWAY PLANNING BOARD

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

Board of Education
1515 Stelton Road POB 1332
Piscataway, NJ 08855



9590 9402 6586 1028 6868 44

2. Article Number (Transfer from service label)

7021 0350 0000 9772 1769

PS Form 3811, July 2020 PSN 7530-02-000-9053

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A. Signature

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☐ Agent☐ Addressee

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- ☐ Collect on Delivery Restricted Delivery

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1. Article Addressed to:

Township of Piscataway
455 Hoes Lane
Piscataway, NJ 08854



9590 9402 5174 9122 4489 64

2. Article Number (Transfer from service label)

7021 0350 0000 9772 1653

PS Form 3811, July 2015 PSN 7530-02-000-9053

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- ☐ Collect on Delivery
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- ☐ Registered Mail™
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1. Article Addressed to:

South Washington PK
% SHI INTL Corp
290 Davidson Avenue
Somerset, NJ 08873



9590 9402 6586 1028 6867 07

2. A

7021 0350 0000 9772 1677

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D. Is delivery address different from item 1? ☐ Yes
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3. Service Type

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1. Article Addressed to:

PSE & G-Central Division
Attn: Matt Rieger
472 Weston Canal Road
Somerset, NJ 08873



9590 9402 6586 1028 6868 13

2. Article Number (Transfer from service label)

7021 0350 0000 9772 1738

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Ja000057

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p>Fields of Corn LLC ET ALS 223 Montgomery Street % ROST Highland Park, NJ 08904</p>		<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i></p> <p>B. Received by (Printed Name) <input checked="" type="checkbox"/> <i>[Signature]</i></p> <p>C. Date of Delivery <input checked="" type="checkbox"/> 11/24/21</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>2. Article Number (Transfer from service label) 9590 9402 6586 1028 6867 21</p>		<p>3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

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<p>1. Article Addressed to:</p> <p>South Washington Pk, LLC %CBRE Inc. 700 Alexander PK, Ste 102 Princeton, NJ 08540</p>		<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i></p> <p>B. Received by (Printed Name) <input checked="" type="checkbox"/> <i>[Signature]</i></p> <p>C. Date of Delivery <input checked="" type="checkbox"/> 11/24/21</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>2. Article Number (Transfer from service label) 9590 9402 6586 1028 6867 14</p>		<p>3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

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SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p>M & M Realty Partners at Piscataway, LLC 1260 Stelton Road Piscataway, NJ 08854</p>		<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i></p> <p>B. Received by (Printed Name) <input checked="" type="checkbox"/> <i>[Signature]</i></p> <p>C. Date of Delivery <input checked="" type="checkbox"/> 11/24/21</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>2. Article Number (Transfer from service label) 9590 9402 6586 1028 6868 37</p>		<p>3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

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<p>1. Article Addressed to:</p> <p>Cindy Halper & Scott Raiman 11 Summershade Circle Piscataway, NJ 08854</p>		<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i></p> <p>B. Received by (Printed Name) <input checked="" type="checkbox"/> <i>[Signature]</i></p> <p>C. Date of Delivery <input checked="" type="checkbox"/> 11/24/21</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>2. Article Number (Transfer from service label) 9590 9402 6586 1028 6868 06</p>		<p>3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

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<p>1. Article Addressed to:</p> <p>Alfaro, Randy D Sr & Acevedo, D 1679 S Washington Avenue Piscataway, NJ 08854</p>		<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i></p> <p>B. Received by (Printed Name) <input checked="" type="checkbox"/> <i>[Signature]</i></p> <p>C. Date of Delivery <input checked="" type="checkbox"/> 11/24/21</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>2. Article Number (Transfer from service label) 9590 9402 6586 1028 6867 83</p>		<p>3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

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1. Article Addressed to:

The Price Reit Inc.
C/O Kimco Rlty
500 N Broadway Suite 201
Jerico, NY 11753

9590 9402 6586 1028 6867 90

7021 0350 0000 9772 1776

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1. Article Addressed to:

TWO CPS Developers, LLC
245 Green Village Road
Chatham, NJ 07028

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7021 0350 0001 2971 4998

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1. Article Addressed to:

NJ Department of State
NJ Business Action Center
Office of Planning Advocacy
PO Box 820
Trenton, NJ 08625-0820

9590 9402 6586 1028 6867 69

7021 0350 0001 2971 5001

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B. Received by (Printed Name) X C. Date of Delivery 11-2-21

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee

B. Received by (Printed Name) X C. Date of Delivery 11-2-21

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

County Road-So Washington Ave
Middlesex County Planning Bd
75 Bayard Street-5th Floor
New Brunswick, NJ 08901

3. Service Type

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7021 0350 0000 9772 1774

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1. Article Addressed to:

County of Middlesex
75 Bayard Street, 5th Floor
New Brunswick, NJ 08901

9590 9402 6586 1028 6862 88

7021 0350 0000 9772 1660

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1. Article Addressed to:

County Road-So Washington Ave
Middlesex County Planning Bd
75 Bayard Street-5th Floor
New Brunswick, NJ 08901

3. Service Type

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7021 0350 0000 9772 1774

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1. Article Addressed to:

Middlesex County Planning Board
Attn: Mr. Douglas Greenfield
75 Bayard Street-5th Floor
New Brunswick, NJ 08901

9590 9402 6586 1028 6862 88

7021 0350 0000 9772 1660

PS Form 3811, July 2020 PSN 7530-02-000-9053

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1. Article Addressed to:

Middlesex County Planning Board
Attn: Mr. Douglas Greenfield
75 Bayard Street-5th Floor
New Brunswick, NJ 08901

9590 9402 6586 1028 6862 88

7021 0350 0000 9772 1660

PS Form 3811, July 2020 PSN 7530-02-000-9053

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D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

Ja000059

Zoning Analysis
for the
Rezoning
of
Block 5701 Lots 1.04, 1.05, and 2
10-30 Knox Road
1690 South Washington Avenue
Township of Piscataway, Middlesex County, NJ

Dated:
December 1, 2021
Revised December 6, 2021

Prepared by:



Steven L. Gottlieb, PP, LLA
NJ. License No. 5267

Project Team:
Nathan Foote, Staff Planner

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I. Introduction

CME Associates ("CME") has been requested to provide this Zoning Analysis ("Analysis") with respect to the potential rezoning of properties identified as Block 5701 Lots 1.04, 1.05, and 2 (the "Site") located within the Township of Piscataway, Middlesex County, NJ ("Township" and "County", respectively). A copy of the Planning Board Resolution retaining CME is provided in Appendix E. The Township Council Resolutions adopting the zoning amendments and referring the matter to the Planning Board are provided in Appendix D.

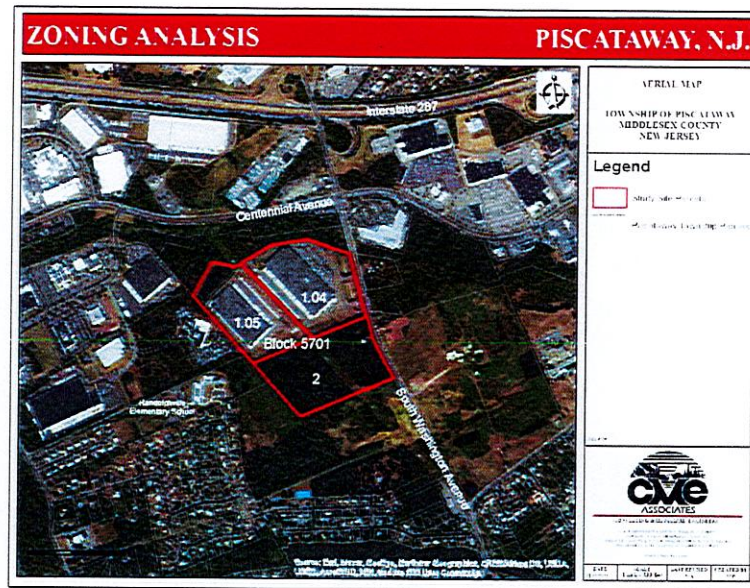
II. Methodology

This Analysis was produced utilizing the following four (4) part methodology: (1) Review of Zoning Regulations, (2) Review of previous Board application, site plans, documentation and other public records, (3) Site Visit and Post – Visit Review, and (4) GIS Mapping.

The Analysis provides a summary of zoning and development potential of the site based upon current zoning regulations, available infrastructure and environmental constraints. GIS maps and site photos are included in Appendices A and B. For this Analysis, development potential is taken to mean uses permitted in the underlying zone districts. This Analysis further assumes portions of the Property noted as "Wetlands" are subject to State and local regulations.

III. Overview

The Site consists of three properties within Block 5701 in the east central portion of the Township. The entire site is within a half-mile of Interstate 287. The two northern properties, Lots 1.04 and 1.05, are presently improved with one warehouse each, with associated employee parking, truck parking, and loading bays. Lot 2 is mostly unimproved, with the exception of an existing single-family dwelling located along South Washington Avenue. The dwelling appears to be vacant. The unimproved portions of the lot consist of primarily wooded areas. Lot 2 also has overhead electric transmission lines running through it (these lines also pass over the property boundary between Lots 1.04 and 1.05). These overhead wires are within part of a 100 foot wide easement to J.C.P. & L. Co. Lots 1.04 and 2 both have frontage along the west side of South Washington Avenue (according to the Piscataway tax maps, with 733.40 feet and 816.83 of frontage, respectively). Lot 1.05 does not have any frontage on South Washington Avenue but has frontage on Knox Drive. Knox Drive intersects with South Washington Avenue and extends through Lot 1.04 into Lot 1.05. The Piscataway tax maps indicate the Site includes 68.42 acres. Lot 2 is the largest of the three properties with 24.67 acres, Lot 1.04 contains 23.94 acres and Lot 1.05 contains 19.81 acres. The map below provides an Aerial view of the site and its surrounding area.



Aerial map of Subject Site

Numerous easements exist on both Lot 1.04 and 1.05. In addition to the 100-foot J.C.P.&L. Co. easement, there are easements on these lots for drainage, access, water (exclusive and non-exclusive), gas and sanitary utilities, electric and telephone, and pipeline. The location and extent of these easements is shown in the image below, taken from the tax map for this area of Piscataway. On Lot 2 the only other easement besides the 100-foot J.C.P.&L. Co. easement is a varied width easement for municipal purposes. This can be seen in the lower right corner of the below image.

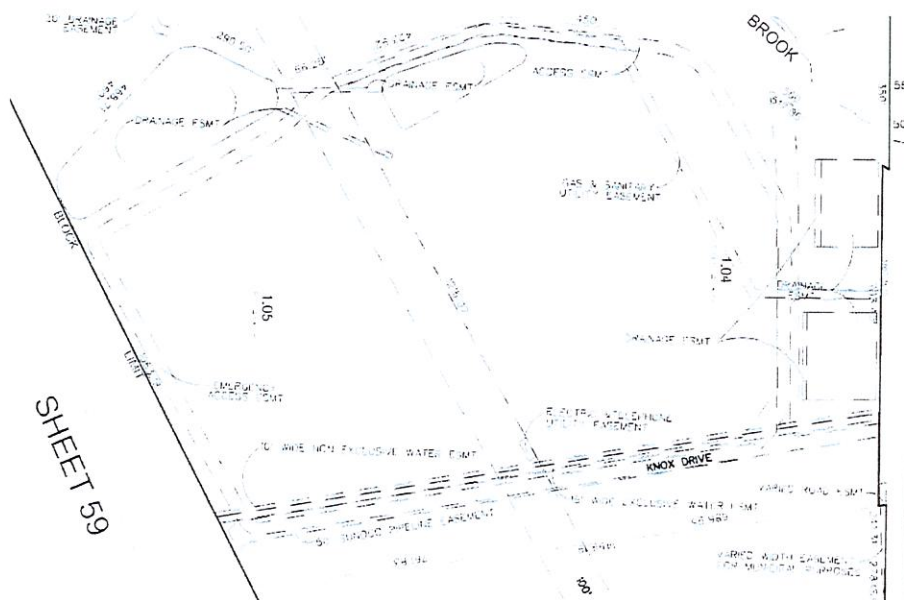


Image of Tax Map sheet 57 indicating the easements on the Site.

ZONING ANALYSIS

PISCATAWAY, N.J.

WETLANDS MAP
TOWNSHIP OF PISCATAWAY
MIDDLESEX COUNTY
NEW JERSEY

Legend

- Source Water Wetlands
- Municipality/Township Boundary
- Wetlands

Centennial Avenue

Rancocas Elementary School

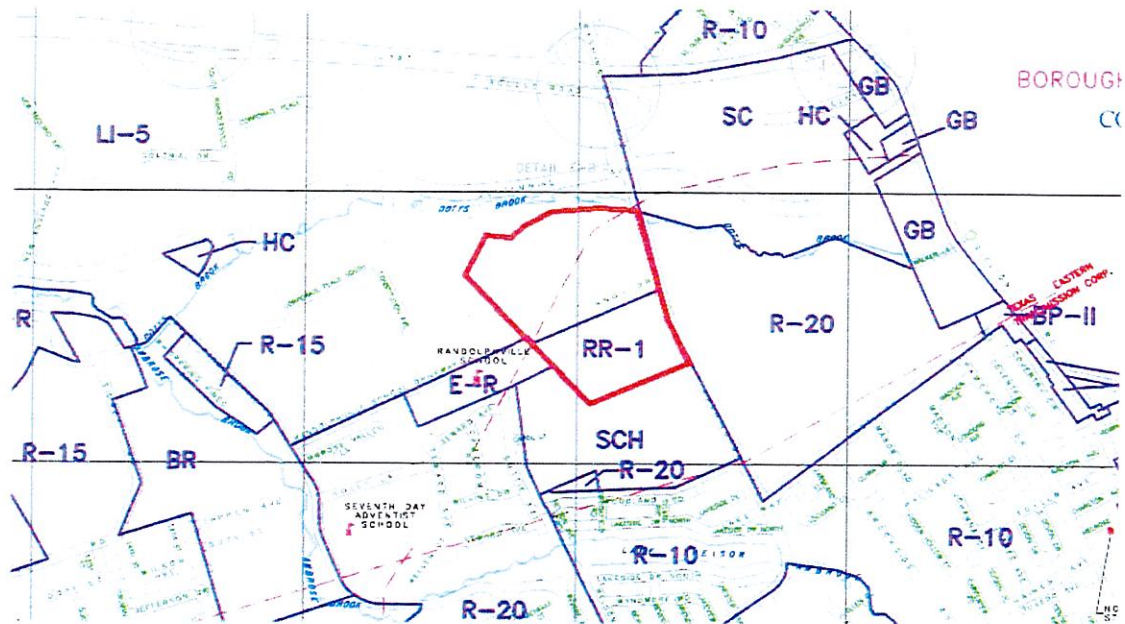
Southwestern Pipeline

CWE ASSOCIATES
CONSULTING ENGINEERS & DESIGNERS

PROJECT	NO. 1	DATE	10/1/2010	SCALE	AS SHOWN
PROJECT	NO. 1	DATE	10/1/2010	SCALE	AS SHOWN

A review of the Township's zoning map and other pertinent records indicates the Site is located in a "busy" area of the map, with nine zones located within a half-mile radius of the Site. The Site itself is split between LI-5 Light Industrial (Lots 1.04 and 1.05) and RR-1 Rural Designation (Lot 2). The LI-5 district continues to the north of the site and to the west of Lot 1.05. Directly to the west of Lot 2 is an E-R Education & Research zone encompassing the Randolphville Elementary School. To the south of the site is property zoned SCH Senior Citizen Housing, while to the east across South Washington Avenue, is property within the R-20 Residential zone. The majority of this land is owned by

Middlesex County or the Township of Piscataway. Across South Washington Avenue to the northeast of the Site is the SC Shopping Center zone.



Township of Piscataway Zoning Map (latest revised April 5, 2021) detail showing approximate boundaries of Study Site in red.

In addition to the Township Zoning at least two properties in proximity to the Site have been the subject of Area in Need of Redevelopment Studies and Redevelopment Plans. 1570 South Washington Avenue and 10 Constitution Avenue have been designated as Areas in Need of Redevelopment. A Redevelopment Plan has been adopted for the 1570 South Washington Avenue property in support of warehouse development and a Redevelopment Plan for 10 Constitution supporting warehouse development will be presented to the Planning Board for consideration in the near future.

IV. Land Use

Land Use in the Township is regulated by Chapter 21 (Zoning). The Site is split between the LI-5 Light Industrial District (Lots 1.04 and 1.05) and RR-1 Rural Residential District (Lot 2).

LI-5: Permitted Uses

§21-501.3 and the Schedule of Uses in LI-1 and LI-5 Districts establish permitted principal and accessory uses for the LI-5 Light Industrial Zone District.

Permitted principal uses in the LI-5 Zone are:

- Government buildings and uses
- Business and professional offices
- Banks and studios

- Research activities necessary to the conduct of business and industry
- Industrial uses of a type not having the potential for, or involving, processes of a nuisance-generating character, which may include:
 - Executive, administrative or professional offices;
 - Experimental, research or testing laboratories and offices;
 - The manufacture, compounding, processing or packaging of food, cosmetics, perfumes, plastics of a type not producing odors and similar products;
 - Manufacture or assembly of molded rubber or plastic products, electrical appliances, electronic instruments and devices of similar products including machine and tool fabrications;
 - The warehousing, receiving or shipping of products or materials, providing that such materials are not hazardous in nature;
 - Establishments involving printing or publishing operations;
 - Other uses that are determined by the Board of Adjustment to be of the same general character as the above types of permitted principal uses, which are not objectionable due to odor, dust, noise, vibrations, smoke or other similar causes, but excluding uses specifically prohibited in this chapter.
- Public utility installations;
Commercial laundry establishments (not retail).

In the LI-5 Zone District, permitted accessory uses are:

- Private garages for business vehicles used for a permitted use;
- Other accessory uses customarily incidental to the main use;
- Off-street parking lots for customers, clients, patrons.

Bulk regulations in the LI-5 District are determined by §21-5 and the Schedule of General Requirements. Table 1 below lists the bulk regulations for the LI-5 District.

Table 1: LI-5 Bulk Requirements	
Standard	Requirement
Minimum Floor Area (s.f.)	20,000
Maximum Coverage of Building (% of lot area)	50%
Minimum Lot Dimensions:	
Area (s.f.)	215,000
Width (ft.)	300
Depth (ft.)	300
Principal Building Minimums:	
Front Yard (ft.)	80
Rear Yard (ft.)	50

Table 1: LI-5 Bulk Requirements	
Standard	Requirement
Side Yard (each) (ft.)	50
Maximum Height (ft.)	50
Accessory Structure Minimums:	
Front Yard (ft.)	100
Rear Yard (ft.)	50
Side Yard (each) (ft.)	50
Maximum Height (ft.)	25

RR-1 Permitted Uses

§21-501.2 and the Schedule of Use Requirements establish permitted principal and accessory uses for the LI-5 Light Industrial Zone District.

Permitted principal uses in the RR-1 Zone are:

- Single-family detached dwellings
- Farms of a customary and conventional nature except that no roadside stand or other building shall be used for the retail sale of farm products. No manure or other odor or dust producing substances shall be stored within 100 feet of any property line.
- Governmental parks and playgrounds, governmental buildings and uses.

In the RR-1 Zone District, permitted accessory uses are:

- Private garages for not more than 3 cars.
- Private, residential swimming pools in rear yard areas.
- Customary farm accessory uses except that structures used for the storage of hay or other highly inflammable material, or fenced chicken runs, or similar areas for fowl or livestock shall not be closer to any street line than 200 feet nor to any side or rear lot line than 100 feet.

Bulk regulations in the LI-5 District are determined by §21-501.1 and the Schedule of General Requirements. Table 1 below lists the bulk regulations for the LI-5 District.

Table 2: RR-1 Bulk Requirements	
Standard	Requirement
Minimum Floor Area (s.f.)	N/A
Maximum Coverage of Building (% of lot area)	20%
Minimum Lot Dimensions:	
Area (s.f.)	43,000
Width (ft.)	150
Depth (ft.)	200
Principal Building Minimums:	
Front Yard (ft.)	50
Rear Yard (ft.)	50
Side Yard (each) (ft.)	25
Maximum Height (ft.)	35
Accessory Structure Minimums:	
Front Yard (ft.)	75
Rear Yard (ft.)	10
Side Yard (each) (ft.)	15
Maximum Height (ft.)	18

Conditional Uses

§21-501.2 and the Schedule of Uses in LI-1 and LI-5 Districts establish the following conditional uses for the LI-5 District:

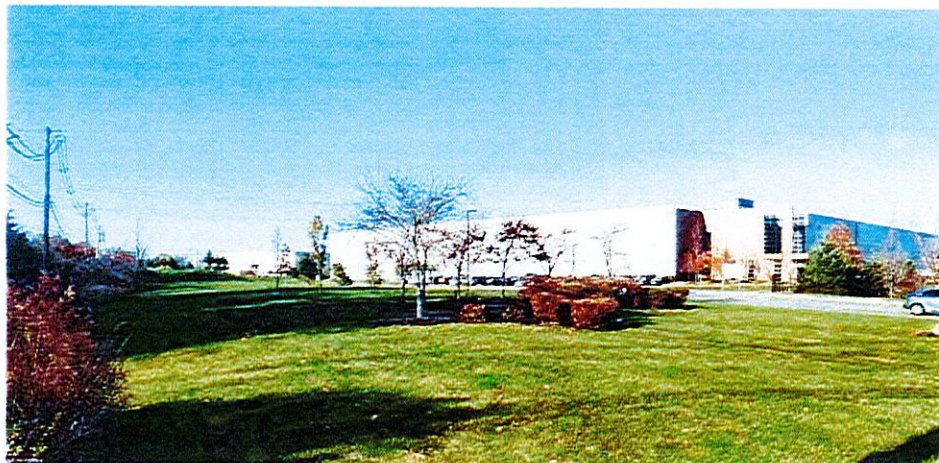
- Hospitals, educational institutions, churches or other places of worship, Sunday schools and church schools.
- Restaurants possessing plenary retail consumption liquor license.
- Hotels and motels.
- Solar energy systems (see Section 21-1014)

§21-501.2 and the Schedule of Use Requirements establish the following conditional uses for the RR-1 District:

- Public utilities installations.
- Hospitals.
- Educational institutions below college level.
- Golf courses.
- Church or other places of worship, Sunday school, church school.
- Cluster development.
- Commercial wholesale greenhouses.
- Cemeteries.
- Home occupations (accessory only).
- Home professional (accessory only).
- Solar energy systems.

Existing Land Uses

CME conducted a site visit on November 19, 2021 (the “Site Visit”). Our observations include that Lots 1.04 and 1.05 are warehouse developments that appear to be of relatively recent construction. Lot 2 is heavily wooded and the existing single-family dwelling on the property (fronting along South Washington Avenue) does not appear to be occupied, but does not appear to be in significant disrepair. The properties, are close to Centennial Avenue and active uses. The land to the east across South Washington Avenue is large, open space parcels. There are three existing residential dwellings on out parcels fronting on the northbound side of South Washington Avenue.



Warehouses on Lots 1.04 (foreground) and 1.05 (background), looking east from South Washington Avenue



Property boundary between Lots 1.05 and 2. The overhead lines roughly approximate the boundary. The wooded areas beyond the wires are consistent with the current state of most of Lot 2.

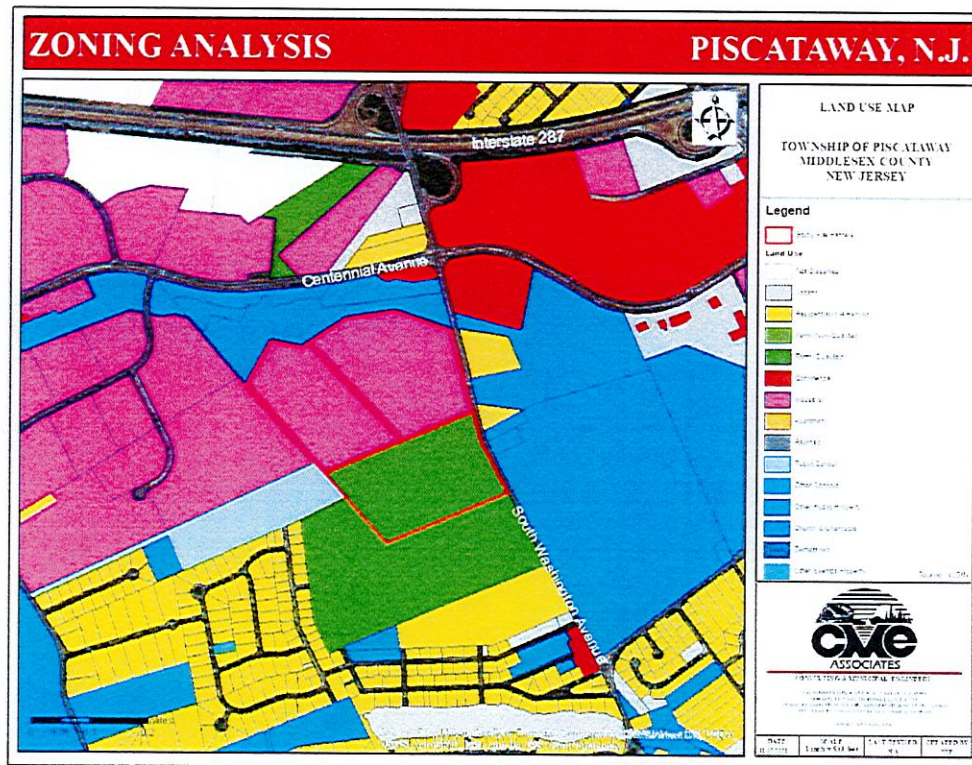


Wooded area on Lot 2 that is consistent with the current state of most of Lot 2.



Single-family dwelling on Lot 2.

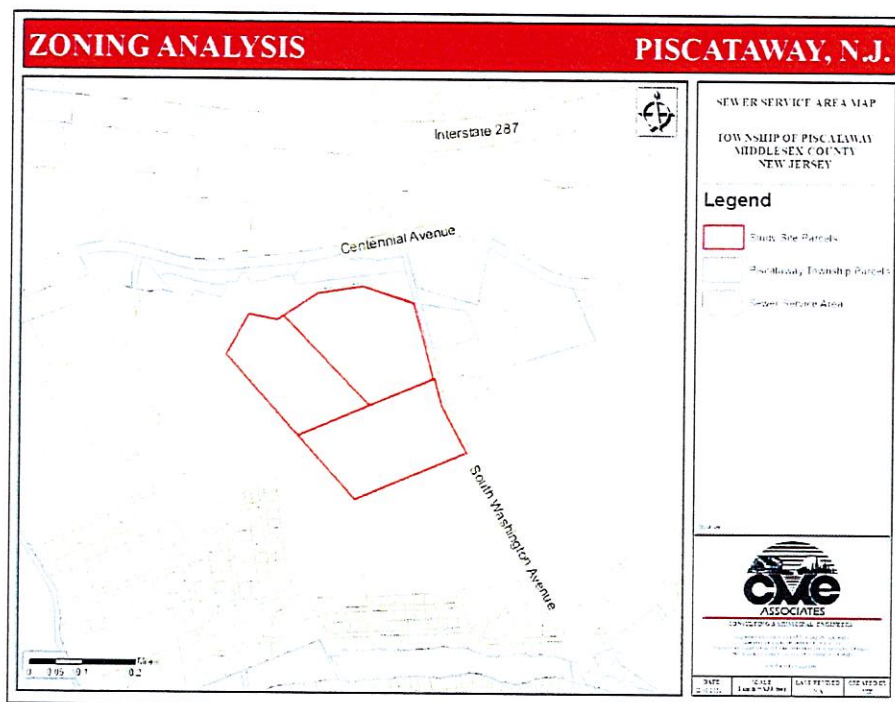
GIS mapping data and aerial photography confirms that there is a mix of uses in the area surrounding the Subject Site, including residential to the south and southwest, commercial to the northeast, industrial to the west and northwest, open space/conservation to the north and east, and agricultural to the south.



Land Use Map

V. Sewer Service Area

A review of GIS data indicates that the entire Site is located within a sewer service area. The map below indicates the location of the sewer service area in relation to the Site. While the site is within the sewer service area, overall sewer capacity to the site is questionable.



Sewer Service Area Map

VI. Wetlands

Wetlands and wetland transition areas are present on the Site. Delineations appear to have been performed for each parcel within the subject area. The delineation of wetlands on Lot 2 indicates wetland areas with required 50 foot transition areas along the south property boundary and areas of isolated wetlands with 50 foot transition areas along the north and east property boundaries.

Wetland Regulations

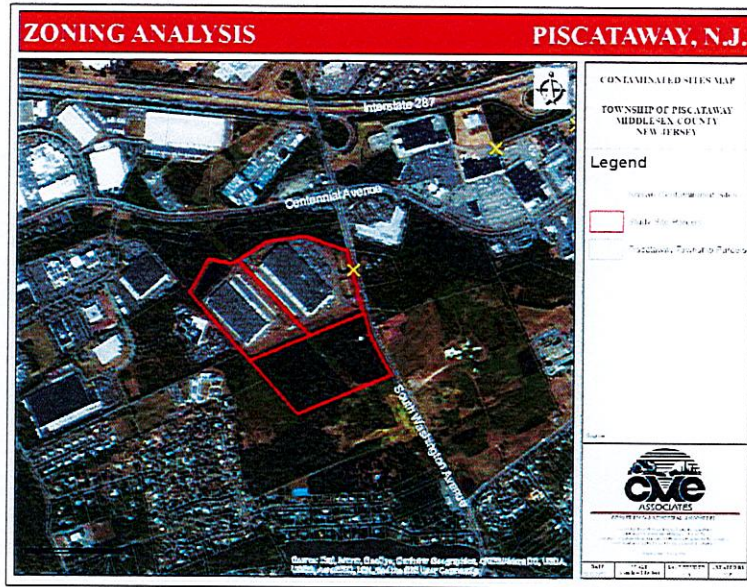
Wetlands and wetland transition areas are regulated by NJDEP pursuant to N.J.S.A. 13:9B-1 et seq., and impact the buildable area permitted on a lot.

VII. Contaminated Sites

Based on available GIS data there appears to be known contamination on the Site. Lots 1.04 and 1.05 are noted to be within a Deed Notice Area. Noted contaminants include Lead and Dieldrin with required remediation. According to publicly available data from NJDEP, the PI number for this site is 623672, with an activity number of LSR130001. The

SRP Case Oversight Analysis, which can be found in Appendix C, indicates that this was a single contamination affecting only soils. As of February 1, 2016, the entire site received a Response Action Outcome (Limited Restricted Use).

Other nearby parcels in proximity to the Site and across South Washington Avenue are noted to contain contamination with ongoing remediation.



Contaminated Sites Map.

VIII. Master Plan

The Township's last Master Plan reexamination was adopted in 2020 ("2020 Reexamination"). That document references and examines the Master Plan Revision of 2005 ("2005 Master Plan"), adopted by the Township on December 14, 2005. The Subject Site is located within "Planning Area C", one of five planning areas identified in the 2005 Master Plan which are used to provide a more detailed analysis of the Township. The map providing the Land Use Plan for Planning Area C ("Plate 8C" in the 2005 Master Plan) indicates that the northern properties in the site (Lots 1.04 and 1.05) should be within a Light Industrial area, while the southern lot (Lot 2) is to be located in a Parks, Recreation and Conservation Areas. This Land Use Plan map is shown below.

The 2020 Reexamination does not suggest any changes or provide any recommendations that would affect the northern lots on the site (Lots 1.04 and 1.05), although the warehouse developments are noted as "major land use developments...since the adoption of the 2005 Master Plan Revision" on page 39 of the document. While these lots and their present zoning comport with the 2005 Master Plan and the 2020 Reexamination, both the 2005 Master Plan and 2020 Master Plan Reexamination recognizes changed circumstances and characteristics of the Community in the 15 years since the adoption of the Master Plan. In fact the Township

Planning Area 4

Planning Area 3

Planning Area C

Planning Area 2

LEGEND

- Single Family Residential
- Double Single Family Residential
- Planned Hospital Development
- Commercial
- Business Office, Research & Education
- Light Industrial
- Industrial
- Public Schools - Public Highways
- State Public
- Parks, Recreation, Open Space and Conservation Areas
- Redevelopment Area

S - Schools
 HC - Hospital Complex
 BR - Business/Residential

Scale: 0 1,000 2,000 3,000 4,000 Feet

Plate 6C
LAND USE PLAN
 Planning Area C

Township of Piscataway
 Middlesex County, New Jersey
 December 2005

On page 10, the document notes “Two open space/recreation areas are proposed along both sides of South Washington Avenue, north of the Metlars Lane intersection. The area along the west side of South Washington Avenue includes two parcels and has not yet been developed. The Township now owns both lots.” No further mention (direct or indirect) is made of Lot 2.

13

The 2020 Reexamination does make a recommendation “that the Township conduct a land use/market study of the Centennial Avenue corridor, to determine existing and future development trends for this largely developed industrial corridor” (p. 54). Although the Site does not have frontage along Centennial Avenue, its northern-most point is less than 500 feet from Centennial Avenue, and all three properties are affected by Centennial Avenue and are arguably located within its corridor. The recommendation goes on to state that “consideration...may include the need for added commercial service development, including hospitality services (i.e. restaurants, hotels, etc.) or other ‘non-retail’ oriented commercial service uses, recreation uses, as well as elderly care uses” (p. 54). Although the 2020 Reexamination does not, as discussed above, provide changes to the proposed land uses of the Site, it does recognize that changes along the Centennial Avenue corridor may require additional analysis to determine, among other things, “future development potential.”

IX. State Planning Areas

The Site and surrounding area are located within the Metropolitan Planning Area (PA1). Neither the Site nor the surrounding area are located in any designated Nodes, Cores or Designated State Centers.

Per the New Jersey State Development and Redevelopment Plan (SDRP), the intent of the PA1 is as follows:

- Provide for much of the state’s future development and redevelopment
- Revitalize Cities and Towns
- Take advantage of increased densities and compact building design
- Encourage distinctive, attractive neighborhoods with a strong sense of place
- Provide for mixed-use concentrations of residential and commercial activity
- Create a wide range of residential housing opportunities and choices with income mix
- Provide for a variety of multi-modal transportation alternatives
- Prioritize clean-up and redevelopment of brownfields and greyfields sites
- Create cultural centers of state-wide significance
- Re-design any existing areas of low-density sprawl

X. Rezoning

The intent of this analysis is to determine the viability of recommending the zone of the “Site” be changed from LI-5 (Lots 1.04 & 1.05 in Block 5701) and RR-1 (Lot 2 in Block 5701) to M-2 Industrial District on the entire specified Site. The Township Council Resolution adopting the M-2 Industrial District is provided in Appendix D.

The M-2 zone would be a transitional zone reflecting standards similar to the LI-1, LI-5, M-1 and M-5 zones but on the southern edge of the Centennial Avenue Industrial/Commercial Area.

Standards for the new M-2 zone are as follows:

M-2: Permitted Uses

§21-501.5 and the Schedule of Uses in M-1, M-2 and M-5 Industrial Districts establish permitted principal and accessory uses for the M-2 Industrial Zone District.

M-2 Zone Permitted principal uses are the same as the LI-1 Zone District:

- Government buildings and uses
- Business and professional offices
- Banks and studios
- Research activities necessary to the conduct of business and industry
- Industrial uses of a type not having the potential for, or involving, processes of a nuisance-generating character, which may include:
 - Executive, administrative or professional offices;
 - Experimental, research or testing laboratories and offices;
 - The manufacture, compounding, processing or packaging of food, cosmetics, perfumes, plastics of a type not producing odors and similar products;
 - Manufacture or assembly of molded rubber or plastic products, electrical appliances, electronic instruments and devices of similar products including machine and tool fabrications;
 - The warehousing, receiving or shipping of products or materials, providing that such materials are not hazardous in nature;
 - Establishments involving printing or publishing operations;
 - Other uses that are determined by the Board of Adjustment to be of the same general character as the above types of permitted principal uses, which are not objectionable due to odor, dust, noise, vibrations, smoke or other similar causes, but excluding uses specifically prohibited in this chapter.
- Public utility installations;
Commercial laundry establishments (not retail).

In the M-2 Zone District, permitted accessory uses are:

- Private garages for business vehicles used for a permitted use;
- Other accessory uses customarily incidental to the main use;
- Off-street parking lots for customers, clients, patrons.

Bulk regulations in the M-2 Zone District are determined by §21-501 and the Schedule of proposed General Requirements. Table 3 below lists the bulk regulations for the M-2 Zone District.

Table 3: M-2 Bulk Requirements	
Standard	Requirement
Minimum Floor Area (s.f.)	20,000
Maximum Coverage of Building (% of lot area)	50%
Minimum Lot Dimensions:	
Area (s.f.)	10 Acres
Width (ft.)	300
Depth (ft.)	300
Principal Building Minimums:	
Front Yard (ft.)	80
Rear Yard (ft.)	50
Side Yard (each) (ft.)	40
Maximum Height (ft.)	50
Accessory Structure Minimums:	
Front Yard (ft.)	100
Rear Yard (ft.)	50
Side Yard (each) (ft.)	40
Maximum Height (ft.)	25

XI. Summation

The 10-30 Knox Road (Block 5701, Lot 1.04 & 1.05) portion of the Site is suited for the proposed rezoning from LI-5 to M-2. This portion of the Site has been developed as warehouse on Knox Drive and can be appropriately rezoned to M-2. The two properties are currently industrial in nature and the standards used for approval of the site in September 2008 continue to be appropriate and applicable within the proposed M-2 zone.

The project was approved for two warehouse buildings with the associated loading, parking, access, utilities and stormwater management facilities as a permitted use by the Planning Board and the site plan, use and conditions were determined to be consistent with the Piscataway 2005 Master Plan, State Development and Redevelopment Plan and

the codes and standards of the Township of Piscataway.

As a result of the project, South Washington Avenue was improved to support two travel lanes in each the north and south direction, southward to Metlars Lane and northward to Centennial Avenue. A traffic signal was installed at the South Washington Avenue/Knox Drive intersection to regulate traffic in and out of the site and on South Washington Avenue.

The 1690 South Washington Avenue (Block 5701, Lot 2) portion of the Site is suited for the proposed rezoning from RR-1 to M-2. This portion of the site is currently vacant with the exception of an existing unoccupied single family dwelling.

The current RR-1 zoning of the property is not appropriate due to the overall location of the Site. The RR-1 zoning which supports single family housing on large lots is not an appropriate transitional zone or use to existing adjoining warehousing. There is no other similar residential zoning or development in the general vicinity of the site.

The opportunity to access 1690 South Washington Avenue would be solely from South Washington Avenue. There does not appear to be any appropriate potential access points to the property through adjoining properties. Access directly to a secondary arterial (as classified in the Circulation Element of the Master Plan) for residential development is not appropriate. Automobiles attempting access to the expanded South Washington Avenue could prove dangerous, especially in a northerly direction.

Sanitary Sewer capacity is currently not available for residential demand. The existing sanitary sewer system would need to be expanded or individual lot septic systems would be required for large lot residential development. Individual lot septic systems for large residential development are environmentally restrictive and in fact new subsurface disposal systems are not permitted within Piscataway Township. (§35-3.2)

Finally, the question arises if the RR-1 zone at this location along South Washington Avenue has remained consistent with the Master Plan. The 2020 Master Plan Reexamination Report reiterates many goals and objectives of the 2005 Master Plan including:

- To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial, industrial uses, and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- Provide for energy efficient land use development and circulation;
- To encourage high quality design in residential, commercial, and industrial development;
- To provide for the continued expansion of the economic and tax bases of the Township.

The RR-1 large lot residential zoning may have been appropriate for this site twenty to thirty years ago. However, current development trends lean toward denser developments with smaller lots reducing infrastructure costs and impact on environmentally sensitive areas. Affordability and housing variety is also not feasible within the RR-1 zone on large lots. Large lot residential development is not an energy efficient form of residential development and has an increased demand on Township services and infrastructure. There is still large lot residential available in Piscataway however, large lot zoning is no

longer appropriate for this location.

The M-2 zoning proposed for the Site can be considered appropriate based upon the consistency with the previously listed goals and objectives of the Piscataway Master Plan and Reexamination Report as well as for the following reasons:

- There are industrial and warehouse uses in proximity of the Site along Centennial Avenue and South Washington Avenue. Recently and upcoming Redevelopment supporting industrial and warehouse uses are on adjacent properties and within less than ½ mile.
- There are no residential uses, with the exception of several small existing out parcels along South Washington Avenue between Centennial Avenue and Metlars Lane. With limited residential in proximity of the Site, impact of the industrial/warehouse uses on residential development would be minimal. The proposed M-2 zoning is appropriate.
- Access to the Site is from South Washington Avenue only. South Washington Avenue is classified as a Secondary Arterial in the Circulation Element of the Master Plan. Access for industrial/warehouse uses to a Secondary Arterial roadway is appropriate.
- The Site's proximity and access to major thoroughfares such as Centennial Avenue and Route 287 with a full interstate interchange within 0.41 miles is beneficial for industrial/warehouse uses. The M-2 zoning is appropriate.
- The reduced demand of industrial/warehouse uses on sanitary sewer as opposed to the sewer demand of large lot residential housing reduces infrastructure costs and environmental impact. The M-2 zone is appropriate.
- An industrial/warehouse use provides for the continued expansion of Piscataway's economic and tax base and would have less impact on provided Township services and infrastructure. The M-2 zone is appropriate.
- It is appropriate to consider changed circumstances when evaluating the continued appropriateness/applicability of current zoning. The subject Sites are located in Planning Area C in the 2005 Piscataway Township Master Plan. According to the 2020 Piscataway Township Master Plan Reexamination Report, "Planning Areas C and E experienced a reduction on population, households and families between 2000 and 2010" (p. 21). As such industrial and warehousing uses would have far less impact on residential uses in the area because of the reduction in residential population.
- The current market trends continue to demand warehousing in Central New Jersey with access to major roadways and Interstate Highways. Based upon the need for new warehousing the proposed M-2 zone is appropriate.

XII. Conclusion

Based upon the summation above it is recommended that 10-30 Knox Drive (Block 5701, Lot 1.04 & 1.05) and 1690 South Washington Avenue (Block 5701, Lot 2) be rezoned to M-2. The rezoning is appropriate and consistent with the Township Codes and Regulations, the State of New Jersey Development and Redevelopment Plan and the Master Plan of the Township of Piscataway. The rezoning to M-2 creates an opportunity to implement both the 2020 Piscataway Township Master Plan Reexamination Report as well as the State Development and Redevelopment Plan.

The rezoning would certainly not be inconsistent with the Township Master Plan.

Appendices

- Appendix A: GIS Maps
- Appendix B: Site Visit Photos
- Appendix C: Contaminated Site Case Oversight Report
- Appendix D: Township Council Resolutions Amending Zoning Ordinance and Referring Amendments to Planning Board for Consideration
- Appendix E: Planning Board Resolution Retaining CME to Conduct Analysis

Appendix A: Maps

RESOLUTION
PISCATAWAY TOWNSHIP PLANNING BOARD
CONCURRENCE WITH ORDINANCES AMENDING AND
SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF
NEW JERSEY, AMENDING CHAPTER XXI, ZONING AND CHAPTER
XXIV SITE PLAN REVIEW

WHEREAS, N.J.S.A. 40:55D-1 et seq., the Municipal Land Use Law, requires that the Planning Board review all development regulations, revisions, or amendments thereto prior to the adoption by the Township Council.

WHEREAS, in accordance with the Board's responsibility to review all development regulations, revisions, or amendments thereto prior to their adoption by the Township Council, the Planning Board has reviewed the proposed amendments to **Chapter XXI, Section 21-401 Zones Created, Section 21-402 Zoning Map, Section 21-501.1 M-1 and M-5 Industrial Districts, Section 21-501.1-Attachment 1 Schedule of General Requirements and Section 21.501.5-Attachment 5 of the Code to Add the M-2 Industrial District and Requirements and Chapter XXIV, Section 24-702.2 Design Standards for Off-Street Parking Areas,** as specified therein. The Board carefully reviewed the proposed amended ordinances and found the proposed amendments to be consistent with the most recently adopted recommendations of the Master Plan Reexamination.

WHEREAS, the Planning Board retained the services of Steven L. Gottlieb, P.P., LLA, of CME Associates to investigate and prepare a report as to the rezoning of Block 5701, Lots 1.04, 1.05, and 2, entitled "Zoning Analysis for the Rezoning of Block 5701 Lots 1.04, 1.05, and 2", also known as 10-30 Knox Road and 1690 South Washington Avenue dated November 23, 2021.

WHEREAS, the Planning Board after carefully examining and considering the report of CME Associates and the proposed ordinances entitled: **Chapter XXI, Section 21-401 Zones**

Created, Section 21-402 Zoning Map, Section 21-501.1 M-1 and M-5 Industrial Districts, Section 21-501.1-Attachment 1 Schedule of General Requirements and Section 21.501.5-Attachment 5 of the Code to Add the M-2 Industrial District and Requirements and Chapter XXIV, Section 24-702.2 Design Standards for Off-Street Parking Areas, at its public hearing on December 8, 2021, has concluded that same are reasonable and appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Township of Piscataway hereby recommends the adoption of the proposed ordinances, a copy of which are annexed hereto and made a part hereof.

The above is a memorialization of a motion which was duly seconded and passed on the 8th day of December, 2021, on the following vote:

THOSE IN FAVOR: Mayor Wahler, Dawn Corcoran, Carol Saunders, Rev. Henry Kenney, Dennis Espinosa and Michael Foster.

OPPOSED:

The Township will publish a Legal Notice in the Courier News or the Star Ledger within twenty (20) days of the memorialization of this written Resolution.

The undersigned, Secretary to the Piscataway Township Planning Board, hereby certifies that the above is a true copy of a Resolution memorialized by said Board on the 8th day of December, 2021, on the following vote:

THOSE IN FAVOR: Mayor Wahler, Dawn Corcoran, Carol Saunders, Rev. Henry Kenney, Dennis Espinosa and Michael Foster.

OPPOSED: None

A handwritten signature in cursive script, reading "Carol Saunders", written over a horizontal line.

CAROL SAUNDERS, SECRETARY
PISCATAWAY PLANNING BOARD

ORDINANCE NO. 2021-38

Be It Resolved,

By the Township Council of Piscataway Township,
(Seal) New Jersey, that:

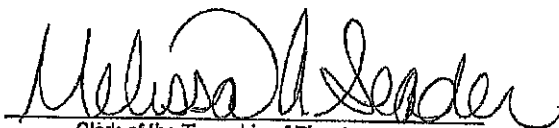
AN ORDINANCE ENTITLED:

ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXI (21), ZONING AND CHAPTER XXIV (24) SITE PLAN REVIEW TO AMEND SECTIONS §21-401 ZONES CREATED, §21-402 ZONING MAP, §21-501.5 M-1 AND M-5 INDUSTRIAL DISTRICTS, §21-501.1 ATTACHMENT 1 SCHEDULE OF GENERAL REQUIREMENTS AND, §21-501.1 ATTACHMENT 5 OF THE CODE TO ADD THE M-2 INDUSTRIAL DISTRICT AND REQUIREMENTS AND §24-702.2 DESIGN STANDARDS FOR OFF-STREET PARKING AREAS.

was introduced on the 4th day of November, 2021 and had passed the first reading and was published on the 9th day of November, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the aforesaid Ordinance, having had a second reading on December 14, 2021, be adopted, passed, and after passage, be published, together with a notice of the date of passage or approval, in the official newspaper.

BE IT FURTHER RESOLVED that this Ordinance shall be assigned No. 2021-38.



Clerk of the Township of Piscataway

MELISSA A. SEADER



President of Township Council

KAPIL SHAH

PASSED ON: December 14, 2021

MOTION MADE BY: Mr. Bullard

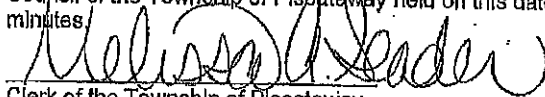
SECONDED BY: Mr. Cahn

PASSED ON THE FOLLOWING VOTE:

YEAS: MESSRS. Bullard, Cahill, Cahn, Lombardi, Uhrin & Shah

NAYS: —

I certify the foregoing to be a true and correct abstract of a resolution passed at a meeting of the Township Council of the Township of Piscataway held on this date and in that respect is a true and correct copy of its minutes



Clerk of the Township of Piscataway
Melissa A. Seader

ORDINANCE NO. 2021-38

ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXI (21), ZONING AND CHAPTER XXIV (24) SITE PLAN REVIEW TO AMEND SECTIONS §21-401 ZONES CREATED, §21-402 ZONING MAP, §21-501.5 M-1 AND M-5 INDUSTRIAL DISTRICTS, §21-501.1 ATTACHMENT 1 SCHEDULE OF GENERAL REQUIREMENTS AND, §21-501.1 ATTACHMENT 5 OF THE CODE TO ADD THE M-2 INDUSTRIAL DISTRICT AND REQUIREMENTS AND §24-702.2 DESIGN STANDARDS FOR OFF-STREET PARKING AREAS.

BE IT ORDAINED, by the Township Council of the Township of Piscataway, County of Middlesex, State of New Jersey that Chapters XXI and XXIV are amended and modified as follows:

§21-401 Zones Created

For the purposes of this chapter, the Township of Piscataway is hereby divided into the following

zones:

RR-1	Rural Residential
R-20	Residential
R-20A	Residential
R-15	Residential
R-15A	Residential
R-10	Residential
R-10A	Residential
R-7.5	Residential
R-17.5	Residential
R-M	Multi-Family Residential
AL	Assisted Living
SCH	Senior Citizen Housing
C	Commercial
GB	General Business
BPI	Business Professional
BPII	Business Professional
BR	Business/Recreational
HC	Hotel Conference Center
SC	Shopping Center
LI-1	Light Industrial
LI-2	Light Industrial
LI-5	Light Industrial
M-1	Industrial

ORDINANCE NO. 2021-38

M-2	Industrial
M-5	Industrial
E-R	Education and Research
E	Education
AH-1	Affordable Housing 1
AR-1	Age Restricted 1
TV	Transit Village
AH-2	Affordable Housing 2
AH-3	Affordable Housing 3 Zone
SNF	Skilled Nursing Facility
CS	Community Services
TC	Towne Center

§21-402 Zoning Map

The boundaries of these zones and classes of zones are hereby established on a map entitled "Official Zoning Map," dated October, 1983, which map, as may be amended further from time to time, is hereby declared to be a part of this chapter. The official zoning map is on file in the municipal building of the Township.

The Zoning Map shall be amended as follows:

Block 5701, Lots 1.04, 1.05 and 2 shall be designated M-2 Industrial.

§21-501.5 M-1, M-2 and M-5 Industrial Districts [1]

[1972 Code § 21-501; Ord. No. 11-25]

[1]

Editor's Note: The M-1, M-2 and M-5 Industrial Districts is included as an attachment to this chapter.

§21-501.1- Attachment 1

The following is the amended Attachment 1 Schedule of General Requirements for the proposed M-2 Industrial Zone

Zone	M-2
Minimum Floor Area (Square Feet)	20,000
Maximum Height Principal Building (Feet)	50
Maximum Height Accessory Structure (Feet)	25
Minimum Lot Dimensions- Area (Square Feet)	10 acres

ORDINANCE NO. 2021-38

Width (Feet)	300
Depth (Feet)	300
Minimum Yard Requirements - Front (Feet)	PS 80 AS 100
Rear (Feet)	PS 50 AS 50
Each Side (Feet)	PS 40 AS 40
Maximum Coverage of Building % of lot area (Including Accessory Structures)	50

§21-501.5- Attachment 5

Purpose. The purpose of the M-1, M-2 and M-5 Industrial Districts is to establish zoning districts which allow for all types of industrial land use except those which are expressly prohibited by this chapter (see Section 21-1301). The zones are designed according to the existing wide range of industrial land uses and are specifically intended to better reflect current uses and trends and respond to current market and economic conditions: [1972 Code § 21-501]

§ 21-501.5 M-1, M-2 and M-5 Industrial Districts. [1972 Code § 21-501; Ord. No. 11-25]

Zone	M-2
Principal Uses Permitted	Same as LI-1 Zone
Accessory Uses Permitted	Same as C Zone
Conditional Uses Permitted	Same as M-1 Zone
	Solar energy systems (see Section 21-1014)

§24-702.2c DESIGN STANDARDS FOR OFF-STREET PARKING AREAS.

Off-street Parking Requirements for Particular Uses:

Uses	Minimum Required Parking Spaces
Automotive Service Stations	3 for each bay, plus one for each service vehicle

ORDINANCE NO. 2021-38

Uses	Minimum Required Parking Spaces
Bank and Savings Institutions	1 for each 200 square feet of floor area or 8 spaces for each teller window, whichever is greater
Bowling Lanes	4 for each alley
Churches and Other Places of Worship	1 for each 3 seats or one for each 72 inches of seating space when benches rather than seats are used
Colleges and Institutions of Higher Learning	1.5 for every 2 students
Community Buildings, Social Halls, and Places of Public Assembly, including but not limited to, schools	1 for each 100 square feet of floor area, or one for each 4 seats, whichever is greater
Day Care Centers	1 for each employee equal to the number of employees required by State regulations to supervise the maximum number of children permitted by State regulations to occupy the space provided. One for every 25 children as a drop off/pick-up area appurtenant to the day care center entrance
Farm or Garden Produce Sold on the Premises	10
Funeral Homes, Mortuaries	10, plus 1 for each 50 square feet of floor area
Golf Courses and Clubs	10 for each tee.
Industrial Uses	1 for each 300 square feet of floor area
Laboratory and Research Uses	1 for every 300 square feet of floor area
Manufacturing	1 for every 300 square feet of floor area
Medical or Dental Clinics or Offices	4 for each doctor or dentist, plus 1 space for each 100 square feet of floor area
Motels, Hotels, Motor Lodges, Conference Centers	One for each rental unit, and in addition, compliance with the requirements for each particular additional use located on the property, such as restaurants, eating and drinking establishments, retail stores and meeting rooms, is required
Nursing Homes	1 for each 2 beds
Offices, Business	1 for every 200 square feet of floor area
Offices, Professional (Other than Medical and Dental)	1 for every 200 square feet of floor area
Residential Dwellings	2 for each dwelling unit
Restaurants, Eating and Drinking Establishments and Catering Halls	1 for each 2 1/2 seats

ORDINANCE NO. 2021-38

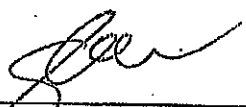
Uses	Minimum Required Parking Spaces
Retail Stores, Store Groups, Shops, Fast Food Restaurants	1 for each 150 square feet of floor area where the floor area shall not exceed 2,000 square feet; 1 for each 175 square feet of floor area where the floor area shall exceed 2,000 square feet
Self-storage facilities	1 for every 500 square feet of storage area
Theaters	1 for each 3 seats
Warehousing	1 for every 2,000 square feet of floor area
Warehouse Fulfillment Center	1 for every 500 square feet of floor area
Wholesale Establishments, Furniture Stores	1 for each 500 square feet of floor area.

BE IT FURTHER ORDAINED that if any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable;

BE IT FURTHER ORDAINED that all other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinance are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect immediately upon second reading, final passage and publication as required by law.

ORDINANCE NO. 2021-38


KAPIL SHAH, President of Township
Council

Attest:


MELISSA A. SEADER, Township Clerk

Adopted, First Reading:
Publication Date:

November 4, 2021
November 9, 2021

Adopted, Second Reading:
Publication Date:

December 14, 2021

BRIAN C. WAHLER, Mayor

Date: _____

CERTIFIED AS TO FORM AND LEGALITY:

JAMES F. CLARKIN III, Assistant Township Attorney

STATEMENT OF PURPOSE

The purpose of this ordinance is to rezone certain lots to a newly created M-2 zone and establishing bulk and parking standards for the M-2 zone.

AFFIDAVIT OF PUBLICATION

Publisher's Fee \$228.76 Affidavit \$35.00

STATE OF WISCONSIN
Brown County

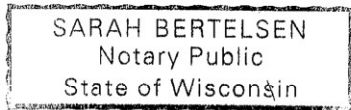
Personally appeared *Denise Roberts* at County of Brown, State of Wisconsin.

Of the **Courier News**, newspaper printed in Freehold, New Jersey and published in Somerville,
In the state of New Jersey and City of Somerville, and of general circulation in Somerset County,
who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been
published in the said newspaper 1 times, once in each issue dated as follows:

11/09/2021 A.D 2021

Sarah Bertelsen
Notary Public State of Wisconsin County of Brown

7/27/25
My commission expires



Ja000092

COUNCIL_1

TOWNSHIP OF PISCATAWAY
PISCATAWAY, N.J.
ADOPTION OF ORDINANCE
ON FIRST READING
November 4, 2021

ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXI (21), ZONING AND CHAPTER XXIV (24) SITE PLAN REVIEW TO AMEND SECTIONS §21-401 ZONES CREATED, §21-402 ZONING MAP, §21-501.5 M-1 AND M-5 INDUSTRIAL DISTRICTS, §21-501.1 ATTACHMENT 1 SCHEDULE OF GENERAL REQUIREMENTS AND, §21-501.1 ATTACHMENT 5 OF THE CODE TO ADD THE M-2 INDUSTRIAL DISTRICT AND REQUIREMENTS AND §24-702.2 DESIGN STANDARDS FOR OFF-STREET PARKING AREAS.

be and is hereby adopted on the first reading, and a second reading and public hearing be held at 7:30 P.M., prevailing time on December 14, 2021, in the Piscataway Township Municipal Building, 455 Hoes Lane, Piscataway, New Jersey as well as by telephonic conference, with the access information to be posted on the Township Website prior to the meeting. Copies of this Ordinance shall be posted in at least two (2) public places within the Township prior to the date for second reading and final passage and copies of this said Ordinance shall be available at the Office of the Township Clerk for any interested members of the public.

MELISSA A. SEADER
Township Clerk

ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXI (21), ZONING AND CHAPTER XXIV (24) SITE PLAN REVIEW TO AMEND SECTIONS §21-401 ZONES CREATED, §21-402 ZONING MAP, §21-501.5 M-1 AND M-5 INDUSTRIAL DISTRICTS, §21-501.1 ATTACHMENT 1 SCHEDULE OF GENERAL REQUIREMENTS AND, §21-501.1 ATTACHMENT 5 OF THE CODE TO ADD THE M-2 INDUSTRIAL DISTRICT AND REQUIREMENTS AND §24-702.2 DESIGN STANDARDS FOR OFF-STREET PARKING AREAS.

BE IT ORDAINED, by the Township Council of the Township of Piscataway, County of Middlesex, State of New Jersey that Chapters XXI and XXIV are amended and modified as follows:

§21-401 Zones Created

For the purposes of this chapter, the Township of Piscataway is hereby divided into the following zones:

RR-1	Rural Residential
R-20	Residential
R-20A	Residential
R-15	Residential
R-15A	Residential
R-10	Residential
R-10A	Residential
R-7.5	Residential
R-17.5	Residential
R-M	Multi-Family Residential
AL	Assisted Living
SCH	Senior Citizen Housing
C	Commercial
GB	General Business
BPI	Business Professional
BPII	Business Professional
BR	Business/Recreational
HC	Hotel Conference Center
SC	Shopping Center
LI-1	Light Industrial
LI-2	Light Industrial
LI-5	Light Industrial
M-1	Industrial
M-2	Industrial
M-5	Industrial
E-R	Education and Research
E	Education
AH-1	Affordable Housing 1
AR-1	Age Restricted 1
TV	Transit Village
AH-2	Affordable Housing 2
AH-3	Affordable Housing 3 Zone
SNF	Skilled Nursing Facility
CS	Community Services
TC	Towne Center

§21-402 Zoning Map

The boundaries of these zones and classes of zones are hereby established on a map entitled "Official Zoning Map," dated October, 1983, which map, as may be amended further from time to time, is hereby declared to be a part of this chapter. The official zoning map is on file in the municipal building of the Township.

The Zoning Map shall be amended as follows:

Ja000093

COUNCIL_2

Block 5701, Lots 1.04, 1.05 and 2 shall be designated M-2 Industrial.
 §21-501.5 M-1, M-2 and M-5 Industrial Districts [1]
 [1972 Code § 21-501; Ord. No. 11-25]
 [1]
 Editor's Note: The M-1, M-2 and M-5 Industrial Districts is included as an attachment to this chapter.

§21-501.1- Attachment 1

The following is the amended Attachment 1 Schedule of General Requirements for the proposed M-2 Industrial Zone

Zone	M-2
Minimum Floor Area (Square Feet)	20,000
Maximum Height Principal Building (Feet)	50
Maximum Height Accessory Structure (Feet)	25
Minimum Lot Dimensions- Area (Square Feet)	10 acres
Width (Feet)	300
Depth (Feet)	300
Minimum Yard Requirements - Front (Feet)	PS 80 AS 100
Rear (Feet)	PS 50 AS 50
Each Side (Feet)	PS 40 AS 40
Maximum Coverage of Building % of lot area (Including Accessory Structures)	50

§21-501.5- Attachment 5

Purpose. The purpose of the M-1, M-2 and M-5 Industrial Districts is to establish zoning districts which allow for all types of industrial land use except those which are expressly prohibited by this chapter (see Section 21-1301). The zones are designed according to the existing wide range of industrial land uses and are specifically intended to better reflect current uses and trends and respond to current market and economic conditions. [1972 Code § 21-501]

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Zone	M-2
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Accessory Uses Permitted	Same as C Zone
Conditional Uses Permitted	Same as M-1 Zone Solar energy systems (see Section 21-1014)

§24-702.2c DESIGN STANDARDS FOR OFF-STREET PARKING AREAS.

Off-street Parking Requirements for Particular Uses:	Minimum Required Parking Spaces
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Bank and Savings Institutions	1 for each 200 square feet of floor area or 8 spaces for each teller window, whichever is greater 4 for each alley
Bowling Lanes Churches and Other Places of Worship	1 for each 3 seats or one for each 72 inches of seating space when benches rather than seats are used
Colleges and Institutions of Higher Learning Community Buildings, Social Halls, and Places of Public Assembly, including but not limited to, schools	1.5 for every 2 students
Day Care Centers	1 for each 100 square feet of floor area, or one for each 4 seats, whichever is greater 1 for each employee equal to the number of employees required by State regulations to supervise the maximum number of children permitted by State regulations to occupy the space provided. One for every 25 children as a drop off/pick-up area appurtenant to the day care center entrance
Farm or Garden Produce Sold on the Premises Funeral Homes, Mortuaries	10 10, plus 1 for each 50 square feet of floor area
Golf Courses and Clubs Industrial Uses	10 for each tee. 1 for each 300 square feet of floor area
Laboratory and Research Uses Manufacturing Medical or Dental Clinics or Offices	1 for every 300 square feet of floor area 1 for every 300 square feet of floor area 4 for each doctor or dentist, plus 1 space for each 100 square feet of floor area
Motels, Hotels, Motor	

Lodges, Conference Centers	One for each rental unit, and in addition, compliance with the requirements for each particular additional use located on the property, such as restaurants, eating and drinking establishments, retail stores and meeting rooms, is required
Nursing Homes	1 for each 2 beds
Offices, Business	1 for every 200 square feet of floor area
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Warehouse Fulfillment Center	1 for every 500 square feet of floor area
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BE IT FURTHER ORDAINED that if any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable;

BE IT FURTHER ORDAINED that all other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinance are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect immediately upon second reading, final passage and publication as required by law.

KAPIL SHAH, President of Township Council

Attest:

MELISSA A. SEADER, Township Clerk

Adopted, First Reading: November 4, 2021

Publication Date:

Adopted, Second Reading:

Publication Date:

BRIAN C. WAHLER, Mayor

Date:

CERTIFIED AS TO FORM AND LEGALITY:

JAMES F. CLARKIN III, Assistant Township Attorney

STATEMENT OF PURPOSE

The purpose of this ordinance is to rezone certain lots to a newly created M-2 zone and establishing bulk and parking standards for the M-2 zone. (\$228.76)

Ja000095

COUNCIL_4

AFFIDAVIT OF PUBLICATION

Publisher's Fee \$24.94 Affidavit \$35.00

**STATE OF WISCONSIN
Brown County**

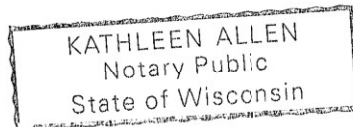
Personally appeared Denise Roberts at County of Brown, State of Wisconsin.

Of the **Courier News**, newspaper printed in Freehold, New Jersey and published in Somerville,
In the state of New Jersey and City of Somerville, and of general circulation in Somerset County,
who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been
published in the said newspaper 1 times, once in each issue dated as follows:

12/17/2021 A.D 2021

Kathleen Allen
Notary Public State of Wisconsin County of Brown

1-7-25
My commission expires



Ja000096

COUNCIL_5

Ad Number: 0005049807

Run Dates: 12/17/2021

NOTICE OF ADOPTION
TOWNSHIP OF PISCATAWAY
ORDINANCE NO. 2021-38
December 14, 2021

ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXI (21), ZONING AND CHAPTER XXIV (24) SITE PLAN REVIEW TO AMEND SECTIONS §21-401 ZONES CREATED, §21-402 ZONING MAP, §21-501.5 M-1 AND M-5 INDUSTRIAL DISTRICTS, §21-501.1 ATTACHMENT 1 SCHEDULE OF GENERAL REQUIREMENTS AND, §21-501.1 ATTACHMENT 5 OF THE CODE TO ADD THE M-2 INDUSTRIAL DISTRICT AND REQUIREMENTS AND §24-702.2 DESIGN STANDARDS FOR OFF-STREET PARKING AREAS.

TAKE NOTICE that the foregoing Ordinance was introduced and passed on First Reading at a Regular meeting of the Township Council of the Township of Piscataway held in the Piscataway Township Municipal Building and by telephonic conference on November 4, 2021 and was finally adopted following Second Reading and a Public Hearing before said Township Council at a meeting held in the Piscataway Township Municipal Building and by telephonic conference on December 14, 2021.

MELISSA A. SEADER
Township Clerk
(\$24.94)

0005049807-01

Ja000097

COUNCIL_6



Ken Simmons



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Letters to the Editor

Mayor Wahler Responds to Residents' Concerns with 1690 South Washington Ave. Property



TAPinto.net File Photo

By Brian C. Wahler, Piscataway Mayor Published December 24, 2021 at 10:56 AM
Last Updated December 24, 2021 at 10:56 AM

Dear Editor:

Quite a few residents participated in the last Township Council meeting to express their thoughts about the property at 1690 South Washington Avenue. It is gratifying to have residents enthused about our community and playing a role in its direction.

What I believe makes our Township successful is having a good balance of economic development that keeps our property taxes affordable and provides good jobs to hardworking residents, quality neighborhoods for families to raise their children, and plenty of recreation and open space for all generations to enjoy. Achieving this balance comes from skillful planning, careful budgeting and recognizing the limits by which government may influence the use of private property.


Ja000098


I want to help clear up some of the issues about this particular tract of land. It is private property under contract to be purchased by M&M Partners which wants to develop it. Please remember, if you want to restrict private land use, you have pay for it.


Under the property's existing zoning approval, M&M Partners could choose to build 101,000 square feet of retail and commercial space and 242 residential units. In fact, this very sizable mixed use was the result of a lawsuit filed by M&M Partners against the Township. I think we all agree that this would bring in a lot of people, activity and traffic – the opposite of what many who called into the Council meeting want.


One caller remarked during the meeting that the developer could choose instead to build 24 single family homes. That will not happen when a much larger profit could be made through the stores and apartment buildings which the developer has a legal right to build.

Let's say we want to tell M&M Partners that it cannot build. Legally then, the Township is required to condemn the property and that means purchasing it with tax dollars. The price to do this would be exorbitant. The millions of dollars needed to keep the land vacant would raise everyone's property taxes.

 In fact, local government is held to a standard called "highest & best use." That means to keep the land vacant, we would need to pay the maximum amount of the money the property owner could expect to get for private use. That is not something taxpayers can afford for this land.

 A third option is what we chose: enabling M&M Partners to build a state-of-the-art logistics center. Traffic caused by trucks pales in comparison to what would come to our roads from cars accessing commercial sites and high-density housing. Moreover, those trucks will only be going to and from I-287, unlike many more cars that would add traffic to Metlars Lane which has numerous houses on both sides of the roadway. In addition, our schools will not be strained, and our sewer system will not be stressed. Instead, the increased business activity will contribute more to the local tax base that can be used for our neighborhoods and parks.

 So, let's get back to my earlier description of what balances our Township. Open space is a critical component of a successful community which is why the Township Council and I are thrilled to move beyond more than two decades of litigation limbo and finally create Piscataway Ecological Park. This will be 75 acres of natural surroundings dedicated solely for the open space enjoyment of our residents. Alongside our more than two dozen existing parks and our \$32 million Community Center (built with no residents' tax monies but from commercial revenue), our Ecological Park will be a wonderful amenity for all families.

 As always, the Township Council and I value the contributions of our residents to the discussions that move our community forward.

Brian C. Wahler, Mayor

Editor's Note: The opinions expressed herein are the writer's alone, and do not reflect the opinions of [TAPinto.net](#) or anyone who works for [TAPinto.net](#). [TAPinto.net](#) is not responsible for the accuracy of any of the information supplied by the writer. [Click here for TAPinto's Letters to the Editor policy](#).

Do you have an opinion on something happening in your town or about a story you read on TAPinto? [Submit a letter to the editor here](#).

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FILED

May 27, 2022

Hon. Thomas Daniel McCloskey, J.S.C.

THE WEINGARTEN LAW FIRM, LLC

Douglas K. Wolfson, Esq. (ID#024731977)

Irina B. Elgart, Esq. (ID#027311999)

1260 Stelton Road

Piscataway, New Jersey 08854

(732) 393-0048

dwolfson@weingartenlaw.com

ielgart@weingartenlaw.com

Attorneys for Defendant,

M&M Realty Partners at Piscataway, LLC.

SAZHA ALEXANDRA RAMOS, TOM
CONNORS, SHANTELL CHERRY, PRATIK
PATEL, DANIEL & SARAH JACKSON,
MATTHEW KNOBLAUCH, RALPH
JOHNSON, ZOE SCOTTO, KAMUELA
TILLMAN, SYED SHOAIB, STACI BERGER,
individually and o/b/o the PISCATAWAY
PROGRESSIVE DEMOCRATIC
ORGANIZATION, and PISCATAWAY
YOUTH PROGRESSIVE ORGANIZATION,

Plaintiffs,

v.

M&M REALTY PARTNERS AT
PISCATAWAY, LLC, and ZONING BOARD
OF ADJUSTMENT OF PISCATAWAY
TOWNSHIP

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION
: MIDDLESEX COUNTY
: DOCKET NO.: MID-L-3271-21 P.W.

: Civil Action

: **ORDER GRANTING MOTION TO**
: **DISMISS PLAINTIFFS' COMPLAINT**
: **WITHOUT PREJUDICE**

THIS MATTER, having been opened to the Court upon the application ("Motion") of Douglas K. Wolfson, Esq. and Irina B. Elgart, Esq. of The Weingarten Law Firm, LLC, attorneys for the Defendant, **M&M Partners at Piscataway, LLC** (f/k/a Realty Partners at Piscataway,

LLC) (“M&M Realty”), in the above-captioned matter seeking an Order to dismiss the Plaintiffs’ Complaint for mootness; and, in the presence of Cynthia A. Hadjiyannis, Esq., attorney for the Plaintiffs who appeared on their behalf and in opposition thereto;

AND THE COURT, having reviewed and considered the moving papers, those submitted in opposition thereto, those submitted in reply, having heard the oral argument of counsel on this the return date of the Motion, and for good cause having otherwise been shown,

IT IS on this 27th day of **MAY 2022**:

ORDERED, as follows:

1. That M&M Realty’s Motion to Dismiss for mootness, be, and the same hereby is **GRANTED**, with condition; and, more specifically,

2. That the Plaintiffs’ Complaint in this matter, be, and hereby is **DISMISSED**, but without prejudice to its reinstatement subject to the outcome of the companion prerogative writ appeal filed in Docket No. MID-L-519-22 should the Court in that action strike down and invalidate Ordinance 2021-38 adopted by the Township Council of the Township of Piscataway on December 14, 2021 (the “Ordinance”) that rezoned the Property located at 1680 Washington Avenue, Piscataway Township, that is the subject of this action, from Rural Residential (RR-1) to Industrial (M-2) to permit a warehouse use; and, on the basis of which Ordinance M&M Realty properly asserted mootness of this action; and

IT IS FURTHER ORDERED, that a copy of this Order shall be deemed served on all counsel of record upon its posting by the Court to the eCourts case jacket for this matter. Pursuant to R. 1:5-1(a), the Movant shall serve a copy of this Order on all parties not served electronically within seven (7) days of this Order.

SO ORDERED:

A handwritten signature in black ink, appearing to read "T. Daniel McCloskey", written in a cursive style.

HON. THOMAS DANIEL McCLOSKEY, J.S.C.

(X) Opposed.

**Pursuant to R. 1:6-2, the Court's
Statement of Reasons is attached hereto
and made a part hereof.**

STATEMENT OF REASONS**[R. 1:6-2(f)]**

SAZHA ALEXANDRA RAMOS, TOM CONNORS, SHANTELL CHERRY, PRATIK PATEL, DANIEL & SARAH JACKSON, MATTHEW KNOBLAUCH, RALPH JOHNSON, ZOE SCOTTO, KAMUELA TILLMAN, SYED SHOAIB, STACI BERGER, individually and o/b/o the PISCATAWAY PROGRESSIVE DEMOCRATIC ORGANIZATION and PISCATAWAY YOUTH PROGRESSIVE ORGANIZATION, Plaintiffs, v. M&M PARTNERS AT PISCATAWAY, LLC (f/k/a M&M Realty Partners at Piscataway, LLC) and ZONING BOARD OF ADJUSTMENT OF PISCATAWAY TOWNSHIP, Defendants.

Docket No.: MID-L-3271-21

Defendant M&M Partners at Piscataway, LLC's Motion to Dismiss

I. BACKGROUND.

On March 25, 2021, at the conclusion of the third of three (3) public hearings conducted on November 12, 2020, December 10, 2020 and that date, the Defendant, Zoning Board of Adjustment of Piscataway Township ("Board"), granted a use variance and Preliminary and Final Site Plan approval to the Defendant, M&M Partners at Piscataway, LLC (f/k/a M&M Realty Partners at Piscataway, LLC) ("M&M Partners"), to construct two (2) warehouse buildings comprised of nearly one million square feet, and parking lots, on a 24.5-acre parcel located at 1690 South Washington Avenue (County Route 665), known as Block 5701, Lot 2 on the Tax Map of the Township of Piscataway (the "Property"). A use variance was required because the Property was located in the "Rural Residential-1" (RR-1) zoning district that did not permit warehouse uses. On April 8, 2021, the Board adopted its resolution memorializing the approval (the "Approval").

This action was thereafter initiated by twelve (12) individual residents and two (2) local political organizations ("Plaintiffs") by way of complaint in lieu of prerogative writ filed on May 28, 2021 against the Board and M&M Partners challenging the Approval and seeking further to have this Court reverse and set aside the Board's action. Plaintiffs allege that M&M Partners, as applicant, had failed to meet its burden of proof and thus the action of the Board was arbitrary, capricious or unreasonable.

Litigation then ensued in the normal course. However, after the parties submitted their respective trial briefs in this action, but *before* a trial date was scheduled, the Township Council of Piscataway Township sought to modify the RR-1 Zone after determining the land use regulations for that zone had become outdated; and, in furtherance thereof, on November 4, 2022, proposed a new "M-2 Industrial District" (M-2) for this area. Pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and by its adoption of Resolution #21-390, the zoning change and proposed ordinance were referred by the Council to the Planning Board for its review and recommendation. Upon its review and consideration, the Planning Board determined that the

proposed Re-Zoning Ordinance was consistent with the Township's most recently adopted Master Plan Reexamination, and recommended adoption of the proposed M-2 zoning.

At its next regularly scheduled meeting on December 14, 2021, the Township Council adopted "Ordinance 2021-38" on second reading ("Re-Zoning Ordinance"), officially rezoning the Property (and other properties that are not the subject of this litigation) from RR-1 to M-2. Thus, in adopting the rezoning, it was the view of both the Township Council and the Planning Board that the RR-1 zone, wherein the Property and other designated properties were located, was no longer appropriate.¹

As a result, M&M Partners' approved warehouse use became fully conforming, thereby acknowledging and confirming the propriety of warehouse use; and, as M&M Partners alleges, mooted the need for any variance relief as a matter of law. M&M Partners now moves to dismiss the Plaintiffs' Complaint in this action contending that the prerogative writ claims asserted have been rendered moot.

II. ARGUMENTS OF THE PARTIES.

In support of its Motion, M&M Partners contends that as a result of the Township Council's adoption of the Re-Zoning Ordinance, the relief sought by the Plaintiffs in their Complaint seeking to invalidate the Approval has been rendered moot as a matter of law and, therefore, should be dismissed. It argues that our Courts have, without exception, uniformly held that where a local zoning ordinance is amended to permit a use that had been the subject of a previously-approved variance application, an objector's appeal of and/or challenge to the variance relief becomes moot as a matter of law. M&M Partners specifically cites to the Appellate Division's published decision in Jai Sai Ram, LLC v. Planning/Zoning Board of Borough of South Toms River, et al., 446 N.J. Super. 338, 345 (App. Div.), certif. den., 228 N.J. 69 (2016).² In reliance upon the Appellate

¹ On January 28, 2022, a separate prerogative writ was filed in the matter entitled Ramos, et al. v. Township Council of Piscataway, et al., Dkt No. MID-L-519-22. This action was filed by plaintiff Piscataway Families for Clean Air and the same plaintiffs as in the subject Complaint here (less two individual Plaintiffs), and specifically challenges and seeks to overturn the Re-Zoning Ordinance (herein, the "Ordinance Challenge").

² It also refers the Court to three (3) unpublished decisions of the Appellate Division, namely: PMG New Jersey II, LLC v. 133 Colonia, LLC, Dkt No. A-4235-16T2, 2019 WL 3282928 (App. Div. July 22, 2019); PMG New Jersey II, LLC v. 82 Iselin, LLC, et al., Dkt No. A-4235-16T2, 2018 WL 3431873 (App. Div. July 17, 2018); Rockaway Shoprite Assocs., Inc. v. Planning Board of Linden, Dkt No. A-5412-14T4, 2017 WL 244109 (App. Div. Jan. 20, 2017); Village Super Market, Inc. v. Borough of Garwood Planning Board, Dkt No. omitted on decision, 2012 WL 3552973 (App. Div. Aug. 20, 2012).

As did Judge Meehan in Bergen Convenience Flagship, Inc. v. Zoning Bd. of Adjustment of Ridgewood, 2017 N.J. Super. Unpub. LEXIS 518, at *12-15 (Law Div., March 2, 2017) the Court here pauses to note that it too is "fully aware of the direction R. 1:36-3 provides with respect to unpublished opinions. This rule notwithstanding, the Appellate Division has made clear that while unpublished opinions

Division's decision in Jai Sai Ram, M&M Partners asserts that Piscataway's adoption of Ordinance 2021-38 "plainly obviates the need for any variance relief"; has rendered its proposed warehouse use permitted "as of right"; and, as a consequence, the Plaintiffs' prerogative writ challenge to the previously issued Approval is now moot.

In opposition, the Plaintiffs principally contend that in the separate Ordinance Challenge now pending, if it is successful, that lawsuit would invalidate the Re-Zoning Ordinance such that warehouses would not be a permitted use in the zoning district. They claim the plaintiffs in that lawsuit have alleged that the Township Council's adoption of the Re-Zoning Ordinance is invalid because (i) the Ordinance is inconsistent with the municipality's Master Plan and that the Council did not adopt a resolution justifying the inconsistencies as required by the MLUL, (ii) the Ordinance is illegal spot-zoning, (iii) the Ordinance is illegal "fiscal zoning", (iv) the Council's findings were factually unsupported, and that (v) no personal notice to the affected property owners was made in violation of the MLUL. Plaintiff's Opp. Brief, at p. 4-5. Thus, if successful, that challenge would eradicate the basis for M&M Partners' instant motion to dismiss.

Furthermore, the Plaintiffs claim that they will suffer adverse consequences, both practical and procedural, if their Complaint is dismissed. For one, they urge that M&M Partners could immediately obtain permits to begin the warehouse project – clearing 25 acres of forest and proposed Open Space, filling wetlands, and pave over a million square feet of earth to build the two warehouses and parking lots – and while the Ordinance Challenge is pending; and, in their view, presents exactly the type of adverse consequence that mootness doctrine requires the Court to address. Thus, if construction commences, that suit would also effectively be rendered moot leaving the Plaintiffs both prejudiced and with no recourse since warehouses could conceivably be constructed on the site without any court ever having made a determination on the merits that warehousing is a permissible use, either by variance or by ordinance. To the latter end, they also urge that there should be an adjudication on the merits of their current prerogative writ claim that challenges the Board's grant of the Approval.

III. DISCUSSION.

In Jai Sai Ram, 446 N.J. Super., supra, at 342, plaintiffs challenged the zoning board's grant of a use variance permitting a combined Wawa convenience store and gas station on property located in separate zones, a highway development zone and a residential zone. In the prerogative writ complaint that ensued, the trial court upheld the zoning board's decision and Plaintiffs appealed. Id. at 345. However, while the appeal was pending, the municipality amended its zoning ordinances to permit the uses. Id. Plaintiffs argued that the "Time of Application Rule" (as opposed to the statutorily repealed "Time of Decision Rule") should apply, so as to prevent the

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are not binding, trial courts are nevertheless permitted to consider the analysis set forth in unpublished opinions, find them persuasive, [and] use such analysis as guideposts in reaching their conclusions. National Union Fire Ins. Co. of Pittsburgh v. Jeffers, 381 N.J. Super. 13, 19, 884 A.2d 229 (App. Div. 2005)." Bergen Convenience, supra, at *14, fn.1.

appeal from being rendered moot by the rezoning.³ The Appellate Division disagreed and rejected the argument out of hand, holding that an applicant is entitled to the benefit of the new and more favorable zoning, because to do otherwise would lead to “absurd” results and contradict the very purpose of the Time of Application Rule. Id. In finding that the applicant there was entitled to the intervening 2015 zoning amendment, thus rendering the plaintiffs’ appeal challenging the use variance as moot, the Court stated:

The time of application rule applies to municipal development regulations, and provides as follows:

Notwithstanding any provision of law to the contrary, those development regulations which are in effect on the date of submission of an application for development shall govern the review of that application for development and any decision made with regard to that application for development. Any provisions of an ordinance, except those relating to health and public safety, that are adopted subsequent to the date of submission of an application for development, shall not be applicable to that application for development.

[N.J.S.A. 40:55D-10.5].

Prior to its adoption, our courts applied the “time of decision” rule, under which a decision concerning a land use application would be based on the municipal ordinance as it existed at the time of application or appeal was being decided. Maragliano v. Land Use Bd. of Wantage, 403 N.J. Super. 80, 83 (App. Div. 2008), certif. den., 197 N.J. 476 (2009). The time of decision rule allowed municipalities to block proposed developments by changing the applicable zoning ordinances while the development applications were being considered. *See* Manalapan Realty, L.P. v. Twp. Comm. of Manalapan, 140 N.J. 366, 378-79 (1995).

Thus, “[i]n the area of land use, a municipality may change its regulating ordinances after an application has been filed and even

³ The Legislature replaced the Time of Decision Rule in favor of the Time of Application Rule, “[i]n order to effectively prohibit[] municipalizes from responding to an application for development by changing the law to frustrate that application.” PMG/Colonia, supra, 2019 WL 3282928, at *10 (citations and internal quotations omitted) (affirming trial court’s mootness determination). The Time of Application Rule, as codified in N.J.S.A. 40:55D-10.5, prevents a municipality from enforcing (but not from enacting) new zoning regulations once an application is deemed complete. Once deemed complete, it is the owner/developer of the property who determines whether to continue under the old zoning scheme or whether to refile an application that conforms to the zoning amendment.

after a building permit has been issued and, as long as the applicant has not substantially relied upon the issuance of the building permit, it is subject to the amended ordinance.” [Maragliano, supra, 403 N.J. Super. at 83 (citation omitted)].

The clear purpose of N.J.S.A. 40:55D-10.5, adopted as L. 2010, c. 9, §1, was to assist developers and property owners by obviating the time of decision rule. *See Sponsor’s Statement to A. 437* (2010) (stating the bill’s intent to “override . . . the ‘time of decision rule.’”); *S. Cmty. & Urban Affairs Comm., Statement to S. 82* (2010). The Legislature was concerned about situations in which a developer would spend time and money pursuing an application, only to have a municipality change the zoning to the developer’s detriment while the application was pending. The Sponsor’s Statement reflects the statute’s purpose:

Under current law, applicants are subject to changes to municipal ordinances that are made after the application has been filed, and even after a building permit has been issued . . . Application of this rule sometimes causes inequitable results, such as when an applicant has expended considerable amounts of money for professional services and documentation that become unusable after the ordinance has been amended. While effectively prohibiting municipalities from responding to an application for development by changing the law to frustrate that application, the bill recognizes that ordinance changes necessary for the protection of health and public safety would apply to pending applications.

[*Sponsor’s Statement to A. 437* (2010)].

* * *

In construing legislation, our “overriding goal is to give effect to the Legislature’s intent.” (citations omitted). Ordinarily, “the best indicator of that intent is the plain language” of the statute. (citation omitted). However, we do not follow that rule when to do so would produce an absurd result, at odds with the clear purposed of the legislation. *See Perrelli v. Pastorelle*, 206 N.J. 193, 200-01 (2011); *Marshall v. Klebanov* 188, N.J. 23, 36-37 (2006).

[W]e also have stressed that “where a literal interpretation would create a manifestly absurd result, contrary to public policy, the spirit of the law should control.” Thus, when a “literal interpretation of individual statutory terms or provisions” would lead to results “inconsistent with the overall purpose os the statute,” that interpretation should be rejected. [Citations omitted].

In this case, while the literal terms of the statute could be construed to prevent a favorable land use amendment from applying to a pending application, that reading would be completely contrary to its purpose. Accordingly, we conclude that the statute does not apply where the local zoning is amended to specifically permit the use which is the subject of a variance application. In that situation, the variance is no longer necessary, and it would be absurd, as well as contrary to the Legislature's purpose, to hold the applicant to the less favorable standards of the pre-existing ordinance.

Likewise, where, as here, there is a pending appeal challenging the grant of the variance, the appeal becomes moot by virtue of the amendment specifically permitting the use. The dispute is moot because, even if we were to decide the appeal in appellant's favor, the application could proceed without the variance. (Citations omitted).

Id. at 343-344, 344-346 (emphasis added).

Accordingly, as the Appellate Division concluded, since the rezoning had obviated the need for a variance, the appeal was rendered "moot by virtue of the amendment specifically permitting the use," reasoning further that "even if [the court] were to decide the appeal in appellants' favor, the applicant could proceed with the project without the variance." Id.

In the Appellate Division's unpublished decision in Village Super Market, Inc. v. Borough of Garwood Planning Board, above-referenced in footnote 2, the Court aptly noted that "[a]n issue is moot when the decision sought in a matter, when rendered, can have no practical effect on the existing controversy." Village Super Market, 2012 WL 3552973, at *5 (citations and internal quotations omitted). In holding that the governing body's intervening amendment to the zoning ordinance rendered plaintiff's challenge to the previously granted use variance moot. As the Court explained:

[T]he Law Division could not give any effective relief to plaintiff with respect to the granting of a use variance to [the applicant]. Even if plaintiff prevailed on its claim before the Law Division that the use variance was improperly granted, [the applicant] no longer needs the use variance and could proceed with its operations without it. Were [the applicant] to apply to the municipal zoning official for a certificate of compliance for its use of the property as a speed school, the zoning official would have to issue such a certificate. The judgment sought by the prerogative writs complaint to set aside the use variance would have no practical effect. The aspect of the plaintiff's complaint challenging the use variance was clearly moot, and the Law Division properly dismissed it.

Id. at *5.

Here, under the controlling authority of Jai Sai Ram, this Court agrees with the movant, M&M Partners, that Piscataway's adoption of Ordinance 2021-38 "plainly obviates the need for any variance relief" and has thus rendered its proposed warehouse use as one permitted as of right. And, while N.J.S.A. 40:55D-70(d) authorizes a zoning board of adjustment to grant variance relief when the applicant satisfies both the positive and negative criteria, per Price v. Himeji, 214 N.J. 263, 284 (2013) and Medici v. BPR Co., 107 N.J. 1, 18 (1987) – as the Board below found here – those criteria are neither relevant nor at issue since the governing body of Piscataway has amended its land use regulations to specifically permit a use that previously had been prohibited.⁴

The Plaintiffs contend that in Jai Sai Ram there had been an adjudication on the merits of the applicant's underlying variance application since the trial court there rendered a "comprehensive opinion" affirming the grant of the use variance. In urging the Court here not to dismiss their Complaint, but rather, to proceed to an adjudication on the merits, they cite to a footnote in that decision where the Court explicitly stated that "if the appeal were not moot, we would affirm the grant of the use variance for the reasons stated by the trial judge in his comprehensive opinion", contrary to here where there has been no substantive review nor adjudication of the merits. However, the Plaintiffs overlook and ignore the Appellate Division's clear and unequivocal findings that not only was the appeal "rendered moot by virtue of the amendment specifically permitting the use," but also that "even if [the court were to decide the appeal in the appellants' favor, the applicant could proceed with the project without the variance."

Accordingly, for the foregoing reasons, the Motion of M&M Partners to dismiss the Plaintiffs' Complaint in this action, as moot, will be GRANTED.

That said, the question then becomes if, and whether, that dismissal should be with prejudice or without prejudice in light of the temporal proximity of the Ordinance Challenge that was filed on January 28, 2022 in Docket No. L-519-22 by and on behalf of mostly the same Plaintiffs a mere five (5) weeks *after* the Re-Zoning Ordinance was adopted by the Township on December 14, 2021. No stay of the Re-Zoning Ordinance has been either requested or entered in that action, nor does this Court discern to be any legally sustainable basis on which to enter one even if requested. The governing body has spoken on the issue, through the adoption of the Re-Zoning Ordinance, so as to permit a warehouse use for the Property at issue and those others designated in the ordinance where such use had been previously proscribed. While it is not this Court's role to usurp or interfere with the governing body's lawful exercise of its delegated zoning power by an *ex post facto* imposition of a stay, *sua sponte* or otherwise, there is however a now pending prerogative writ appeal challenging the validity of the Re-Zoning Ordinance which the Court will be reviewing and adjudicating in that action in due course.

⁴ On this score, it bears noting that despite a pending prerogative writ appeal of a disputed variance approval, the legal effect of an intervening rezoning ordinance is to permit an applicant to rely upon the ordinance's validity – assuming no stay has been entered by the Court. Thus, an applicant is entitled to file a site plan application based upon the ordinance then in effect, i.e., the intervening rezoning that permits the use for which a variance was originally required. The Time of Application Rule precludes any subsequent rezoning changes – including any invalidation – to apply from when the applicant files a "complete" application until the time periods established from preliminary and final site plan approval. N.J.S.A. 40:55D-49 and 40:55D-52. See also Dunbar Homes, Inc. v. Zoning Bd. of Adjustment of Twp. of Franklin, 233 N.J. 546, 550 (2018).

In the Court's view, there is some merit in the Plaintiffs' contention that the recent rezoning amendments legalizing the warehouse use has been promptly challenged in the second suit and, therefore, that a determination on the *merits* of warehousing as a permissible use, via ordinance, for this Property and the others affected is still extant in this Court, albeit in a separate action. They further argue that contrary to the circumstance of the developer-applicant presented in Jai Sai Ram, M&M Partners cannot proceed without the variance approval because the Re-Zoning Ordinance that rezoned the Property to legalize warehousing has been challenged. There was no such separate intervening challenge made by the disaffected parties as to the rezoning in that case.⁵ Neither the Appellate Division's decision in that published case nor the other unpublished cases cited to by M&M Partners and alluded to, supra, involved rezonings that were the subject to any ensuing or intervening lawsuit that challenged their validity (as opposed to the original prerogative writ challenge made to the variance approval thence rendered moot by the rezoning).

Here, the Re-Zoning Ordinance at issue is being challenged. That action is in its infancy and yet pending. Procedurally, on the one hand, with dismissal of this suit due to mootness M&M Partners would most certainly be free to proceed "as of right" with commencement of construction, *but it would do so at its own risk*, since the Ordinance Challenge has yet to be adjudicated. On the other hand, the Plaintiffs claim, they would have no recourse and the Ordinance Challenge rendered moot if M&M Partners could immediately obtain permits to begin its warehouse project.⁶ Recall that in the Ordinance Challenge, the plaintiffs there (mostly the same as here) allege that the Township Council's adoption of the Re-Zoning Ordinance was and is invalid because (i) the Ordinance is inconsistent with the municipality's Master Plan and that the Council did not adopt

⁵ The plaintiffs there filed an action in lieu of prerogative writs challenging the zoning board's approval of Wawa's application for a use variance and its corresponding grant of preliminary and final site plan approval. While the prerogative writ appeal was pending, the municipality amended its zoning ordinance to specifically designate "single use retail sales & gasoline stations operated by a single business entity . . . not part of a planned development" as a permitted principal use in the special economic development (SED) zone (the "2015 rezoning ordinance") which zone, previously, did not provide for or permit such a combined gas station/convenience store use. While the trial court ultimately affirmed the board's decision, there had not been any separate challenge leveled by the plaintiffs, or anyone, to the 2015 rezoning ordinance, unlike here – at least from what could be gleaned from the Appellate Division's opinion.

⁶ In this regard, the Plaintiffs argue that they "will suffer adverse consequences both practical and procedural", to wit:

If this Complaint is dismissed, M&M could immediately obtain permits to begin its warehouse project – knocking down 25 acres of forest, filling wetlands, and paving over nearly a million square feet of earth to build two warehouses and parking lots – all the while the second lawsuit may very well invalidate M&M's ability to do so. Twenty-five acres of proposed Open Space would also be eliminated in contravention of Piscataway's Master Plan and without any adjudication on the merits, this is exactly the type of adverse consequence that mootness doctrine requires the court to address."

Plaintiffs' Opp. Brief, at p. 6. *And see In re Application for a Retail Firearms Dealer's License Renewal*, 445 N.J. Super. 80, 97 (App. Div. 2016) ("an appeal is not moot if a party may still suffer adverse consequences as a result of the decision").

a resolution justifying the inconsistencies as required by the MLUL, (ii) the Ordinance is illegal spot-zoning, (iii) the Ordinance is illegal “fiscal zoning”, (iv) the Council’s findings were factually unsupported, and that (v) no personal notice to the affected property owners was made in violation of the MLUL.

Thus, as the Plaintiffs argue, “[s]uccess in the second lawsuit would definitely require a review of the variance approval at issue in this action”, a circumstance that at least, arguably, suggests that a dismissal without prejudice to re-instatement of their Complaint here would provide a mechanism to ensure a restoration of the *status ante quo* – that is, if the Court were to invalidate the Re-Zoning Ordinance for any one or more of the reasons being advanced by the plaintiffs in that action. Conversely, if adoption of the Re-Zoning Ordinance was to be upheld and affirmed in the second suit, the underlying dismissal of this action without prejudice would, *a fortiori*, be converted to one with prejudice leaving M&M Partners free to proceed without risk.

As to conditioning this dismissal as one to be deemed explicitly without prejudice and subject to the outcome of the pending Ordinance Challenge, it is helpful to draw upon some of our courts earlier published decisions. While they in certain instances involve application of the Time of Decision Rule that has since been superseded statutorily by the Time of Application Rule and the amendment embodied in N.J.S.A. 40:55D-10.5, some of the expressed principles and rationales bear mentioning and inform the Court’s decision to conditionally dismiss the Plaintiffs’ Complaint here.

For example, in Easthampton Center LLC v. Planning Bd. of Township of Easthampton, 354 N.J. Super. 171, 197 (App. Div. 2002), the Appellate Division noted that “a court must take into account equitable considerations, and the outcome depends upon a balance of the equities between the developer on the one hand and the public on the other.” As the Supreme Court in Tremarco Corp. v. Garzio, 32 N.J. 448, 457 (1960) explained, “[t]he ultimate objective is fairness to both the public and the individual property owner”, and that “a balance must be struck between the interests of the permittee and the right and duty of the municipality through planning and the implementation of that scheme through zoning ‘to make, ordain and establish all manner of wholesome and reasonable laws, not repugnant to the Constitution, as may be deemed to be for the good and welfare of the commonwealth, and all the subjects of same’ “ (quoted in Easthampton, 354 N.J. Super. at 198). *See also* Timber Prop., Inc. v. Chester Twp., 205 N.J. Super. 273, 277 (Law Div. 1984) (stating that “[a] municipality possesses continuing authority to amend its zoning ordinance and ordinarily a zoning change applies to property for which there is a pending application for approval of a particular use”).

Put simply, the Court has not discerned or uncovered any published decision in its research where a prerogative writ challenge to a variance approval issued by a zoning board - and which action was dismissed for mootness due to the intervening adoption of an ordinance by the governing body that explicitly rezoned a property to allow a permitted use for that which previously required a use variance - was immediately rendered the subject of a separate, but new challenge to the rezoning ordinance itself. That is, at least as to if, or whether, such dismissal for mootness was to be made with or without prejudice.

Given the second lawsuit here, this Complaint “must endure to preserve the causes of action raised by the Plaintiffs” in some fashion. The Court could either stay its decision here or the underlying complaint – or, as the Plaintiffs alternatively urge, hold it “in abeyance” - pending the outcome and final resolution of the second action. It will do neither, though, because as the Court in Jai Sai Ram firmly instructs, “the appeal becomes moot by virtue of the amendment specifically permitting the use” thus warranting outright dismissal of the Plaintiffs’ Complaint. However, in order to comply with and at the same time reconcile the controlling holding of the Court in Jai Sai Ram with the fact that the rezoning at issue here was virtually immediately subjected to a separate and second prerogative writ challenge anew *while this action was pending*, and in balancing the interests of the developer, the municipality and the disaffected Plaintiffs (here and there), the only fair and equitable way is to dismiss the Complaint in this action without prejudice, and subject to its reinstatement in the event the Ordinance Challenge is itself successful.

Thus, if the Re-Zoning Ordinance is ultimately stricken, the *status quo ante* is thereby restored and M&M Partners will have retained its rights along the way under the use variance and preliminary/final site plan approval it originally obtained from the Board; subject, however, to the Court’s review on any reinstatement made of the Complaint. If M&M Partners proceeds with pulling a permit and commencing construction in the face of the pending Ordinance Challenge, as it will be entitled to with the Court’s dismissal of this action here, it will do so at its own risk and attendant peril of a potential, adverse outcome in the Ordinance Challenge action.

III. CONCLUSION.

For all of the foregoing reasons, the Motion of M&M Partners seeking to dismiss the prerogative writ complaint of the Plaintiffs in this action, on the grounds of mootness, shall be GRANTED and, therefore, the Plaintiffs’ Complaint shall be dismissed. However, the dismissal shall be deemed expressly without prejudice to its reinstatement, subject to the outcome of the companion prerogative writ appeal filed in Docket No. MID-L-519-22, should the Court in that action strike down and invalidate Ordinance 2021-28.

SO ORDERED.