

RIDER TO DEVELOPMENT APPLICATION
TOWN OF HACKETTSTOWN

Applicant: Mars, Incorporated

Property Location: 700 High Street (Lot 1 in Block 4)

Application Summary: Applicant is the owner and operator of certain property situated at 700 High Street, being further known and designated as Lot 1 in Block 4 on the official tax map of the Town of Hackettstown. The subject property is situated in the LM – Limited Manufacturing Zone District. Applicant is hereby requesting approval from the Zoning Board of Adjustment of the Town of Hackettstown for Preliminary and Final Major Site Plan and Use Variance, together with associated bulk variances and waivers, to construct a proposed truck and trailer parking lot located within the same project area as an existing on-site wastewater treatment facility. By Resolution dated December 16, 2014, and amended Resolution dated June 19, 2018, Applicant received approval to upgrade and replace an existing on-site wastewater treatment facility, which contained a condition to demolish the old, prior on-site wastewater treatment facility.

Due to an operating condition at the new facility, two (2) existing clarifier tanks and one (1) existing reactor tank from the previous facility will temporarily remain. These tanks will remain in operation during the construction and operation of the proposed truck and trailer parking lot. At the time that the two (2) clarifier tanks and one (1) reactor tank can be demolished, these areas will be repaved, striped and utilized for additional truck and trailer parking. This application also seeks to modify certain conditions of prior approvals as set forth in Resolution of Memorialization dated December 16, 2014, as modified in Resolution of Memorialization dated June 19, 2018.

Applicant requires the following variances, exceptions and/or waivers:

1. From the provisions of **Section 408 B.** of the Land Development Ordinance, which does not authorize a wastewater pretreatment facility as a permitted accessory use. This variance is a Use Variance.
2. From the provisions of **Section 501 D.** of the Land Development Ordinance, which requires a maximum height of fifteen (15') feet for accessory buildings.

At this time, Applicant is not aware of any additional variances and/or additional waivers; provided, however, Applicant requests that the application be deemed amended to include and the Board grant any additional approvals, variances, exceptions or waivers determined to be necessary in the review and processing of this application, whether requested by the Board or otherwise. In addition, and if required by the Town of Hackettstown, Applicant requests that the Board recommend a waiver of any requirement for a Developer's Agreement.

DEVELOPMENT APPLICATION

The variances and/or waivers requested can be granted by the Board without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance. Applicant has made every effort to minimize the impact on the Property and surrounding neighbors. Applicant's proposed variances are necessary due to the existing property use, conditions and/or limitations. Applicant's proposed use of the subject property and buildings, together with the proposed site improvements, will not substantially impair the intent and purpose of the Zone Plan and the Zoning Ordinance. At the time of the public hearing, the variance relief sought by the Applicant can and will be justified pursuant to N.J.S.A. 40:55D-70(c)(1) and/or (2), and N.J.S.A. 40:55D-70(d). The Applicant's proposed variances and related site improvements will provide a substantial benefit to the public and the benefit derived from the proposed variances will substantially outweigh any detriment (if any) sustained as a result of the granting of the relief sought. The granting of the relief sought will not have any substantial detriment to the surrounding area, nor will there be any substantial detriment to the public welfare.

Except for Warren County Planning Board, Warren County Soil Conservation District and the Highlands Council Consistency Determination, Applicant is not aware, at this time, of any other approvals which are required from other governmental or quasi-governmental entities.