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***Francis P. Linnus***

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***Of Counsel***

***Steven H. Finkelstein***

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November 16, 2020

Ms. Janine DeLeon  
Land Use Board Administrator  
Township of Bedminster  
1 Miller Lane  
Bedminster, NJ 07921

RE: Crossroads Business Center, LLC  
LUB #17-008 (BOA)  
BL 57, Lot 6 & BL 57.01, Lot 1  
Bedminster Twp, Somerset County, NJ

Dear Ms. DeLeon:

Please be advised that this firm represents Crossroads Business Center, LLC in connection with the above referenced development approvals which were memorialized in a resolution adopted by the Land Use Board of the Township of Bedminster on November 9, 2017. The approvals granted by the Board were for amended preliminary and final site plan for additional parking, a D4 variance for floor area ratio and a C2 variance for impervious coverage.

Since the time of the original approval, the applicant has been working diligently to satisfy the conditions of the approval but is not ready to proceed at the present time. Outstanding conditions of the approval include

- execution of a Developer's Agreement with the Township, and
- payment of a safety and stabilization guarantee.

Although the Permit Extension Act of 2020 extends the deadline for state permits and approvals during the Covid-19 public health emergency,<sup>1</sup> under the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-52(a), the applicant can request and the Board can extend the period of protection for final approvals. Therefore, pursuant to the MLUL, the applicant is seeking a second (2<sup>nd</sup>) extension of the approvals and the period of protection of those approvals for a one-year period. Once the Covid-19 crisis ends, the applicant is confident that it will be in a position to complete resolution compliance. For your reference,

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<sup>1</sup> Crossroads Business Center, LLC reserves its right to rely on the period of protection for its approval under the Permit Extension Act.

I am enclosing a copy of the memorialized resolution as adopted by the Board on November 9, 2017 and the Resolution Approving a One Year Extension memorialized on August 8, 2019.

Therefore, based on the above, the applicant hereby requests a second (2<sup>nd</sup>) extension of the approvals and an extension of the period of protection of those approvals through **November 8, 2021**. Please advise as to when this request for an extension will be placed on the Land Use Board's agenda. I am also enclosing my client's check payable to the Township of Bedminster in the amount of \$300.00 representing the extension request fee.

Thank you for your continuing courtesies and cooperation.

Very truly yours,

FRANCIS P. LINNUS

By   
Sherri Orenberg-Ruggieri

Sor

Enc.

cc: email to Crossroads Business Center, LLC

BEDMINSTER TOWNSHIP LAND USE BOARD

RESOLUTION 2019-013

DECIDED: August 8, 2019

ADOPTED: August 8, 2019

RESOLUTION OF THE LAND USE BOARD  
OF THE TOWNSHIP OF BEDMINSTER APPROVING A  
ONE YEAR EXTENSION OF THE STATUTORY PROTECTION  
PERIOD FOR CROSSROADS BUSINESS CENTER, LLC,  
BLOCK 57, LOT 6 AND BLOCK 57.01, LOT 1

**WHEREAS**, Crossroads Business Center, LLC, with the address of 47 Parsippany Road, Whippany, New Jersey 07981 (hereinafter the "Applicant") by way of a letter dated June 19, 2019, from Francis P. Linnus, Esq. requested that the Bedminster Township Land Use Board grant a one year extension of the statutory protection period and variance approval until November 8, 2020; and

**WHEREAS**, the matter was discussed at a public meeting of the Board on August 8, 2019; and

**WHEREAS**, it has been determined that the Applicant has complied with all of the procedural requirements, rules and regulations of the Township of Bedminster Land Use Ordinance and that all required provisions of procedural compliance have been filed with the Land Use Board; and

**WHEREAS**, the Land Use Board of the Township of Bedminster hereby makes the following findings of fact and conclusions based upon the testimony and documentary evidence produced by the Applicant and the Land Use Board staff:

1. The Applicant submitted a written request by its counsel, Francis P. Linnus, Esq. The Board finds that the economic conditions justify a one year extension of the statutory protection period of the prior memorialized resolution until November 8, 2020.

**NOW, THEREFORE, BE IT RESOLVED**, by the Land Use Board of the Township of Bedminster, County of Somerset, State of New Jersey, that the extension of the amended preliminary and final site plan approval, c(2) variance and d(4) variance for floor area ratio application of Crossroads Business Center,

LLC, decided October 12, 2017 and adopted on November 9, 2017 is hereby extended until November 8, 2020, subject to the following conditions:

1. All of the conditions of the prior resolution of approval.
2. All fees, taxes, assessments, escrows and other monies due to the Township of Bedminster shall be paid in full.
3. The Applicant shall obtain governmental approval from any other governmental agencies with jurisdiction relating to the property.
4. The Applicant shall comply with all statutes, ordinances, rules and regulations of the United States of America, State of New Jersey, County of Somerset and Township of Bedminster.

The undersigned hereby certify that the above is a true copy of a resolution adopted by the Land Use Board at its meeting of August 8, 2019.

  
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CAROL GUTTSCHALL, CHAIRWOMAN

  
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~~TRINA LINDSEY, SECRETARY~~  
Janine DeLeon, Acting Secretary

BEDMINSTER TOWNSHIP LAND USE BOARD

RESOLUTION# 2017-020

DECIDED: October 12, 2017

MEMORIALIZED: November 9, 2017

LUB # 17-008 (BOA)

Block #57, Lot 6 and Block #57.01, Lot #1

MEMORIALIZING RESOLUTION OF THE LAND USE BOARD OF THE TOWNSHIP OF BEDMINSTER APPROVING THE AMENDED PRELIMINARY AND FINAL SITE PLAN AND C(2) VARIANCES AND D(4) VARIANCE FOR FLOOR AREA RATIO FOR CROSSROADS BUSINESS CENTER, LLC RELATING TO BLOCK 57, LOT 6 AND BLOCK 57.01, LOT 1 AND LOCATED IN THE OR-V ZONE

**WHEREAS**, Crossroads Business Center, LLC, with the address of 47 Parsippany Road, Whippany, New Jersey 07981 (hereinafter the "Applicant") applied to the Bedminster Township Land Use Board (hereinafter the "Board") for amended preliminary and final site plan for additional parking and a d(4) variance for floor area ratio and c(2) variance for impervious coverage relating to Block 57, Lot 6 and Block 57.01, Lot 1 and located in the OR-V zone district, in accordance with plans prepared by Craig W. Stires, P.E., Stires Associates, P.A., 43 W. High Street, Somerville, New Jersey 08876, dated June 12, 2017 (hereinafter "Amended Preliminary and Final Site Plan"); and

**WHEREAS**, the matter was discussed at a public hearing of the Board on October 12, 2017; and

**WHEREAS**, it has been determined that the Applicant has complied with all of the procedural requirements, rules and regulations of the Township of Bedminster Land Use Ordinance and that all required provisions of procedural compliance have been filed with the Land Use Board; and

**WHEREAS**, the Land Use Board of the Township of Bedminster hereby makes the following findings of fact and conclusions based upon the testimony and documentary evidence produced by the Applicant and the Land Use Board staff:

1. The Board reviewed the following reports of its professionals: reports of the Township Engineer, Paul Ferriero, dated August 17, 2017 and

September 30, 2017, and report of the Township Planner, Frank Banisch, dated October 4, 2017. Said reports are attached hereto and incorporated herein by reference.

2. The Board reviewed the following exhibits:

A-1 Aerial Photo of the area.

A-2 Landscape Plan colored rendering

A-3 Rent Roll for the property provided by Mr. Mirliss

3. The Applicant was represented by counsel, Francis P. Linnus, Esq.

Mr. Linnus explained the Applicant's proposal. He presented witnesses, Craig Stires, P.E., Mr. Richard Mirliss and Ms. Christine Cafone, P.P. Mr. Stires' qualifications as a professional engineer are recognized and accepted by the Board. Mr. Mirliss reviewed his qualifications as a commercial real estate expert, and the Board accepted his qualifications as such. Ms. Cafone explained her qualifications as a professional planner, and the Board accepted her qualifications as a professional planner. Mr. Stires explained the site plan. He explained that the Applicant is seeking to increase the number of parking spaces on the site to get closer to the Township's current ordinance requirements and closer to the needs of the landlord. He explained that the two buildings on this site were part of an overall site plan with the adjacent lots. The stormwater detention facility was built for the entire development on the lot across Burnt Mills Road. He explained that as a result of the Wellness Center approval and subdivision, the lot frontage and floor area ratio were decreased from the conforming frontage of 400 feet to 380.40 feet, and the floor area ratio was increased as a result of the removal of square footage of the lot so that the existing floor area ratio is .296, where .295 was previously approved and where only .135 is permitted. The Applicant is requesting confirmation of approval of this floor area ratio exceedance by the Land Use Board, but Mr. Stires confirmed that it was effectively as the result of the removal of the Wellness Center lot from the office building lot.

4. Mr. Stires explained that the Applicant is seeking to add 60 parking spaces by having a new lot of 32 spaces in the grassy area in front of the

building and by reconfiguring the existing parking lot as shown on his plans. The additional parking will increase the total parking count to 532 where 587 are required and where only 472 exist. Mr. Stires also advised that 12 of these spaces are dedicated to the Wellness Center. Mr. Stires confirmed that the Applicant will continue to have 10 ADA parking spaces, which is in full compliance with the ordinance requirement. He also confirmed that there is effectively no additional area to place additional spaces, otherwise they would have asked for them. He explained that the impervious coverage as a result of the change in parking will increase from 61% to 63.46%, but that he has been able to modify the outlet structure within the stormwater basin across Burnt Mills Road to maintain the rate of flow from the detention basin. He confirmed that the Applicant will comply with the Township Engineer's review reports and with Mr. Banisch's review report. He also answered the questions raised in their reports.

5. Mr. Mirliss testified and explained that his firm "was retained to assist in the renting of the tenant spaces in the building. He submitted A-3, the rent roll for the buildings. He explained that the occupancy has improved, but that tenants seeking space in this area typically seek more parking than the current parking lots provide. He explained that this will assist the owner in renting the facilities, because new office tenants who have parking needs that are more typically 1 per 130 square feet of space verses the typical needs of approximately 1 per 300 square feet at the time the building was constructed. He explained that this is a trend in the area and in the suburban northern New Jersey area to seek to have more people per square foot, and that by increasing the parking, it is hoped that they will be able to obtain appropriate tenants to fill the remaining vacant office space.

6. Ms. Christine Cafone was sworn. Her qualifications as a professional planner were reviewed by the Board. The Board accepted her qualifications and recognized her as an expert in planning. Ms. Cafone explained that, in her opinion, the granting of the variances for floor area ratio and for c(2) variance for impervious coverage should be granted pursuant to N.J.S.A. 40:55D-70d(4) and c(2). She explained that the d(4) variance is

appropriate and merely confirms the existing condition which occurred as a result of the 2010 subdivision of the Wellness Center from the property, which reduced the lot size slightly and increased the floor area ratio slightly greater than the pre-existing condition by increasing it from .295 to .296. The Applicant wishes confirmation of the approval of the same by this application. The Applicant is also seeking to add the new parking lot and to reconfigure an existing parking lot, which results in previous impervious coverage from 61% to 63.46%. Ms. Cafone explained that this will benefit the purposes of zoning and identified the purposes it would benefit. She confirmed that it will provide for appropriate parking for a permitted use in the ORV zone, and confirmed that it would increase efficiencies in accordance with the purposes of zoning. She also opined that the benefits for the purposes of zoning would outweigh the detriments and that the granting of the d and c variance would not cause any substantial detriment to the public good and will not substantially impair the intent and purpose of the ordinances.

7. The Board finds that the d(4) variance for floor area ratio of .296 should be granted and that the slight increase over the original approved and preexisting floor area ratio is a minor deviation and resulted from the subdivision of the Wellness Center, which the Board approved with the granting of a d variance. The Board finds that the overall site does not change in any way as a result of this application with respect to floor area ratio, but this approval is granted to confirm the slight increase in floor area ratio that took place with the subdivision of the Wellness Center. The Board also finds that the c(2) variance should be granted for impervious coverage. The Board finds that the property is in need of additional parking as required by the current ordinances of the Township of Bedminster, which have increased the parking requirements since the original approval. The Board further finds that the proposed parking spaces will be adequately drained, and stormwater management of the same will be addressed in compliance with the Township ordinances and the requirements and recommendations of the Township Engineer by the changes being made in the existing detention basin on the lot across the street. The Board finds that the benefits for the purpose of zoning will outweigh the detriments, and there will be



no substantial detriment to the public good and no substantial impairment of the zone plan and zoning ordinance if the variances requested by the Applicant are granted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Land Use Board of the Township of Bedminster, County of Somerset, and State of New Jersey, that the application of Crossroads Business Center, LLC, for amended preliminary and final site plan and related c and d variances is hereby granted subject to the following terms and conditions:

1. The Applicant shall comply with the Approved Plans submitted in connection with the application, as well as all representations and testimony made to the Board during the course of the hearing, all of which are incorporated into this Resolution by reference.

2. The Applicant shall comply with the review reports of the Township Engineer, Paul Ferriero, dated August 17, 2017 and September 30, 2017, and report of the Township Planner, Frank Banisch, dated October 4, 2017. Said reports are attached hereto and incorporated herein by reference.

3. The Applicant is authorized to proceed effective immediately provided that all other governmental approvals are obtained.

4. The Applicant shall obtain governmental approval from any other governmental agencies with jurisdiction relating to the property.

6. All fees, taxes, assessments, escrows and other monies due to the Township of Bedminster shall be paid in full.

7. The Applicant shall comply with all statutes, ordinances, rules and regulations of the United States of America, State of New Jersey, County of Somerset and Township of Bedminster.

**The undersigned hereby certify that the above is a true copy of a resolution adopted by the Land Use Board at its meeting of November 9, 2017.**

  
CAROL GUTTSCHALL, CHAIRWOMAN

  
TRINA LINDSEY, SECRETARY