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February 20, 2020

Via UPS Ground

Jeanette Naylor, Zoning Board Secretary
Township of Washington
523 Egg Harbor Rd.
Sewell, NJ 08080

Re: Sign Variance Application of Chipotle Mexican Grill, Inc.
Block 193, Lot 6
a/k/a 415 Egg Harbor Road, Sewell, NJ 08080
Our File No.: 12218-2

Dear Ms. Naylor:

Our firm represents Chipotle Mexican Grill, Inc. (the "Applicant") with respect to this application for variance relief pursuant to N.J.S.A. 40:55D-70c for the maximum number of building mounted signs.

The Applicant is proposing three (3) building-mounted signs along the front, side and rear of the existing building. These signs will be internally illuminated. All three proposed signs will measure approximately 45.81 sq. ft. and identify the building tenant "Chipotle".

Pursuant to Section 285-231 of the Washington Township Zoning Ordinance, only two building-mounted identification signs are permitted for buildings within the HC Highway Commercial District. Accordingly, the Applicant now requires variance relief to permit the three (3) proposed signs.

The Applicant submits that the proposed façade signage will accomplish the goal of providing safer onsite and offsite traffic circulation and increase customer safety, advancing two purposes of zoning since its sign will assist traveling motorists to more easily identify the building a Chipotle restaurant, N.J.S.A. 40:55D-2(b)(h).

The Applicant also submits that the number of proposed signs is entirely appropriate for the project given the size and height of the proposed building and the fact that the property is located at the intersection of several highly trafficked roadways, thus satisfying the other purpose of zoning by promoting the public health, safety, morals, and general welfare by allowing safer, more efficient vehicular navigation N.J.S.A. 40:55D-2(a). Planning testimony in support of the requested variance relief will be provided at the Zoning Board hearing.

In support of this application, enclosed herein please find the following:

1. An original and nineteen (19) copies of the Washington Township Zoning Board Application;
2. Twenty (20) copies of proposed signage plan prepared by Broadway National;
3. Twenty (20) copies of the Washington Township Zoning Permit denial dated January 29, 2020;
4. One (1) copy of the Applicant's proof of paid taxes;
5. One (1) copy of the 200' Property Owners' List; and
6. One (1) copy of the Applicant's W-9.

Lastly, enclosed herein please find two (2) checks in the amounts of \$200.00 and \$1,000.00 representing the required application fee and escrow deposit, respectively.

Furthermore, pursuant to N.J.S.A. 40:55D-48.1, please allow this letter to confirm that there are no individual shareholders that own a 10% interest or greater interest in Chipotle Mexican Grill, Inc., which is a publicly traded entity with thousands of individual shareholders.

I appreciate you filing this application in the normal course and notifying me as to whether any additional documentation is required in order for this application to be deemed complete. Please advise as to the date when the Zoning Board will consider this application at a public hearing and we will, of course, provide the required public notice in advance of the hearing as well as a copy of the notice of hearing for your records.

Thank you, as always, for your kind attention and usual courtesies. Please do not hesitate to contact me if you should have any questions.

Very truly yours,

NEHMAD PERILLO DAVIS & GOLDSTEIN, P.C.

BY: 

KEITH A. DAVIS

KAD:ch
Enclosures

Jeanette Naylor, Zoning Board Secretary
Township of Washington
February 20, 2020
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- c. Lanette Lucksavage, Project Coordinator (Via E-mail: llucksavage@broadwaynational.com)
(w/application only)
Tiffany Morrissey, PP, AICP (Via E-mail: tcuviello@comcast.net) w/application only
Michael J. Lario, Jr., Esquire (Via E-mail: mlario@npdlaw.com) w/application only

S:\B\Broadway National\Mat 2- Chipotle-Sewell\Naylor, Jeanette 2-10-20 KAD ltr.docx

Township of Washington
Municipal Building
523 Egg Harbor Road
Sewell NJ 08080

To be completed by Township staff only.

Date Filed: _____ Escrow Number: _____
Planning Board: _____ Zoning Board: _____
Application Fees Pd: _____ Escrow Deposit : _____

Scheduled for: _____
Work Session: _____ Hearing Date: _____

1. Subject Property

Location: 415 Egg Harbor Road, Sewell, NJ 08080

Block 193 Lot(s) 6 Zone HC

Dimensions: Frontage _____ Depth _____ Total Area _____

2. Applicant

Name: Chipotle Mexican Grill, Inc.

Address: 1415 S. Howard St., Philadelphia, PA 19147

Telephone # 484-794-1831 Work/Cell# _____

Email: _____ Fax# _____

Applicant is a: Corporation Partnership _____ Individual _____

3. Disclosure Statement

Pursuant to N.J.S. 40:55D-48.1, the names and addresses of all persons owning 10% of the interest in any partnership applicant must be disclosed. In accordance with N.J.S. 40:55D-48.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed. (Attach pages as necessary to fully comply).

Name: No individual shareholders own a 10% or greater interest in Chipotle Mexican Grill, which is a publicly traded entity with thousands of individual shareholders. _____

Address: _____ Interest _____

Name: _____

Address: _____ Interest _____

Name: _____

Address: _____ Interest _____

4. If owner is other than the applicant, provide the following information on the owner(s):

Owner name: Washington Center, LLC 1 Percent Brentway Management

Address: 44 S. Bayles Ave., Port Washington, NY 11050

Telephone #: _____ Cell/Work #: _____

Email Address: _____ Fax #: _____

5. Property Information

Restrictions, covenants, easements, association by-laws, existing or proposed on the property: Yes (attach copies) _____ No Proposed _____

Present use of the premises: Multi-tenant commercial shopping center with associated pad sites.

Note: All deed restrictions, covenants, easements, association by-laws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

6. Applicant's Attorney: Keith A. Davis, Esquire / Nehmad Perillo Davis & Goldstein, PC

Address: 4030 Ocean Heights Ave., Egg Harbor Twp., NJ 08234

Telephone #: 609-927-1177 Cell/Work #: same

Email Address: kdavis@npdlaw.com Fax #: 609-926-9721

7. Applicant's Engineer: N/A

Address: _____

Telephone #: _____ Cell/Work #: _____

Email Address: _____ Fax #: _____

8. Applicant's Planning Consultant: Tiffany A. Morrisey, PP, AICP

Address: 7 Equestrian Dr., Galloway, NJ 08205

Telephone #: 856-912-4415 Cell/Work #: _____

Email Address: tcuviello@comcast.net Fax #: _____

9. Applicant's Traffic Engineer: _____

Address: _____

Telephone #: _____ Cell/Work #: _____

Email Address: _____ Fax #: _____

10. List any other Expert who will submit a report or who will testify for the Applicant: (Attach pages as needed)

Name/Field of Expertise: _____

Address: _____

Telephone #: _____ Cell/Work #: _____

Email Address: _____ Fax #: _____

- 11. Type of Application** _____ Development Review Committee (DRC)/Concept Plan
 _____ Appeal of Administrative Officer's Decision
 _____ Map or Ordinance Interpretation of Special Question
 _____ Certificate Of Non-Conformity

Variance _____ Use or (d) XXX Bulk or (c) _____ Conditional Use

Subdivision _____ Minor _____ Prelim Major _____ Final Major

Site Plan _____ Minor _____ Prelim Major _____ Final Major

_____ Amended Prelim _____ Amended Final

_____ Waiver Site Plan _____ Waiver of Ordinance Standards

	Existing	Proposed Applicant proposes no change.	Required
Minimum lot area:*	_____	_____	_____
Building coverage limit:*	" _____	" _____	" _____
Front yard setback:*	" _____	" _____	" _____
Side yard setback:*	" _____	" _____	" _____
Rear yard setback:*	" _____	" _____	" _____
Roadway frontage:	" _____	" _____	" _____
Impervious coverage limit:	" _____	" _____	" _____
Clearing limit:	" _____	" _____	" _____
Vegetated area:	" _____	" _____	" _____
Number of curb cuts:	" _____	" _____	" _____
Parking spaces:*	" _____	" _____	" _____
Building height:*	" _____	" _____	" _____
Gross floor area:*	" _____	" _____	" _____

*Denotes items required on the site plan.

12. Section(s) of Ordinance from which a variance is requested: _____

13. Waivers requested of development standards and/or submission requirements: (Attach pages as needed); See attached. _____

14. Attach a copy of the Notice to appear in the Official Newspaper of the municipality and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the State and within 200 feet in all directions of the property which is the subject of this application. The notice must specify the sections of the Ordinance from which relief is sought, if applicable. (See pages 10 & 11 for forms).

**The Affidavit of service on all property owners and proof of publication MUST be accomplished at least (10) ten days prior to the date scheduled and submitted to the Washington Township Zoning/Planning Office before the application will be complete and the hearing can proceed.*

15. Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises. (Attach pages as needed).

Applicant seeks "c" variance relief for the number of permitted facade signs. Specifically, the Applicant seeks three facade signs when two is permitted under the Ordinance.

16. Is a public water line available? Yes

17. Is a public sanitary sewer available? Yes

18. Does the application propose a well and septic system? No

19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block numbers? No

20. Are any off-tract improvements required or proposed? No

21. Is the subdivision to be filed by Deed or Plat? N/A

22. What form of security does the applicant propose to provide as performance and maintenance guarantees? To be determined.

23. List all previous or pending applications for this parcel (Attach pages as needed).
N/A

24. Other approvals which may be required and date plans submitted:

	Yes	No	Date Plans Submitted
WTMUA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Gloucester County Health Dept.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Gloucester County Planning Board	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Gloucester County Soil Conserve Dist.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____

Washington Twp. Fire District	<u> </u>	<u> </u>	<u> </u>
NJ Dept. of Environmental Protection	<u> </u>	<u> </u>	<u> </u>
Sewer Extension Permit	<u> </u>	<u> </u>	<u> </u>
Sanitary Sewer Connection	<u> </u>	<u> </u>	<u> </u>
Permit	<u> </u>	<u> </u>	<u> </u>
Stream Encroachment Permit	<u> </u>	<u> </u>	<u> </u>
Waterfront Develop. Permit	<u> </u>	<u> </u>	<u> </u>
Wetlands Permit	<u> </u>	<u> </u>	<u> </u>
Tidal Wetlands Permit	<u> </u>	<u> </u>	<u> </u>
Potable Water Const. Permit	<u> </u>	<u> </u>	<u> </u>
Other	<u> </u>	<u> </u>	<u> </u>
NJ Dept. of Transportation	<u> </u>	<u> </u>	<u> </u>
Gas Company	<u> </u>	<u> </u>	<u> </u>
Electric Company	<u> </u>	<u> </u>	<u> </u>

All approvals from all other reviewing agencies must be in written form and are to be submitted to the Township of Washington.

25. Certification from Tax Collector verifying taxes on subject property have been paid. (Form on page 9)

26. List of maps, reports, and other materials accompanying the application (Attach pages as needed).

It is the responsibility of the applicant to mail or deliver copies of the application form and all supporting documents to the members of the professional staff (*Attorney, Planner, and Engineers to which the application is submitted*) for their review. The documentation must be received by the professional staff at least (15) fifteen business days prior to the meeting at which the application is to be considered; otherwise the application will be deemed incomplete. A list of the professional staff is attached to the application form. The following items are included with this application:

Quantity	Description of Item
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

27. The applicant hereby requests that copies of the reports of the professional staff reviewing the application be provided to the following of the applicant's professionals:

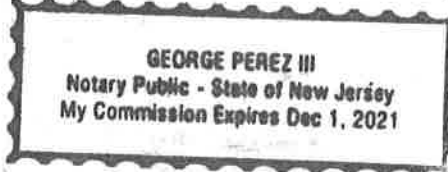
Specify which reports are requested for each of the applicant's professionals or whether all reports should be submitted to the professional listed.

Applicant's Professional	Report Requested
Attorney <u>X</u>	All reports requested.
Engineer _____	_____
Other _____	_____

CERTIFICATIONS

28. I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant. (If the applicant is a corporation this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner). Sworn to and subscribed before me this 13th day of FEB, 2020.

Notary Public



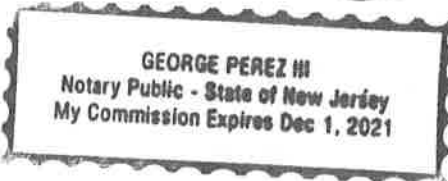
Signature of Applicant

CARLOS DANICO

Printed Name of Applicant

29. I certify that I am the owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant. (If applicant is a corporation this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner.) Sworn to and subscribed before me this 13th day of FEB, 2020.

Notary Public



Signature of Owner

CARLOS DANICO

Printed Name of Owner

Escrow Setup Information

The information below is necessary to initially set up your Escrow Account through TD Bank.

Applicant's Name: Chipotle Mexican Grill, Inc.

Applicant's Address: 1415 S. Howard Street
Philadelphia, PA 19147

Telephone #: 484-794-1831 Cell/Work #: _____

Email Address: _____ Fax #: _____

Responsible Party for Bills if different than applicant: _____

Address: _____

Telephone #: _____ Cell/Work #: _____

Email Address: _____ Fax #: _____

Tax Identification or Social Security Number: _____

Should you require assistance or have any questions, please do not hesitate to contact Teri Appice in the Escrow Department at (856) 589-0520 ext. 226 or email tappice@twp.washington.nj.us

Escrow Agreement

Escrow # _____

THIS AGREEMENT made this _____ day of _____, 20 _____.

(Name) Chipotle Mexican Grill, Inc. is hereinafter referred to as the "Applicant", the Planning or Zoning Board of the Township of Washington is hereinafter referred to as the "Board", and the Township of Washington in the County of Gloucester is hereinafter referred to as "Township".

WHEREAS, the Ordinance requires the Applicant to establish an escrow whereby work required to be performed by professionals employed by the Board will be paid for by the Applicant as required under provisions of the Ordinances cited above;

NOW, THEREFORE,

SECTION 1. PURPOSES

The Applicant agrees to pay all reasonable professional fees incurred by the Board for the performance of duties.

SECTION 2. ESCROW ESTABLISHED

The Applicant hereby creates an escrow to be established within the Chief Financial Officer (CFO) of the Township.

SECTION 3. ESCROW FUNDED

The Applicant, upon execution of this agreement, shall pay to the Township such sums as required by Ordinance to be deposited in the repository referred to in Section 2.

SECTION 4. INCREASE IN ESCROW FUND

If, during the existence of the Escrow Agreement, the funds held by the escrow shall be insufficient to cover any voucher or bill submitted by the professional staff and reviewed and approved by the Chief Financial Officer (CFO) or the CFO's designee or fall below the minimum amount required by the Township. The Applicant shall, within fourteen (14) days of receipt of written notice, deposit additional sums with the escrow holder to cover the amount of the deficit referred to above and such additional amount reasonably anticipated by the Chief Financial Officer (CFO) or the CFO's designee needed to

complete the application process. Additionally, until such funds are fully replenished, no further consideration, review, processing of any pending application shall be permitted by the Planning Board or Zoning Board, nor shall any further inspections be performed by or on behalf of the Township until such additional escrow has been deposited. Failure to post sufficient escrow funds to cover costs incurred or anticipated shall toll the period of action by the approving authority, as required by N.J.S.A. 40:55D-1 et seq and particularly N.J.S.A. 40:55D-51 and N.J.S.A. 40:55D-73 thereby barring an applicant from seeking a default approval under N.J.S.A. 40:55D-10.4.

The written notice referred to in this paragraph shall be sent to:

Broadway National c/o Lanette Lucksavage

100 Davids Drive

Name

Hauppauge, NY 11788

Address

Unless otherwise shown, receipt shall be presumed to have occurred three (3) days after mailing. The notice required under this paragraph shall be in the form of a Project Account Statement sent from the Escrow Department.

After a period of forty five (45) days from the notice from the Township and/or professional, the applicant's failure to deposit the additional funds shall be grounds for denial of the application or for dismissal of the application without prejudice. In the event the Board approves the application, the obligation to pay for professional plan reviews fees by depositing the funds in escrow shall be a condition of the approval granted by the Board. If the escrow funds are depleted, after the application is filed or granted, the applicant shall pay additional funds upon demand with the aforementioned fourteen (14) day period. The failure to pay, the demanded funds may also result in a voiding of any prior approvals upon due notice to the applicant by the Board. In addition to the foregoing, the Applicant hereby agrees that in the event the reasonable and necessary amounts charged by the professionals for review of the application are not paid, the outstanding fees shall be deemed a lien on the above described property and shall be collectable as in the case of taxes by the adoption of a resolution by the Township governing body upon receipt of a certification that the amounts are due and owing pursuant to this agreement. Negative escrow balances shall incur interest at 1.5% per month.

In the event of the sale or transfer of property which is the subject of a development application or a change in the identity of the applicant, all funds on deposit pursuant to this agreement shall run with the development application affecting the property in questions and shall be considered to be the asset and/or obligation of any subsequent owner or applicant unless the initial owner or applicant provides written notice to the approving authority, and to the professionals providing review services, that the initial owner or applicant has specifically reserved ownership rights of the escrow account. In the event such a notice is received by the Township officials and professionals, no further review shall be undertaken by relevant professionals until the new or subsequent owner or applicant has established an escrow account and signed an escrow agreement.

SECTION 5. TIME OF PAYMENT

The professionals referred to in the Agreement, upon the conclusion of their services or periodically during the performance of their services, shall submit vouchers conforming to the requirements established by the Township for vouchers of the type and kind referred to under this paragraph. Said vouchers shall include the amounts of all fees and costs incurred as a result of the services set forth under Section 1 of this Agreement.

SECTION 6. PAYMENTS FROM ESCROW FUNDS

The CFO or designee shall review the vouchers submitted by the professionals to determine whether the services have been performed in the manner and to the degree required by this Agreement. Upon making a determination that said services have been performed properly, the CFO or his designee shall process said vouchers in the same manner and under the same terms as are normally employed for vouchers submitted for work performed on behalf of the Township. At the conclusion of this processing, the amounts specified in said vouchers shall be paid by the escrow holder from the escrow established pursuant to this agreement.


SECTION 7. APPLICANT NOTIFICATION TO DISPUTE CHARGES

Pursuant to N.J.S.A. 40:55D-53. Et. Seq. applicants shall notify Washington Township, Department of Community Development, and the professional whenever applicants disputes the charges made by a professional for service rendered to the municipality in reviewing applications for development, review and preparation of documents, inspection of improvements, or other charges made. The Township, or its designee, shall within a reasonable time period attempt to mediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the Gloucester County Construction Board of Appeals within the time period established under the Municipal Land Use Law Regulations (M.L.U.L).

SECTION 8. RETURN OF UNUSED ESCROW FUNDS

Escrow funds cannot be refunded for at least one hundred twenty (120) days from the time of a final decision of the Planning or Zoning Board. After one hundred twenty (120) days, a request to refund unused escrow may be made by letter and directed to the Escrow Department.

IN WITNES WHERE OF, the parties hereto have set their hands and seals the date first written above.



Signature (Applicant*) Chipotle Design Manager

*If the applicant is a corporation, this signature must be attested to by an attorney

Notary Public
Feb 17 2020