

Dear Mr. Fleishman:

Please accept this letter in support of the Applicant's request to bifurcate its Application by considering the use variance first with the site plan, subdivision and other variances to follow, if necessary.

Bifurcation is found within N.J.S.A. 40:55D-76b. As explained by Cox bifurcation of a unitary application for site plan or subdivision approval, together with a variance request, allows the board to first hear and resolve the variance issues before reaching the site plan and/or subdivision aspects of the application. The purpose for allowing such bifurcation is clear. Without variance approval such a project cannot proceed. Rather than forcing a developer to present detailed site and/or subdivision plans which are particularly costly to prepare before the application can be heard, proceeding in the first instance with the variance application permits a thorough consideration of the precise circumstances under which the board will grant a variance.

Also as detailed within Cox, bifurcation is statutorily appropriate unless the variance and other issues are highly interrelated.

Bifurcation of the Application seems appropriate in this case and should be granted without regard to the timing of the request. Bifurcation will allow the Northfield Planning Board to first decide whether the use variance should be granted and would only reach the other portions of the Application if the use variance is granted. If, on the other hand, the use variance is denied, the site plan, subdivision and other variance would seem to become academic.

The Applicant does not dispute that the use variance and other portions of the Application are related since they both involve the same property. However it is submitted that they are not highly related and the Northfield Planning Board should have no difficulty in sorting out the necessary issues as relate to a bifurcated application.

For the aforementioned reasons it is respectfully requested that bifurcation be allowed, as above, with the use variance proceeding the other approvals necessary.

Thank you.

*/s/ Charles Gemmel, Esquire*

GEMMEL, TODD & MERENICH, P.A.

767 Shore Road, P. O. Box 296

Linwood, NJ 08221

Tel.: (609) 927-7200

Fax: (609) 927-3278