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VIA EMAIL
Barry A. Kozyra, Esq.
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Livingston, NJ 07039
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RE: 536-544 Washington Avenue, Nutley

Dear Mr. Kozyra,

As you are aware, we represent Galaxy Invest ("Galaxy") in the above-referenced application. We acknowledge receipt of your correspondence setting forth certain requests on behalf of the Board:

The Applicant responds to the Board's enumerated requests as follows:

Side-by-Side Comparison of Plan Changes. The Applicant is preparing, and will provide, revised plan drawings reflecting changes made since the original submission. To the extent reasonably practicable, revisions will be clouded and labeled with sequential change numbers and dated on the title block, consistent with the Board's request. These materials will be furnished as pre-marked exhibits and made available for posting on the website. The Applicant will coordinate exhibit numbering with the Board Secretary or other designated staff.

Point-by-Point Response to Professional Reports. The Applicant intends to provide a written response addressing the relevant substantive comments raised in the reports of the Board's Planner and Traffic Consultant. The Applicant has not yet received a supplemental Engineer report commenting on the Applicant's revised plan drawings. Once received, the Applicant intends to provide a written response addressing the relevant substantive comments raised in the Engineer's report. The Applicant notes, however, that neither the Municipal Land Use Law nor the Board's procedural rules require such a response to every question or comment contained in a reviewing professional's report as a condition of the Applicant's right to proceed with the hearing. Certain comments in the professional reports appear to raise matters beyond the proper scope of review for this application. Without waiving any objection as to relevance, scope, burden, or legal necessity, and reserving all rights, the Applicant will address the relevant land-use issues presented and will comply with all applicable statutes, ordinances, and lawful requirements of the Board.

Scaled Elevation Drawings. The Applicant is preparing, and will provide, pre-marked scaled elevation drawings depicting the proposed buildings in relation to adjacent properties, including

those to the south and east. These drawings will be furnished as pre-marked exhibits for the Board and the record.

Vehicular/Pedestrian Traffic Study. The Applicant has not conducted, commissioned, or relied upon any vehicular or pedestrian traffic study in connection with this application. The Applicant's position is that the proposed use is a permitted use under the applicable zoning ordinance, and the Applicant is not aware of any specific ordinance provision or other lawful basis that requires the preparation or submission of a traffic study for an application of this nature.

Materials Board. The Applicant will prepare and present a proposed materials board as a pre-marked exhibit consistent with the plans, showing available color options, for the Board's consideration at the hearing.

Pre-Marking and Posting of New Exhibits. All new exhibits and drawings submitted by the Applicant will be pre-marked for the Board and the record. The Applicant will coordinate with the Board Secretary or other designated staff to ensure proper exhibit numbering and to facilitate posting on the website in advance of the hearing.

The Applicant's cooperation in providing the materials described herein is without prejudice to, and shall not constitute a waiver of, any objection concerning relevance, scope, burden, legal necessity, or the Applicant's rights under applicable law, including but not limited to the Municipal Land Use Law, the Open Public Meetings Act, and the United States and New Jersey Constitutions. The Applicant expressly reserves all such rights and objections.

We trust the foregoing is responsive to the Board's requests. Please do not hesitate to contact the undersigned with any questions or to coordinate the logistics of submission and exhibit marking.

Very truly yours,

/s/ Matthew E. Gilson

MATTHEW E. GILSON, ESQ.
Attorney for Applicant