

Oldmans Township
40 Freed Road
P O Box 416
Pedricktown, NJ 08067
(856) 299-0780

TO ALL APPLICANTS:

Every applicant must be acquainted with the Land Use Code of Oldmans Township – Chapter 110. The Land Use Code is available for review on the Township website: Oldmantownship.com, under “Ordinances.”

The Board hires an attorney to assure that its members are following the provisions of the Land Development ordinance and give the Board legal advice.

The Board SUGGESTS that applicants seek assistance from an attorney of their choice when applying for minor and major subdivisions, variances, etc., but the Land Development Ordinance REQUIRES the presence of a LICENSED NEW JERSEY ATTORNEY when an applicant is a corporation.

I have read the above and understand it.

APPLICANT: By: Archer & Greiner, P.C. for Applicant
CLINT B. ALLEN, ESQUIRE
DATE: 9/23/22

TOWNSHIP OF OLDMANS

INSTRUCTIONS FOR FILING AN APPLICATION FOR APPROVAL OF MINOR SUBDIVISION, SITE PLAN, MAJOR SUBDIVISION, AND/OR VARIANCE

Mail or deliver the following items to the Planning Board Secretary at the Municipal Building, 40 Freed Road, Pedricktown, New Jersey.

1. Ten (10) copies of COMPLETED Application.
2. Ten (10) copies of sealed plans and legal descriptions.
3. Ten (10) copies of COMPLETED Checklist (with any other items requested therein).
4. Required fees (Section 1000 of Land Development Ordinance).

Your application will be assigned a number that should thereafter appear on all papers or documents concerning your application.

ALL items must be in the hands of the Planning Board Secretary 21 days prior to the Planning Board meeting for review by Planning Board Attorney, Engineer and Secretary. You will be notified of the results of the review. If the Planning Board professionals find the application "complete", you will be notified that your public hearing will be scheduled for the Planning Board meeting the following month. After the public hearing, the Planning Board's decision will be memorialized in a resolution at the following months meeting; and within a few days thereafter that decision will be published in The South Jersey Times (the designated publication).

It will then be up to the Applicant to see that new deeds are prepared by an attorney of his choice, who will add to each deed the following wording:

_____ approved at the _____ (date of meeting)
meeting of the Oldmans Township Planning Board

Secretary

Chairperson

A copy of each deed must then be mailed to the Planning Board Solicitor (address obtained from the Secretary). Upon the authorization of the Solicitor and the Board Engineer, the Chairman and Secretary will sign the deeds. When the approved deeds are returned to you or your attorney, the executed deeds must then be RECORDED BY THE COUNTY RECORDING OFFICER. The Applicant has 190 days from the date of subdivision approval within which to have the deeds RECORDED.

APPLICATION SHOULD BE MADE TO SALEM COUNTY PLANNING BOARD, and any other agency(ies) that may require outside agency approval, at the same time your Oldmans Township Application is filed.

IT IS RECOMMENDED THAT APPLICANT SECURE THE ASSISTANCE OF AN ATTORNEY OF HIS CHOICE OR READ THE APPLICABLE SECTION OF THE OLDMANS TOWNSHIP LAND DEVELOPMENT ORDINANCE (LAND USE) ESPECIALLY ARTICLE VII, BEFORE ATTEMPTING TO COMPLETE THIS APPLICATION.

** Be sure that your attorney has a copy of these instructions.

RULES AND PROCEDURES FOR APPLICATION TO THE OLDMANS TOWNSHIP PLANNING BOARD

1. All applications to the Oldmans Township Planning Board are governed by the Oldmans Township Land Development Ordinance, New Jersey's Municipal Land Use Law (N.J.S.A. 40:55D-1), the procedural rules specified herein, and all other applicable federal, state, and local laws and regulations including, but not limited to those of the Water, and Fire Departments, the Salem County Planning Board, the Salem County Dept. of Health, the New Jersey Department of Environmental Protection (including wetland and CAFRA regulations), and the New Jersey Department of Transportation. All applicants will be presumed to have knowledge of all regulations, laws, and rules, and are therefore encouraged to consult with an attorney or otherwise become familiar with them. **The Board's attorney represents the Board ONLY and CANNOT give legal advice to the applicants.**
2. All applications must be made using the forms supplied by the Planning Board Secretary: Application and Checklist. All information specified in the Checklist applicable to each application must be provided (unless the subject of a waiver or variance request) in order for the application to be considered complete. Each waiver or variance requested must be clearly stated, with its rationale.
3. Ten (10) completed copies of each applicable Application form must be filed with the Planning Board Secretary, together with (10) copies of all other documents, plans and materials required as part of the application.
4. Within 14 days after the date of application is filed with the Planning Board Secretary, Planning Board Attorney, Engineer and Secretary will review the application to determine whether the application is complete. The Board may grant or deny submission waivers upon completeness review. **No application will be determined to be complete unless and until all applications and escrow fees have been paid in full. The Board will not consider or grant any request for waiver of application/escrow fees.**
5. If the Planning Board professionals determine an application to be complete, the Secretary will give the applicant written notice of completeness within 45 days of the submission of the application. Upon receipt of the completeness notice, the applicant should confer with the Planning Board Secretary to schedule the application for hearing at a regular Board Meeting. If there is no response from an applicant within a reasonable time after completeness notification, and it appears to the Board that the application will not be heard at a regular meeting in sufficient time for the Board to take action as required by New Jersey law, the application will be denied. After completeness has been certified, the Board may require such additional information from the applicant as it believes may be necessary to make an informed decision.

The board can and may elect at its sole discretion to hear applications that do not require notice immediately upon determination of completeness. For this reason, applicants who are not required to give such notice may wish to attend the completeness review meeting in the event the Board requires the applicant's testimony or consent to conditions of approval.

6. **Incomplete applications will not be scheduled for hearing.** If the Board determines an application to be incomplete, the Board will give the applicant written notice of incompleteness within the aforesaid 45-day period, informing the applicant of the information and materials which must be submitted to complete the applications. The applicant may thereafter supplement the application to satisfy the deficiencies. The Board will conduct a subsequent completeness review within 45 days after receipt of any such supplemental submission. The Board may require that an applicant's escrow be replenished to its initial amount as part of any supplemental submission.
7. All corporate applicants must be represented through the application process by a New Jersey licensed attorney. Other applicants may proceed without legal counsel provided that in all such instances the applicant appears personally to testify at the application hearing(s). Although the applicant may present professionals such as surveyors, architects, engineers, and realtors as witnesses to testify during the application hearing(s) (provided that their names, addresses, and area of expertise are included in the list provided pursuant to the application) such professional(s) cannot legally "represent" the applicant.
8. The Board may, in its sole discretion, schedule, reschedule, postpone, adjourn, or continue any application hearing as permitted by law. **The Board will not hear the application(s) of any applicant who has failed to replenish application escrows, or to pay any other amounts owed to the Township. The Board reserves the right to dismiss the application(s) of any applicant who has failed to replenish application escrows, or to pay any other amounts owed to the Township.**
9. Unless otherwise decided by majority vote, the Board will not allow any application hearing to begin after 10:00 p.m., and will hear no testimony after 10:30 p.m.

TOWNSHIP OF OLDMANS

APPLICATION # 2022-06

APPLICATION FEE \$ _____

RECEIVED 9/23/2022

BY _____
ESCROW FEE \$ _____

RECEIVED 9/23/2022

BY _____

ACTION BY PLANNING BOARD PROFESSIONALS:

() CONSIDERED APPLICATION COMPLETE

() CONSIDERED APPLICATION INCOMPLETE

ACTION BY PLANNING BOARD:

APPROVED _____ DENIED _____ OTHER _____

DATE OF PUBLICATION PRIOR TO
MEETING _____

DATE OF PUBLICATION OF DECISION _____

(Do not write above this line – official use only)

APPLICANT'S NAME: Knight Owl Holdings III, LLC & Knight Owl Holdings V, LLC

APPLICANT'S ADDRESS: 197 Timberlane Road #299, Clarksboro, New Jersey 08020

APPLICANTS TELEPHONE: 276 / 278 - 1881

APPLICANT'S E-MAIL ADDRESS: callen@archerlaw.com

OWNER'S NAME: Knight Owl Holdings III, LLC & Knight Owl Holdings V, LLC

OWNER'S ADDRESS: 197 Timberlane Road #299, Clarksboro, New Jersey 08020

RELATIONSHIP OF APPLICANT TO OWNER (i.e. tenant, agent, purchaser under contract, same person, or other): Same entities.

LOCATION OF PREMISES: Between Straughns Mill Road, Pedricktown Woodstown Road, Tighe Road, Frontage Road and I-295

BLOCK NUMBERS: 13 / 28 LOT NUMBER(S): 6 & 7 / 11-21, 21.01, 23, 24, 30, 31-34, 38, 39

THE PREMISES ARE SITUATED ON (North) side of Straughns Mill Road, along Pedricktown Road, Tighe Road, Frontage Road & I - 295 _____

(Landmark or intersection of another street)

THE PREMISES ARE LOCATED IN THE FOLLOWING ZONE (Check One):

- | | |
|---|--|
| ☒ (X) AR Agricultural Residential | ☒ (X) C Commercial |
| ☐ () R Residential | ☒ (X) I Industrial |
| ☐ () VR Village Residential | ☒ (X) CI Commercial/Industrial |
| ☐ () VC Village Commercial | |

Area to be disturbed (square feet) Please refer to enclosed Plans

Total number of proposed dwelling units: None

Request for Waiver from Site Plan Review and Approval

Reason for request Please refer to the enclosed Application Addendum

NECESSARY RELIEF:

- ☐ Appeal decision of an Administrative Officer (NJS 40:55D-70a)
- ☐ Map of Ordinance Interpretation of Special Question (NJS 40:55D-70b)
- ☐ Variance Relief (hardship) (NJS 40:55D-70c (1))
- ☒ X Variance Relief (substantial benefit) (NJS 40:55D-70c(2))
- ☒ X Variance Relief (use) (NJS 40:55D-70d)
- ☐ Conditional use Approval (NJS 40:55D-70d)
- ☐ Direct issuance of a permit for a structure in bed of a mapped street, public drainage way, or flood control basin (NJS 40:55D-34)
- ☐ Direct issuance of a permit for a lot lacking street frontage (NJS 40:55D-35)

Section(s) of Ordinance from which a variance is requested: Please refer to the enclosed Application Addendum.

Waivers requested of Development Standards and/or Submission requirements: (attach additional pages needed) : Please refer to the enclosed Application Application.

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.

The publication and the service on the affected owners must be accomplished at least TEN (10) days prior to the date scheduled for the hearing.

An affidavit of service (proof of service upon all property owners, personally or by certified mail) and a proof of publication (furnished by the newspaper) must be in the hands of the Solicitor before the start of the public hearing.

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).

Is a public water line available? To be determined.

Is public sanitary sewer available? To be determined. _____

Does the application propose a well or a septic system? To be determined.

NOTE: All deed restrictions, covenants, easements, associations by-laws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved. Please refer to the enclosed title reports.

Present use of the premises: Residential, farm land

Applicant's Attorney Clint B. Allen, Esquire

Address Archer & Greiner, P.C., 1025 Laurel Oak Road, Voorhees, New Jersey 08043

Telephone Number 856 / 354 - 3017 Fax Number 856 / 795 - 0574

E-Mail Address callen@archerlaw.com

Applicant's Land Surveyor Dennis S. DeBlasio, P.L.S.

Address Marathon Engineering & Environmental Services, Inc., 3 Killdeer Court, Swedesboro, New Jersey 08085

Telephone Number 856 / 241 - 9705 Fax Number 856 / 241 - 9709

E-Mail Address dennis.deblasio@marathonconsultants.com

Applicants Planning Consultant Lance B. Landgraf, P.P., AICP

Address L.B. Landgraf & Associates, LLC, 9 S. Harvard Avenue, Ventnor, New Jersey 08406-2725

Telephone Number 609 / 432 - 9024 Fax Number _____

E-Mail Address lblandgraf@gmail.com

Applicants Engineer David J. Fleming, P.E.

Address Marathon Engineering & Environmental Services, Inc., 3 Killdeer Court, Swedesboro, New Jersey 08085

Telephone Number 856 / 241 - 9705 Fax Number 856 / 241 - 9709

E-Mail Address dave.fleming@marathonconsultants.com

List any other Expert who will submit a report or who will testify for the Applicant: (Attach additional sheets as may be necessary)

Name Nathan B. Mosley, P.E., CME

Field of Expertise Traffic Engineer

Address Shropshire Associates LLC, 277 White Horse Pike, Suite 203, Atco, New Jersey 08004

Telephone Number 609 / 714 - 0400 Fax Number 609 / 714 - 9944

E-Mail Address _____

Application Represents a Request for the Following:

SUBDIVISION

____ Minor Subdivision Approval

____ Major Subdivision Approval (Preliminary)

____ Major Subdivision Approval (Final)

Number of lots to be created (including remainder lot) _____

Number of proposed dwelling units (if applicable) _____

SITE PLAN

- ☐ Site Plan Approval
☐ Preliminary Site Plan Approval (Phases, if applicable _____)
☐ Final Site Plan Approval (Phases, if applicable _____)
☐ Amendment of revision to an Approved Site Plan
☐ Sketch Plats/Sketch Plans (not required, but recommended)

Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block numbers? Not Applicable

Are any off-tract improvements required or proposed? _____

Is the subdivision to be filed by Deed or Plat? Not Applicable

What form of security does the applicant propose to provide as performance and maintenance guarantees? Surety bond

Other approvals which may be required and date plans submitted:

	Yes	No	Date Plans Submitted
Municipal Utilities Authority	<u>_____</u>	<u>X</u>	<u>_____</u>
Salem County Health Department	<u>_____</u>	<u>X</u>	<u>_____</u>
Salem County Planning Board	<u>_____</u>	<u>X</u>	<u>_____</u>
Salem County Soils Conservation District	<u>_____</u>	<u>X</u>	<u>_____</u>
NJ Dept. of Environmental Protection	<u>_____</u>	<u>X</u>	<u>_____</u>
Sewer Extension Permit	<u>_____</u>	<u>X</u>	<u>_____</u>
Sanitary Sewer Connection Permit	<u>_____</u>	<u>X</u>	<u>_____</u>
Stream Encroachment Permit	<u>_____</u>	<u>X</u>	<u>_____</u>
Waterfront Development Permit	<u>_____</u>	<u>X</u>	<u>_____</u>
Wetlands Permit	<u>_____</u>	<u>X</u>	<u>_____</u>
Tidal Wetlands Permit	<u>_____</u>	<u>X</u>	<u>_____</u>
Potable Water Construction Permit	<u>_____</u>	<u>X</u>	<u>_____</u>
NJ Department of Transportation	<u>_____</u>	<u>X</u>	<u>_____</u>
Atlantic City Electric	<u>_____</u>	<u>X</u>	<u>_____</u>
South Jersey Gas Company	<u>_____</u>	<u>X</u>	<u>_____</u>

Certification required from Tax Collector that all taxes due on the subject property have been paid. **Please refer to the enclosed Tax Verification.**

List of Maps, Reports and other materials accompanying the application (attach additional pages as required for complete listing).

Quantity	Description of Item
<u>10</u>	<u>Please refer to the enclosed cover letter with a listing of submitted items.</u>
_____	_____
_____	_____

IT IS THE RESPONSIBILITY OF THE APPLICANT to mail or deliver copies of the application form and all supporting documents to the Planning Board Secretary. The documentation must be received by the Planning Board Secretary at least 21 days prior to the meeting of the Planning Board (which meets the 3rd Monday of each month) in order for the matter to be on the agenda.

The Applicant hereby requests that copies of the reports of the professional staff reviewing the application be provided to the following of the Applicants Professionals:

Please refer to enclosed witness list for the names & addresses of Applicants' Professionals.

CERTIFICATION: I certify that the foregoing statements and the materials submitted are true. I am aware that if any statements made by me in the application are willfully false, I shall be subject to punishment. 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 of 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.)

Archer & Greiner, P.C. – Attorneys for Applicants

By: _____

Clint B. Allen, Esquire

CERTIFICATION: 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. I am aware that if any statements made by me are willfully false, I shall be subject to punishment. (If the owner is a corporation this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner.)

Please refer to enclosed Affidavits of Ownership & Consent

INDIVIDUAL....Print name under signature: _____

Owner

Corporation.... Print name of Corporation: _____

ATTEST:

Secretary

President

PARTNERSHIP...Print name of partnership: _____

General Partner

I understand that the sum of \$ 6,100.00 has been deposited in an escrow account (Builders Trust Account), in accordance with the Ordinances of the Township of Oldmans. I further understand that the escrow account is established to cover the cost of professional services, including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add the sum to the escrow account within fifteen (15) days after notification.

DATE: 7/23/22

Archer & Greiner, P.C. – Attorneys for Applicants

By: Clint B. Allen
Clint B. Allen, Esquire

225625143v1

ADDENDUM TO APPLICATION

Knight Owl Holdings III, LLC & Knight Owl Holdings V, LLC

**Application for Use Variance Approval, Height Variance Approval
and Bulk Variance Approval**

Oldmans Business Park South

**Block 13, Lots 6 & 7; Block 28, Lots 11-21, 21.01, 23, 24, 29, 30, 31 – 34, 38 & 39
Oldmans Township, Salem County, New Jersey**

I. BACKGROUND INFORMATION

Knight Owl Holdings, III, LLC and Knight Owl Holdings, V, LLC (the “Applicants”) request that the Township of Oldmans Planning Board (sitting as a Zoning Board of Adjustment) (the “Planning Board”) grant Use Variance Approval, Height Variance Approval and Bulk Variance Approval to allow for the development of the Oldmans Business Park South.

The Oldmans Business Park South will consist of nine (9) warehouse buildings, with a combined 5,335,000 +/- SF of floor area, along with passenger vehicle parking, trailer parking, open space and related site improvements on 562.32 +/- acres of land in Oldmans Township, owned by the Applicants, located in a AR Agricultural Residential District, C Commercial District, CI Commercial Industrial District and an Airport Hazard Zone and more particularly known as Block 13, Lots 6 & 7; Block 28, Lots 11-21, 21.01, 23, 24, 29, 30, 31 – 34, 38 & 39 on the Official Oldmans Township Tax Maps (the “Property”).

Development of the proposed Oldmans Business Park South will include the following:

- i. Warehouse “A” / Lot “A” consisting of 1,100,000-square foot (SF) building with access via driveways along the eastbound side of a proposed central roadway;
- ii. Warehouse “B” / Lot “B” consisting of 607,500 SF building with access via driveways along the westbound side of a proposed central roadway;

- iii. Warehouse “C” / Lot “C” consisting of a 240,000 SF building with access via driveways along the eastbound side of a proposed central roadway;
- iv. Warehouse “D” / Lot “D” consisting of a 1,050,000 SF building with primary access along the eastbound side of a proposed central roadway, and a potential secondary access to Tighe Road;
- v. Warehouse “E” / Lot “E” consisting of a 360,000 SF building with access via driveways along the westbound side of a proposed central roadway and southbound Pedricktown-Woodstown Road;
- vi. Warehouse “F” / Lot “F” consisting of a 562,500 SF building with access via driveways along southbound Pedricktown-Woodstown Road;
- vii. Warehouse “G” / Lot “G” consisting of a 200,000 SF building with access via a driveway along southbound Pedricktown-Woodstown Road;
- viii. Warehouse “H” / Lot “H” consisting of a 390,000 SF building with access via driveways along northbound Pedricktown-Woodstown Road;
- ix. Warehouse “I” / Lot “I” consisting of a 825,000 SF building with access via driveways along northbound Pedricktown-Woodstown Road;
- x. Trailer Lot “J” consisting of an off-street trailer parking lot and storage area for the logistics facility located along northbound Pedricktown-Woodstown Road; and
- xi. Trailer Lot “K” consisting of an off-street trailer parking lot and storage area for the logistics facilities located along the eastbound side of the proposed central roadway.

Applicants request that the Planning Board grant “d(1)” Use Variance Approval to allow for the development and use of warehouses in the AR Agricultural Residential District and C Commercial District where they are not permitted under Township Ordinance Section 110-16.A and Section 110-18.A.

Applicants also request that the Planning Board grant “d(6)” Height Variance Approval to allow for building heights up to 60 foot where building height is limited to 35 feet in the AR Agricultural Residential District, 40 feet in the Commercial District and 35 feet in the CI Commercial Industrial District by Township Ordinance Section 110-16.C, Section 110-18.C and Section 110-20.C.

In addition, Applicants request that the Planning Board grant “c(2)” Bulk Variance to:

1. Allow side yard setbacks of 72.6 +/- feet, 79.2 +/- feet and 97.2 +/- feet where 100 foot side yard setbacks are required in the AR Agricultural Residential District by Township Ordinance Section 110-16.D.;
2. Allow for building coverages of approximately 19.9%, 28%, 19.2%, 31%, 19.3%, 16.3%, 30.5% & 26.5% where building coverage is limited to 8% in the AR Agricultural Residential District by Township Ordinance Section 110-16.D.;
3. Allow for a 50 foot front yard setback where a 100 foot setback is required in the CI Commercial / Industrial District by Township Ordinance Section 110-19.D.;
4. Allow proposed Lot A with a 0.02 +/- acre area and proposed Lot K with a 7.36 +/- acre area where 8 acres of area are required by Township Ordinance Section 110-18.D.;
5. Allow a 23.5 +/- foot lot frontage for proposed Lot A where 300 foot of frontage is required by Township Ordinance Section 110-18.D.;

6. Allow a lot depth of 67.6 +/- feet for proposed Lot A, 384.4 +/- feet for proposed Lot B and 577.5 +/- feet for proposed Lot K where 800 feet of lot depth is required by Township Ordinance Section 110-18.D.;
7. Allow a 80 +/- rear yard setback for proposed Lot H where a 100 foot rear yard setback is required by Township Ordinance Section 110-16.D; and
8. Bulk Variance (Parking Space Variance) Approval from Township Ordinance Section 110-19.G.(1) to allow:
 - a. 812 parking spaces for proposed Lot A where 1320 parking spaces are required;
 - b. 340 parking spaces for proposed Lot B where 729 parking spaces are required;
 - c. 152 parking spaces for proposed Lot C where 288 parking spaces are required;
 - d. 520 parking spaces for proposed Lot D where 1260 parking spaces are required;
 - e. 240 parking spaces for proposed Lot E where 432 parking spaces are required;
 - f. 372 parking spaces for proposed Lot F where 675 parking spaces are required;
 - g. 180 parking spaces for proposed Lot G where 240 parking spaces are required;
 - h. 313 parking spaces for proposed Lot H where 468 parking spaces are required;
 - and
 - i. 668 parking spaces for proposed Lot I where 990 parking spaces are required.

II. USE VARIANCE RELIEF REQUESTED

Pursuant to the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq. (the “MLUL”), the Zoning Board has the power to grant a “d.(1)” Use Variance. More specifically, the Planning Board has the power:

In particular cases, and for special reasons, to grant a variance to allow departure from regulations... to permit a use or principal structure in a district restricted against such use or principal structure.

N.J.S.A. 40:55D-70.d.(1).

In addition, the MLUL provides that:

No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance...

N.J.S.A. 40:55D-70.d.

To obtain the requested Use Variance Approval, the Applicant must first prove the “positive criteria” or “special reasons” for the requested Use Variance Approval. After that, the Applicant must then demonstrate satisfaction of the “negative criteria” for such Use Variance Approval. The manner of satisfying the positive and negative criteria is explained below.

III. JUSTIFICATION / REASONS FOR RELIEF

Positive Criteria / Special Reasons

An Applicant seeking a “d” Use Variance must prove:

- (1) The proposed use is an inherently beneficial one, or
- (2) Denial of the Use Variance will create an undue hardship, or
- (3) The proposed site would promote the general welfare and that it is particularly suited for the proposed use.

Medici v. BPR Co., 107 N.J. 1 (1987).

Notwithstanding that warehouse buildings in the AR Agricultural Residential District and C Commercial District are not permitted under Township Ordinance Section 110-16.A and Section 110-18.A., the Property is particularly suited for the proposed warehouse use.

Although the Property is zoned to accommodate agricultural and commercial development, properties in the immediate and surrounding area have been developed or are being developed for large scale warehouse development.

The reason for that is the Township of Oldmans, that includes the Property, is in close proximity to Interstate 295, a major transportation route in New Jersey that is connection with other major interstate and intrastate highways.

In addition, the Property is a very large, predominately vacant land area that is appropriately sized for Applicants' proposed development.

Allowing the development of a warehouse campus on a large tract of mostly vacant land promotes the MLUL goal of encouraging the coordination of the various public and private procedures and activities shaping land development with a view to lessening the cost of such development and to the more efficient use of land. N.J.S.A. 40:55D-2(m).

The Applicants' proposed use of the Property satisfies the "positive criteria" by promoting the MLUL's purposes of promoting the general welfare (N.J.S.A. 40:55D-2(a)) ; providing sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens (N.J.S.A. 40:55D-2(g)); and encouraging the coordination of various public and private procedures and activities shaping the land to encourage the more efficient use of land (N.J.S.A. 40:55D-2(m)).

The MLUL "Purpose a)" (N.J.S.A. 40:55D-2(a)) is intended "To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals and general welfare."

That MLUL purpose is advanced on a finding that even though portions of the site are not zoned for the proposed use, its location along the Interstate 295 and regional access to the New Jersey Turnpike makes the Property ideal for the warehouse use.

By allowing the warehouse development along this transportation route, the general welfare of the Township and the region is enhanced.

Also, use of a mostly vacant parcel also adds the viability of the community and adds to the positive economic impact of the Township of Oldmans.

The MLUL “Purpose g)” (N.J.S.A. 40:55D-2(a)) is intended “To provide sufficient space in an appropriate location for a variety of uses, both public and private to meet the needs of all NJ citizens.

The Property is particularly suited for the proposed warehouse use and the requested relief will advance the purpose of the MLUL as an appropriate and efficient use of land due to the following factors:

The Property is particularly suited for the added height of the warehouse structures due to their large size and the compatibility with adjacent and nearby uses. Also, the Property is located in a portion of the Township near interstate highways that is an ideal location for an industrial warehouse / distribution center campus. Being a short distance from Interstate 295, the truck traffic the campus generates will be channeled to State highways and Salem County roads, designed for that type of traffic. These factors make the site particularly suited for the proposed warehouse / distribution facility use.

The MLUL “Purpose m)” (N.J.S.A. 40:55D-2(m)) is intended “To encourage coordination of the various public and private procedures and activities shaping land development with a view to lessening the cost of such development and to the more efficient use of land.”

Allowing the development of the Property as a large tract of vacant land along a major transportation route encourages the more efficient use of land.

In addition, having close, easy access to Interstate 295 makes this location prime for warehouse / distribution center use and creates an efficient use of the Property.

For the reasons provided above, and others that will be presented at the public hearing in support of this Application, the “positive criteria” for granting the requested Use Variance are satisfied.

Negative Criteria

As to the “negative criteria” for Use Variance Approval, the Planning Board may grant a Use Variance without “substantial detriment to the public good” and without “substantially impairing the intent and purpose of the zone plan and zoning ordinance.” N.J.S.A. 40:55D-70.d.

Despite the Property being located in an agricultural zone and a commercial zone, it can be developed in general compliance with Township standards for warehouse distribution facilities.

In addition, the last Township of Oldmans Master Plan Examination occurred in June 2009. Failure of the Planning Board to conduct a timely re-examination of the Master Plan, consistent with MLUL, can create an issue with the Township Ordinance.

The MLUL, at N.J.S.A. 40:55D-89, requires municipalities to re-examine their master plan and zoning ordinance at least once every ten years and report its findings and recommendations for revision. Failure of a municipality to conduct the required review creates a rebuttable presumption that the zoning ordinance is no longer reasonable. N.J.S.A. 40:55D-89.1.

The failure of the Planning Board to reexamine its Master Plan for Over fourteen Years creates a rebuttable presumption that the use regulations of the Township Ordinance are no longer reasonable or enforceable.

Notwithstanding the above, Applicants proposed development does advance the Goals of the Township Master Plan (2009) that intend to:

- (i) Promote commercial development in appropriate areas of the Township of Oldmans while providing standards to encourage greater design flexibility for commercial sites; and
- (ii) Promote transportation infrastructure in accordance with the principles of smart growth in order to provide the Township's residents with a more efficient, multi-modal transportation system that meets their needs.

With regard to traffic, the Applicant's traffic engineer will be prepared to testify that the anticipated traffic generation related to the proposed warehouse use will not have a substantial detrimental impact on the surrounding neighborhood or the Township.

For the reasons provided above, and others presented at the public hearing in support of this Application, granting the requested Use Variance will not substantially impair the intent or purposes of the Township of Oldmans Zone Plan or Township Ordinance.

IV. HEIGHT VARIANCE RELIEF REQUESTED

With respect to the design and height of the proposed warehouse building, and, in particular, the requested building height of 60 feet, the warehousing industry standard for height has evolved with the increased use and application of standardized racking systems and advanced mechanical picking and retrieval equipment that is necessary for the increasing range of retail and other goods that are maintained at contemporary regional warehousing and distribution centers.

A further factor driving the industry standard building height is that, by increasing warehouse heights, efficiency gains are achieved and reflected in both (i) construction costs and (ii) overcoming site constraints because of the increasingly greater storage needs for the volumes and varieties of goods stored in modern warehousing and distribution centers.

With respect to the specific building height requirement, these factors result in an industry standard for the interior roof height of Class A Industrial Warehouse that can

accommodate a 45 to 50 foot clearance (measured at the first support column), which generally accommodates a standard height equivalent of at least five (5) pallets of stored materials. With the interior ceiling height of 45 to 50 feet, an additional 10 to 14 feet of height is required for the roof slope, truss depth, roof material and parapets. All of these requirements yield a total building height of 60 feet. The additional storage provided by virtue of the standard industry design height is a significant factor in attracting large scale warehousing and distribution tenants.

Applicant is requesting Height Variance Approval to allow each of the proposed warehouses to have 60 +/- feet in building height, when the maximum height permitted by Ordinance is 35 feet in the AR Agricultural Zone, 40 feet in the Commercial District and 35 feet in the CI Commercial Industrial District. As explained in detail below, the grant of Variance Approval to allow the proposed height of 60 feet will advance several goals of the MLUL.

Pursuant to the MLUL the Planning Board may grant a Height Variance as follows:

In particular cases, and for special reasons, to grant a variance to allow departure from regulations...to permit (6) a height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure. N.J.S.A. 40:55D-70d(6).

In addition, the MLUL provides that:

No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance...

N.J.S.A. 40:55D-70(d).

The first paragraph above pertains to the so-called “positive criteria” or “special reasons” for the requested Variance relief. The second paragraph pertains to the so-called “negative

criteria” for Variance relief. In the case of a request for a Height Variance, the Applicant must meet both MLUL standards.

With respect to Height Variances in particular, the special reasons necessary to satisfy the positive criteria must be tailored to the purpose for imposing height restrictions in the Zoning Ordinance. Grasso v. Bor. of Spring Lake Heights, 375 N.J. Super. 41, at 54 (App. Div. 2004). As is the case with (d)(3) and (d)(4) variances, the Applicant may prove special reasons for a Height Variance upon a showing that a taller structure than permitted by Ordinance is nonetheless consistent with the surrounding neighborhood, or to demonstrate that the increased height of the structure would not offend the purpose of the applicable height limitation.

Positive Criteria: Special Reasons

The building height for the proposed warehouses is consistent with contemporary industry standards for warehouse uses and the additional height is dictated by the functionality of the warehouse use.

The overall benefits of granting the requested Height Variance clearly outweigh any detriment, and will further several purposes of the MLUL.

First, and as discussed above, the requested Height Variance for the height of the proposed facilities are driven by the need to design the building to conform to warehouse industry standards and the need to accommodate the type and volume of racking storage desired by major warehousing and distribution tenants. The proposed height also should result in a smaller development footprint than providing the same volumes at lesser heights. This will further the purpose of the MLUL to achieve “an efficient use of land.” N.J.S.A. 40:55D-2m.

Similarly, allowing the requested building height here to be consistent with current warehouse industry standards, rather than utilizing the lower, inadequate height of 35 to 40 feet permitted by Ordinance, will permit the development of contemporary in-demand warehouse

space, thereby providing sufficient space, in an appropriate location, for this use, thus promoting that goal of the MLUL. N.J.S.A. 40:55D-2(g).

Negative Criteria

As to the “negative criteria,” the Planning may grant a Height Variance without “substantial detriment to the public good” and without “substantially impairing the intent and purpose of the zone plan and zoning ordinance.” N.J.S.A. 40:55D-70(d). Here, granting the requested Height Variance will not substantially impair the intent or purpose of the Ordinance or the MLUL.

The granting of the requested Height Variance should not have any detrimental impact or effect upon the neighboring properties. The reason being is that the proposed warehouses will be situated within their own campus located on the approximately 562.32 +/- acre Property and, as a result, will have a limited, if any, impact on neighboring properties.

In light of the above, there will be no substantial impairment to the Township Zone Plan or Township Ordinance.

For all of these reasons, both the positive and negative criteria should be deemed satisfied and the Planning Board should grant the Variance based on the justification provided herein.

V. BULK VARIANCE RELIEF REQUESTED

Applicants request that the Planning Board grant “c(2)” Bulk Variance to:

Allow side yard setbacks of 72.6 +/- feet, 79.2 +/- feet and 97.2 +/- feet where 100 foot side yard setbacks are required in the AR Agricultural Residential District by Township Ordinance Section 110-16.D.;

Allow for building coverages of approximately 19.9%, 28%, 19.2%, 31%, 19.3%, 16.3%, 30.5% & 26.5% where building coverage is limited to 8% in the AR Agricultural Residential District by Township Ordinance Section 110-16.D.;

Allow for a 50 foot front yard setback where a 100 foot setback is required in the CI Commercial / Industrial District by Township Ordinance Section 110-19.D.;

Allow proposed Lot A with a 0.02 +/- acre area and proposed Lot K with a 7.36 +/- acre area where 8 acres of area are required by Township Ordinance Section 110-18.D.;

Allow a 23.5 +/- foot lot frontage for proposed Lot A where 300 foot of frontage is required by Township Ordinance Section 110-18.D.;

Allow a lot depth of 67.6 +/- feet for proposed Lot A, 384.4 +/- feet for proposed Lot B and 577.5 +/- feet for proposed Lot K where 800 feet of lot depth is required by Township Ordinance Section 110-18.D.;

Allow a 80 +/- rear yard setback for proposed Lot H where a 100 foot rear yard setback is required by Township Ordinance Section 110-16.D; and

Allow Bulk Variance (Parking Space Variance) Approval from Township Ordinance Section 110-19.G.(1) to allow:

812 parking spaces for proposed Lot A where 1320 parking spaces are required;

340 parking spaces for proposed Lot B where 729 parking spaces are required;

152 parking spaces for proposed Lot C where 288 parking spaces are required;

520 parking spaces for proposed Lot D where 1260 parking spaces are required;

240 parking spaces for proposed Lot E where 432 parking spaces are required;

372 parking spaces for proposed Lot F where 675 parking spaces are required;

180 parking spaces for proposed Lot G where 240 parking spaces are required;

313 parking spaces for proposed Lot H where 468 parking spaces are required; and

668 parking spaces for proposed Lot I where 990 parking spaces are required.

The Bulk Variance relief requested by Applicant may be categorized as a “c(2)” Variance pursuant to N.J.S.A. 40:55D-70c, wherein the Planning Board may:

“c. (2) [w]here in an application or appeal relating to a specific piece of property, the purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to article 8 of this act.”

For all Variances, the MLUL provides that:

“No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance...”

N.J.S.A. 40:55D-70d.

The first quoted phrase above pertains to the so-called “positive criteria” or “special reasons” for the requested Variance relief, and the second pertains to the so-called “negative criteria.” The Applicant must meet both MLUL standards.

The Positive Criteria

Overall, the requested Bulk Variances are subsumed and are part of the requested Use Variance Approval. Nonetheless, no negative impact is anticipated as a result of the requested Bulk Variance relief. The reason being is that the proposed development is generally consistent with the Township Ordinance bulk and area criteria for the AR Agricultural Residential Zone, the C Commercial Zone, and the CI Commercial Industrial Zone notwithstanding that warehouses are not a permitted use.

All of the proposed conditions are consistent with, and even significantly less, that what would be typical of a warehouse zone site. The reasons being is that the proposed development

(i) encourages perimeter buffering; and (ii) provides sufficient parking to address the ITE Handbook requirements for warehouse and industrial uses.

Allowing the proposed Variances will further the purpose of the MLUL to achieve “an efficient use of land.” N.J.S.A. 40:55D-2m. That is because the proposed development provides for adequate building spacing, arrangement and building coverage typical of a warehouse campus.

Similarly, allowing the requested Variance relief here will permit the development of contemporary in-demand warehouse space, thereby providing sufficient space, in an appropriate location, for this use, thus promoting that goal of the MLUL. N.J.S.A. 40:55D-2(g).

The grant of the requested Bulk Approvals will provide these significant benefits without any detriment, and, therefore, the positive criteria for the requested Variance Approvals should be deemed to be satisfied.

The Negative Criteria

The granting of the requested Variances will not be a substantial detriment to the public good since the proposed buildings are not oversized and are well buffered from adjoining properties. For these reasons, the requested Variance Approvals can be granted without substantial impairment to the Township Zoning Plan and Township Ordinance.

For all of the foregoing reasons, the Applicant respectfully requests that the requested Bulk Variance relief described above be granted.

VI. MASTER PLAN RE-EXAMINATION

The failure of the Planning Board to reexamine its Master Plan for Over fourteen years creates a rebuttable presumption that the use regulations of the Township Ordinance are no longer reasonable or enforceable.

The MLUL, at N.J.S.A. 40:55D-89, requires municipalities to re-examine their master plan and zoning ordinance at least once every ten years and report its findings and recommendations for revision. Failure of a municipality to conduct the required review creates a rebuttable presumption that the zoning ordinance is no longer reasonable. N.J.S.A. 40:55D-89.1.

The last Township of Oldmans Master Plan Examination occurred in June 2009. Failure of the Planning Board to conduct a timely re-examination of the Master Plan, consistent with MLUL, can create an issue with the Township Ordinance.

The Planning Board's compliance with the N.J.S.A. 40:55D-89 examination requirement is significant based on a necessity to ensure that the Master Plan and the Zoning Ordinance are "...still on the same firm footing they were ten years ago."

It is indisputable that the Township of Oldmans Master Plan was last examined on or about June 2009. Pursuant to N.J.S.A. 40:55D-89.1, the failure to adopt a re-examination report for a period of over ten years renders a rebuttable presumption that the zoning ordinance is no longer reasonable. N.J.S.A. 40:55D-89.1. The failure to re-examine the Master Plan for over ten years is contrary to the provisions of the MLUL and is otherwise arbitrary and capricious, contrary to sound planning, such that the Township Ordinance is no longer reasonable.

Sufficient proof must be provided that the Master Plan and Zoning Ordinance has been reviewed and examined continuously by the Planning Board to overcome the statutory rebuttable presumption of unreasonableness. Lionshead Woods v. Kaplan Bros., 243 N.J. Super. 678, 684 – 685 (Law Div. 1990); Intervine Outdoor Advertising v. City of Gloucester City Zoning Board of Adjustment, 290 N.J. Super. 78, 83-84 (App. Div. 1996).

The Planning Board's failure to comply with N.J.S.A. 40:55D-89 does not expand the Planning Board's review authority for an Application for Use Variance, Height Variance and

Bulk Variance Approval. Vidal v. Lisaní Foods, Inc., 292 N.J. Super. 555, 567 – 568. (App. Div. 1996). However, the Planning Board's authority to render a decision to deny Applicants' Application for Application for Use Variance, Height Variance and Bulk Variance Approval is lost upon determination that the Township Ordinance is invalid due to the Master Plan being outdated. Id. Absent a current Master Plan and valid Township Ordinance, the Planning Board cannot make the clear, specific, and substantive findings needed to determine that Applicants' Application for Use Variance, Height Variance and Bulk Variance Approval will not substantially impair the intent and purpose of the Township Zone Plan and Township Ordinance. Medici v. BPR Co., 107 N.J. 1, 21-22, 526 A.2d 109 (1987)

For these reasons, and consistent N.J.S.A. 2A:16-52, Township of Oldmans Master Plan and Township Ordinance are presumed invalid and, as a consequence, that there should be no zoning prohibition against Applicants' proposed warehouses on the Property. ML Plainsboro Ltd. Partnership v. Township of Plainsboro, 316 N.J. Super. 200 (App. Div. 1998).

VII. ADDITIONAL RELIEF THAT MAY BE REQUIRED

In addition to Use Variance Approval, Height Variance Approval and Bulk Variance Approval, Applicants request that the Planning Board grant any and all other approvals, variances, submission waivers, design waivers, exceptions and/or Ordinance interpretations deemed to be necessary to allow for the Applicants' proposed development and use of the Property.

Knight Owl Holdings, III, LLC & Knight Owl Holdings, V, LLC

Oldmans Business Park South

Application for Use Variance Approval & Bulk Variance Approval

**Block 13, Lots 6 & 7; Block 28, Lots 11-21, 21.01, 23, 24, 29, 30, 31 – 34, 38 & 39
Oldmans Township, Salem County, New Jersey**

Witness List

1. Matt Lange (Applicant)
Knight Owl Holdings, III, LLC &
Knight Owl Holdings, V, LLC
197 Timberlane Road, #299
Clarksboro, New Jersey 08020
2. David J. Fleming, P.E. (Site Civil Engineer)
Marathon Engineering & Environmental Services, Inc.
3 Killdeer Court, Swedesboro, New Jersey 08085
3. Nathan B. Mosley, P.E., CME (Traffic Engineer)
Shropshire Associates LLC
277 White Horse Pike, Suite 203
Atco, New Jersey 08004
4. Lance B. Landgraf, P.P., AICP (Professional Planner)
L.B. Landgraf & Associates, LLC
9 S. Harvard Avenue
Ventnor, New Jersey 08406 – 2725

Knight Owl Holdings, III, LLC & Knight Owl Holdings, V, LLC

Oldmans Business Park South

Application for Use Variance Approval & Bulk Variance Approval

**Block 13, Lots 6 & 7; Block 28, Lots 11-21, 21.01, 23, 24, 29, 30, 31 – 34, 38 & 39
Oldmans Township, Salem County, New Jersey**

List of Requested Variances

1. “D(1)” Use Variance Approval to allow for the development and use of warehouses in the AR Agricultural Residential District and C Commercial District (Township Ordinance Section 110-16.A and Section 110-18.A.)
2. “D(6)” Height Variance Approval to allow for building heights up to 60 foot where building height is limited to 35 feet in the AR Agricultural Residential District, 40 feet in the Commercial District and 35 feet in the Industrial District by Township Ordinance Section 110-16.C, Section 110-18.C and Section 110-20.C.
3. “C(2)” Bulk Variance Approval to allow side yard setbacks of 72.6 +/- feet, 79.2 +/- feet and 97.2 +/- feet where 100 foot side yard setbacks are required in the AR Agricultural Residential District by Township Ordinance Section 110-16.D.
4. “C(2)” Bulk Variance Approval to allow for building coverages of approximately 19.9%, 28%, 19.2%, 31%, 19.3%, 16.3%, 30.5% & 26.5% where building coverage is limited to 8% in the AR Agricultural Residential District by Township Ordinance Section 110-16.D.
5. “C(2)” Bulk Variance Approval to allow a 50 foot front yard setback where a 100 foot setback is required in the CI Commercial / Industrial District by Township Ordinance Section 110-19.D.
6. “C(2)” Bulk Variance Approval to allow proposed Lot A with a 0.02 +/- acre area and proposed Lot K with a 7.36 +/- acre area where 8 acres of area are required by Township Ordinance Section 110-18.D.
7. “C(2)” Bulk Variance Approval to allow a 23.5 +/- foot lot frontage for proposed Lot A where 300 foot of frontage is required by Township Ordinance Section 110-18.D.
8. “C(2)” Bulk Variance Approval to allow a lot depth of 67.6 +/- feet for proposed Lot A, 384.4 +/- feet for proposed Lot B and 577.5 +/- feet for proposed Lot K where 800 feet of lot depth is required by Township Ordinance Section 110-18.D.

9. "C(2)" Bulk Variance Approval to allow a 80 +/- rear yard setback for proposed Lot H where a 100 foot rear yard setback is required by Township Ordinance Section 110-16.D.
10. "C(2)" Bulk Variance (Parking Space Variance) Approval from Township Ordinance Section 110-19.G.(1) to allow:
 - a. 812 parking spaces for proposed Lot A where 1320 parking spaces are required;
 - b. 340 parking spaces for proposed Lot B where 729 parking spaces are required;
 - c. 152 parking spaces for proposed Lot C where 288 parking spaces are required;
 - d. 520 parking spaces for proposed Lot D where 1260 parking spaces are required;
 - e. 240 parking spaces for proposed Lot E where 432 parking spaces are required;
 - f. 372 parking spaces for proposed Lot F where 675 parking spaces are required;
 - g. 180 parking spaces for proposed Lot G where 240 parking spaces are required;
 - h. 313 parking spaces for proposed Lot H where 468 parking spaces are required; and
 - i. 668 parking spaces for proposed Lot I where 990 parking spaces are required.

AFFIDAVIT OF OWNERSHIP AND CONSENT

STATE OF NJ

COUNTY OF Gloucester

:
:
: ss.
:

I, Matthew Lang, of full age, being duly sworn according to law, appeared and on oath depose and say, as the Managing Member, of Knight Owl Holdings III, LLC, with offices at 197 Timberlane Road #299, Clarksboro, New Jersey 08020, the Owner of land situated, lying, and being in the Township of Oldmans, Salem County, New Jersey, and known and designated as Block 13, Lot 7 on the Official Oldmans Township Tax Map (the "Property"), that the Owner hereby consents to Knight Owl Holdings III, LLC with offices at 197 Timberlane Road #299, Clarksboro, New Jersey 08020 and Knight Owl Holdings V, LLC with offices at 197 Timberlane Road #299, Clarksboro, New Jersey 08020 and their consultants and attorneys acting on behalf of Knight Owl Holdings III, LLC and Knight Owl Holdings V, LLC, filing application forms, maps, plans, plats and other related, supporting documents and reports, as required for any local, County, State or Federal regulatory approval applications pertaining to the Property, or for any authorizations for the installation of utilities and related improvements on the Property, and further consents to any surveys and inspections required in the course of any local, County, State or Federal regulatory approval applications or utility authorization requests filed by Knight Owl Holdings III, LLC and Knight Owl Holdings V, LLC, at Knight Owl Holdings III, LLC and Knight Owl Holdings V, LLC's sole cost and expense, that pertain to the Property. Owner hereby affirms that Owner shall execute any additional application forms and application related documents as needed to further the consent hereby given.

KNIGHT OWL HOLDINGS III, LLC

By: [Signature]

Sworn and subscribed to
before me on this 14 day
of September, 2022

Dana Willis

Notary Public

DANA WILLIS
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES APRIL 30, 2025

AFFIDAVIT OF OWNERSHIP AND CONSENT

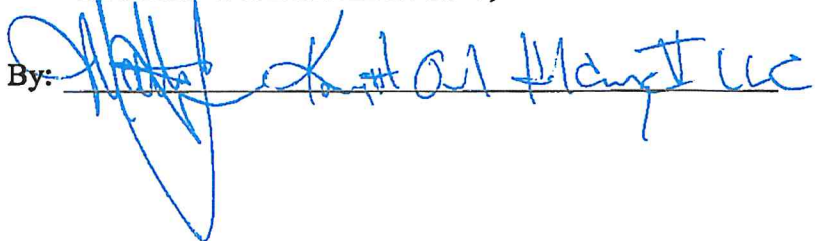
STATE OF NJ

COUNTY OF Gloucester

:
:
: SS.
:

I, Nathan Lange, of full age, being duly sworn according to law, appeared and on oath depose and say, as the Nathan Lange, of **Knight Owl Holdings V, LLC**, with offices at 197 Timberlane Road #299, Clarksboro, New Jersey 08020, Owner of land situated, lying, and being in the Township of Oldmans, Salem County, New Jersey, and known and designated as **Block 28, Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 21.01, 23, 24, 29, 30, 31, 32, 33, 34, 38 & 39** on the Official Oldmans Township Tax Map (the "Property"), that the Owner hereby consents to **Knight Owl Holdings V, LLC** with offices at 197 Timberlane Road #299, Clarksboro, New Jersey 08020 and to **Knight Owl Holdings III, LLC** with offices at 197 Timberlane Road #299, Clarksboro, New Jersey 08020 and their consultants and attorneys acting on behalf of **Knight Owl Holdings V, LLC** and **Knight Owl Holdings III, LLC**, filing application forms, maps, plans, plats and other related, supporting documents and reports, as required for any local, County, State or Federal regulatory approval applications pertaining to the Property, or for any authorizations for the installation of utilities and related improvements on the Property, and further consents to any surveys and inspections required in the course of any local, County, State or Federal regulatory approval applications or utility authorization requests filed by **Knight Owl Holdings V, LLC** and **Knight Owl Holdings III, LLC**, at **Knight Owl Holdings V, LLC** and **Knight Owl Holdings III, LLC**'s sole cost and expense, that pertain to the Property. Owner hereby affirms that Owner shall execute any additional application forms and application related documents as needed to further the consent hereby given.

KNIGHT OWL HOLDINGS V, LLC

By: 

Sworn and subscribed to
before me on this 14 day
of September, 2022

Dana Willis

Notary Public

DANA WILLIS
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES APRIL 30, 2025

Corporate Disclosure Information Statement

Pursuant to N.J.S.A. 40:55D-48.1, the following persons or entities have a 10% or greater interest in Knight Owl Holdings V, LLC:

Matthew Lange	40 Ohio State Drive Newark, Delaware 19713
Orlando Rodriguez	19 Marc Drive Matawan, New Jersey 07747
John P. Drum, Jr.	45 Shira Lane Manalapan, New Jersey 07751
Patrick Drum	17 Riley Road Morganville, New Jersey 07751
Joseph Drum	129 Jackson Street South River, New Jersey 08882

Corporate Disclosure Information Statement

Pursuant to N.J.S.A. 40:55D-48.1, the following persons or entities have a 10% or greater interest in Knight Owl Holdings III, LLC:

Matthew Lange	40 Ohio State Drive Newark, Delaware 19713
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