

FOR OFFICIAL USE ONLY

Application No.: _____ Application Fee: _____
Date Filed: _____ Escrow Fee: _____
Date Deemed Complete: _____
Hearing Date: _____

ZONING BOARD OF ADJUSTMENT

**Municipal Building
16 Lanning Boulevard
East Windsor, NJ 08520**

SUBJECT PROPERTY

Location: 624 Mercer Street (NJSH Route 33)

Block * Please see below. Lot * Please see below. Zone C-R Zone (Corridor Revitalization)

Has property been subject of previous applications? Yes

Type of application previously made Site Plan (approved)

(Attach copies of Resolution of Memorialization) * See attached Resolution

APPLICANT

Name: 624 East Windsor Hi-Tech Associates, LLC

Address: 2 North Street

City, State, Zip: Waldwick, NJ 07463

Telephone & Fax Nos.: _____

Applicant is a: ☒ Corporation* ☐ Partnership ☐ Individual
*LLC

OWNER (If other than applicant.)

Name: Please see attached "List of Site Owners" sheet.

Address: _____

City, State, Zip: _____

Telephone & Fax Nos.: _____

ATTORNEY (If Applicant is a Corporation a New Jersey Attorney is required)

Name: Jason R. Tuvel, Esquire

Firm Name: Prime & Tuvel

Address: 2 University Plaza Drive, Suite 109

City, State, Zip: Hackensack, NJ 07601

Telephone & Fax Nos.: Telephone: (201) 883-1010 Fax: (856) 273-8383

*Block 53, Lots 11.01, 41, 42, and 43
and
Block 53.03, Lots 96, 97, and 98

East Windsor Township Application for
624 East Windsor Hi-Tech Associates, LLC

List of Site Owners

Block 53, Lots 11.01 and 42

East Windsor Township
16 Lanning Blvd
East Windsor, NJ 08520

- Please note that the Applicant requests that East Windsor Township vacate Block 53, Lots 11.01 and 42 (two lots) as a condition of any approvals for this application.

Block 53, Lots 41 and 43; Block 53.03. Lots 96, 97, and 98

624 EW HiTech Assoc, LLC c/o Center
2 North St, Suite 2B
Waldwick, NJ 07463

TYPE OF APPLICATION

- ☐ Bulk Variance ☐ Conditional Use ☒ Use Variance ☐ Interpretation
☐ Alleged Error ☐ Appeal of Zoning Officer's Decision

BULK VARIANCE REQUEST

1. Explanation of the proposed physical changes requested to your property (i.e., erection of a fence, addition, deck, etc.)
Please refer to Variance & Waiver List.

2. Please provide the following:
Required setback according to the Zoning Ordinance Please refer to Zoning Table on site plan.
Proposed setback Please refer to Zoning Table on site plan.

3. What are the exceptional conditions of the property preventing the applicant from complying with the Zoning Ordinance?
Please refer to Variance & Waiver List.

4. Supply a statement of fact showing why relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance.
Please refer to Variance & Waiver List.

5. Please provide the following information (if applicable):
 - a. Type of construction – frame, stone, brick, cement, etc.
Please refer to site plan.

 - b. Present use of existing building(s) and premises
Undeveloped land

 - c. Location, size and design of signs. Attach details.
N/A

- d. Describe any deed restrictions and/or easements affecting this property and/or rights of way.
Please see title report
- e. Total proposed dwelling units. N/A
- f. Total proposed professional offices N/A
- g. Total proposed floor area. Please refer to site plan.
- h. Total proposed parking spaces. 338
- i. Photograph(s) of land and/or buildings involved in the application.
- j. Names and addresses of all expert witnesses proposed to be used (if applicable).
Thomas J. Muller, PE, PP for Dynamic Engineering, 1904 Main Street, Lake Como, NJ 07719
Justin Taylor, PE, PTOE, LEED AP for Dynamic Engineering, 1904 Main Street, Lake Como, NJ 07719
- k. Proof of payment of all taxes due and owing on the premises.
Please see attached tax certification.
6. A sealed plot plan or survey of the property to scale (not less than 1 inch being equal to 100 feet) indicating the relation of the existing and / or proposed structure with adjoining property, driveways, and structures. Scale drawings (not less than ¼ inch being equal to 1 foot) of the proposed building(s), or of the existing structure, indicating the changes, alterations, or additions contemplated, will be presented at the hearing, if applicable.

CONDITIONAL USE OR USE VARIANCE REQUEST

1. Request is hereby made for a conditional use or use variance as follows:
Please refer to Variance & Waiver List.

2. Please state the section(s) of the Zoning Ordinance which relief is being requested:
Please refer to Variance & Waiver List.

3. Please provide a statement as to the local need for the proposed use and whether or not said need is adequately served by existing facilities within feasible distance of the area to be served.
Please refer to Variance & Waiver List.

4. Please provide a statement as to the nuisance factors associated with the proposed use. (See Chapter 22 of the Revised General Ordinance of East Windsor, Section 22:11-16)
Please provide a statement as to how the applicant plans on minimizing the nuisance factors from adjacent property owners, i.e, landscaping, fencing, etc.
Legal testimony will be provided at public hearing.

5. Please provide a statement as to the amount of traffic that will be associated with the proposed use. (State periodic traffic volume and any specific traffic patterns)
Testimony will be provided at public hearing.

REQUEST FOR INTERPRETATION OF ZONING REGULATION OR MAP

A request is hereby made for an interpretation of the following provisions of the Zoning Ordinance or Map in their application to the following cases: (State facts of case, parts of Zoning Ordinance involved and questions propounded.)

Please refer to Variance & Waiver List.

Block 53, Lots 41 and 43
and
Block 53.03, Lots 96, 97, and 98

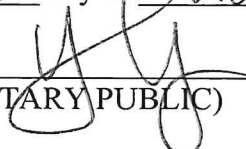
APPLICANT'S AGREEMENT

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.]


(SIGNATURE OF APPLICANT)
624 East Windsor Hi-Tech Associates, LLC

Sworn to and subscribed before me this
12th day of March, 2021.


(NOTARY PUBLIC)

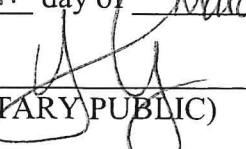
YESUL CHANG
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES AUG. 01, 2022

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 applicant, the representations made, and the decision in the same manner as if I were the applicant.

[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.]


(SIGNATURE OF OWNER)
624 EW HiTech Assoc, LLC c/o Center

Sworn to and subscribed before me this
12th day of March, 2021.


(NOTARY PUBLIC)

YESUL CHANG
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES AUG. 01, 2022

STATE OF }
COUNTY OF } ss:

(Notary Seal)

EAST WINDSOR TOWNSHIP ZONING BOARD OF ADJUSTMENT

CONSENT TO ENTRY

The undersigned property owner hereby consents to the entry onto the property known as
Block 53, Lots 41 and 43
and Block 53.03, Lots 96, 97, and 98
Route 33 West (street address), Block _____, Lot _____
on the Tax Map of the Township of East Windsor by members of the East Windsor Township
Zoning Board to perform an inspection(s) of the property, at reasonable times, in connection with
the application for a bulk variance, use variance, site plan, or subdivision which has been
submitted herewith.

This consent permits entry onto the property only by the above-mentioned Board
Members for the purpose of conducting visual inspections during the pendency of the aforesaid
application. This right of entry is limited to entry onto the subject property only by those persons
holding the designated position listed herein.

Date: 3/12/2021



Property Owner
624 EW HiTech Assoc, LLC c/o Center
Block _____ Lot _____
Block 53, Lots 41 and 43
and
Block 53.03, Lots 96, 97, and 98

*Requested under separate cover.

CERTIFIED LIST REQUEST

TO: EAST WINDSOR TAX ASSESSOR'S OFFICE

FROM:

(Name of Requestor)

(Address)

(Phone number where you can be reached during daytime hours)

DATE:

Request is hereby made for a certified list of names and addresses of all property owners within a 200-foot radius of Block _____, Lot(s) _____ of the East Windsor Township Tax Map.

I understand that the attached list of utilities companies will also need to be notified.

I understand that upon application of said certified list, payment in the amount of ten dollars (\$10.00) or twenty-five cents (.25¢) per name, whichever is greater, must be rendered.

(Signature of Requestor)

*Will be provided prior to hearing.

AFFIDAVIT OF SERVICE

STATE OF NEW JERSEY }
 }
COUNTY OF MERCER } ss:
 }

I, _____, of full age, being duly sworn, according to law upon my oath, depose and say:

1. On the _____ day of _____, 20____, I served a true copy of the attached Notice of Hearing upon the attached list of Property Owners as supplied by the East Windsor Township Tax Assessor, by certified mail, return receipt requested, as required by law.

2. The attached list of property owners are those persons within 200 feet of the property who would be affected by this application.

3. The subject of this application is Block _____, Lot _____, also commonly known as _____ (provide street address).

4. The foregoing statements made by me are true. I am aware that if any statements made by me are willfully false, I am subject to punishment.

(Signature)

Sworn and subscribed to before me this

_____ day of _____, 20____.

*Will be provided prior to hearing.

LEGAL NOTICE

Notice is hereby given that on Thursday, the _____ day of _____, 20____, on or about 8 p.m. at the East Windsor Township Municipal Building, 16 Lanning Boulevard, East Windsor, New Jersey, the Zoning Board of Adjustment of East Windsor Township will hold a hearing on the appeal or application of the undersigned, at which time and place all interested parties will be given the opportunity to be heard.

Application Number _____ Title _____

Applicant _____

Location of Premises: Block _____ Lot _____ Zone _____

Address: _____

Nature of appeal or application:

Propose: _____

Approval Sought: _____

(If variances are sought – include the following:)

Required: _____ Proposed: _____

A copy of the proposed plan and / or application is available for review at the Planning / Zoning Board office during normal business hours, 8:30 a.m. – 4:30 p.m., Monday through Friday.

Signature: _____

(Print Name of Appellant) _____

This notice must be served on all owners of property within 200 feet of the premises by hand-carrying / signature of listing or certified mail and also published in the Official Newspaper of East Windsor Township – check with the instructions or the Secretary.

EAST WINDSOR TOWNSHIP ESCROW AGREEMENT

THIS ESCROW AGREEMENT, made this 17th day of March, 2021, by and between 624 East Windsor Hi-Tech Associates, LLC, with a street address of 2 North Street, Waldwick, NJ 07463 ("Applicant" / "Developer") and EAST WINDSOR TOWNSHIP, East Windsor, New Jersey ("East Windsor").

WHEREAS, Developer / Applicant submitted an application for development to the East Windsor Township Planning Board / Zoning Board of Adjustment for lands located at Route 33 West and being also known and designated as Block *See below, Lot *See below on the East Windsor Township Tax Maps; and

WHEREAS, ordinances of East Windsor require that the Developer / Applicant pay certain sums into an Escrow Account for the review of said application for development.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and in accordance with applicable law and for other good and valuable consideration, Developer / Applicant agrees as follows:

1. Developer shall immediately pay to East Windsor the sum of \$ 2,500.00 to be held by East Windsor in an interest-bearing Escrow Account. Developer / Applicant shall make payment by cash or check.

2. East Windsor shall have the right and authority to draw funds from said Escrow account for any professional, including but not by way of limitation, engineers, architects, attorneys, surveyors, traffic consultants, noise and sound engineers, planners, license sanitarians and others who shall have reviewed the Developer / Applicant's application, prepared responses or reports in connection therewith, attended or testified at any hearing or also have provided any other service for the Planning Board / Zoning Board in connection with Developer / Applicant's application for development.

3. As soon as the Escrow Account shall be reduced to thirty percent (30%) of the original amount paid hereunder by Developer/Applicant, or as soon as additional payments are deemed desirable by the Planning Board or the Zoning Board of Adjustment of East Windsor, Developer / Applicant shall be notified that additional funds in a specified amount must be deposited in the Escrow Account. Developer agrees to make the payment of the amount specified within fifteen (15) days of receipt of the request for additional funds. If payment is not received by East Windsor within said fifteen (15) days, interest shall be charged at the rate of one and one-half percent (1½%) per month on the amount owed. Interest shall be compounded monthly and shall be due and payable in full immediately, without further notice, and shall not be prorated to the day of receipt but shall be deemed to have accrued in full on the first day of each month. East Windsor may accept and deposit any amount paid by Developer / Applicant without compromising or waiving the right to demand and receive the balance owed.

*Block 53, Lots 11.01, 41, 42, and 43
and
Block 53.03, Lots 96, 97, and 98

4. Developer agrees that if no payment is made within thirty (30) days of Developer / Applicant's receipt of request for same, East Windsor may bring a legal action against Developer / Applicant for the collection of same. Developer / Applicant will pay all of East Windsor's attorney fees (at the regular hourly rate charged by said attorney for collection suits) and costs in connection therewith in addition to all prejudgment and post-judgment interest. Any legal action commenced by East Windsor shall be in addition to, and not an alternative to, any other rights or remedies East Windsor may have under the Escrow Agreement, the ordinances of East Windsor, or the laws of the State of New Jersey.

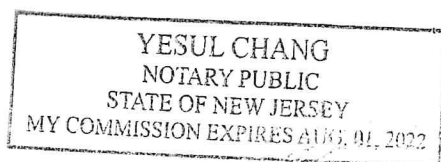
6. The Escrow Account shall be established and maintained in accordance with the ordinances of East Windsor and the laws of the State of New Jersey. This Escrow Agreement shall be construed and enforced according to the laws of the State of New Jersey.


WITNESS OR ATTEST


DEVELOPER / APPLICANT
624 East Windsor Hi-Tech Associates, LLC

STATE OF NEW JERSEY }
COUNTY OF BERGEN } ss.

On this 12th day of MARCH, 20 21, before me, the subscriber, a Notary Public of the State of New Jersey, personally appeared Lawrence Rappaport, Managing Member of Applicant, to me known and known to me to be one of the persons described in and who executed the foregoing instrument, and duly acknowledged to me that he executed the same as his free act and deed.



Notary Public

STATE OF }
COUNTY OF } ss:

SECRETARY

NOTARY PUBLIC

APPLICANTS DISCLOSURE STATEMENT

Pursuant to the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-48.1 and 48.2, a corporation, partnership or other business entity that makes application for a subdivision of land into six or more lots, or site plan approval for commercial purposes, or a variance to construct a multiple dwelling of 25 or more family units, must disclose the name(s) and address(es) of all persons, stockholders, or individual partners owning at least 10% of the stock in the corporation or at least 10% of the interest in the partnership or other entity.

The names and addresses of all persons, stockholders, or individual partners owning at least ten percent (10%) interest in the corporation, partnership, or applicant are as follows:

NAME	ADDRESS
<u>Jack DiPiazza</u>	<u>451 Saddle Back Trail, Franklin Lakes, NJ 074</u>
<u>Laurence Rappaport</u>	<u>1 Journal Square Plaza, Suite 301, Jersey Cit</u> NJ 07306
<u>Joe Lobuono</u>	<u>2 North Street, Waldwick, NJ 07463</u>
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3/12/2021
DATE


APPLICANTS SIGNATURE

642 EAST WINDSOR HI-TECH ASSOCIATES, LLC
APPLICANT (PRINT FULL NAME)

Date: 3-2-2021

Ms. Robin Tillou, Zoning Board of Adjustment Administrative Secretary
Township of East Windsor
16 Lanning Boulevard
East Windsor, NJ 08520

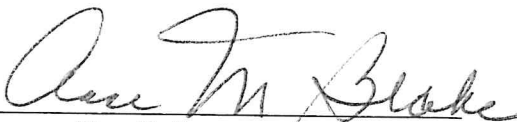
Dear Ms. Tillou:

Pursuant to your request, I have reviewed the Tax Records of the Township of East Windsor and preliminarily note that there are no taxes or assessments for local improvements that are due or delinquent on the property which is the subject matter of the following applicant:

624 East Windsor Hi-Tech Associates, LLC
(Applicant Name)

624 Mercer Street
(Address)

Block 53, Lots 11.01, 41, 42 and 43
Block 53.03, Lots 96, 97 and 98


Tax Collector


Township Clerk ASSESSOR

NOTE: *The above is not a formal tax search or improvement search performed pursuant to NJSA 54:1 et seq. The information supplied is preliminary in nature, designed to assist the processing of applications before the Planning and Zoning Boards. In the event that the applicant desires to rely upon the information, a formal tax search and Municipal Improvement Search should be applied for and the fees posted for said search in accordance with the prevailing statutes.*