

APPLICATION TO
ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF UPPER

Applicant's Name John Federico

Applicant's Address 10450 N.E. 5th Avenue, Miami Shores, FL 331138

Applicant's Phone No. c/o Kris Facenda, Esq. 609-385-8791

Applicant's Fax or E-Mail c/o Kris Facenda, Esq. kris@facendalaw.com

Owner's Name Fair Investment Partnership

Owner's Address 502 Harriett Lane, Havertown, PA 19083

Relationship of applicant to owner (i.e., tenant, agent, purchaser under contract, same person, or other) Purchaser under Contract (oral)

Location of Premises 2069 and 2071 Route US 9 South
(Street)

Block(s) 560 Lot(s) 2 & 3
(Tax Map Reference)

The premises are situated on the (east, west, north, south) side of Route 50
(street) and are approximately 740' +/- feet from
the intersection (landmark or intersection of another street)

The premises are located in the Town Center Core (TCC) zone as shown on the
Zoning Map of the Township of Upper.

PART III

TO BE FILLED IN ONLY IF APPLICATION
IS MADE DIRECTLY TO THE BOARD OF
ADJUSTMENT OR IF ALTERNATIVE RELIEF IS
SOUGHT PURSUANT TO N.J.S.A. 40:55D-70c OR d.
(If inadequate space is provided, attach additional
sheet of paper with additional information)

- A. Variances being requested (list sections of the ordinance from which variance is requested:

"D" use variance relief to construct, establish and maintain a combination residential/commercial
development project consisting of 24 apartment units, a 108 room hotel, 170 parking spaces and other
site improvements including but not limited to retention basins. "C" variance relief for minimum lot
width (PENC), maximum building height, minimum lot frontage (PENC), landscaping buffer and parking.

- B. Proposed construction, alteration, conversion or use: A combination residential/commercial

development project consisting of 24 apartment units and 108 room hotel.

- C. If site plan or subdivision approval is being requested in conjunction with a use variance request, set forth the following:

Applicant represents a request for the following:

Subdivision:

☐ Minor Subdivision Approval
☐ Subdivision Approval (Preliminary)
☐ Subdivision Approval (Final)
Number of lots to be created _____
(including remainder lot)
Number of proposed dwelling units _____
(if applicable)

Site Plan:

☒ Minor Site Plan Approval
☒ Preliminary Site Plan Approval
☒ [Phases (if applicable) I and II _____]
☒ Final Site Plan Approval
[Phases (if applicable) I _____]
☐ Amendment or revision to an approved site plan
Area to be distributed (sq. ft.) _____
Total number of proposed dwelling units 24
☐ Request for waiver from site plan review and approval.

Waivers requested: Item 27 - Waiver from providing contours 200' beyond subject property

Item 45- Waiver from providing plan for containment of any volatile, toxic or hazardous materials.

Item 63 - Waiver from providing environmental assessment plan

Item 65 - Waiver from providing neighborhood map showing
aerial map 500' beyond the subject property.

Reason for request: _____

See Variance and Waiver Justification Report

1. Said property is 248.46' x 1536.04' x 246.94' x 1625.64'

(give dimensions and area) and has the following existing structures: _____

vacant land

2. If less than the entire lot is to be utilized for the proposed use or construction,
dimensions of the portion of the lot to be utilized are: N/A

3. Size of proposed building:

At street level 185' x 65' and 120' x 45'

Feet Front See above

Feet Deep See above

Height 49.5'

Stories 3

Feet 49.5ft

4. Setbacks of Primary Structure:

Setbacks of Accessory Structures:

Front 90.90'

Rear 895.96'

Side 25.9'

Side 26'

% Building Coverage 8%

5. Date property acquired: May 22, 1998

6. Has there been any previous appeal, request or application to this or any other Township Boards or the Construction Official involving these permits?

Yes _____ No None known

If YES, state the nature, date and the disposition of said matter:

7. Set forth facts and conditions, including any special reasons, if applicable, which Entitle the applicant to the variance relief requested.

See Variance and Waiver Justification Report

8. Set forth why variance relief requested can be granted without substantial detriment to the public good an will not substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance.

See Variance and Waiver Justification Report

9. All applicants must set forth below or attach to this application the following information (if applicable):

(a) Type of construction (frame, stone, brick, cement, etc.):

Frame

(b) Present use of existing building(s) and premises:

(c) Describe any deed restrictions affecting this property:

(d) Total proposed floor area: TBS

(e) Total proposed parking spaces: 170 parking spaces

(f) Are photographs of land and buildings involved in the application attached: _____ yes ☒ no

(g) Names and addresses of all expert witnesses proposed to be used:

Rami Nassar, P.E. - Schaeffer, Nassar and Scheidegg

David H. Horner, P.E. P.T.O.E. - Horner & Canter Associates

(h) Proof of payment of all taxes due and owing on the premises.

10. A legible plot plan or survey to scale (not less than 1" = 100" of the property) indicating the relation of the existing and/or proposed structure with adjoining property and structures accompanies this application. Scale drawings (of not less than .25" = 1" of the proposed building(s) of the existing structure indicating the changes, alterations or additions contemplated will be presented at the hearing, if relevant.
11. A copy of any conditional contract or agreement related to this application must be filed with the application or presented to the Board at the time of hearing.
12. If the applicant is a corporation, partnership or limited liability company, the names and addresses of all stockholders or partners owning a 10% or greater interest in said corporation or partnership shall be set forth in accordance with P.L. 1977 Ch.336.

Kristopher J. Facenda, Esq.
Attorney at Law – State of New Jersey
2408 New Road, Suite 2
Northfield, New Jersey 08225

13. I certify that the foregoing statements and the material 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. If the applicant is a limited liability company, this must be signed by the authorized member(s).)

Sworn to and subscribed
Before me this 4th
Day of Jan., 20 24

NOTARY PUBLIC

SIGNATURE OF APPLICANT

14. 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 applications, 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. If the owner is a limited liability company, this must be signed by the authorized member(s).]

Kristopher J. Facenda, Esq.
Attorney at Law – State of New Jersey
2408 New Road, Suite 2
Northfield, New Jersey 08225

Sworn to and subscribed
Before me this 4th
Day of Jan., 20 24

NOTARY PUBLIC

SIGNATURE OF OWNER

I understand that the sum of \$ _____ has been deposited in an escrow account. In accordance with the Ordinance of the Township of Upper, 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 that sum to the escrow account within fifteen (15) days.

DATE

SIGNATURE OF OWNER OR APPLICANT