

PENNVAL ROAD REDEVELOPMENT STUDY

Township of Woodbridge
Middlesex County, New Jersey

APPENDICES A-D

February 2008

Prepared by

Heyer, Gruel & Associates
Community Planning Consultants
63 Church Street, 2nd Floor
New Brunswick, New Jersey 08901
732-828-2200

APPENDIX A RESOLUTION

RESOLUTION AUTHORIZING THE PLANNING BOARD OF THE
TOWNSHIP OF WOODBRIDGE TO UNDERTAKE A PRELIMINARY
INVESTIGATION TO DETERMINE IF CERTAIN REAL PROPERTY IN
THE PENNAVAL ROAD AREA IS AN AREA IN NEED OF REDEVELOPMENT

WHEREAS, the Municipal Council desires to direct the Planning Board to undertake a preliminary investigation to determine if certain real property in the Pennaval Road Area in accordance with Schedule A attached hereto, is an area in need of redevelopment in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Woodbridge, County of Middlesex, State of New Jersey, as follows:

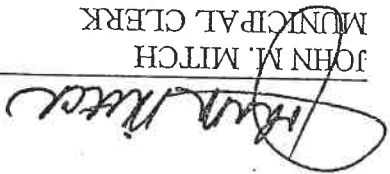
1. The Municipal Council thereby authorizes and directs the Planning Board to undertake a preliminary investigation to determine if certain real property more particularly, in accordance with Schedule A attached hereto, is an area in need of redevelopment pursuant to and in accordance with the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et seq.

2. The Director of the Department of Planning and Development, the Municipal Engineer and the Director of Law, as well as any other appropriate municipal official are hereby directed and authorized to take any and all action necessary to assist the Planning Board in undertaking its responsibilities as set forth in this Resolution.

ADOPTED: NOV 20 2007

I hereby certify that the above is a true and exact copy of the Resolution adopted by the Municipal Council of the Township at their Regular Meeting held on
NOV 20 2007

JOHN M. MITCH
MUNICIPAL CLERK



APPENDIX B

ZONING STANDARDS

(a) Private garage space for the storage of vehicles operated exclusively as part of a permitted use.

(b) Signs, subject to the provisions of § 150-41 of this article.

(c) Fences and hedges, subject to the provisions of § 150-44 of this article.

(d) Buildings for tools and equipment used for maintenance of grounds.

(e) Other customary accessory uses and structures which are clearly incidental to the principal structure and use.

(f) Offices of all administrative nature when connected to the principal use.

(14) Conditional uses. The following uses are permitted, subject to approval by the municipal agency and the special conditions of § 150-46 of this article.

(a) Lumberyards and building material sales.

(b) Construction contractors.

(c) Automotive repair garages.

(d) Public utility installations. (Amended 4-4-1995 by Ord. No. 95-24; 6-7-1995 by Ord. No. 95-49)

(1) Cellular communications towers. No cellular tower shall be located within a minimum distance of 2,000 feet of a residential structure, school or other such tower.

(e) Government and public buildings and services necessary to the health, safety, convenience and general welfare of the inhabitants, including volunteer fire companies and first-aid squads.

(15) Within areas zoned M-1/SR only, salvage/recycling. The purpose of the M-1/SR salvage/recycling designation is to recognize areas of existing salvage/recycling operations, yet to provide for their aesthetic improvement and eventual conversion to other light industrial uses. (Added 12-21-1993 by Ord. No. 93-104)

C. Development standards. The M-1 Light Industrial Zone specified herewith shall be occupied only as indicated in the Schedule of Bulk Requirements included at the end of this chapter and as follows:

(1) Principal buildings.

(a) Minimum lot size: one acre.

(b) Minimum lot width: 150 feet.

(c) Minimum lot depth: 200 feet.

(d) Minimum front yard setback (measured from the future street right-of-way): 60 feet, except for salvage/recycling operations in the SR subzone, which may be set back 50 feet. (Amended 12-21-1993 by Ord. No. 93-104)

(e) Minimum rear yard setback: 60 feet. Where an industrial zone abuts a lot in a residential zone, a rear yard of 100 feet shall be required.

(f) Minimum each side yard setback: 30 feet. Where an industrial zone abuts a lot in a residential zone, a side yard of 100 feet shall be required.

(g) Side and rear yard setbacks may be reduced as follows: (Amended 12-21-1993 by Ord. No. 93-104)

(1) No side or rear yard shall be required where the boundary line is a railroad right-of-way line providing direct access to that property.

(2) Salvage/recycling operations in the SR subzone may reduce side and rear setbacks to 15 feet where directly adjacent to another salvage/recycling use.

(h) Maximum lot coverage: 45%. (Added 12-21-1993 by Ord. No. 93-106)

(i) Minimum gross floor area: 8,000 square feet.

(j) Maximum building height- 50 feet except for salvage/recycling operations in the SR subzone, which may not exceed 35 feet. (Amended 12-21-1993 by Ord. No. 93-104)

(k) Maximum distance between buildings: More than one principal building on a lot shall provide a minimum open unoccupied area between buildings equal to the height of the adjoining building or buildings, but not less than 15 feet.

(1) Maximum floor area ratio: 1.50:1. (Added 9-4-1984 by Ord. No. 84-55)

(2) Accessory buildings: Accessory buildings shall be set back one foot for each one foot of building height, but not less than 30 feet from a property line, except where the yard abuts a residential zone, where the accessory building shall meet all the setback requirements of a principal building. Accessory buildings are not permitted in the required front yard.

(3) All accessory structures shall not exceed the height requirements applicable to the principal structure. (Added 4-4-1995 by Ord. No. 95-23)

D. Other provisions and requirements.

§ 150-37. M-1 Light Industrial Zone.

A. Purpose. The purpose of the M-1 Light Industrial Zone is to provide for the development of light industrial land uses in the Township; to provide places of employment; to provide for a compatible land use relationship; to restrict the emission of any environmental pollutants; and to provide for the safe and efficient flow of vehicles to and from industrial areas.

B. Permitted uses. A building may be erected, altered or used and a lot or premises may be occupied and used for any of the following purposes:

(1) Manufacturing and assembly of light machinery, such as the following: carburetors and small machine parts; cash registers; sewing machines; and typewriters, calculators and other office machines.

(2) Fabrication and assembly of metal products, such as the following: baby carriages, bicycles and other light vehicles; metal foil, aluminum, gold and the like; metal furniture; musical instruments; sheet metal products; and toys.

(3) Fabrication of paper products, such as the following: bags; books; bookbinding; boxes and packaging materials; office supplies; and toys.

(4) Fabrication of wood products, such as the following: boats; boxes; cabinets and woodwork; furniture; and toys.

(5) Fabrication of concrete and plastic products.

(6) Food and associated industries comprising any of the following: bakeries; bottling of food and beverages; food and cereal mixing and milling; food processing; food sundry manufacturing and distribution.

(7) Television and radio studios and antennas.

(8) Other permissible industrial uses comprising any of the following: brush and broom manufacturing; electronic products; glass and glass products, including soluble glass and derivative products; jewelry manufacturing, including polishing; laundering and cleaning establishments; leather goods manufacturing, except curing, tanning and finishing of hides; and sporting goods manufacturing.

(9) Warehouses, wholesale sales, storage and distribution.

(10) Newspaper and publishing plants.

(11) In addition to the above, any industry not inconsistent with the above that is totally similar in purpose, function, character and effort.

(12) General office buildings.

(13) Accessory buildings and uses, including:

(1) Off-street parking and loading is required subject to the special conditions in § 150-42 of this article.

(2) Landscaping is required subject to the special conditions as specified in § 150-43 of this article.

(3) Industrial uses shall be subject to the performance standards of § 150-45 of this article.

(4) No property in a residential zone shall be used as a driveway or parking lot to serve an industrial use.

(5) Storage of materials, raw or finished, shall be confined to within a wholly enclosed building or shall be enclosed by a fence and visually screened from public view. The height of stockpiled materials shall be limited to the height of the fence, and screening and shall be limited to 15 feet. Fences exceeding eight feet in height shall be set back from any lot line a distance equal to the height of the fence. Salvage/recycling operations in the SR subzone shall be required to maintain a seven-foot-wide planted buffer between any outdoor storage area and any boundary adjacent to a residential use or zone. (Amended 12-21-1993 by Ord. No. 93-104)

Section 150-38. M-2 Heavy Industrial Zone

A. Purpose. The purpose of the Heavy Industrial Zone is to provide for the expansion and development of heavy industrial land uses in the Township; to provide places of employment; to provide for a compatible land use relationship; to restrict the emission of any environmental pollutants; and to provide for the safe and efficient flow of vehicles to and from heavy industrial areas.

B. Permitted uses. A building may be erected, altered or used and a lot or premises may be occupied for any of the following purposes:

- (1) Principal uses.
 - (a) Manufacturing of light or heavy machinery.
 - (b) Manufacturing of food products.
 - (c) Manufacturing of spirituous liquors.
 - (d) Manufacturing of concrete or plastic products.
 - (e) Laboratories, including manufacturing, but not clinics, comprising any of the following: biological, chemical, dental, pharmaceutical and general research.
 - (f) Petroleum refining, oil storage for wholesale purposes or accessory to a plant for the refining of crude oil or the manufacture of petroleum products, including pipelines for the transportation of oil and refined products accessory to such storage, refining or manufacturing uses.
 - (g) Railroad classification, freight or storage yards, railroad shops and all appurtenances thereto.
 - (h) Chemical manufacture not involving noxious odors or danger from fire or explosives.
 - (i) Concrete central mixing and proportioning plants.
 - (j) Electricity production plants.
 - (k) Manufacturing of metal and metal products, processing, fabrication and assembly.
 - (l) Manufacturing of rubber products, including tires and tubes and tire recapping.
 - (m) Manufacturing of wood and lumber products and bulk processing, including sawmills, planing mills and wood-preserving treatment.
 - (n) Warehouses, wholesale sales, storage and distribution.
 - (o) In addition to the above, any industry not inconsistent with the above that is totally similar in purpose, function, character and effort.

2. Accessory buildings and uses.

- (a) Private garage space for the storage of vehicles operated exclusively as part of a permitted use.
- (b) Signs, subject to the provisions of Section 150-41 of this article.
- (c) Fences and hedges, subject to the provisions of Section 150-44 of this article.
- (d) Buildings for tools and equipment used for maintenance of grounds.
- (e) Offices of an administrative nature when connected to the principal use.
- (f) Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
- (3) Conditional uses. The following uses are permitted, subject to approval of the municipal agency and the special conditions of Section 150-46 of this article:
 - (a) Lumberyards and building material sales.
 - (b) Construction contractors.
 - (c) Adult bookstores, adult motion-picture theaters, artist's body painting studios, cabarets, massage shops, modeling studios and tattoo shops.
 - (d) Automotive repair garages.
 - (e) Public utility installations (amended 4-4-1995 by Ord. No. 95-24; 6-7-1995 by Ord. No. 95-49)
 - (1) Cellular communications towers. No cellular tower shall be located within a minimum distance of 2,000 feet of a residential structure, school or other such tower.
 - (f) Truck terminals.
 - (g) Government and public buildings and services necessary to the health, safety, convenience and general welfare of the inhabitants, including volunteer fire companies and first-aid squads.
- C. Development standards. The M-2 Heavy Industrial Zone specified herewith shall be occupied only as indicated in the Schedule of Bulk Requirements included at the end of this chapter and as follows:
 - (1) Principal buildings.
 - (a) Minimum lot size: two acres.
 - (b) Minimum lot width: 200 feet.
 - (c) Minimum lot depth: 300 feet
 - (d) Minimum front yard setback (measured from the future street right-of-way): 50 feet.

- (e) Minimum rear yard setback: 40 feet. Where an industrial zone abuts a lot in a residential zone, a rear yard of 100 feet shall be required.
- (f) Minimum each side yard setback: 30 feet. Where an industrial zone abuts a lot in a residential zone, a side yard of 100 feet shall be required.
- (g) No side or rear yard shall be required where the boundary lines of the side or rear lot line is a railroad right-of-way providing direct access to that property.
- (h) Maximum lot coverage: 45%. (added 12-21-1993 by Ord. No. 93-106)
- (i) Minimum gross floor area: 16,000 square feet.
- (j) Maximum building height: 50 feet.
- (k) Maximum distance between buildings: More than one principal building on a lot shall provide a minimum open unoccupied area between buildings equal to the mean height of the adjoining building or buildings, but not less than 15 feet.
- (l) Maximum floor area ratio: 0.90:1 (added 9-4-1984 by Ord. No. 84-55)
- (2) Accessory buildings. Accessory buildings shall be set back one foot for each one foot of building height, but not less than 30 feet from a property line, except where the yard abuts a residential zone, where the accessory building will meet all the setback requirements of a principal building.
- (3) All necessary structures shall not exceed the height requirements applicable to the principal structure. (added 4-4-1995 by Ord. No. 95-23)
- D. Other provisions and requirements.
 - (1) Off-street parking and loading is required subject to the special conditions in Section 150-42 of this article.
 - (2) Landscaping is required subject to the special conditions of Section 150-43 of this article.
 - (3) Industrial uses shall be subject to the performance standards of Section 150-45 of this article.
 - (4) No property in a residential zone shall be used as a driveway or parking lot to serve an industrial use.
 - (5) No outside storage materials, raw or finished, shall be stored in any yard or open area unless it is screened from public view by a solid architectural fence.

**BUILDING DEPARTMENT AND
PROPERTY MANAGEMENT RECORDS
(BUILDING/CONSTRUCTION PERMITS,
CODE VIOLATION, POLICE LOGS)**

**DEVELOPMENT APPLICATIONS AND
APPROVALS**

APPENDIX C

WOODBRIDGE
3 PENNAVAL RD PO BX 456
CUTTERS DOCK PROPERTIES LLC
-----OWNER INFORMATION-----
LOT 1

DED BANK#
AMT MORT#
#OWN 01 SS#

QUAL.
-----PROPERTY INFORMATION-----
PROP LOC: 35 CUTTERS DOCK RD
PROPERTY CLASS 4B ACCOUNT# 81954200
BLDG DESC IND BLDGS
LAND/ACRE
ADDITIONL LOTS 2 AND 4
6.5140 / 6.51

ZONE M-2 MAP 85 USER#1 #2
BUILT 1913 UNITS
VCS ***** SFLA *****
-----TENANT REBATE-----
BASE YR TAXES 06 55933.22
FLAG N

-----VALUES-----
LAND 242600
IMPR 207400

-----SALES INFORMATION-----
DATE BOOK PAGE PRICE PCD NU 4TYPE 330
CUR: 030305 05469 631 1250000 A
-1: 121793
-2:

-----EXEMPT PROPERTY DATA-----
EPL CD
FACILITY
STAT.
FUR FILE
ASM CODE
ITEM FOR 2009
LOT

WARN DELETING LINE
NEXT ACCESS: BLK
EN=CHANGE F1=NO ACTION F3=ASSMT HISTORY F5=RECORD CARD F7=MORE
QUAL
OLDID: 450000
NET EXM4 EXM3 EXM2 EXM1

-----TAXES-----
NMUN HALFT 1.00
NMUN HALFT 1.00
NMUN HALFT 5594.44
NMUN HALFT 2068.49
SPECTAX CDS: F01A01

BK4116PG301

BK4116PG301

RECEIVED/RECORDED

MIDDLESEX COUNTY 12/23/93

133037

\$1.00 TAX

\$26.00

DEED REC. FEE

INSTRUMENT DEED

NAME

\$1.00

DEED

This Deed is made as of December 17, 1993,

BETWEEN

AMERICAN CYANAMID COMPANY, a corporation of the state of Maine, having its principal offices at One Cyanamid Plaza, Wayne, New Jersey 07470, referred to as the Grantor,

AND

CYTEC INDUSTRIES INC., a Delaware corporation, whose post office address is 5 Garret Mountain Plaza, West Paterson, New Jersey 07424, referred to as the Grantee.

Transfer of ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of One Dollar (\$1.00).

The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Township of Woodbridge Block 523, Lots 1, 2 and 4.

Property. The property consists of the land and all the buildings and structures on the land in the Township of Woodbridge, County of Middlesex, State of New Jersey. The legal description is:

See Schedule A attached hereto and made a part hereof.

No warranties. All buildings, structures and improvements conveyed hereunder are conveyed on an "as is", "where is", "with all faults" basis. Grantor makes no warranties, express or implied concerning the physical condition, utility or operability of the buildings, structures and other improvements, including, but not limited to, any warranty of fitness for particular or ordinary uses or purposes. Further, the Grantor makes no promises as to ownership or title, but simply transfers whatever interest the Grantor has to the Grantee.

Encumbrances. This transfer is made subject to all existing easements, leases, restrictions and encumbrances.

Signature. This Deed is signed by the Grantor's proper corporate officer as of the date hereof.

AMERICAN CYANAMID COMPANY

By:

Name: J. R. VIAL

Title: Assistant Treasurer

BK4116P6302

KAREN ABNER
Notary Public of New Jersey
My Commission Expires Jan 10, 1995

Name: Karen Abner
NOTARY PUBLIC OF NEW JERSEY
Commission expires:

BE IT REMEMBERED, that on this 15th day of December, 1993, before me, the subscriber, personally appeared Joseph R. Vidal, Assistant Treasurer of AMERICAN CYANAMID CORPORATION and (s)he thereupon acknowledged under oath, to my satisfaction, that (s)he is the individual who executed the foregoing instrument, that (s)he was authorized to execute the foregoing instrument on behalf of said corporation and that (s)he executed the foregoing instrument as the act of the said corporation.

STATE OF NEW JERSEY)
COUNTY OF Passaic)
ss.:)

SCHEDULE A

LEGAL DESCRIPTION

All those certain lots, tracts or parcels of land and premises, hereinafter particularly described, situate, lying and being in the Township of Woodbridge, in the County of Middlesex and State of New Jersey:

FIRST PARCEL: BEGINNING at a stake planted at the intersection of the easterly side of the right of way of the Perth Amboy and Woodbridge Railroad with the southerly side of the road to Cutter's Dock; running thence (1) along the southerly side of said road North seventy-five degrees (75°) thirty minutes (30'), East two hundred and one and nine hundredths feet (201.09'), to a post; thence (2) still along the said southerly side of said road South eighty-one degrees (81°) forty-one minutes (41'), East two hundred and eighty-one and eight hundredths feet (281.80'), to a cedar post in lands now or formerly of W.H. Cutter; thence (3) along lands of said Cutter South fourteen degrees (14°) thirty-seven minutes (37'), West seventy feet (70'), to a cedar post; thence (4) still along lands of said Cutter South eighty degrees (80°) twenty-five minutes (25'), East two hundred and ninety-five and fifty hundredths feet (295.50'), to a cedar post, in the southerly line of Public Dock Lot; thence (5) along said southerly line of said lot North eighty-eight degrees (88°) fifty-one minutes (51'), East one hundred and thirteen and seventy hundredths feet (113.70'), to a post; thence (6) North fifty-eight degrees (58°) three minutes (3'), East sixty-one and thirty hundredths feet (61.30'), to a post planted on the southerly bank of Woodbridge Creek; thence (7) along the southerly bank of Woodbridge Creek South fifty-five degrees (55°) forty-three minutes (43'), East one hundred feet (100'), to a stake near the intersection of a small creek with Woodbridge Creek; thence (8) still along said southerly bank of Woodbridge Creek South seventy-one degrees (71°) nineteen minutes (19'), East one hundred and twenty-five and forty hundredths feet (125.40'), to a stake; thence (9) South seventy-six degrees (76°) thirty-nine minutes (39'), West one thousand and sixty-five hundredths feet (1027.65'), to a stake, which stake on a continuation of last mentioned course is fifty feet from the easterly side of the right of way of the Perth Amboy and Woodbridge Railroad; thence (10) South twenty-four degrees (24°) fifty-seven minutes (57'), West ninety-five feet (95'), to a stake in the easterly side of the right of way of said railroad; thence (11) along said easterly side of right of way of said Railroad, on a curve to the left, whose radius is five thousand seven hundred and seventy feet, a distance of four hundred and ninety-nine feet (499'), to the point or place of BEGINNING.

Containing six and one hundred and seventy-four thousandths acres of land, be said several distances and dimensions more or less.

SECOND PARCEL: BEGINNING at a point located on the northerly boundary of lands formerly owned by American Cyanamid & Chemical Corporation, which point is the following courses and distance from a stake planted on the intersection of the easterly side of the right of way of the Perth Amboy and Woodbridge Railroad with the southerly side of the road to Cutter's Dock to wit: North seventy-five degrees (75°) thirty minutes (30'), East two hundred and nine hundredths feet (201.09'), and South eight-one degrees (81°) forty-one minutes (41'), East, two hundred and eighty-one and eighty-one hundredths feet (281.81'), running thence (1) along the land formerly of American Cyanamid & Chemical Corporation, South fourteen degrees (14°) thirty-seven minutes (37'), West, a distance of seventy feet (70'); thence (2) still along said land South eighty degrees (80°) twenty-five minutes (25'), East, a distance of two hundred ninety-five and fifty hundredths feet (295.50'), to the southerly boundary of the

BK41166303

BK4116PC304

Being the same premises conveyed to the grantor herein from American Cyanamid & Chemical Corporation, by deed dated August 1, 1946 and recorded in the Middlesex County Clerk's Office in Deed Book 1317 on Page 357 on August 16, 1946.

aforsaid Cutter's Dock Road; thence
(3) in a general northerly direction along the southerly
boundary of the aforsaid Cutter's Dock Road, a distance of three
hundred and two and ninety hundredths feet (302.90') to the point
or place of BEGINNING; containing .34 acres more or less.

BK4116P6305

END OF DOCUMENT

1-201-966-6305
RETURN TO
CYTEC INDUSTRIES INC.,
Grantee.
TO
Grantor
AMERICAN CYANAMID COMPANY,
D E E D
Record and return to:
HARRIETT J. OLSON, ESQ.,
PITNEY, HARDIN, KIPP & SZUCH
PARK AVENUE AT MORRIS COUNTY
P. O. BOX 1945
MORRISTOWN, NEW JERSEY 07962-1945
Dated: December , 1993

#Z06-24 (denial)

RESOLUTION

WHEREAS, CUTTERS DOCK PROPERTIES LLC, hereinafter referred to as the applicant, has made application to the Zoning Board of Adjustment of the Township of Woodbridge for Minor Site Plan approval, use and bulk variances from the requirements of the Land Use and Development Ordinance of the Township of Woodbridge in order to use 24,464 acre site as wood pallet facility and empty trailer storage yard with Woodbridge Mower as a tenant at 35 Cutters Dock Road, Woodbridge, New Jersey, also known as Block 523, Lots 1,2,4; Block 531, Lot 2 on the Woodbridge Township Tax Map; and

WHEREAS, the property in question is located in the M-2 Heavy Industrial Zone; and

WHEREAS, Sheehan & Bignell Planning Consultants, the Board's planning consultants, submitted a report to the Board dated November 22, 2006, a copy of which is annexed hereto

and made a part hereof as Exhibit A; and

WHEREAS, T & M Associates, the Board's engineering consultants submitted a report to the Board dated November 27, 2006, a copy of which is annexed hereto and made a part

hereof as Exhibit B; and

WHEREAS, William Trenery, Chief of Police, submitted a report to the Board dated May 12, 2006 which stated: "As per your request, the above application was reviewed and this Department finds that approval of this proposal will not have a major impact on police services to this Community. Also, any handicapped parking spaces, zones contained within the proposal, will be reviewed upon completion of the project, to ensure all signs and markings are in compliance, and proper Ordinance amendments are codified within the Revised Ordinances of the Township of Woodbridge, upon being submitted/approved by the Municipal Council of the Township of Woodbridge." and

WHEREAS, Bryan D. Delisi, Fire Official, Woodbridge Fire Prevention Bureau, District 1, submitted a report to the Board dated November 29, 2006, a copy of which is attached hereto

and made a part hereof as Exhibit C; and

WHEREAS, the Board conducted a public hearing on said application on August 10, 2006, continued to November 30, 2006 and January 4, 2007, after the applicant served notice of same on all interested parties as required by the Municipal Land Use Law, with the applicant being represented by John Cassese, Esq. and the following persons testified on behalf of the application: Angelo J. Valetutto, P.E., P.P. and Richard Matura, principal of owner/applicant; and Anthony Russo, an interested party and Bryan De Lisi, Woodbridge Fire Official stated their opinions with regard to the application; and

WHEREAS, the following exhibits were entered into evidence:

A-1 through A-4 Photos; and

WHEREAS, the Board finds:

(1) The reports of the Board's consultants were entered into the record.

(2) Richard Matera, the owner, testified regarding the wetlands application wherein they applied for a delineation through their engineer, Brinkerhoff. NJDEP inspected the site and required them to apply for another permit which they are doing. However, he said the delineation was done some time ago and the additional application was done about 30 days ago. The witness produced photographs marked A-1 through A-4 and described what they depicted. Mr. D'Arcio observed the applicant had taken steps to clean up the site which he appreciated.

(3) Angelo J. Valetutto, P.E., P.P., then addressed the plan review comments contained in the Sheehan & Bignell report of November 22, 2006. He restated the fact that the applicant will comply with 10A and has made the appropriate applications to DEP.

Mr. Bignell asked the number of trucks that will be on site and Mr. Matera answered there are six (6) tractors and a "straight job."

Mr. Valetutto then testified the loading zone is for the pallet operation and is pretty much along the southern side of where the four pallet piles are shown on the plan. The witness also stated they show the minimum 15 foot area required by the fire official and that would be the area for the loading/off loading of pallets immediately abutting the storage pile.

Mr. Bignell asked the witness to address comment "I". Mr. Valetutto testified the storage of pallets was never approved and currently it is illegal.

Mr. Bignell explained to the Board the outside storage is illegal and the applicant has been to Court and that's why they're in front of the Board. He also observed just because the storage is there it does not mean it has to stay there. He stated his preference is that the pallets be moved off site or inside, but the Board can also approve the outside storage. If the members choose to do so, he recommends, as a condition of approval, limits on the height and number of pallets as well as screening of them.

(4) Mr. Della Pietro observed the plans show pallets stacked 50' x 85' x 20' (high) to which Mr. Valetutto replied that is correct and they provide 15 feet between the piles and around the perimeter. Mr. Della Pietro, referring to Lt. De Lisi's report, noted it required conformance with the New Jersey State Fire Code which references the NFPA and expressed his opinion the pallets are piled extremely "large" and the 15 feet separation is inadequate. He stated his opinion that by the time the fire department would get to a fire, there could be two or three piles burning. Mr. Della Pietro also expressed his concern with exposure as the piles are 15 feet away from an overgrown area.

Mr. Della Pietro also stated he had concerns regarding the water supply to the site and whether the mains and hydrants have been tested for proper water supply as required by the sprinkler system.

He recalled a fire at the site twenty (20) years ago when water supply was an issue and the fire department had to lay hose up Pennal Road to Woodbridge Avenue to fight the fire. Mr. Valetutto answered that he has been advised by Mr. Matera that there was a test done, but the applicant does not have the report with him and they will supply it to the Board, its professionals and Mr. De Lisi.

(5) Mr. Valetto also testified if the piles have to be reduced in size and the spacing between piles increased, they would do so.

As to the issue of visibility, Mr. Valetto testified they are located on the far side of Cutters Dock Road in a heavy industrial zone on the low side so even at a height of 20 feet, the buildings they have on the west of where the pallets will be stored they will be even lower than where the bridge is. They are so far out that, in his opinion, screening should not be an issue. Mr. Valetto also agreed fire safety is and should be a concern.

Mr. Della Pietra stated, knowing NFPA through his employment, he is of the opinion that the piles must be a lot smaller so a fire can be put out quickly. Mr. Valetto represented the applicant would comply with Lt. De Lis's requirements.

Mr. Bignell advised the Board that they got the same answer before yet there is no report regarding the testing of the hydrants and is really concerned about what happens if there is a fire and no adequate water supply. He stated his opinion that the applicant continues to just delay this matter by not doing things he says he will do and, in his opinion, the Board should have an answer to these questions.

Mr. Valetto stated he was not involved with having the hydrants tested but is relying on Mr. Matera's representation to him.

Mr. Casey advised the Board that Mr. Matera previously testified the hydrants were inspected by "Contra Fire" on a yearly basis.

Mr. Cassese advised the Board his client informs him that he has the documentation but didn't bring it with him, but it is only five minutes from the Municipal Building. Chairman McLaughlin instructed Mr. Matera to go and get the documentation and the applicant agreed to do so.

(6) Mr. Valetto resumed addressing the Sheehan & Bignell report testifying the original plans did have a designation of "Woodbridge Movers" and it should have been "mowers" and the plans have been revised to reflect that change. Mr. Bignell advised that "takes care of" items C and D.

As to comment E and the issue of wetlands, Mr. Bignell stated he attended a meeting with the applicant and asked Mr. Valetto if, in his professional opinion, there's a problem with wetlands and buffering, and did they fill in any wetlands? Mr. Valetto answered in his opinion there will be a buffer. Additionally, he testified someone filled that buffer area and on sheet 3 of 3 the plan shows no encroachment within the buffer area. He opined the applicant will be able to obtain a wetlands permit from DEP for the proposed plan.

Mr. Keady asked if the proposed improvements are outside the wetlands envelope and should DEP have any conditions if it does provide a permit, that it wouldn't affect any of the proposed site improvements which would require the applicant to come back to the Board.

Mr. Valetto answered that is correct. He explained there's an area within the buffer where millings were placed that will have to be removed, but beyond that where they show the existing millings remaining and also the parking area for the trucks will not be affected.

(7) The applicant's planner then testified they are proposing no lighting plan where the trucks are to be parked. Mr. Valetto expressed his opinion that new lighting would be an encroachment and adverse to the residents on the other side of the railroad and, furthermore, there is no movement of trucks at night.

Mr. Bignell asked for an explanation of the employee parking. Mr. Valetto testified there will be no problem with it as employee parking is located on the southerly side of the site where there's sufficient parking.

The witness also testified the applicant has been at the site for approximately 2½ years having purchased the property from Cytech. He explained the applicant believed because of the prior use and involvement of DEP on the site, that they didn't need a variance or zoning permit.

Mr. Cassese represented to the Board that his client purchased the property and did not get a certificate of occupancy and that he did not represent them in the purchase. He explained this was brought to the attention of the Township by the Fire Official during an inspection of the site.

Counsel further explained Township officials had concerns about some of the issues discussed before the Board. He noted specifically the Township's concerns about the building's safety and accordingly filed a lawsuit in Superior Court and that was when he became involved in this matter.

Mr. Cassese stated the matter was settled in Superior Court subject to certain conditions. He stated his client had to retain a structural engineer who determined the buildings were habitable and despite this finding, his client agreed not to utilize some of the buildings.

He also pointed out to the Board that the pallet issue was not one of the conditions of the settlement, yet the municipality permitted the applicant to operate at the site. Moreover, Mr. Cassese stated the Building Department has visited the site many times and when something came up, the applicant took care of it.

Counsel also explained the applicant employs 37 people, most of whom are drivers and not at the site. Additionally, the township wanted the barbed wire removed and it has been. Mr. Cassese also represented one of the main concerns was the existence of excessive electrical wires and service from the prior owner and the applicant has removed same. The applicant's attorney also noted storage of the tractor trailers also did not have approval.

Mr. Bignell expressed his concern that this applicant began to operate and continues to do so without the required approvals and, indeed, adds operations to the site without approvals. Additionally, Mr. Bignell explained they have to "chase him" for everything they have asked of him. As an example he noted they met in November, the applicant was advised what he had to do, and now in January, they still don't have what they requested.

Mr. Cassese responded he was not making excuses for his client but the Township has permitted the operation for 2½ years and appear before the Board as directed by the settlement

to try and correct the situation, but it is a very complicated matter with many things needed to be done.

Mr. D'Arcio stated on his site visit he observed blue pallets and dumpsters across the street and asked for an explanation. Mr. Cassese replied he had no idea of their origin. Mr. D'Arcio also stated his opinion that pallet heights of 20 feet are too high and he agreed with the comments of Mr. Della Pietra. Mr. Cassese represented if that condition is a problem, it will be corrected and the applicant will do whatever the fire official wants done.

(8) Mr. Valetto then testified the traffic impact of this use is minimal compared to the prior use, however, they will have Kenneth Fears do a report and submit it to Mr. Bignell and Mr. Keady.

With respect to comment L, the applicant's planner testified there will be no public view explaining one would have to be sitting on top of the bridge and then drive down alongside of the property to be able to see the pallets. Mr. Valetto also testified, if approved, he is sure the piles would be reduced to 12 feet in height, thereby reducing any visual impact.

Mr. Valetto then replied to comment M testifying that no other outside storage is proposed and they would accept this as a condition of approval and also add a note to the plans reflecting this fact.

(9) The applicant's witness then testified with respect to the area where they show the four pallets, they are asking that they be permitted to enclose those piles for the area where the pallets would be stored and that would be the only outside storage proposed and permitted at this location.

Mr. Keady asked for an explanation as to how the pallet height would be controlled, if approved, and Mr. Valetto replied that would be an enforcement issue.

The Chairman observed if reduced in size, he doesn't want them in smaller piles somewhere else on the site.

Mr. Valetto testified the applicant is aware he must satisfy the Fire Official and abide by what he requires if the application is approved. He also explained the pallets across the street shouldn't be there and while he can't answer for the applicant, he believes they are the result of the clean up.

Mr. D'Arcio observed that appears to be the problem with this applicant, he takes a step forward and two backwards, which is very frustrating to the Board.

Mr. Keady asked the Board to impose a condition of approval should it act favorably, that the storage area be delineated on site with the height and width controlled by a pole. Mr. Valetto stated they can do that with a telephone pole just as they do with recyclables.

(10) Mr. Matera returned and testified he does not have the paperwork for the fire hydrants but has the inspection report from Tyco Fire and Security which is for the fire retardant system, which is working. He testified the property was owned by Cyteck Industries, a chemical company and they had a very heavy duty sprinkler system in place, known as a high deluge

system capable of 3,400 gallons per minute, per 100 square feet. The witness also testified there is a 3/8" main into the building.

Mr. Della Pietro stated the fire official's report asks for a certification with an engineer's seal to ensure it complies with N.J.P.A. 12.12.9.1 and, in his opinion, based on his experience, the sprinkler system is not adequate for pallets. Mr. Matera responded testifying he spoke to "Confire" and was informed by them the heads are rated at 160" based on a pipe schedule which is every 10 to 12 feet and pressure of 95 lbs. which gives you 3,400 gallons per minute per 100 square feet and is far higher than needed for pallets.

Mr. Della Pietro asked if they had that in writing and Mr. Matera responded he didn't think he needed it in writing. Mr. Della Pietro stated, in his opinion, it must be in writing and this system won't give him the 3,400 gallons per minute. Additionally, Mr. Della Pietro stated Lt. De Lisi wanted proof that the hydrants were tested and Mr. Matera answered they were not.

Mr. McLaughlin reminded Mr. Matera that he answered this question from Mr. Casey testifying they were tested and he that had the report, and now he was saying that is not the case.

Mr. Della Pietro stated wooden pallets create an intense fire and noted approximately a year ago there was such a fire and a firefighter was burned before he got close to the fire. He explained a firefighter needs water and if the applicant cannot prove there's enough water on the site to fight a pallet fire, he cannot vote for the application tonight. He also stated he knows Lt. De Lisi well and that's the reason it is in his report.

Mr. Cassese stated he understands Mr. Della Pietro's point and asked if the member knows how long such a report takes to obtain. Mr. Della Pietro stated it does not happen overnight and could take a couple of months to obtain.

Mr. Bignell advised the Board the applicant should have attended to this a long time ago and this is just another delay on the applicant's part. Mr. Cassese informed the Board he has suggested to his client that he cease operation until the report is done and that it be a condition of approval.

Mr. D'Arcio reminded the Board of the pallets across the street and expressed his concern over the safety of firefighters. Mr. Matera explained the blue pallets were part of what they were cleaning up and there were many more but they had cleaned up about 99% of them.

(11) Mr. Valetto opined little has been done on the site that's been done in a proper way. He stated the property has been used in the past for heavy industrial uses and in his opinion would have been a perfect brown field site.

He testified from a planning standpoint, the proposed use is less intense than the prior use as well as less intense than most of the permitted uses in the heavy industrial zone. Therefore, in his opinion the application can be granted.

(12) The Board finds, based upon the evidence presented, that the applicant has failed to satisfy its statutory burden of proof justifying approval of the application.

Indeed, the Board finds the applicant has failed to provide critical information to the Board concerning the safe operation of the site. The Board finds further that the actions of the applicant have been to delay action on this application which permits the applicant to operate without any necessary approvals.

The Board finds the applicant has failed to establish any special reason justifying approval of the application consistent with the provisions of the Municipal Land Use Law.

The Board finds the record void of any evidence that approval of the application would have no substantial impairment on the zone plan and ordinance of the Township of Woodbridge. Moreover, the Board finds approval of this application cannot be granted as to do so would have significant impact on the health, safety and welfare of the residents of the Township of Woodbridge. It finds the applicant has failed to satisfy the members of the Board that all necessary steps have been taken by the applicant to provide adequate fire protection on the site for the proposed wooden pallet storage.

Therefore, the Board finds that the application must be and is hereby denied.

NOW, THEREFORE, LET IT BE RESOLVED that the Zoning Board of Adjustment of the Township of Woodbridge does hereby deny Minor Site Plan approval, use and bulk variances to Cutters Dock Properties, LLC, in order to use 24,464 acre site as wood pallet facility and empty trailer storage yard with Woodbridge Mower as a tenant at 35 Cutters Dock Road, Woodbridge, New Jersey, also known as Block 523, Lots 1,2,4; Block 531, Lot 2, Zone M-2 on the Woodbridge Township Tax Map.

Minor Site Plan approval, use and bulk variances are hereby denied **January 4, 2007**, pursuant to motion adopted by the Zoning Board of Adjustment of the Township of Woodbridge. I hereby certify that the foregoing is an exact and true copy of the resolution adopted by the Zoning Board of Adjustment of the Township of Woodbridge at their regular public meeting held on **March 1, 2007**.

ADOPTED: MARCH 1, 2007

Arlene Volkay, Secretary
Zoning Board of Adjustment
Township of Woodbridge

Roll Call: (to deny)	Robert Anderson	No
	Sam Fonte	Yes
	William Kazawic, Jr.	Yes T-8/10/06
	Frank Della Pietro III	Yes T-8/10/06; 11/30/06
	Frank D'Arcio	Yes
	David Ortman	Yes
	Bernard McLaughlin	Yes T-11/30/06



Township of Woodbridge

John E. McCormac, CPA, Mayor

Department of Planning and Development
Marta Lefsky, Director
One Main Street • Woodbridge, New Jersey 07095
Tel: (732) 602-6004 • Fax: (732) 602-6038
February 6, 2008



Woodbridge - Ten Towns, One Community

John Cassese, Esq.
Adams, Cassese & Papp
530 Rahway Avenue
Woodbridge, NJ 07095

Re: Cutters Dock Properties, LLC
35 Cutters Dock Road
Block: 523, Lots: 1, 2 & 4

Dear Mr. Cassese:

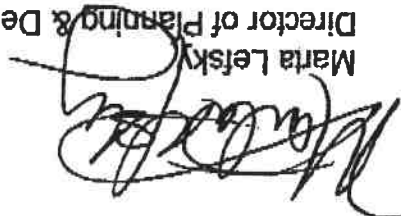
At our meeting of January 7, 2008, it was discussed that the application was substantially incomplete based upon environmental documentation requested. We were told that documentation was in hand, and would be copied and sent in. To date we have not received copies or the revisions requested.

Copies of this documentation must be submitted immediately. Additionally, the plan revisions requested must also be submitted immediately, and no longer than two weeks from today's date.

Failure to produce this requested information will be regarded as lack of prosecution of the application. The Township will then have no choice but to proceed with reissuance of zoning violations and municipal court summonses.

Please submit the requested documentation.

Very truly yours,


Marta Lefsky
Director of Planning & Development

ML/lj

Cc: James Nolan, Esq., Law Director
Walter Hanks, Chief Housing Inspector

Township Web Address
www.twp.woodbridge.nj.us

FILED

JAN 11 2008

JUDGE JAMES P. HURLEY

BY THE COURT

CUTTERS DOCK PROPERTIES, LLC
: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION
: MIDDLESEX COUNTY

Plaintiff

vs.

WOODBIDGE TOWNSHIP BOARD
OF ADJUSTMENT

Defendant

DOCKET NO. L-4655-07
FINAL JUDGMENT

This matter having been presented to the court by an action in lieu of prerogative writs, and the court having conducted a trial on January 11, 2008 on all issues presented in the presence of John J. Cassese, Esq., attorney for the Plaintiff, and Timothy M. Casey, Esq., attorney for the Defendant, and for the reasons placed upon the record on January 11, 2008; it is

ORDERED AND ADJUDGED on this 11th day of January, 2008 that the action taken by

the Defendant, Woodbridge Township Zoning Board of Adjustment, by resolution adopted on March 1, 2007, denying the Plaintiff's application for minor site plan approval and use and bulk variances

pursuant to N.J.S.A. 40:55D-70 be and the same is hereby affirmed; it is further

ORDERED that the plaintiff's complaint be and is hereby dismissed with prejudice.

James P. Hurley, P.J.S.C.



TOWNSHIP OF WOODBRIDGE
1 MAIN STREET
WOODBRIDGE, NJ 07095
732-634-4500

NOTICE OF IMMINENT HAZARD

Application Date: _____
Control Number: 0
Permit Number: 0
Date Permit Issued: _____
Notice Date: 1/29/2008
Violation Number: 20080018/0

IDENTIFICATION

Work Site Location: 35 CUTTERS DOCK RD.
Block: 523 Lot: 1
Agent/Contractor: CUTTERS DOCK PROPERTIES LLC
Address: 1 PENNAVAL RD. PO BOX 456
WOODBRIDGE NJ 07095
Telephone: _____
To: ☒ Owner: _____
☐ Agent/Contractor: _____
Date Of Inspection: 1/28/2008
Date Of This Notice: 1/29/2008

ACTION

Take **NOTICE** that as a result of the inspections conducted by this agency on 1/28/2008 of the above property, an imminent hazard has been found to exist pursuant to N.J.S.A. 52:27D-132 and N.J.A.C. 5:23-2.32. The building or structure, or portion thereof, deemed an imminent hazard is described as follows:

SEE ATTACHED LIST

As such, you are hereby **ORDERED** to immediately and forthwith vacate the above structure or portion thereof. Further, you are **ORDERED** to:

- ☒ Immediately correct the above noticed imminent hazards so as to render the structure temporarily safe and secure
☐ Demolish the above structure by

Failure to immediately comply with this **ORDER** may result in the necessary correction being made by the Construction Official at the expense of the property owner pursuant to N.J.A.C. 5:23-2.32(b)5.

Failure to render the structure temporarily safe and secure and/or demolish the structure in accordance with this **ORDER** will result in this matter being forwarded to legal counsel for prosecution and assessment of penalties up to \$2,000.00 per week per violation. You must immediately declare to the Construction Official your acceptance or rejection of the terms of this **ORDER**.

If you wish to contest this Order, you must apply for a stay to a court of competent jurisdiction within 24 hours.

If you have any questions concerning this matter please call: 732-634-4500

By Order of _____

LAWRENCE ESOLDO CONSTRUCTION OFFICIAL

Date: 1/29/2008

Township of Woodbridge

John E. McCormac, CPA, Mayor

Department of Planning and Development

Bureau of Code Enforcement
One Main Street • Woodbridge, New Jersey 07095
Tel: (732) 602-6003 • Fax: (732) 726-2330



VIOLATION REFERENCE NO. 2008-0018
SUBJECT PROPERTY: 35 CUTTERS DOCK RD, WOODBRIDGE



Woodbridge - Ten Towns, One Community

1) The sprinkler system is inadequate for the use of the building due to the commodities being manufactured and stored within the structure.

2) The pallet storage inside the building is too close to the sprinkler system.

3) The exterior yard hydrants and water supply is not sufficient enough to fight a fire should one occur, due to the amount of pallets stored outside.

4) The electric system is suspect. Electrical work has been performed and the system has been altered without construction permits or inspections. All electric that is abandoned shall be removed.

5) In some areas of the building there is no lighting whatsoever.

6) Exit signs and emergency lighting are almost non-existent. Many exit doors are locked.

7) The structural integrity of the building is suspect. Structural alterations have occurred without construction permits.

8) Walls have been constructed and rooms have been created without construction permits. The electric in these rooms is an unknown and no sprinkler protection is present.

9) Auto repairs and paint spraying are being done in the building.

10) Next to the building a gas line has been run to two heaters. The heaters are connected to a truck trailer. The trailer is used to dry the pallets. There is no ventilation, no sprinkler system and no fire ratings for this area. This system is not UL tested or approved.

11) There is a lawn mower repair shop/ storage shop in the building that is also not an approved use.

12) Outside in the rear of the building there is a tanker truck that appears to contain a type of fuel. There is no concrete base or containment area around this tank.

13) A retaining wall and elevated walk way has been installed without construction permits. No guardrails, handrails or fall protection is installed.

14) There is no heat in the building.

FILED

OCT 14 2005

AMY P. CHAMBERS

J.S.C.

JAMES P. NOLAN & ASSOCIATES
ATTORNEYS AT LAW
61 GREEN STREET
WOODBIDGE, NEW JERSEY 07095
(732) 636-3344

Attorneys for Plaintiff, Township of Woodbridge

TOWNSHIP OF WOODBRIDGE,

SUPERIOR COURT OF
NEW JERSEY
MIDDLESEX COUNTY
CHANCERY DIVISION

DOCKET NO: 07-066-05

AMENDED ORDER TO SHOW CAUSE
PRELIMINARY INJUNCTIVE
PURSUANT TO RULE 4:52

Plaintiff,

CUTTERS DOCK PROPERTIES, LLC,
BLUE DOLPHIN FREIGHT SYSTEMS,
SEASIDE PROPERTIES, LLC and
AMERICAN EAGLE PALLET COMPANY,

Defendant.

This matter having been open to the Court by Nolan & Associates, (Eric L. Lange, Esq. appearing) attorneys for plaintiff, TOWNSHIP OF WOODBRIDGE, and the Court having consider the verified complaint and certification in support thereof and good cause shown,

IT IS on this 14 day of October, 2005;

ORDERED that the defendants, CUTTERS DOCK PROPERTIES, LLC, BLUE DOLPHIN FREIGHT SYSTEMS, SEASIDE PROPERTIES, LLC and AMERICAN EAGLE PALLET COMPANY,

be and are hereby order to appear before this court on this 8th day of December, 2005

at 9:00 o'clock in the forenoon, to show cause why the relief requested in the verified complaint should not be granted and why an order Should not be issued preliminary enjoining and restraining defendants, CUTTERS DOCK PROPERTIES, LLC, BLUE DOLPHIN FREIGHT

RECEIVED

OCT 17 2005

Attorneys for Plaintiff, Township of Woodbridge

DOCKET NO:

SUPERIOR COURT OF
NEW JERSEY
MIDDLESEX COUNTY
CHANCERY DIVISION

Plaintiff,

CUTTERS DOCK PROPERTIES, LLC,
BLUE DOLPHIN FREIGHT SYSTEMS,
SEASIDE PROPERTIES, LLC and
AMERICAN EAGLE PALLET COMPANY.

1. Woodbridge is a public body corporate in politic and its offices are located at Memorial

Municipal Building, 1 Main Street, Woodbridge, New Jersey 07095.

Defendant Cutters Dock Property, LLC ("Cutters Dock") is a New Jersey limited liability company with principal offices located at 35 Cutters Dock Road, Woodbridge, New Jersey 07095 and is the owner of Block 523, Lots 1, 2 and 4 within the Township of Woodbridge.

3. The street address for these lot and block numbers is 35 Cutters Dock Road. Defendant Seaside Properties, LLC ("Seaside") is a New Jersey limited liability company with principal offices on Cutters Dock Road, Woodbridge and is the owner of block 531, 07095 and is the owner of Block 523, Lots 1, 2 and 4 within the Township of Woodbridge.

lot 2.

4. Defendant Blue Dolphin Freight Systems ("Blue Dolphin") is a New Jersey Company with principal offices located at 35 Cutters Dock Road, Woodbridge and upon information and belief is the tenant of defendant Cutters Dock.
5. Defendant American Eagle Pallet Company is a New Jersey company with principal offices located at 35 Cutters Dock Road, Woodbridge. Upon information and belief, American Eagle is either a tenant of Cutters Dock or a trade name for Cutters Dock.
6. Collectively, the aforementioned defendants own, occupy and/or are responsible for the above described lots located within Woodbridge Township. On Block 523, Lots 1, 2 and 4, the defendants have a pallet manufacturing facility and storage yard, and on Block 531, Lot 2, defendants have a trailer storage yard.
7. Thomas J. Kelly is the Assistant Construction Official to the Township of Woodbridge
8. Lawrence Clement is the Zoning Official to the Township of Woodbridge.
9. Scott Thompson is the Borough Engineer for the Township of Woodbridge.
10. During July, 2005 while working in his official capacity as Assistant Construction Official, Mr. Kelly received information that the occupants of 35 Cutters Dock Road, Block 523, Lot 1, 2 and 4 were occupying the premises without a certificate of occupancy, and were changing the grade of the property without site plan approval.
11. Mr. Kelly was also advised that similar filling and grading without site plan approval was being done on Block 531, Lot 2 by the same defendants.
12. After examining the aforementioned lots, it was learned that defendants Cutters Dock, Seaside, Blue Dolphin, and/or American Eagle had filled in the land, changed the grade of the land, increased the size of the usable lot, made a parking lot on the property and were

13. The property at issue is riverfront property. Because defendants have not filed a wetlands delineation with the New Jersey Department of Environmental Protection, and it can not be determined at this time if wetlands have been filled in.
14. It was also confirmed that the occupants of the building located on the premises were occupying the building without a Certificate of Occupancy.
15. During a meeting between Rick Matera, who claimed to be the principal of defendant American Eagle and Scott Thompson, Township Engineer, Mr. Thompson observed a substantial amount of electrical modifications to the building that did not appear to have been done in a professional manner. Mr. Thompson observed a significant amount of machinery installed and in use on the premises. This use of uninspected and potentially unsafe electrical equipment poses a life safety issue to all present and future employees of the companies located upon the premises, as well as to any other unsuspecting occupants of the building.
16. The above described modifications made to the property can only be done with a grading plan, with site plan approval from both the Township and the County of Middlesex, and with the necessary approvals from the Freehold Soil Conservation District. Defendants did not have any of these approvals. Failure to comply with the rules and regulations of the appropriate governing authorities can lead to many types of problems requiring immediate attention, including but not limited to life safety issues, drainage issues, groundwater contamination issues, wetlands encroachment issues and other potential problems that can not be ascertained without a complete inspection of the property.
17. For the above reasons, Lawrence Clement issued a violation notice to Blue Dolphin.

advising them that they were in violation of the municipal ordinances regarding site plan approval and grading plan approvals, and were unlawfully storing materials outside of their building without the necessary permits. See violation notice dated July 22, 2005 attached hereto as *Exhibit "A"*.

18. Mr. Kelly issued a Notice of Violation and Order to Terminate on July 25, 2005 to Blue Dolphin because they were occupying an altered structure without a Certificate of Occupancy. See Notice of Violation and Order to Terminate dated July 25, 2005, attached hereto as *Exhibit "B"*.

19. Mr. Clement issued a violation notice to Seaside Properties on August 2, 2005 for not having a site plan. See violation notice dated August 2, 2005, attached hereto as *Exhibit "C"*.

20. To date, defendants have not filed for site plan approval and have not obtained the necessary permits and approvals to construct a parking lot on the premises, nor have they obtained a certificate of occupancy to occupy the building located on the premises.

21. The continued occupation of the building without a certificate of occupancy is potentially detrimental to the health, safety and welfare of the present and future occupants of the building.

WHEREFORE, plaintiff Township of Woodbridge hereby demands Judgment in its favor and against the defendants granting the following relief:

1. Enjoining defendants from doing any construction work at Block 523, Lots 1, 2 and 4, commonly known as 35 Cutters Dock Road, or to Block 531, Lot 2 until they comply with this order and obtain all necessary permits, approvals and certificates of occupancy.
2. Enjoining defendants from occupying the above described premises until they comply with

Dated: September 8, 2005

Eric L. Lange, Esq.

BY:

JAMES P. NOLAN & ASSOCIATES
ATTORNEYS FOR PLAINTIFF,

Township of Woodbridge.

Pursuant to Rule 4:25-4, Eric L. Lange, has been designated as trial counsel on behalf of plaintiff,

DESIGNATED OF TRIAL COUNSEL

The matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated.

CERTIFICATION

appropriate.

6. Awarding the plaintiff whatever further and additional relief as may be deemed just and appropriate.
4. Allowing the Township of Woodbridge through the appropriate building code officials to have daily access to the premises to inspect for violations until the issuance of Certificate of Occupancy.
2. Requiring defendants to return the premises to their original condition if the proper permits, this order and obtain all necessary permits, approvals and certificates of occupancy.

State of New Jersey :
ss :
County of Middlesex :

I, Lawrence Clement, being of full age and duly certified and says:

1. I am the Zoning Official of the Township of Woodbridge, the plaintiff in this matter.
As such I am fully familiar with all the facts in this case and am authorized to make this verification.

2. I have read the foregoing Complaint and the factual allegations set forth herein are true and correct to the best of my knowledge, except those facts alleged upon information and belief. As those facts alleged upon information and belief, they are true and correct to the best of my information and belief.

3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Lawrence Clement

Dated:

Exhibit "A"



Township of Woodbridge

FRANK G. PELZMAN, MAYOR

Department of Planning and Development
Bureau of Code Enforcement

One Main Street
Woodbridge, New Jersey 07095
www.twp.woodbridge.nj.us
Tel: (732) 602-6003
Fax: (732) 726-2330

Cert #: 7004 2890 0001 2412 885 1 JP

BLUE DOLPHIN FREIGHT SYSTEMS
35 CUTTERS DOCK ROAD
WOODBRIDGE, NJ 07095

Re: BLOCK NO: 523 LOT: 1
Address 35 CUTTERS DOCK RD, WOODBRIDGE

Dear Property Owner:

Upon inspection by this office, the following violations have been noted at the above captioned property:

- 150-49A 150-49A: SITE PLAN APPROVAL REQUIRED.
- 150-24A 16.1 150-24A 16.1 GRADING PLAN REQUIRED
- 150-49: Violation of Site Plan (Outside Storage Materials)

Please contact this office immediately so that we can arrange a date by which these conditions will be remedied.

If we do not hear from you within five(5) calendar days of receipt of this notice, we will undertake steps to have the property brought into compliance under the relevant Township Ordinance in Municipal Court.

If you have questions regarding this, please contact the Bureau of Property Maintenance/Code Enforcement, Inspector: LAWRENCE CLEMENT (732) 634-4500 ext.2815

Please note for any structural work, permits may be required please call (732) 634-4500 Ext. 6457.

Thank you in advance for your anticipated cooperation in this matter.

Very truly yours,
Lawrence Clement
LAWRENCE CLEMENT
Zoning Officer

Request number: A5070626
Request date.: 07/22/2005

Woodbridge-A Township United



Exhibit "B"



TOWNSHIP OF WOODBRIDGE
1 MAIN STREET
WOODBRIDGE, NJ 07095
732-634-4500

☒ [X] NOTICE OF VIOLATION AND
CER TO
TERMINATE
[X] NOTICE AND ORDER TO PAY
PENALTY

Date Issued: _____
Control Number: 0
Permit Number: 0
Date Permit Issued: _____
Notice Date: 7/25/2005
Violation Number: 20050206/0

IDENTIFICATION

Work Site Location:	35 CUTTERS DOCK RD
Owner In Fee:	BLUE DOLPHIN FREIGHT SYSTEMS
Address:	35 CUTTERS DOCK ROAD
Telephone:	WOODBRIDGE NJ 07095
Date Of Notice:	7/25/2005
Date Of Inspection:	7/25/2005
Compliance Due Date:	7/25/2005

TAKE NOTICE that you have been found to be in violation of the State Uniform Construction Code Act and Regulation
enacted thereunder in that:

OCCUPYING WITHOUT A CERTIFICATE OF OCCUPANCY

violation of N.J.A.C. 5:23-2.23(b) OCCUPYING ALTERED STRUCTURE W/O A CERTIFICATE

you are hereby ordered to terminate the said violations on or before 7/25/2005. No Certificate of Occupancy or Approval
will be issued unless the said violations are corrected.

Failure to comply with this order will subject you to a penalty of \$ _____ per _____
You are hereby ordered to pay a penalty in the amount of \$ 2,000.00 for each violation for a total penalty of \$2,000.00.
Each Week that any of the said violation remain outstanding after 7/25/2005, shall result in an additional
penalty of 2,000.00 per Week.

you wish to contest the validity of the above action, you may request a hearing before the Construction Board of Appeals of the :
Middlesex County Construction Board Of Appeals

within 15 days of receipt of these Orders. The application to the Construction Of Appeals may be used for this purpose. Your application
appeal must be in writing, setting forth your address and name, the address of the building or site in question, the permit number,
specific sections of the regulations in question, and the extent and the nature of your reliance on the regulations and, if necessary,
brief statement setting forth your position and the nature of relief sought by you. You may also append any documents that you may
render useful. The Fee for an Appeal is \$ 50 to be forwarded with your application to the Board Of Appeals office at :

Administration Bldg, John F. Kennedy Sq Rm 230 New Brunswick NJ 08901

have any questions concerning this matter, please call:
732-634-4500

Subcode Official
Date: _____
Lawrence Esoldo, Construction Official
Date: _____
7/25/05
7/25/05

Exhibit "C"



Township of Woodbridge

FRANK G. PELZMAN, MAYOR

Department of Planning and Development
Bureau of Code Enforcement

One Main Street
Woodbridge, New Jersey 07095
www.twp.woodbridge.nj.us
Tel: (732) 602-6003
Fax: (732) 726-2330

08/02/2005

Cert #: 7004 2890 0001 2412 934 6 JP

SEASIDE PROPERTIES, LLC
CUTTERSDOCK RD
WOODBRIDGE

Re: BLOCK NO: 531 LOT: 2
Address: WOODBRIDGE

Dear Property Owner:

Upon inspection by this office, the following violations have been noted at the above captioned property:

150-49A- 150-49A-Site Plan Required

Please contact this office immediately so that we can arrange a date by which these conditions will be remedied.

If we do not hear from you within five(5) calendar days of receipt of this notice, we will undertake steps to have the property brought into compliance under the relevant Township Ordinance in Municipal Court.

If you have questions regarding this, please contact the Bureau of Property Maintenance/Code Enforcement,

Inspector: LAWRENCE CLEMENT (732) 634-4500 ext.2815

Please note for any structural work, permits may be required please call (732) 634-4500 Ext. 6457.

Thank you in advance for your anticipated cooperation in this matter.

Very truly yours,

LAWRENCE CLEMENT

Zoning Officer

Request number: A5080056
Request date.: 08/02/2005



Woodbridge - A Township in Florida

FOR USE BY CLERKS OFFICE

PAYMENT TYPE: CK CG

CHG/CK NO.

AMOUNT:

OVERPAYMENT:

BATCH NUMBER:

CIVIL CASE INFORMATION STATEMENT (CIS)

Use for Initial Law Division - Civil Part pleadings (not motions) under Rule 4:5-1.
Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or if attorney's signature is not affixed.



ATTORNEY / PRO SE NAME

Eric L. Lange

FIRM NAME (if applicable)

(732) 636-3344

TELEPHONE NUMBER

COUNTY OF VENUE

Hightstown

DOCKET NUMBER (When available)

Law Firm of James R. Nolan & Associates

OFFICE ADDRESS

61 Green Street

Woodbridge, NJ 07095

NAME OF PARTY (e.g. John Doe, Plaintiff)

Township of Woodbridge

CAPTION

Top of Woodbridge v. Cedar Dock Properties, LLC, Blue
Dolphin Freight Systems, Seaside Properties, LLC and
American Eagle Pallet Company

CASE TYPE NUMBER

(See reverse side for listing)

305

RELATED CASES

PENDING?

☒ YES ☐ NO

IF YES, LIST DOCKET NUMBERS

DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)?

☒ YES ☐ NO

NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN

☐ NONE ☒ UNKNOWN

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION.

A. DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP?

☒ YES ☐ NO

IF YES, IS THAT RELATIONSHIP

☐ EMPLOYER-EMPLOYEE

☐ FRIEND/NEIGHBOR

☐ OTHER (explain)

B. DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY?

☐ YES ☒ NO

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION.

DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS?

☐ YES ☒ NO

IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION:

ILL AN INTERPRETER BE NEEDED?

☐ YES ☒ NO

IF YES, FOR WHAT LANGUAGE:

ATTORNEY SIGNATURE

ADAMS, CASSESE & PAPP, L.L.P.
530 RAHWAY AVENUE
WOODBIDGE, NEW JERSEY 07095
(732-634-3350)
Attorneys for Defendants

SUPERIOR COURT OF NEW JERSEY
MIDDLESEX COUNTY
CHANCERY DIVISION
DOCKET NO. C-266-05

TOWNSHIP OF WOODBRIDGE,

Plaintiff,

-VS-

CIVIL ACTION

CUTTERS DOCK PROPERTIES, LLC, BLUE DOLPHIN FREIGHT
SYSTEMS, SEASIDE PROPERTIES, LLC and AMERICAN EAGLE
PALLET COMPANY,
RETURNABLE DEC. 8, 2005
OPPOSITION TO INJUNCTIVE
RELIEF
RESPONSIVE CERTIFICATION IN

Defendants.

RICHARD MATERA, residing at 14 Mead Place, Pompton Plains, New Jersey, of
full age, hereby certifies as follows:

1. I am a principal in the above listed corporate defendants, and am fully familiar
with the matters involved in this case. I make this certification in opposition to
the relief requested.

2. Seaside Properties, LLC purchased Lot 2, Block 531, Cutters Dock Road,
Woodbridge, New Jersey in March, 2003. The property is located in an M-2
heavy INDUSTRIAL zone consisting of approximately 18 acres, with the bulk of
the useable land covered with impervious ground cover and the remains of an old
warehouse foundation.

3. Directly across Cutters Dock Road, Cutters Dock Properties, LLC purchased Lots 1, 2 & 4, Block 523, 35 Cutters Dock Road, Woodbridge, New Jersey, from CYTEC INDUSTRIES, INC., in June, 2005. This property is located in the M-2 Heavy Industrial Zone and is approximately 4 acres consisting of several buildings which, at some point years ago, housed a chemical manufacturing facility operated by Cytec. The Phase I and Phase II environmental studies done at our cost revealed that Cytec Industries had executed an agreement (attached hereto as Schedule C) with the New Jersey Department of Environmental Protection for the cleanup of the site. Fourteen areas of concern (A.O.C.) had been identified and Cytec had expended more than \$2.5million to remediate the concerns. Twelve of the fourteen (A.O.C.'s) had been remediated, and then all the work on the two remaining (A.O.C.'s) had been completed as well. I have been informed the N.J.D.E.P. is satisfied and that the No Further Action Letter is pending. The D.E.P. has been to the site 5 times since June, and its representatives have inspected the wetlands areas which are clearly delineated.

4. On the Cytec property (35 Cutters Dock Road), our business consists of receiving, repairing and distribution of wood pallets to various customers. Customers do not come to the site.

5. When we purchased the Cytec site, we proceeded to clean up the useable area. There was an existing parking area which was leveled, covered with crushed stone. We did not expand this area, nor did we change the grade of the property at all. Apparently, Cytec had requirements for large amounts of electricity and

Our picture
shows
since 97

When is
the delin
map?
who were
get it.
we want to
agrees with
LOI (let's
interp.)

water in their manufacturing process. They had constructed an "equalization basin" or a pond in the northeast corner of the property, apparently designed to contain any chemical spill at the site. Cytek had disconnected the intricate electrical service when they shut down the facility years ago, but left hanging wires throughout the plant. In cleaning up the buildings, we removed these hanging wires and unneeded junction boxes. The buildings now have only normal electric service.

6. On the Seaside Properties, LLC property, we have trailers stored. In an effort to clean up the site, we removed broken concrete from an old crumbled foundation, removed pieces of concrete and rebar from the parking area. We only added crushed stone to the existing parking area and cleaned the debris. We did not expand the area nor did we change the grade of the property. We certainly went nowhere near the wetlands in the northeast corner of the site.

7. In July 2005, I met with Mr. Thompson, Woodbridge Township Engineer, and several other Woodbridge officials. We spent three hours walking through both sites and the buildings at 35 Cutters Dock Road. I was told about the need to get a site plan approval, and a Certificate of Occupancy for the building. I agreed to hire an engineer and to do what was needed to be in compliance for site approval. I also explained that we were forced to move from a site on Pennville Road in Woodbridge because the property we leased was always under water and hazardous. Apparently, there was no solution to that situation. Mr. Thompson was very concerned about the hanging wires in the plant and, as I indicated

don't know
if the grade
"changed"
w/c the way
submitted a
site plan

already, these wires had years before been disconnected and have since been removed.

8. After the meeting with Township officials, I spoke with A.J.V. Engineering who indicated we could either appeal the Zoning Officer's decision, or file for a complete site plan. We agreed to file for site plan approval. Attached are various letters from A.J.V. Engineering to the Township on this matter, attached hereto as Schedule A.

9. I have every intention of fully complying with the Township's requirements. We are soon to review a complete topographical survey for both sites, which our engineer needs in order to complete and submit the site plan. I have attached our agreement with the surveyor, attached hereto as Schedule "B".

10. In answer to the Township's injunctive requests, I will state that:

A. There has been no construction of any kind on these sites by my companies;

B. I agree that I will do nothing by way of alternation on the properties until, or unless, I receive specific approval;

C. I did no electrical modification to any structure, except remove disconnected electrical wiring;

D. I changed no grades or filled in or changed in any way, any wetlands area on the sites, nor will I do so;

E. There is nothing hazardous on the sites and I believe I made the sites more attractive by cleaning up debris consisting of broken concrete, rebar,

broken glass, etc., left from the prior owner, and I made the parking area
neater;

F. I installed no significant machinery. I utilize two portable saw units to
repair pallets which run on normal electric power.

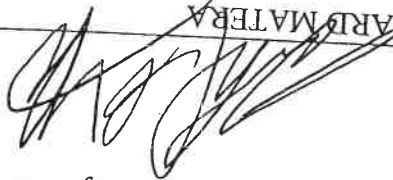
11. I ask that we be permitted to apply for site plan approval. I truly believe that no
irreparable harm can come from my current use of the property.

12. I make this certification in defense to the injunctive relief requested. I understand
that if any statement made herein by me is willfully false, I am subject to

punishment by law.

11/17/05

RICHARD MATERA



CODE VIOLATION REPORT

LOCATION		35 Cutters Dock Rd. Wabg.	
BLOCK	LOT	523 / 1	
OWNER/ADDRESS			
COMPLAINANT:		NAME/ADDRESS	
		PHONE NO.	
DATE OF INSPECTION		12/21/05	
IN VIOLATION OF SEC:		COMPLIANCE TIME	
NATURE OF VIOLATION		Jm.	
NARRATIVE:		Structure Issues.	
		Roof Structural Def.	
		Vacate Bldg.	
PENALTY ASSESSED	\$	500.00	
	\$	1	
		2000	
INSPECTOR	IMMEDIATE		
VIOLATION NO. 05-355/356			



NOTICE OF UNSAFE
STRUCTURE

Date Issued:
Control Number: 0
Permit Number: 0
Date Permit Issued:
Notice Date: 12/22/2005
Violation Number: 20050355/0

TOWNSHIP OF WOODBRIDGE
1 MAIN STREET
WOODBRIDGE, NJ 07095
2-634-4500

Work Site Location: 35 CUTTERS DOCK RD. WOODBRIDGE	Owner In Fee: BLUE DOLPHIN FREIGHT SYSTEMS	Address: 35 CUTTERS DOCK ROAD	Telephone:
Block: 523 Lot: 1 Qual:	Agent: BLUE DOLPHIN FREIGHT SYSTEM	Address: 35 CUTTERS DOCK ROAD	Telephone:
		WOODBRIDGE NJ 07095	

ACTION

Date Of Notice: 12/22/05 Date Of Inspection: 12/21/2005 Compliance Due Date: 12/22/2005

EASE TAKE NOTICE that as a result of the inspections conducted by this agency on 12/21/2005 on the above property, unsafe condition has been found to exist pursuant to

N.J.A.C. 5:23-2.32 (a) UNSAFE STRUCTURE TO BE MADE SAFE OR REMOVED
the building or structure, or portion thereof, deemed an unsafe structure is described as follows:
STRUCTURE DEEMED UNSAFE AS A RESULT OF STRUCTURAL DEFICIENCIES

☒ You are hereby ORDERED to vacate the above structure by 12/22/2005
☐ You are hereby ORDERED to demolish the above structure by or correct the above noted unsafe conditions by no later than 12/22/2005

STRUCTURE MUST BE RESTORED TO A SAFE CONDITION OR REMOVED- SEE ATTACHED

Failure to correct unsafe condition or refusal to comply with this notice will result in this matter being forwarded to legal council for prosecution.

Case be advised that you have until 12/22/2005

in which to notify this agency of your intention to accept or reject these terms. If you wish to contest the validity of the above action, you may file an appeal with the Construction Board of Appeals of the

Middlesex County Construction Board Of Appeals

within 15 business days of service as provided by N.J.A.C. 5:23A-2.1. Your application for appeal must be in writing, setting forth your name and address, the address of the building or site in question, the specific sections of the Uniform Construction Code in question, and the extent and nature of your reliance on them. The application to the Construction Board Of Appeals may be used for this purpose. If necessary, you may include a brief statement setting forth your position and the nature of the relief sought by you. You may also append any documents that you consider useful.

In accordance with N.J.A.C. 5:23A-2.1(e), the application must be accompanied by a fee of \$ 100 The application and fee must be forwarded to the Construction Board Of Appeals office located at :

Administration Bldg, John F. Kennedy Sq Rm 230 New Brunswick NJ 08901

Failure to render the structure temporarily safe and secure and/or demolish the structure in accordance with this ORDER will result in this matter being forwarded to legal counsel for prosecution, and assessment of penalties up to \$0.00 per week, per violation. You must immediately declare to the Construction Official, your acceptance or rejection of the terms of this ORDER.

ORDER OF :

LAWRENCE ESOLDO, CONSTRUCTION OFFICIAL

DATE :

12-22-05



TOWNSHIP OF WOODBRIDGE
1 MAIN STREET
WOODBRIDGE, NJ 07095
32-634-4500

[X] NOTICE OF VIOLATION AND
ORDER TO
TERMINATE
[] NOTICE AND ORDER TO PAY
PENALTY

Date Issued: _____
Control Number: 0
Permit Number: 0
Date Permit Issued: _____
Notice Date: 12/22/2005
Violation Number: 20050356/0

IDENTIFICATION

Work Site Location: 35 CUTTERS DOCK RD
Owner In Fee: BLUE DOLPHIN FREIGHT SYSTEMS
Address: 35 CUTTERS DOCK ROAD
Telephone: WOODBRIDGE NJ 07095

ACTION

Block: 523 Lot: 1
Agent: BLUE DOLPHIN FREIGHT SYSTEM
Address: 35 CUTTERS DOCK ROAD
Telephone: WOODBRIDGE NJ 07095

Date Of Notice: 12/22/2005
Date Of Inspection: 12/21/2005
Compliance Due Date: 1/1/2006

TAKE NOTICE that you have been found to be in violation of the State Uniform Construction Code Act and Regulation promulgated thereunder in that :
"STRUCTURE DEEMED UNSAFE AS A RESULT OF STRUCTURAL DEFICIENCIES- MUST BE VACATED IMMEDIATELY
in violation of N.J.A.C. 5:23-2.32 (a) UNSAFE STRUCTURES TO BE MADE SAFE OR REMOVED
You are hereby ordered to terminate the said violations on or before 1/1/2006. No Certificate of Occupancy or Approval
shall be issued unless the said violations are corrected.

[X] Failure to comply with this order will subject you to a penalty of \$ 2,000.00 per Week .

You are hereby ordered to pay a penalty in the amount of \$ _____ for each violation for a total penalty of _____
Each _____ that any of the said violation remain outstanding after _____ shall result in an additional
penalty of _____ per _____

"You wish to contest the validity of the above action, you may request a hearing before the Construction Board of Appeals of the :
Middlesex County Construction Board Of Appeals

within 15 days of receipt of these Orders. The application to the Construction Of Appeals may be used for this purpose. Your application
appeal must be in writing , setting forth your address and name, the address of the building or site in question , the permit number,
specific sections of the regulations in question, and the extent and the nature of your reliance on the regulations and, if necessary,
a statement setting forth your position and the nature of relief sought by you. You may also append any documents that you may
consider useful. The Fee for an Appeal is \$ 100 to be forwarded with your application to the Board Of Appeals office at :

Administration Bldg, John F. Kennedy Sq Rm 230 New Brunswick NJ 08901

You have any questions concerning this matter, please call:
Office of Violation and Order to Terminate:

Notice and Order of Penalty:

by Certified Mail # : 7003 2260 0001 9626 4408

Rev. F210 (rev 5/96)

LAWRENCE ESOLDO CONSTRUCTION OFFICIAL

Date: _____

12-22-05

SUBCODE OFFICIAL

Date: _____

732-634-4500

12/22/05

Attachment To:

Violation Reference No. 2005/0355/0356

Work Site Location:

35 Cutters Dock Road, Woodbridge

Property Owner:

Blue Dolphin Freight Systems
35 Cutters Dock Road
Woodbridge, NJ 07095

Dear Property Owner:

To ensure the safety of our citizens the following items must be addressed:

- The building must be vacated immediately.
- The building must be inspected by a structural engineer.
- A report detailing recommendations for repair of the building must be forwarded to this office.
- Survey of the electrical system.
- Fire sprinklers must be restored to service.

Joseph E. Rischak
Fire Subcode Official



Township of Woodbridge

FRANK G. FELZMAN, MAYOR

Department of Planning and Development
Bureau of Code Enforcement

One Main Street
Woodbridge, New Jersey 07095
www.twp.woodbridge.nj.us
Tel: (732) 602-6003
Fax: (732) 726-2330

Cert #: 7004 2890 0001 2412 934 6 JP

SEASIDE PROPERTIES, LLC
CUTTERS DOCK RD
WOODBRIDGE

Re: BLOCK NO: 531 LOT: 2
Address: WOODBRIDGE

Dear Property Owner:

Upon inspection by this office, the following violations have been noted at the above captioned property:

150-49A- 150-49A-Site Plan Required

Please contact this office immediately so that we can arrange a date by which these conditions will be remedied.

If we do not hear from you within five (5) calendar days of receipt of this notice, we will undertake steps to have the property brought into compliance under the relevant Township Ordinance in Municipal Court.

If you have questions regarding this, please contact the Bureau of Property Maintenance/Code Enforcement, Inspector: LAWRENCE CLEMENT (732) 634-4500 ext. 2815

Please note for any structural work, permits may be required. Please call (732) 634-4500 Ext. 6457.

Thank you in advance for your anticipated cooperation in this matter.

Very truly yours,

LAWRENCE CLEMENT

Zoning Officer

Request number: A5080056
Request date: 08/02/2005

Woodbridge-A Township United





Township of Woodbridge

Department of Planning and Development
Bureau of Code Enforcement

FRANK G. PELZMAN, MAYOR

One Main Street
Woodbridge, New Jersey 07095
www.twp.woodbridge.nj.us
Tel: (732) 602-6003
Fax: (732) 726-2330

07/22/2005

Cert #: 7004 2890 0001 2412 885 1 JP

BLUE DOLPHIN FREIGHT SYSTEMS
35 CUTTERS DOCK ROAD
WOODBRIDGE, NJ 07095

Re: BLOCK NO: 523 LOT: 1
Address 35 CUTTERS DOCK RD, WOODBRIDGE

Dear Property Owner:

Upon inspection by this office, the following violations have been noted at the above captioned property:

150-49A 150-49A: SITE PLAN APPROVAL REQUIRED.
150-24A 16.1 150-24A 16.1 GRADING PLAN REQUIRED
150-49: Violation of Site Plan (Outside Storage Materials)

Please contact this office immediately so that we can arrange a date by which these conditions will be remedied.

If we do not hear from you within five (5) calendar days of receipt of this notice, we will undertake steps to have the property brought into compliance under the relevant Township Ordinance in Municipal Court.

If you have questions regarding this, please contact the Bureau of Property Maintenance/Code Enforcement,

Inspector: LAWRENCE CLEMENT (732) 634-4500 ext. 2815

Please note for any structural work, permits may be required please call (732) 634-4500 Ext. 6457.

Thank you in advance for your anticipated cooperation in this matter.

Very truly yours,
LAWRENCE CLEMENT
Zoning Officer

Request number: A5070626
Request date: 07/22/2005

Schedule A-1



Woodbridge-A Township United

engineering inc

Hand Delivered

July 28, 2005

Mr. Lawrence Clement, Zoning Officer
Township of Woodbridge
1 Main Street
Woodbridge, NJ 07095

Re: Notice of Violation
Block 523, Lots 1, 2, and 4
35 Cutters Dock Road, Woodbridge

Dear Mr. Clement:

Your NOV of 7/22/05 and Mr. Kelly's NOV of 7/25/05 for the above referenced property has been referred to me for response. Please note that Blue Dolphin Freight Systems is a tenant of the subject property. The current property owner is Cutters Dock Property, LLC.

Enclosed is a copy of a letter dated 9/23/04 from the NJDEP stating that neither a Waterfront Development, nor a Stream Encroachment permit is required on this property. In addition, if no work is proposed at or below the Upper Wetlands Boundary, a wetlands permit is also not required.

Also enclosed is a copy of a letter dated 7/13/05 from the NJDEP regarding the cleanup of the property from the prior owner, Cytec Industries, Inc. As you can read from the letter, there is a Remediation Agreement that has been negotiated with the NJDEP and is close to a full acceptance of same by both parties.

In addition, I have requested and the owner has agreed to retain Mr. Kevin W. McMillen, PLS to update the current survey to include topographical information so that this office may proceed with development of a Site Plan.

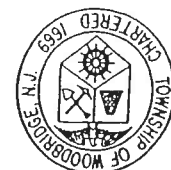
While not addressing Mr. Kelly's NOV as to the occupation of the property without a Certificate of Occupancy, I have requested the owner to schedule an inspection of all Building Department inspectors to formulate a list of the items outstanding. By copy of this letter, I am submitting the enclosures and this letter to Mr. Kelly. Please do not hesitate to contact this office regarding any aspect of this matter.

encl.

pc: Cutters Dock Property, LLC, w/o encl.
Mr. Thomas J. Kelly, w/encl.

Schedule "A" & "B"

94 GREEN STREET, P.O. BOX 548, WOODBRIDGE, NJ 07095 (732) 636-8080 FAX (732) 636-0062



Township of Woodbridge

FRANK G. PELZMAN, MAYOR

Department of Planning and Development
Bureau of Code Enforcement

One Main Street
Woodbridge, New Jersey 07095
www.twp.woodbridge.nj.us
Tel: (732) 602-6003
Fax: (732) 726-2330

Cert #: 7004 2890 0001 2412 957 5 JP

SEASIDE PROPERTIES, LLC
CUTTERSDOCK RD
WOODBIDGE

Re: BLOCK NO: 531 LOT: 2
Address, WOODBRIDGE

Dear Property Owner:

Upon inspection by this office, the following violations have been noted at the above captioned property:

150-49A 150-49A-SITE PLAN REQUIRED

Please contact this office immediately so that we can arrange a date by which these conditions will be remedied.

If we do not hear from you within five(5) calendar days of receipt of this notice, we will undertake steps to have the property brought into compliance under the relevant Township Ordinance in Municipal Court.

If you have questions regarding this, please contact the Bureau of Property Maintenance/Code Enforcement,

Inspector: LAWRENCE CLEMENT (732) 634-4500 ext. 2815

Please note for any structural work, permits may be required please call (732) 634-4500 Ext. 6457.

Thank you in advance for your anticipated cooperation in this matter.

Very truly yours,

LAWRENCE CLEMENT

Zoning Officer

Request number: A5080129
Request date...: 08/04/2005

Schedule A-3

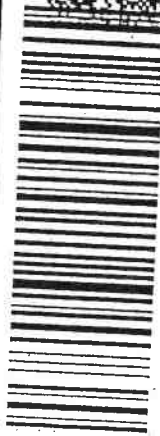


Woodbridge - A Township United

Department of Planning & Development
Bureau of Housing
Township of Woodbridge
Woodbridge, NJ 07095



CERTIFIED MAILTM



7004 2890 0001 2412 9575



02 1A
0004309914 AUG 04 2005
MAILED FROM ZIP CODE 07095

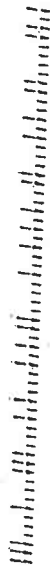
\$ 04.42⁰

NAME

SEASIDE PROPERTIES, LLC
PO BOX 456
WOODBIDGE, NJ 07095

1st NOTICE 8/5/05 gm
2nd NOTICE

0709510456756 2005



Schedule A-4

engineering inc

Hand Deliver

August 15, 2005

Mr. Lawrence Clement, Zoning Officer
Township of Woodbridge
1 Main Street
Woodbridge, NJ 07095

Re: Seaside Properties, LLC
Block 531, Lot 1
Cutters Dock Road
Woodbridge

Dear Mr. Clement:

I have been directed by the above named property owner to respond to your letter of violation dated 8/4/05. I have been advised by the property owner that they have retained the services of a Professional Land Surveyor who will provide the undersigned with a topographic survey that will be used in the preparation of a Site Plan. By copy of this letter we are advising Ms. Stacy Abrahamson-Brady of the Freehold Soil Conservation District of these events. As part of our Site Plan preparation we will be submitting a FSCD application. In the interim, Seaside Properties are currently taking the precautionary steps to avoid soil erosion and sediment displacement from this site. Please do not ever hesitate to contact me regarding any aspect of this matter.

PC: Ms. Stacy Abrahamson-Brady, FSCD
Seaside Properties, LLC

Stacy A-57

94 GREEN STREET, P.O. BOX 548, WOODBRIDGE, NJ 07095 (732) 636-8080 FAX (732) 636-0062



KEVIN W. McMILLEN
Professional Land Surveyor
224 SPRUCE COURT
FLEMINGTON, N.J. 08822
Tel: (908) 806-0726
Fax: (908) 806-2536

PROPOSAL FOR PROFESSIONAL LAND SURVEYING SERVICES

September 01, 2005

Walter Jakovic
American Eagle Pallet
35 Cutters Dock Road
Woodbridge, NJ 07095

Proposed Services: Topographic Survey with 1' contour intervals and spot elevations to be utilizing Boundary Survey previously prepared (Lots 1, 2, and 4 in Block 523). Additional instrument survey in field to acquire sufficient spot elevations to produce a digital terrain model and contour map.

Fee:\$1,800.00
Retainer:\$900.00

Crew will be on site Saturday September 03, 2005.

Thank you

Kevin McMillen, P.L.S.

Walter Jakovic

Accepted by:

Schedule "B-1"

Schedule "B-2"

FOR *Solo Power for Cutters Dock*

"001236" : 221222303 : 9868 0017 5"

THE PROVIDENT BANK
CHECK PROCESSING CENTER
800 BIRKEN AVE. JERSEY CITY, NJ 07306

PAY TO THE ORDER OF *Kevin W. McMillen*

New Hudson Hgts + Bldg

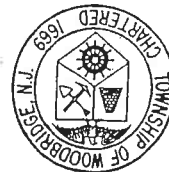
\$ *950.00* DOLLARS

DATE *Sept 7, 2005*

AMERICAN EAGLE PALLET
135 CUTTERS DOCK ROAD
WOODBRIDGE, NJ 07095

1236
55-7230/2212

SHARLAND STEEL, INC.



Township of Woodbridge

FRANK G. PELZMAN, MAYOR

Department of Planning and Development
Bureau of Code Enforcement

One Main Street
Woodbridge, New Jersey 07095
www.twp.woodbridge.nj.us
Tel: (732) 602-6003
Fax: (732) 726-2330

07/22/2005

Cert #: 7004 2890 0001 2412 885 1 JP

BLUE DOLPHIN FREIGHT SYSTEMS
35 CUTTERS DOCK ROAD
WOODBRIDGE, NJ 07095

Re: BLOCK NO: 523 LOT: 1
Address 35 CUTTERS DOCK RD, WOODBRIDGE

Dear Property Owner:

Upon inspection by this office, the following violations have been noted at the above captioned property:

150-49A 150-49A: SITE PLAN APPROVAL REQUIRED.
150-24A 16.1 150-24A 16.1 GRADING PLAN REQUIRED
150-49: Violation of Site Plan (Outside Storage Materials)

Please contact this office immediately so that we can arrange a date by which these conditions will be remedied.

If we do not hear from you within five(5) calendar days of receipt of this notice, we will undertake steps to have the property brought into compliance under the relevant Township Ordinance in Municipal Court.

If you have questions regarding this, please contact the Bureau of Property Maintenance/Code Enforcement,

Inspector: LAWRENCE CLEMENT (732) 634-4500 ext.2815

Please note for any structural work, permits may be required please call (732) 634-4500 Ext. 6457.

Thank you in advance for your anticipated cooperation in this matter.

Very truly yours,

Lawrence Clement
LAWRENCE CLEMENT
Zoning Officer

Request number: A5070626
Request date...: 07/22/2005



Woodbridge - A Township United

3:00 AM

WOODBRIDGE 150-49A: SITE PLAN APPROVAL REQUIRED.

WOODBRIDGE 150-24A 16.1 GRADING PLAN REQUIRED.

WOODBRIDGE 150-49: Violation of Site Plan (Outside Storage Materials)

150-49A: 150-49A: SITE PLAN APPROVAL REQUIRED.

150-24A 16.1 150-24A 16.1 GRADING PLAN REQUIRED.

150-49: Violation of Site Plan (Outside Storage Materials)

Use the DISPLAY menu item to run them

View List

Exit

Request #: A5070626 Date In: 07/22/2005 Letter: Special Pickup: Date:

Department: HOU HOUSING BUREAU

Division: EXT Exterior Complaints

Request: 00 Housing Dept

Resident Name: CYTEC INDUSTRIES INC.

Owners name: BLUE DOLPHIN FREIGHT SYSTEMS

Address: 35 CUTTERS DOCK RD.

City/State/Zip: WOODBRIDGE NJ 07095

Phone #:

Assigned To:

**Service Request added 07/22/2005 at 14:12 by J.PEREZ (Joesy)

150-49A: 150-49A: SITE PLAN APPROVAL REQUIRED.

150-24A 16.1 150-24A 16.1 GRADING PLAN REQUIRED.

150-49: Violation of Site Plan (Outside Storage Materials)

Closed: N

Date closed:

View List

Hit List: Get Print-List Last-search Reports-quick Quit
 Page 1/3 Found: 55 Active: 55
 Last Search: caddinclog.logcp like "35 CUTTERS DOCK ROAD%"

< >

Date/Time	Inc #	Type	Location
2002-03-11 08:19:00	2019443	ALRM OUT	35 CUTTERS DOCK ROAD
2002-03-19 07:24:00	2021903	ALRM OUT	35 CUTTERS DOCK ROAD
2001-01-16 09:35:00	1004263	ALRM OUT	35 CUTTERS DOCK ROAD
2001-03-22 08:08:00	1022085	ALRM OUT	35 CUTTERS DOCK ROAD
2001-03-31 07:34:00	1024694	ALRMTEST	35 CUTTERS DOCK ROAD
2001-03-31 14:08:00	1024783	ALRM BIS	35 CUTTERS DOCK ROAD
2001-03-31 18:12:00	1024842	911 HANG	35 CUTTERS DOCK ROAD
2001-05-14 10:30:00	1036318	911 HANG	35 CUTTERS DOCK ROAD
2001-05-25 11:56:00	1039443	HAZ-MAT	35 CUTTERS DOCK ROAD
2001-05-25 12:02:00	1039445	ASSISTFD	35 CUTTERS DOCK ROAD
2001-09-06 07:22:00	1067604	ALRM OUT	35 CUTTERS DOCK ROAD
2001-11-01 10:51:00	1082867	HAZ-MAT	35 CUTTERS DOCK ROAD
2001-11-06 07:51:00	1084087	ALRM OUT	35 CUTTERS DOCK ROAD
2004-03-09 08:42:20	4018596	ALRM OUT	35 CUTTERS DOCK ROAD
2002-05-13 08:22:55	2036599	ALRM OUT	35 CUTTERS DOCK ROAD
2002-07-11 10:14:16	2052709	ALRM OUT	35 CUTTERS DOCK ROAD
2002-11-09 08:30:18	2084881	911 HANG	35 CUTTERS DOCK ROAD
2002-11-09 08:25:27	2084880	FIR ALRM	35 CUTTERS DOCK ROAD
2003-03-07 09:09:13	3018183	ALRM OUT	35 CUTTERS DOCK ROAD