

COMMUNICATION CENTER NOTIFICATION REPORT

Received: 10/28/2015 14:29:00

Comm. Center #: 15-10-28-1429-00

Operator: 70

Reviewed By: _____

Incident ID: 578339

Reporter Type: Other

Reported By: IRIS CLIFTON

Affiliation: LOMBARDO ENVIRONMEN Phone: 201-796-3390

Street Address: 72 BUSHES LANE,

Municipality: Elmwood Park Boro

State: NJ

Incident Category: Other

Location Description: RESIDENTIAL

Address: 39-41 BROAD AVE

Municipality: Palisades Park Boro

County: Bergen

State: NJ Zip Code: 07650

Location Type: Residential

Occurred Date: 10/19/2015 Occurred Time: 11:00 AM

Substance Released: OIL HEATING #2

Amount Released: 0

Units: unknown

Unknown

ID: Known

State: Liquid

CAS#:

Incident Status at Time of Report: Terminated

Substance Contained: Yes

HAZMAT: Yes

TCPA: No

Haz Waste:

Incident Type: Underground Storage Tank

Incident Type 2:

ries: No

Public Evac: No

Facility Evac: No

Public Exposure: No

Police At Scene: No

Firemen At Scene: No

Dep Requested: No

Road Closure: No

Wind Speed/Direction:

Contamination Of: Land

Watershed:

Other Watershed:

Incident Description: 1 1000 GALLON UST REMOVED. CLEAN UP PENDING.

Responsible Party Name: LEO PFLIEGER

Responsible Party Phone: 201-394-8580

Responsible Party Street Address: PO BOX 444,

Municipality: Bergenfield Boro

County: Bergen

State: NJ Zip Code: 07621

Officials Notified

Name	Affiliation	Phone	Date	Time	Action
	Case Assignment Section		10/28/2015	14:29	Notification - Fax
OP 528	PALISADES PARK BOROUGH	201-944-0900	10/28/2015	14:31	Notification - A310

Comments:



Borough of Palisades Park

Bergen County, N. J. 07630

Fire Prevention Bureau

TO: Gina Kim, Borough Clerk

FROM: Andrew Chiurazzi, Fire Official *A. Chiurazzi*

DATE: December 26, 2019

RE: Request for Information, Borough of Palisades Park

The Fire Prevention Bureau of the Borough of Palisades Park has reviewed its files concerning the property located at 40, 42, and 50 Broad Avenue, in our jurisdiction, pursuant to the Government Request for Information submitted by Brittney Eugenio and have not identified any aboveground or underground storage tank permits, spills, remediation, or hazardous materials/hazardous waste clean-up activities associated with the property.

If you should have any questions or require anything additional, please let us know.

BLOCK 614 LOT 23 QUALIFICATION CODE _____ ADDRESS (SITE) 50 BROAD AVE PERMIT NO. 99-079



CONSTRUCTION PERMIT APPLICATION

Application Completes: Sections I, II, III (optional), IV, VI, and VII

I. IDENTIFICATION	
1. Proposed Work Site at: <u>Removal of underground Tanks</u>	
2. Name of Owner In Fee: _____ Tel. (____) _____	
Address <u>50 Broad St Palisades</u>	
3. Ownership In Fee: Public _____ Private <u>Citgo Station</u>	
4. Principal Contractor: <u>New Jersey Tank Inc</u> Tel. _____	
Address <u>734-B Wadsworth Twp Hewitt N.J</u>	
License No. OR, if new home, Builder Reg. No. _____ Exp. Date _____	
Federal Employee No. <u>223517532</u> FAX: (____) _____	
5. Architect or Engineer _____ Tel. (____) _____	
Address _____	
6. Responsible Person In Charge of Work <u>Tom Balano</u>	
Tel. _____ FAX (____) _____	

V. FEE SUMMARY (for office use only)

		Update	Update
1. Building	\$ <u>500-</u>		
2. Electrical			
3. Plumbing			
4. Fire Protection			
5. Elevator Devices			
6. Subtotal	\$ _____		
7. Less 20% for State Plan Review			
8. Subtotal	\$ _____		
9. DCA Training Fee			
10. Subtotal			
11. Cert. of Occupancy			
12. Other			
13. TOTAL	\$ <u>500-</u>		

VI. BUILDING/SITE CHARACTERISTICS

1. Number of Stories _____		(office use only)
2. Height of Structure _____ ft.		
3. Area - Largest Floor _____ sq. ft.		
4. New Building Area _____ sq. ft.		
5. Volume of New Structure _____ cu. ft.		
6. Construction Classification _____		
7. Total Land Area Disturbed _____ sq. ft.		
8. Flood Hazard Zone _____		
9. Base Flood Elevation _____ ft.		
10. Wetlands <u>yes</u>		
no _____		
11. Max. Live Load _____		
12. Max. Occupancy Load _____		

II. PROPOSED WORK	Est. Cost	OPTIONAL (for office use only)							
		Plans Rec'd by	Date Rec'd	Rejection Date	Approval Date	Re-viewer	Resubmission Dates Approval	Rejection	Re-viewer
1. ☐ Minor Work									
2. ☐ New Building									
3. ☐ Addition									
4. ☐ Alteration									
5. ☐ Fire Protection									
6. ☐ Plumbing									
7. ☐ Electrical									
8. ☐ Elevator Devices									
9. ☐ Asbestos Abat. Subch. 6									
10. ☐ Lead Hazard Abatement									
11. ☐ Demolition									
TOTAL COSTS									

III. DO YOU WANT: (optional)
1. ☐ Partial Releases
2. ☐ Prototype Processing

IV. DOES OR WILL YOUR BUILDING CONTAIN ANY OF THE FOLLOWING?

- | | |
|---|---|
| 1. ☐ Elevators/Escalators/Lifts/
Dumbwaiters/Moving Walks | 5. ☐ Cross-Connections/Backflow Preventers |
| 2. ☐ High Pressure Boilers | 6. ☐ Hazardous Uses/Places of Assembly |
| 3. ☐ Pressure Vessels | 7. ☐ Sprinklers |
| 4. ☐ Refrigeration Systems | 8. ☐ Smoke Control Systems in Open Walls |
| | 9. ☐ Underground Storage Tanks |

VII. DESCRIPTION OF BUILDING USE

A. RESIDENTIAL

- ☐ Hotels (R-1)
- ☐ Multi-Family (R-2)
- ☐ Two-Family (R-3) BOCA
- ☐ Two-Family (R-4) CABO
- ☐ One-Family (R-3) BOCA
- ☐ One-Family (R-4) CABO

No. of dwelling units:

Before Construction _____
After Construction _____
Net Gain or Loss _____

B. NON-RESIDENTIAL

1. State Specific Use:

2. Use Group:

3. Change in Use Group, Indicate Former:

[REDACTED]

[REDACTED]
[REDACTED]

CERTIFICATION IN LIEU OF OATH

I. OWNER SECTION (to be completed if the applicant is the owner in fee)

I hereby certify that I am the owner in fee of the property listed on Page 1.

Mark the following applicable boxes:

- A. ☐ I further certify that a new home (private residence) will be constructed on this property for my own use and occupancy. This dwelling is to be occupied by myself and is not to be used for any purpose other than single family residential use. I attest that all construction, plumbing, or electrical work will be done, in whole or in part, by me or by subcontractors under my supervision, in accordance with all applicable laws; and, I further acknowledge that said new home is not covered under the New Home Warranty and Builders Registration Act (N.J.S.A. 46:3B-1 et seq.) and that such fact shall be disclosed to any person purchasing this property within ten years of the date of issuance of a certificate of occupancy.

I UNDERSTAND THAT IN MARKING BOX A, I ACKNOWLEDGE THAT I AM ASSUMING RESPONSIBILITY FOR THE WORK DONE ON SAID PROPERTY, THE CONDITION OF THE PROPERTY PRIOR TO, DURING, AND AFTER ANY WORK PERFORMED, AND FOR THE PERFORMANCE OF THE SUBCONTRACTORS I HIRE, EMPLOY, OR OTHERWISE CONTRACT OR WITH WHOM I MAKE AGREEMENTS TO PERFORM WORK. I AM VOLUNTARILY AND KNOWINGLY ASSUMING THIS RESPONSIBILITY.

- B. ☐ I further certify the following as required by the New Jersey Uniform Construction Code, N.J.A.C. 5:23-2.15(e)1.vii:

I personally prepared the plans submitted for: 1) the new home referred to in A., or, 2) an addition, alteration, renovation, or repair to an existing single family residence owned and occupied by myself and located on the property listed on Page 1; or, 3) a new structure that will be physically separate from, but that will be deemed part of, an existing single family residence that is owned and occupied by myself and located on the property listed on Page 1.

- C. ☐ I further certify that I will perform or supervise the following work:

C.1. ☐ Building C.2. ☐ Fire Protection

I further certify that I will perform the following work:

C.3. ☐ Electrical C.4. ☐ Plumbing

- D. ☐ I agree to advise all contractors on this project that they are required to be registered with the New Jersey Division of Taxation and to comply with all New Jersey tax laws.

I further certify the following as required by the Uniform Construction Code, N.J.A.C. 5:23-2.15(a)5: All required State, county, and local prior approvals have been given, including such certification as the construction official may require.

I understand that if any of the above statements are willfully false, I am subject to punishment.

Signature _____ Date _____

II. AGENT SECTION (to be completed if the applicant is not the owner in fee)

I hereby certify the following as required by the Uniform Construction Code, N.J.A.C. 5:32-2.15(d): the proposed work is authorized by the owner in fee; and I have been authorized by the owner in fee to make this application as his agent.

I further certify the following as required by the Uniform Construction Code, N.J.A.C. 5:23-2.15(a)5: All required State, county, and local prior approvals have been given, including such certification as the construction official may require.

I agree to advise all contractors on this project that they are required to be registered with the New Jersey Division of Taxation and to comply with all New Jersey tax laws.

I understand that if any of the above statements are willfully false, I am subject to punishment.

- ☐ Check if contractor.

Agent Name New Jersey Tank Inc.

Address 734-B Warwick N.J.

Telephone [REDACTED]

Signature Jerome J. Lucas

- III. ☐ LEAD HAZARD ABATEMENT: Include Homeowner or Building Owner Affidavit as per N.J.A.C. 5:17.



OFFICE DATE RECEIVED: _____

VIII. PRIOR APPROVALS CHECKLIST (office use only)	LOCAL APPROVAL		COUNTY APPROVAL		REGIONAL APPROVAL		STATE APPROVAL		COMMENTS
	Prelim. Initial	Final Date	Prelim. Initial	Final Date	Prelim. Initial	Final Date	Prelim. Initial	Final Date	
☐ Zoning Officer									
☐ Planning Board									
☐ Zoning Board									
☐ Sewer Authority									
☐ Water Authority									
☐ Police Department									
☐ Health Department									
☐ Soil Conservation									
☐ N.J. Department of Community Affairs									
☐ N.J. Department of Transportation									
☐ N.J. Department of Environmental Protection									
☐ Utility Dig No.									
☐									
☐									

IX. SUBCODES AND SPECIAL REGULATIONS APPLICABLE (office use only—optional)

Name of Code & Edition	Name of Code & Edition	Other
Building _____	Energy _____	
Electrical _____	Barrier Free _____	
Plumbing _____	Flood Hazard _____	
Fire Protection _____	As Bulk Elevation Cert. _____	
Mechanical _____	Other _____	

X. CERTIFICATES ISSUED (office use only)

	DATE ISSUED	DATE EXPIRED	DATE REISSUED	DATE EXPIRED
☐ Temporary Certificate of Occupancy	No. _____	_____	_____	_____
☐ Temporary Certificate of Compliance	No. _____	_____	_____	_____
☐ Continued Certificate of Occupancy	No. _____	_____	_____	_____
☐ Certificate of Compliance	No. _____	_____	_____	_____
☐ Certificate of Occupancy	No. _____	_____	_____	_____
☐ Certificate of Approval	No. _____	_____	_____	_____
☐ Lead Abatement Clearance Certificate	No. _____	_____	_____	_____



CONSTRUCTION PERMIT

Date Issued 3/23/99
Control #
Permit # 99-079

IDENTIFICATION Block 614 Lot 23
Work Site Location 50 Broad St. Palisades Park, NJ Contractor New Jersey Tank Inc.
Address 734 B. Wadsworth Twp.
Owner in Fee Exxon - Citgo Station Hewitt, NJ
Address 50 Broad St. Palisades Tel. [REDACTED] 1-800-8003090
N.J. Lic. No. or Bids. Reg. No. 4501055
Tel. () Fed. Emp. No. 223517532

Is hereby granted permission to perform the following work:

[] BUILDING [] PLUMBING [] LEAD HAZARD ABATEMENT
[] ELECTRICAL [] FIRE PROTECTION [] DEMOLITION
[] ELEVATOR DEVICES [] ASBESTOS ABATEMENT (Subchapter 8 only) [X] OTHER 3 TANKS
3,000 gallon

DESCRIPTION OF WORK:

Removal of 3 underground
Gas Tanks, one 1,000 gallon waste oil, one 550
gallon #2 fuel oil

NOTE: If construction does not commence within one (1) year of date of issuance, or if construction ceases for a period of six (6) months, this permit is void.

Estimated Cost of Work

[Signature]
Construction Official

3/11/99
Date

PAYMENTS (Office Use Only)

Building 500
Electrical
Plumbing
Fire Protection
Elevator Devices
Other
DCA Training Fee
Cert. of Occupancy
Other
Total 500
Check No. 2116
Cash
Collected by RA.

U.C.C. F170
(rev 3/98)

1 WHITE—INSPECTOR COPY 2 CANARY—OFFICE COPY 3 PINK—OFFICE COPY 4 GOLD—APPLICANT COPY (see reverse side)

811 820000

REQUIRED INSPECTIONS

Construction work must be inspected in accordance with the State Uniform Construction Code Regulations N.J.A.C. 5:23-2.10. This agency will carry out such periodic inspections during the progress of work as are necessary to insure that work installed conforms to the approved plans and the requirements of the Uniform Construction Code.

The owner or other responsible person in charge of work must notify this agency when work is ready for any required inspections specified below. Requests for inspections must be made at least 24 hours prior to the time the inspection is desired. Inspections will be performed within three business days of the time for which they are requested. The work must not proceed in a manner which will preclude the inspection until it has been made and approval given.

Required inspections for all subcodes for one and two family dwellings are the following:

1. The bottom of footing trenches before placement of footings, except that in the case of pile foundations, inspections shall be made in accordance with the requirements of the building subcode;
2. Foundations and all walls up to grade level prior to back filling;
3. All structural framing and connections prior to covering with finish or infill material; plumbing underground services, rough piping, water service, sewer, septic services and storm drains; electrical rough wiring, panels and service installations; insulation installations;
4. Installation of all finished materials, sealings of exterior joints; plumbing piping, trim and fixtures; electrical wiring, devices and fixtures; mechanical systems equipment.

☐ Required special inspections. The applicant by accepting the permit will be deemed to have consented to these requirements:

- ☐ A final inspection is required for each applicable subcode area before a final Certificate of Occupancy or Approval may be issued. Any violations of the approved plans and/or permit will be noted and the holder of the permit notified of discrepancies.
- ☐ A complete copy of approved plans must be kept on the job site.

If you do not understand any of this information, please ask.



TECHNICAL SECTION

Tele. [REDACTED] Fax ()
Lic. No. or Bldgs. Reg. No. 4501055
Federal Emp. No. 223517532

Date Received 3/23/99
Date Issued
Control #
Permit # 99-079

C. CERTIFICATION IN LIEU OF OATH

I hereby certify that I am the (agent of) owner of record and am authorized to make this application.

Signature Jerome Lucas

D. TECHNICAL SITE DATA

DESCRIPTION OF WORK

Excavate and removal of 3-3,000 gallon
underground gas tanks
Clean and dispose.
one - 1,000 gallon waste oil UST
one - 550 gallon #4 fuel oil
& all piping. -

JOB SUMMARY (Office Use Only)

PLAN REVIEW	Date	Initial	INSPECTIONS	Failure	Dates (Month/Day)	Initial
☐ No Plans Required	_____	_____	Type: _____	_____	_____	_____
☐ All	_____	_____	Footings	_____	_____	_____
☐ Footing	_____	_____	Foundation	_____	_____	_____
☐ Foundation	_____	_____	Slab	_____	_____	_____
☐ Frame	_____	_____	Frame	_____	_____	_____
☐ Other	_____	_____	Barrier-Free	_____	_____	_____
Joint Plan Review Required:						
☐ Elec. ☐ Plumb. ☐ Fire ☐ Elevator	_____	_____	Insulation	_____	_____	_____
SUBCODE APPROVAL						
☐ CO ☐ CCO ☐ CA	_____	_____	Finishes	_____	_____	_____
Date: _____	_____	_____	Energy	_____	_____	_____
Approved by: _____	_____	_____	Mechanical	_____	_____	_____
_____	_____	_____	TCO	_____	_____	_____
_____	_____	_____	Other	_____	_____	_____
_____	_____	_____	Final	_____	_____	_____
_____	_____	_____	Barrier-Free	_____	_____	_____

B. BUILDING CHARACTERISTICS

Use Group	Present	Proposed	Est. Cost of Bldg. Work: 1. New Bldg. \$ 2. Alteration \$ 3. Total (1+2) \$
Constr. Class	Present	Proposed	
No. of Stories			
Height of Structure			Fl

Height of Structure	_____	Fl
Area — Largest Floor	_____	Sq. Fl
New Bldg. Area/All Floors	_____	Sq. Fl
Volume of New Structure	_____	Cu. Fl
Total Land Area Disturbed	_____	Sq. Fl

TYPE OF WORK:

- ☐ New Building
☐ Addition
☐ Alteration
☐ Roofing
☐ Siding
☐ Fence _____ Height (exceeds 6')
☐ Sign _____ Sq. Ft. _____
☐ Pool
☐ Asbestos Abatement Subchapter B
☐ Lead Haz. Abatement NJAC 5:17

[X] Dermoliten

FEE (Office Use Only)

Administrative Surcharge
Minimum Fee
DCA Training Fee
TOTAL FEE

U.C.C. F110
Q101. 51063

1 White = Inspector Copy
2 Canary = Office Copy
3 Pink = Office Copy
4 Gold = Assistant Copy



MAY-03-99 10:33 FROM: NAPORANO I & M

ID: 5733440155

PAGE 2/2

NAPORANO

IRON & METAL CO.

P.O. BOX 5150

NEWARK, N.J. 07105-0150

(973) 344-4370

FAX (973) 344-8155



FERROUS & NON FERROUS SCRAP
RAILROAD TRACK MATERIAL & ROLLING STOCK
WRECKING & DISMANTLING

April 30, 1999

New Jersey Tank
784 Warwick Turnpike
Hewitt, NJ, 07421

Phone: [REDACTED]
Fax: 973-853-3091
To whom it may concern,

Allow this letter to serve as certification that the above mentioned company disposed of underground storage tanks at Naporano Iron & Metal. The tanks were picked up by NAPORANO IRON AND METAL CO. from the jobsite in Palisades Park. They were brought to NAPORANO IRON AND METAL CO. for scrapping purposes only. They have subsequently been cut to mill specification sizes and will be sold either domestically or exported to a foreign steel mill.

The scale tickets were as follows:

TAT674 5420lbs.

TAT636 7100lbs

TAT764 5500lbs

TAT782 3920lbs

All loads were picked up on March 29th, 1999.

New Jersey Tank owes NAPORANO IRON AND METAL CO. \$600 (150/d). A separate invoice will follow.

Naporano Iron & Metal only accepts tanks that are clean and dry and that have a minimum 2x2 foot inspection hole.

Naporano Iron & Metal thanks you for the opportunity to provide this service.

Sincerely

Christopher R. Kayser
Buyer



18-10-1944

VAN ORDEN
SAND & GRAVEL OF RINGWOOD
689 WESTBROOK ROAD • RINGWOOD, N.J. 07450
(201) 838-0207

N.J. TANK CO.
Job Site: 50 Broad Ave
Palisades Park, N.J.

4/20/99

MATERIALS - CERTIFIED FILL

TICKET 001552

Dear Customer:

This is to certify that the above referenced materials that you purchased for the mentioned project were manufactured from the natural deposits of sands, gravels, and gneiss, granite type stone located at 689 Westbrook Road, Lot #s 2,3,11,26, Block 101, Ringwood N.J.

These items to the best of our knowledge, contain no contaminants or hazardous materials. If we can be of further assistance, please contact us at the above telephone number.

Very truly yours,
VAN ORDEN SAND & GRAVEL OF RINGWOOD


Wendy J. Reafforkorn
Office Manager

APR-20-99 TUE 14:53

3.01



Borough of Palisades Park

275 Broad Avenue

Bergen County, N.J. 07650

Building Department

Telephone: (201) 585-4108

Fax: (201) 585-4110

FACSMILE TRANSMITTAL SHEET.

TO:

Sandy

FAX:

942-1017

FROM:

Pat Byrne

SUBJECT:

50 Broad

DATE:

6-29-00

NO. OF PAGES INCLUDING COVER SHEET: 3

COMMENTS:

NOTE: IF YOU HAVE NOT RECEIVED TOTAL AMOUNT OF PAGES,
INCLUDING COVER SHEET, PLEASE CALL SENDER AT
(201) 585-4108/4109.

THE NIA GROUP, LLC
ONE EXECUTIVE SQUARE, P.O. BOX 6728
SOMERSET, NEW JERSEY 08875-6728
PH: 732-469-3000
FAX: 732-271-0152



FAX COVER SHEET

DATE: March 11, 1999
TO: Pat
COMPANY: CITY OF PALISADES PARK
FAX#: 201-585-4110
FROM: Laurie Chipoletti
RE: *Certificate - New Jersey Tank, Inc.*

1 PAGES TO FOLLOW EXCLUDING THIS COVER PAGE

This Facsimile is intended only for the use of the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this facsimile, you are hereby notified that any dissemination, distribution or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original facsimile to us at the address above via the local postal service. We will reimburse any costs you incur in notifying us and returning the facsimile to us.

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)

03/11/99

PRODUCER
NIA Group, L.L.C.
One Executive Drive
P.O. Box 6728
Somerset NJ 08875-6728

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

Phone No. 732-469-3000 Fax No.
INSURED

COMPANY A Reliance National Indemnity Co

COMPANY B New Jersey Re-Insurance Co.

COMPANY C

COMPANY D

New Jersey Tank Inc.
29 Hanover Road
Newark NJ 07421

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	NTH1632360	06/06/98	06/06/99	GENERAL AGGREGATE \$ 1,000,000
	☒ COMMERCIAL GENERAL LIABILITY				PRODUCTS - COMPROP AGG \$
	☐ CLAIMS MADE ☒ OCCUR				PERSONAL & ADV INJURY \$
	☐ OWNERS & CONTRACTORS PROT				EACH OCCURRENCE \$ 1,000,000
					FIRE DAMAGE (Any one fire) \$ 50,000
					MED EXP (Any one person) \$ 5,000
A	AUTOMOBILE LIABILITY	NKA1630691	07/10/98	07/10/99	COMBINED SINGLE LIMIT \$ 500,000
	☒ ANY AUTO				BODILY INJURY (Per person) \$
	☐ ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	☐ SCHEDULED AUTOS				PROPERTY DAMAGE \$
	☐ HIRED AUTOS				
	☐ NON-OWNED AUTOS				
	Garage Liability				ALTO ONLY - EA ACCIDENT \$
	☐ ANY AUTO				OTHER THAN AUTO ONLY: \$
					EACH ACCIDENT \$
					AGGREGATE \$
	EXCESS LIABILITY				EACH OCCURRENCE \$
	☐ UMBRELLA FORM				AGGREGATE \$
	☐ OTHER THAN UMBRELLA FORM				\$
B	WORKERS COMPENSATION AND EMPLOYERS LIABILITY	J22032798	06/06/98	06/06/99	☒ WTD STATE ☐ WTD DATE
	☐ THE PROPRIETOR/ PARTNER/EXECUTIVE OFFICERS ARE				EL EACH ACCIDENT \$ 100000
	☐ INCL ☐ EXCL				EL DISEASE - POLICY LIMIT \$ 500000
	OTHER				EL DISEASE - EA EMPLOYEE \$ 100000
A	Pollution Liability	NTH1632360	06/06/98	06/06/99	Limit \$1,000,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS
*** EVIDENCE OF INSURANCE ***

CERTIFICATE HOLDER

City of Palisades Park
Building Department
Attn: Pat

Palisades Park NJ

CITYPALI**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT. BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Donald P. Reulinger

ACORD 25-S (1/95) NEW JERSEY REINSURANCE COMPANY, INC. A NEW JERSEY CORPORATION 1998



STATE OF NEW JERSEY
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Certifies That

NEW JERSEY TANK INC.
314 RT. 46
ROCKAWAY, NJ 07866

*having duly met the requirements of the
Underground Storage Tank Certification Program
N.J.S.A. 58:10A-24.1-8
is hereby approved to perform the following services:*

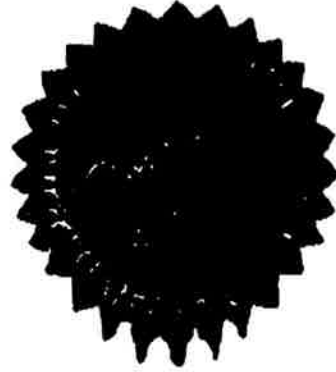
CLOSURE

US01055

PERMANENT CERTIFICATION NUMBER

02/28/01

EXPIRATION DATE



Richard J. [Signature]
ASSISTANT COMMISSIONER, DEPARTMENT
OF ENVIRONMENTAL PROTECTION

TO BE CONSPICUOUSLY DISPLAYED AT THE FACILITY

**UNDERGROUND STORAGE TANK SYSTEM
CLOSURE APPROVAL**

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

**DIVISION OF RESPONSIBLE PARTY SITE REMEDIATION
BUREAU OF FIELD OPERATIONS
CN-028, TRENTON, NJ 08625-0028**

TMS # C96-1175

UST # 0198994

**FORMER CITGO PALISADES PARK
50 BROAD AVE
PALISADES PARK

BERGEN**

**THE ABOVE LISTED FACILITY IS HEREBY GRANTED APPROVAL TO PERFORM
THE FOLLOWING ACTIVITY IN ACCORDANCE WITH N.J.A.C. 7:14b-1 et. seq:**

**REMOVAL OF: three-3,000 gallon gasoline UST, one-1,000 gallon
waste oil UST, one-550 gallon #4 fuel oil UST and appurtenant
piping.**

**SITE ASSESSMENT: Conduct a site investigation for the UST(s) and appurtenant piping specified in this
approval in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E.**

The management of any excavated soils must follow the requirements listed in the Attachment enclosed within.

**Note: The UNDERGROUND STORAGE TANK SERVICES CERTIFICATION ACT, N.J.S.A. 38:10A-24,
requires all services performed on an UST system for the purpose of complying with P.L.1986, c.102 to be
performed by or under the immediate on-site supervision of a person certified by the Department for that
service. The certified person providing that service must be employed by a business that is also certified by the
Department for that service.**

CONTACT PERSON:

MARK HARMAN

TELEPHONE:

EFFECTIVE DATE: 12/12/1996

**THIS FORM MUST BE DISPLAYED AT THE SITE DURING THE APPROVED
ACTIVITY AND MUST BE MADE AVAILABLE FOR INSPECTIONS AT ALL TIMES.**

Gregory Cunningham for
Joshua Gragwohl, SUPERVISOR

2437-SCA-204

To Anthony Pollotta

STATE OF NEW JERSEY
Department of Environmental Protection

Hereby Certifies the Goodstanding of:

Name: STEVE HAMBOSS SSN: [REDACTED]
License No. 0010788 Reg No. [REDACTED]
as a licensed:

CLOSURE SUBSURFACE

Expires: 04/30/01 Doc No. 980180740.



PALISADES PARK POLICE DEPT.
CASE REPORT
99-002858 03/26/99 11:20 Page 1

Call#: 99-002858 Reported: 03/26/99 11:13
Location: 50 BROAD AV Received By: TELEPHONE
CFS/Disp: POLICE INFORMATION (POLI) Patrol Areas:
CAD FINISH (200) Geo-Cords: 3/D
Unit: DESK FINCK, MATTHEW J-1008

Case Data: CFS/Offense... (POLI) POLICE INFORMATION

No Security For Case Mgmt

Names: AGENCY SEQ: 01
NJDEP
TION
TRENTON NJ

Short-Nar: NEW JERSEY DEP NOTIFIED THIS DEPT OF CONTAMINATED SOIL AT
50 BROAD AVE. DISCOVERED DURING TANK REMOVAL NJDEP CASE # IS
AS FOLLOWS 99-03-26-1048-41. INFORMATION TO BE TURNED OVER
TO THE BUILDING DEPT.

Times: Received> 11:13:34 AMOUNT OF TIME STACKED> 00:00:00
Dispatch> 11:13:34 CITIZEN RESPONSE> 00:00:00
Arrival> 11:13:34 1ST UNIT RESPONSE> 00:00:00
Finished> 11:20:27 UNIT CALL> 00:06:53

No Security For Ucr Data

Units: DESK FINCK, MATTHEW J-1008

Unit Hist: 11:13:34 DESK DISPATCH
11:13:34 DESK ARRIVE
11:20:27 DESK FINISH.....CAD FINISH

D.E.P. case # 99-03-26-1048-41

D.E.P. - 1-609-804-9100


Signature of Person Making Report

3/26/99
Date

PALISADES PARK POLICE DEPT.

CASE REPORT

99-002858

03/26/99 11:20

Page 1

Call#: 99-002858

Reported: 03/26/99 11:13

Location: 50 BROAD AV

Received By: TELEPHONE

CFS/Disp: POLICE INFORMATION (POLI)

Patrol Areas:

CAD FINISH (200)

Geo-Cords: 3/D

Unit: DESK FINCK, MATTHEW J-1008

Case Data: CFS/Offense..> (POLI) POLICE INFORMATION

No Security For Case Mgmt

Names:

AGENCY

SEQ: 01

NJDEP

TION

TRENTON NJ

Short-Nar: NEW JERSEY DEP NOTIFIED THIS DEPT OF CONTAMINATED SOIL AT
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Finished> 11:20:27

UNIT CALL> 00:06:53

No Security For Ucr Data

Units:

DESK FINCK, MATTHEW J-1008

Unit Hist: 11:13:34 DESK DISPATCH

11:13:34 DESK ARRIVE

11:20:27 DESK FINISH.....CAD FINISH

Signature of Person Making Report

Date

M. Finck H1008

3/26/99

I called the DEP 7/13/99
to get help with the soil on the
site.



Remediation • Abatement • Waste Management

NON-HAZARDOUS SOIL CERTIFICATION

GENERATOR NAME Peter DeCarloSITE ADDRESS 50 Broad Avenue, Palisades Park, NJ

I, Peter DeCarlo of former City Service Center do hereby certify the following information to be true and accurate. This information is based on laboratory testing and generator knowledge.

I am duly authorized on behalf of the generator to make these representations and provide my signature accordingly.

The soil being offered for disposal is non-hazardous by USEPA regulations, including RCRA (40 CFR Part 261, et. al.) and TSCA (40 CFR Part 761, et. al.), as well as the USDOT.

The soil is not from a source that would make it a listed waste.

The soil does not contain regulated levels of PCB's, herbicides, pesticides or asbestos.

The soil does not contain free liquids.

Signature Peter DeCarloPrinted Name Peter DeCarloTitle OwnerDate 3/12/02

HYDROTECHNOLOGY CONSULTANTS, INC.

March 6, 2002

State of New Jersey
Department of Environmental Protection
Bureau of Underground Storage Tanks
401 East State Street, 5th Floor
Trenton, New Jersey 08625

Re: Ground Water Monitoring Update Report
Former Citgo Service Center
50 Broad Avenue - Palisades Park, New Jersey

Attn.: Ms. Mirna Campion

Dear Ms. Campion:

Hydrotechnology Consultants, Inc. (HCI) conducted investigative activities at the Former Citgo Service Center (Former Citgo) site, located at 50 Broad Avenue in Palisades Park, New Jersey. Included below are a description of field activities and a discussion of our findings.

Field Activities

Monitoring Well Installation

Between December 26 and 27, 2001, Subsurface Remediation and Investigation, Inc. (SRI) of Bloomingdale, New Jersey, under HCI's supervision, installed two monitoring wells, MW2 and MW3, at the Former Citgo site. Well locations are provided on Figure 1. Lithologic logs and Monitoring Well Certification Forms A are provided in Attachment 1.

Well MW2 was installed topographically downgradient from well MW1. Split-spoon samples were collected with a geoprobe from 0 to 12 feet below ground surface. The remainder of the well was drilled with an air-rotary rig to 29.3 feet bgs. The well was screened in bedrock from 23 to 30 feet bgs.

Well MW3 was installed topographically upgradient from wells MW1 and MW2. The entire length of the well was conducted with an air-rotary rig. The well was conducted to 31.92 feet bgs and screened from 24.92 to 31.92 feet bgs.

Ground-Water Sampling

On January 10, 2002, HCI collected a ground-water samples from the monitoring wells MW1 through MW3. HCI attempted to purge three volumes of water from each well.

Ms. Mirna Campion
March 6, 2002
Page 2

Where three volumes of standing water were not present, HCI waited fifteen minutes and purged the well again. Pre-purge and pre-sample field measurements were taken and summarized below in Table 1.

Table 1
Pre-Purge Field Measurements

	dtw (feet)	total depth (feet)	temp. (°C)	salinity (%)	pH (s.u.)	DO (mg/kg)
MW1	25.29	31.65	15.5	0.02	6.75	1.48
MW2	24.04	28.83	15.8	0.01	6.45	1.39
MW3	26.23	30.50	14.6	0.01	7.02	2.40

Pre-Sample Field Measurements

	temp. (°C)	salinity (%)	pH (s.u.)	DO (mg/kg)
MW1	15.4	0.02	6.72	1.23
MW2	15.7	0.01	6.43	1.75
MW3	13.9	0.01	6.80	0.50

A sample was collected from each well for analysis of volatile organic compounds plus a 10 compound library search (VO+10). The samples were placed in an ice-filled cooler and shipped along with a trip blank to W.A.T.E.R. Works Laboratory, located in East Orange, New Jersey.

Sample Analytical Results

Sample analytical results are summarized below in Table 2 and laboratory deliverables are included as Attachment 2.

Table 2
Summary of Ground-Water Sampling Results
(ug/l)

	MW1	MW2	MW3	GWOS
Benzene	610	33	ND	1
Chloroform	5	ND	ND	6
Ethylbenzene	360	5.3	ND	700
Toluene	1,500	3.8	ND	1,000
m,p-Xylene	530	17.0	ND	--



Ms. Mirna Campion
March 6, 2002
Page 4

Table 4
Ground-Water Elevations

<u>Well</u>	<u>TOC Elevation</u>	<u>GW Elevation</u>
MW1	83.30	59.13
MW2	82.94	59.11
MW3	85.75	59.65

Ground-water contours are provided on Figure 2. As the contours indicate, ground water in the bedrock zone flows to the northwest.

Conclusions and Recommendations

The following conclusions and recommendations are based on field observations and laboratory analytical results.

Well MW1 is located in the former underground storage tank excavation;

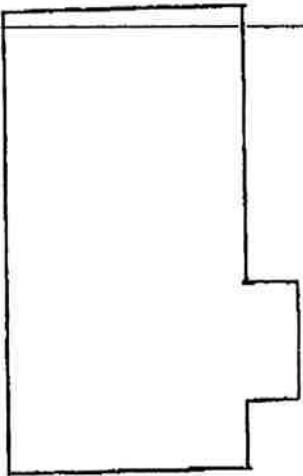
Well MW2 is located topographically downgradient of MW1, but the current round of water-level measurements indicate that it is located sidegradient with respect to ground-water flow;

Well MW3 is located upgradient of both MW1 and MW2;

Well MW1 contained elevated concentrations of VOCs, namely benzene, toluene and xylenes. Well MW2 contained benzene at an order of magnitude less than well MW1. Upgradient well MW3 did not contain elevated concentrations of VOCs.

Based on the topography at and in the vicinity of the site, HCI expected ground water to flow to the west, not to the northwest as the current ground-water elevation contours indicate. Therefore, HCI will collect an additional round of depth-to-water measurements to confirm the northwesterly flow of ground water in the bedrock zone. In the event that the northwesterly direction is confirmed, HCI will make recommendations for additional investigative activities under separate cover.





⊕ MW-3

MW-1 ⊕

⊕ MW-2

Broad Avenue

Ruby Avenue

Hydrotechnology Consultants, Inc.
720 Maurice Street, Suite C202
Hoboken, NJ 07030

50 Broad Street - Palisades Park, NJ
Monitoring Well Locations

February 2002 Figure 1 Scale 1" = 20'

**W.A.T.E.R. WORKS
LABORATORY INC.**364 Glenwood Ave., East Orange, NJ 07017
(973) 678-3787 FAX (973) 678-6779

maria

Should go to
mt. Hope

CLIENT: HYDROTECHNOLOGY CONSULTANTS, INC.
720 MONROE STREET, C202
HOBOKEN, NJ 07030 [REDACTED]

PROJECT: DECARLO

DATE COLLECTED: 1/10/02
DATE RECEIVED: 1/11/02

REPORT DATE: FEBRUARY 6, 2002

SAMPLE #: 133868

CLIENT ID#: N/A

ANALYSIS REQUESTED: WASTE CLASS

Attached please find the results for the analysis requested.


STEPHEN KROEMER (63)
LABORATORY MANAGER

NJDEP LABORATORY ID # 07873

W.W.L.'S TOTAL LIABILITY FOR ANY WORK PERFORMED IS LIMITED TO THE COST OF SERVICES RENDERED.

21-233-105

**W.A.T.E.R. WORKS
LABORATORY INC.**384 Glenwood Ave., East Orange, NJ 07017
(973) 678-3787 FAX (973) 678-6779

DATE: FEBRUARY 6, 2002

CLIENT: HYDROTECH

SAMPLE COLLECTED: 1/10/02

SAMPLE RECEIVED: 1/11/02

GENERATOR: DECARLO

CLIENT ID: N/A
SAMPLE NUMBER: 133868

PARAMETER	MDL	RESULTS
TCLP METALS		
ARSENIC	0.01	ND
BARIUM	0.10	0.35
CADMIUM	0.01	ND
CHROMIUM	0.12	ND
LEAD	0.12	0.11
MERCURY	0.001	ND
NICKEL	0.02	0.04
SELENIUM	0.01	ND
SILVER	0.02	ND
pH		5.89
REACTIVE CYANIDE	2.0	ND
REACTIVE SULFIDE	1.5	ND
TPH	40	ND
% SOLIDS		88.5%
FLASHPOINT		>140 F

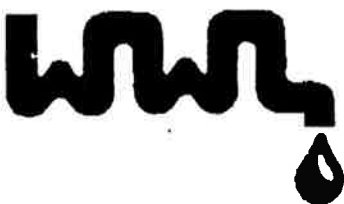
All Results Reported As ppm

MDL = Method Detection Limit

ND = Not Detected Above MDL

NJDEP LABORATORY ID # 07873

W.W.L.'S TOTAL LIABILITY FOR ANY WORK PERFORMED IS LIMITED TO THE COST OF SERVICES RENDERED.

**W.A.T.E.R. WORKS
LABORATORY INC.**364 Glenwood Ave., East Orange, NJ 07017
(973) 878-3787 FAX (973) 678-6779**PCB ANALYSIS REPORT****DATE:** FEBRUARY 6, 2002**CLIENT:** HYDROTECH**PROJECT:** DECARLO**DATE SAMPLED :** 1/10/02**% SOLIDS:**

88.5%

DATE RECEIVED : 1/11/02**D. F.**

1

DATE EXTRACTED: 1/14/02**SAMPLE WEIGHT (g)**

30

DATE ANALYZED : 1/24/02**TECH:**

MS

COLUMN: RTX-5**MATRIX:** SOIL**CLIENT ID #**

N/A

SAMPLE #

133868

PARAMETER	MDL	RESULTS
PCB-1016	46	ND
PCB-1221	33	ND
PCB-1232	26	ND
PCB-1242	82	ND
PCB-1248	21	ND
PCB-1254	11	ND
PCB-1260	55	ND

Analyzed By Method 8082**All Results Reported As ug/kg Dry Weight****MDL = Method Detection Limit****ND = Not Detected Above MDL**

NJDEP LABORATORY ID # 07673

W.W.L.'S TOTAL LIABILITY FOR ANY WORK PERFORMED IS LIMITED TO THE COST OF SERVICES RENDERED.

Form I**W.A.T.E.R. WORKS LABORATORY VOA REPORT****Sample Number:** BLANK**Client Id:** BLANK**Data File:** C9263**Date Analyzed:** 17 Jan 2002 5:18 p**Date Received/Extracted:** NA-NA**Client Name:****Matrix:** Soil**Initial Volume:** 5g**Final Volume:** NA**Dilution Factor:** 1**Percent Solids:** 100**Project:****Column:** DB-824,75m, 0.53mm ID, 3um Film

CAS #	Compound	PQL/MDL	Concentration (Units: ug/Kg)
71555	1,1,1-Trichloroethane	5.0	U
79345	1,1,2,2-Tetrachloroethane	5.0	U
79005	1,1,2-Trichloroethane	5.0	U
75343	1,1-Dichloroethane	5.0	U
75354	1,1-Dichloroethane	5.0	U
107062	1,2-Dichloroethane	5.0	U
78875	1,2-Dichloropropane	5.0	U
95501	1,2-dichlorobenzene	5.0	U
541731	1,3-Dichlorobenzene	5.0	U
108467	1,4-Dichlorobenzene	5.0	U
76933	2-Butanone	5.0	U
110758	2-Chloroethylvinyl ether	5.0	U
691766	2-Hexanone	5.0	U
108101	4-Methyl-2-Pentanone	5.0	U
67841	Acetone	5.0	U
71432	Benzene	5.0	U
75274	Bromodichloromethane	5.0	U
75252	Bromoform	5.0	U
74839	Bromomethane	5.0	U
75150	Carbon Disulfide	5.0	U
58235	Carbon Tetrachloride	5.0	U
108907	Chlorobenzene	5.0	U
75003	Chloroethane	5.0	U
67663	Chloroform	5.0	U
74873	Chloromethane	5.0	U
124481	Dibromochloromethane	5.0	U
100414	Ethylbenzene	5.0	U
75092	Methylene Chloride	5.0	U
100425	Styrene	5.0	U
127184	Tetrachloroethene	5.0	U
108883	Toluene	5.0	U
79016	Trichloroethene	5.0	U
75694	Trichlorofluoromethane	5.0	U
75014	Vinyl Chloride	5.0	U
108054	Vinyl acetate	5.0	U
156592	cis-1,2-Dichloroethene	5.0	U
10061015	cis-1,3-Dichloropropene	5.0	U
108383	m,p-Xylene	5.0	U
95476	o-Xylene	5.0	U
158605	trans-1,2-Dichloroethene	5.0	U
10061028	trans-1,3-Dichloropropene	5.0	U

Total Target Concentration 0

U - Indicates the compound was analyzed but not detected.

J - Indicates an estimated value when a compound is detected at less than the specified detection limit.

B - Indicates the analyte was found in the blank as well as in the sample.

E - Indicates the analyte concentration exceeds the calibration range of the instrument.

Form 1**W.A.T.E.R. WORKS LABORATORY VOA REPORT****Sample Number:** 133868**Client Id:** SOIL**Data File:** C9272**Date Analyzed:** 17 Jan 2002 10:31 p**Date Received/Extracted:** 01/11/02-NA**Client Name:** HYDROTECH**Matrix:** Soil**Initial Volume:** 5g**Final Volume:** NA**Dilution Factor:** 3.3**Percent Solids:** 89**Project:** DECARLO**Column:** DB-624,75m, 0.53mm ID, 3um Film

CAS #	Compound	PQL/MDL	Concentration (Units: ug/Kg)
71656	1,1,1-Trichloroethane	19	U
79345	1,1,2,2-Tetrachloroethane	19	U
79005	1,1,2-Trichloroethane	19	U
75343	1,1-Dichloroethane	19	U
75384	1,1-Dichloroethane	19	U
107062	1,2-Dichloroethane	19	U
78875	1,2-Dichloropropane	19	U
95501	1,2-dichlorobenzene	19	U
541731	1,3-Dichlorobenzene	19	U
108487	1,4-Dichlorobenzene	19	U
78933	2-Butanone	19	U
110758	2-Chloroethylvinyl ether	19	U
591786	2-Hexanone	19	U
108101	4-Methyl-2-Pentanone	19	U
67841	Acetone	19	U
71432	Benzene	19	U
75274	Bromodichloromethane	19	U
75252	Bromoform	19	U
74839	Bromomethane	19	U
75150	Carbon Disulfide	19	U
56235	Carbon Tetrachloride	19	U
108907	Chlorobenzene	19	U
75003	Chloroethane	19	U
67663	Chloroform	19	U
74873	Chloromethane	19	U
124481	Dibromochloromethane	19	U
100414	Ethylbenzene	19	U
75092	Methylene Chloride	19	U
100425	Styrene	19	U
127184	Tetrachloroethene	19	U
108883	Toluene	19	U
79016	Trichloroethane	19	U
75894	Trichlorofluoromethane	19	U
75014	Vinyl Chloride	19	U
108054	Vinyl acetate	19	U
158592	cis-1,2-Dichloroethene	19	U
10061015	cis-1,3-Dichloropropene	19	U
108383	m,p-Xylene	19	U
95476	o-Xylene	19	U
158605	trans-1,2-Dichloroethene	19	U
10081028	trans-1,3-Dichloropropene	19	U

Total Target Concentration 0

U - Indicates the compound was analyzed but not detected.

J - Indicates an estimated value when a compound is detected at less than the specified detection limit.

B - Indicates the analyte was found in the blank as well as in the sample.

E - Indicates the analyte concentration exceeds the calibration range of the instrument.

HYDROTECHNOLOGY CONSULTANTS, INC.

FACSIMILE TRANSMITTAL SHEET

TO:	Michael Lessack, ESQ.	FROM:	Maria Coler
FAX NUMBER:	201.886.8848	DATE:	March 6, 2002
COMPANY:		TOTAL NO. OF PAGES INCLUDING COVER:	16
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	
RE:	Waste Class Analysis	YOUR REFERENCE NUMBER:	

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Cleaner Copy



CONSTRUCTION PERMIT APPLICATION

Applicant Completes: Sections I, II, III (optional), IV, VI and VII

I. IDENTIFICATION

1. Proposed Work-site at: 50 BROAD AVE
2. Name of Owner in Fee: ERICA DECARLO Tel. () [REDACTED]
- Address CIRCLE DRIVE WEST, BRADENTON FLA.
or [REDACTED]
3. Ownership in Fee: Public Private X
4. Principal Contractor: CALENDAR DEV. INC. Tel. (201) 591-8300
- Address 830 CIRCLE DRIVE, FRANKLIN LKS
- License No. Of, if new home, Builder Reg. No. Exp. Date
- Federal Emp. No. 22-243-6026 Social Security No.
5. Architect or Engineer WYCKOFF ASSOC. Tel. [REDACTED]
- Address 335 W. MARSHALL ST. NORRISTOWN PA.
6. Responsible Person in Charge of Work WALTER OSTENDORP Tel. [REDACTED]

II. PROPOSED WORK

1. ☐ Minor work
(single trade)
 2. ☐ Small Job (\$5,000
and no prior approvals)
 3. ☒ New Building
 4. ☐ Addition
 5. ☐ Alteration
 6. ☐ Fire Protection
 7. ☐ Plumbing
 8. ☐ Electrical
 9. ☐ Elevator Devices
 10. ☐ Asbestos Abatement
 11. ☐ Demolition
- TOTAL COSTS**

Est Cost

250.000

OPTIONAL (for office use only)

[illegible]

III. DO YOU WANT: (optional) 1 ☐ Partial Releases 2. ☐ Prototype Processing

IV. DOES OR WILL YOUR BUILDING CONTAIN ANY OF THE FOLLOWING?

1. ☐ Elevators/Escalators/Lifts
Dumbwaiters/Moving Walks
2. ☐ High Pressure Boilers
3. ☐ Pressure Vessels
4. ☐ Refrigeration Systems
5. ☐ Cross-Connections/Backflow Preventers
6. ☐ Hazardous Uses/Places of Assembly
7. ☐ Sprinklers
8. ☐ Smoke Control Systems in Open Wells
9. ☐ Underground Storage Tanks

V. FEE SUMMARY (for office use only)

		Update	Update
1. Building	\$		
2. Electrical			
3. Plumbing			
4. Fire Protection			
5. Elevator Devices			
6. Subtotal	\$		
7. Less 20% for State Plan Review			
8. Subtotal	\$		
9. DCA Training Fee			
10. Subtotal	\$		
11. Cert. of Occupancy			
12. Other			
13. TOTAL	\$		

VI. BUILDING/SITE CHARACTERISTICS

- | | | |
|--------------------------------|-----------------------|---------|
| 1. Number of Stories | _____ | ft. |
| 2. Height of Structure | _____ | ft. |
| 3. Area - Largest Floor | _____ | sq. ft. |
| 4. New Building Area | _____ | sq. ft. |
| 5. Volume of New Structure | _____ | cu. ft. |
| 6. Construction Classification | _____ | |
| 7. Total Land Area Disturbed | _____ | sq. ft. |
| 8. Flood Hazard Zone | _____ | |
| 9. Base Flood Elevation | _____ | ft. |
| 10. Wetlands | yes _____
no _____ | sq. ft. |
| 11. Max. Live Load | _____ | |
| 12. Max. Occupancy Load | _____ | |

(office use only)

VII. DESCRIPTION OF BUILDING USE

A. RESIDENTIAL

1. ☐ Hotels (R-1)
2. ☐ Multi-Family (R-2)
3. ☐ Two-Family (R-3) BOCA
4. ☐ Two-Family (R-4) CABO
5. ☐ One-Family (R-3) BOCA
6. ☐ One-Family (R-4) CABO

No of dwelling units:

Before Construction

After Construction

Net gain or loss —

B. NON-RESIDENTIAL

1. State Specific Use:
2. Use Group:
3. Change in Use Group.
Indicate Former:

1871

1872

1873

CERTIFICATION IN LIEU OF OATH

I. OWNER SECTION (to be completed if the applicant is the owner in fee)

I hereby certify that I am the owner in fee of the property listed on Page 1.

Mark the following applicable boxes:

- A. (☐) I further certify that a new home (private residence) will be constructed on this property for my own use and occupancy. This dwelling is to be occupied by myself and is not to be used for any purpose other than single family residential use. I attest that all construction, plumbing, or electrical work will be done, in whole or in part, by me or by subcontractors under my supervision, in accordance with all applicable laws; and, I further acknowledge that said new home is not covered under the New Home Warranty and Builders Registration Act (N.J.S.A. 46:3B-1 et seq.) and that such fact shall be disclosed to any person purchasing this property within ten years of the date of issuance of a certificate of occupancy.

I UNDERSTAND THAT IN MARKING BOX A, I ACKNOWLEDGE THAT I AM ASSUMING RESPONSIBILITY FOR THE WORK DONE ON SAID PROPERTY, THE CONDITION OF THE PROPERTY PRIOR TO, DURING, AND AFTER ANY WORK PERFORMED, AND FOR THE PERFORMANCE OF THE SUBCONTRACTORS I HIRE, EMPLOY, OR OTHERWISE CONTRACT OR WITH WHOM I MAKE AGREEMENTS TO PERFORM WORK. I AM VOLUNTARILY AND KNOWINGLY ASSUMING THIS RESPONSIBILITY.

- B. (☐) I further certify the following as required by the New Jersey Uniform Construction Code, N.J.A.C. 5:23-2.15(e)1.vii:

I personally prepared the plans submitted for: 1) the new home referred to in A.; or, 2) an addition, alteration, renovation, or repair to an existing single family residence owned and occupied by myself and located on the property listed on Page 1; or, 3) a new structure that will be physically separate from, but that will be deemed part of, an existing single family residence that is owned and occupied by myself and located on the property listed on Page 1.

- C. (☐) I further certify that I will perform or supervise the following work:

C.1. (☐) Building C.2. (☐) Fire Protection

I further certify that I will perform the following work:

C.3. (☐) Electrical C.4. (☐) Plumbing

- D. (☐) I agree to advise all contractors on this project that they are required to be registered with the New Jersey Division of Taxation and to comply with all New Jersey tax laws.

I further certify the following as required by the Uniform Construction Code, N.J.A.C. 5:23-2.15(a)5: All required State, county, and local prior approvals have been given, including such certification as the construction official may require.

I understand that if any of the above statements are willfully false, I am subject to punishment.

Signature _____ Date _____

II. AGENT SECTION

(to be completed if the applicant is not the owner in fee)

I hereby certify the following as required by the New Jersey Uniform Construction Code, N.J.A.C. 5:32-2.15(d): the proposed work is authorized by the owner in fee; and I have been authorized by the owner in fee to make this application as his agent.

I further certify the following as required by the Uniform Construction Code, N.J.A.C. 5:23-2.15(a)5: All required State, county, and local prior approvals have been given, including such certification as the construction official may require.

I agree to advise all contractors on this project that they are required to be registered with the New Jersey Division of Taxation and to comply with all New Jersey tax laws.

I understand that if any of the above statements are willfully false, I am subject to punishment.

(☐) Check if contractor.

Agent Name _____

Address _____

Telephone (_____) _____

Signature _____ Date _____

OFFICE DATE RECEIVED: _____

VIII. PRIOR APPROVALS CHECKLIST (office use only)	LOCAL APPROVAL		COUNTY APPROVAL		REGIONAL APPROVAL		STATE APPROVAL		COMMENTS
	Prelim. Initial	Final Date	Prelim. Initial	Final Date	Prelim. Initial	Final Date	Prelim. Initial	Final Date	
☐ Zoning Officer									
☐ Planning Board									
☐ Zoning Board									
☐ Sewer Authority									
☐ Water Authority									
☐ Fire Department									
☐ Police Department									
☐ Health Department									
☐ Soil Conservation									
☐ N.J. Dept. of Com- munity Affairs									
☐ N.J. Department of Transportation									
☐ N.J. Dept. of Envi- ronmental Protect.									
☐ Utility Dig No.									
☐									
☐									

IX. SUBCODES AND SPECIAL REGULATIONS APPLICABLE (office use only--optional)

Name of Code & Edition	Name of Code & Edition	Other
Building _____	Energy _____	
Electrical _____	Barrier Free _____	
Plumbing _____	Flood Hazard _____	
Fire Protection _____	As Built Elevation Cert. _____	
Mechanical _____	Other _____	

X. CERTIFICATES ISSUED (office use only)	DATE ISSUED	DATE EXPIRED	DATE REISSUED	DATE EXPIRED
☐ Temporary Certificate of Occupancy	No. _____	_____	_____	_____
☐ Temporary Certificate of Compliance	No. _____	_____	_____	_____
☐ Continued Certificate of Occupancy	No. _____	_____	_____	_____
☐ Certificate of Compliance	No. _____	_____	_____	_____
☐ Certificate of Occupancy	No. _____	_____	_____	_____
☐ Certificate of Approval	No. _____	_____	_____	_____

FILED

FEB 14 1994

DONALD W. deCORDOVA
J. S. C.

ROBERT F. BINETTI, P.A.
581 Bergen Boulevard
P.O. Box 495
Ridgefield, New Jersey 07657
(201) 941-3700
Attorney for Defendant

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: FAMILY PART
BERGEN COUNTY

Docket No. M-15710-90

Plaintiff

ERIKA DECARLO

vs.

Defendant

PETER DECARLO

CIVIL ACTION

ORDER

This matter being opened to the Court on the Motion of Robert F. Binetti, Esq. on behalf of Robert F. Binetti, P.A., attorney for Defendant, with notice to Jay Joseph Friedrich, Esq., attorney for the Plaintiff, and for good cause shown;

It is on this 14 day of February, 1994 ORDERED as follows:

1. Plaintiff is hereby ADJUDGED in contempt of Court for her failure to comply with the Order of the Court dated June 23, 1993.

2. ~~_____~~ is hereby appointed as receiver to take charge of and oversee the sale of the land

denied

and premises at 50 Broad Avenue, Palisades Park, NJ to John Yeon and Sung Shim or if such sale can no longer be consummated, to such other comparable buyers as the receiver determines to be appropriate, in accordance with the Order of the Court dated June 23, 1993.

and defendants
3. Plaintiff shall strictly comply with the provisions of paragraphs 3, 4 and 5 of the Order of June 23, 1993 within the next ~~seven~~ *twenty (20)* days and if she fails to do so, Plaintiff's attorney shall produce Plaintiff before this Court within three ~~(3) days thereafter~~ to explain why she has failed to so comply with said Order and upon her failure to appear, an Order for her arrest shall be issued and this Court shall impose such additional sanctions as may be appropriate at that time, upon ex parte Certification of Defendant's attorney.

4. Plaintiff shall pay to Robert F. Binetti, P.A., a counsel fee in the amount of \$ _____ as well as costs of \$15.00.

5 DONALD W. deCORDOVA, J.S.C. *[Signature]*

DONALD W. de CORDOVA, J.S.C.

FILED

JUN 26 1996

RONALD W. McCORDOVA
J.S.C.

ROBERT F. BINETTI, P.A.
581 Bergen Boulevard
P.O. Box 495
Ridgefield, New Jersey 07657
(201) 941-3700
Attorney for Defendant

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: FAMILY PART
BERGEN COUNTY

Docket No. M-15710-90

Plaintiff

ERIKA DECARLO

vs.

Defendant

PETER DECARLO

CIVIL ACTION

ORDER

This matter being opened to the Court on the Motion of Jay Joseph Friedrich, Esq. of Gallo, Gaffner & Fenster, P.C., attorney for Plaintiff and Cross Motion of Robert F. Binetti, Esq., of Robert F. Binetti, P.A., attorney for Defendant, and the Court having considered the pleadings and Certifications and for good cause shown;

It is on this 26 day of June, 1996 ORDERED as follows:

1. Plaintiff is hereby adjudged in contempt of Court for her failure to comply with the Orders of the Court dated June 23, 1993 and February 14, 1994.

2. Johned is hereby appointed as receiver to take charge and oversee the sale of the land and

w/o prejudice to await Judge Lusemann
decisions

premises at 50 Broad Avenue, Palisades Park, NJ at the best price available, in a commercially reasonable manner, forthwith, and after payment of closing costs, dividing the net proceeds between Plaintiff and Defendant, except that all monies which should have been paid by Plaintiff pursuant to the Court Orders of June 23, 1993 and February 14, 1994, as well as any interest and late payments due to the Borough of Palisades Park with respect to property taxes, shall not be chargeable to Defendant, who shall receive a full one-half of net proceeds without reduction due to any closing costs which resulted from Plaintiff's noncompliance with the said Orders.

3. Plaintiff shall strictly comply with the provisions of paragraphs 3, 4 and 5 of the Order of the Court dated June 23, 1993 within the next ^{30 days} ~~seven (7) days~~ and if she fails to do so, Plaintiff's attorney shall produce Plaintiff before this Court within three days thereafter to explain why she failed to so comply with said Order and for imposition of sanctions and upon her failure to appear, an Order for her arrest shall be issued and this Court shall impose such additional sanctions as may be appropriate at that time upon ex parte Certification of Defendant's attorney.

4. Plaintiff is hereby ORDERED to pay to Robert F. Binetti, P.A., a reasonable counsel fee relative to time expended as a result of Plaintiff's noncompliance with the Orders of the Court, ^{Service} ~~together~~ with costs. Robert F. Binetti, P.A., as Defendant's attorney, shall submit a Certification of Services, together with a proposed form of Order, leaving the

amount to be Ordered left blank, and upon consideration of the Certification of Services, the Court shall insert the appropriate attorney's fees and costs to be paid by Plaintiff and enter said Order.

/s/ DONALD W. deCORDOVA, J.S.C.

DONALD W. deCORDOVA, J.S.C.

DONALD W. deCORDOVA, J.S.C.

IT IS FURTHER ORDERED THAT A COPY OF
THIS ORDER BE SERVED UPON ADVERSARY (IES)
WITHIN 10 DAYS OF THE DATE HEREOF.

FILED

JUN 1 1993

DONALD W. CIOCCOCCA
J.S.C.

ROBERT F. BINETTI, P.A.
581 Bergen Boulevard
P.O. Box 495
Ridgefield, New Jersey 07657
(201) 941-3700
Attorney for Defendant

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: FAMILY PART
BERGEN COUNTY

Docket No. M-15710-90

Plaintiff:

ERIKA DECARLO

vs.

Defendant

PETER DECARLO

CIVIL ACTION

ORDER

This matter being opened to the Court on the Motion of Robert F. Binetti, Esq. on behalf of Robert F. Binetti, P.A., attorney for Defendant, with notice to Jay Joseph Friedrich, Esq., attorney for the Plaintiff, and for good cause shown;

It is on this 23 day of June, 1993 ORDERED as follows:

1. The land and premises commonly known as 50 Broad Avenue, Palisades Park, NJ shall be sold forthwith either to one of the current prospective purchasers or at the best available price and after payment of closing costs, the net proceeds shall be divided equally between the Plaintiff and the Defendant.

2. _____ is hereby appointed as receiver to take charge of and oversee the sale of the land and premises at 50 Broad Avenue, Palisades Park, NJ to one of the buyers who have offered to purchase the said land and premises, in the amounts of \$500,000 and \$502,500 respectively, or such other comparable buyers as the receiver determines to be appropriate.

3. Plaintiff shall pay one-half of all outstanding taxes due for the land and premises at 50 Broad Avenue, Palisades Park, NJ, as well as all interest due to the Borough of Palisades Park for late payment of taxes on the said property, forthwith. *It shall send to D. copies of all tax bills*

4. Plaintiff shall provide to Defendant, through Defendant's attorney, a full accounting from the date of sale to the present, relative to a mortgage which Plaintiff and Defendant had been receiving relative to property located at Fletcher Avenue, Fort Lee, NJ, as well as the current status of the said mortgage and property, including but not limited to current owner status, status of mortgage, reasons why mortgage payments formerly received have been discontinued and what legal proceedings have been or are currently being commenced with respect thereto.

5. Plaintiff shall forthwith list and sell the property located in Hillburn, ^{N.Y. in a reasonable amount of time} NY and upon sale, equally divide all proceeds between the Plaintiff and Defendant. Prior to sale, Plaintiff shall give full disclosure to the Defendant with regard to the property, taxes due thereon, and shall bring

*Devised
WOP*

current any tax arrears, as well as timely pay one-half of all property taxes as they shall accrue until the said property is sold. *It shall send 2 copies of all tax bills*

6. Plaintiff shall pay to Robert F. Binetti, P.A., a counsel fee for this Motion in the amount of \$_____, as well as costs of \$15.00.

S/ DONALD W. RECORDOVA, J.S.C.

SA.

J.S.C.

It cross motion is hereby denied

FILED

JUL 23 1990

ANDREW P. NAPOLITANO
J.S.C.

HONIG & FRIEDRICH
167 FRANKLIN TURNPIKE
WALDWICK N.J. 07463
(201) 832-5100
ATTORNEYS FOR Plaintiff

SUPERIOR COURT OF
NEW JERSEY

CHANCERY DIVISION:
BERGEN COUNTY

Plaintiff
ERIKA DECARLO

Docket No. 15710-90

vs.

Defendant
PETER DECARLO

CIVIL ACTION

JUDGMENT OF DIVORCE

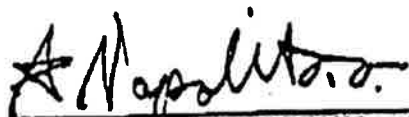
THIS ACTION, coming on to be heard in the presence of Honig & Friedrich, Esqs., attorneys for plaintiff, Erika DeCarlo, Steven M. Honig, Esq., appearing, and in the presence of Joseph J. Provitera, Esq., attorney for defendant, Peter DeCarlo, before the Honorable Andrew P. Napolitano, J.S.C., on July 11, 1990, upon Complaint, and upon proofs being taken in open court, and the Court having heard and considered the proofs in this action, and the argument of counsel, and it appearing that the plaintiff and the defendant were joined in the bond of matrimony on or about September 21, 1957, and that the plaintiff pleaded and proved her grounds for divorce under the Amended Complaint and pursuant to the appropriate statute in such case made and provided on the Complaint of the plaintiff, and that the defendant was a bona fide resident of the State of New Jersey, and that the defendant has continued

(3) The plaintiff shall retain title to the real property located in Hillburn, New York and, upon her listing it for sale, the net proceeds realized therefrom shall be divided equally between the plaintiff and the defendant. Until such time as said premises are sold, the parties shall be equally responsible for the payment of real property taxes assessed thereon.

(4) The jointly held property of the parties located in Egg Harbor shall be listed for sale upon agreement of the parties and, upon sale, the net proceeds shall be divided equally between them. The parties agree that they will share the taxes assessed against the property equally between them.

(5) The parties expect a settlement as a result of a casualty loss on personal property jointly held by the parties. It is stipulated that upon receipt of the award, the award shall be divided equally between the parties.

(6) The plaintiff's attorney will submit a Certification of Services and payment of his claim for attorneys fees will be resolved by further Order of this Court.


ANDREW F. NAPOLITANO, J.S.C.

so to be down to the time of the commencement of this action and that the plaintiff has been, for the one year next preceding the commencement of this action, a bona fide resident of this State, and it further appearing that jurisdiction herein has been acquired by personal service of process upon the defendant within this State;

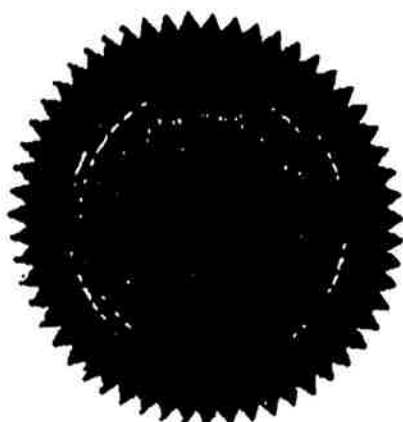
IT IS, THEREUPON, on this 23rd day of July 1990, by the Superior Court of New Jersey, Chancery Division;

ORDERED AND ADJUDGED, and such Court, by virtue of the power and authority of this Court, and the Acts of the Legislature in such case provided, does hereby ORDER AND ADJUDGE, that the plaintiff, Erika DeCarlo, and the defendant, Peter DeCarlo, be divorced from the bond of matrimony for the cause aforesaid, and the parties, and each of them, be freed and discharged from the obligations thereof, and that the marriage between the parties is hereby dissolved; and,

IT IS FURTHER ORDERED, as follows:

(1) The defendant shall pay from the proceeds of sale of his property in Tuckerton, New Jersey for the procuring of an expert's report on an ECRA clearance for property owned by the plaintiff and located at 50 Broad Avenue, Palisades Park, New Jersey. The plaintiff may list the property aforesaid for sale and, upon sale, the net proceeds of same shall be divided equally between the parties. Until such time as the property is sold, the parties shall share the real property taxes assessed against the property equally.

7253
SEP 5 1890



James F. Gallo

ACTING CLERK

I, Clerk of the
Superior Court of New Jersey, the same
being a Court of Record, do hereby
certify that the foregoing is a true copy
of the *will* now on the files of my
Office *James F. Gallo*

IN TESTIMONY WHEREOF, I have hereunto
set my hand and affixed the seal of said
Court, at Trenton, this *4th* day of
September Nineteen Hundred and *90.*

James F. Gallo Clerk
ACTING CLERK

This Deed, on the 7 day of February

Between

ROSE EDSALL, WIDOW

residing at R.D. # 1 Box 182, Lakehurst, New Jersey
in the Township of Lakehurst in the County of
Ocean and State of New Jersey herein designated as the Grantors,
And

ERIKA DE CARLO, MARRIED

residing or located at 451 BOROUGH LANE, PALISADES PARK, NEW JERSEY
in the BOROUGH of PALISADES PARK in the County of
BERGEN and State of NEW JERSEY herein designated as the Grantees;

Witnesseth, that the Grantors, for and in consideration of

NINETY THREE THOUSAND FIVE HUNDRED AND NO/100--- (\$93,500.00)---

lawful money of the United States of America, to the Grantors in hand well and truly paid by the
Grantees, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowl-
edged, and the Grantors being therewith fully satisfied, do by these presents grant, bargain, sell and
convey unto the Grantees forever,

All that tract or parcel of land and premises, situate, lying and being in the
BOROUGH of PALISADES PARK in the
County of BERGEN and State of New Jersey, more particularly described herein.

Tax Map
Reference

(N.J.S. 40:15-2.1) Municipality of: PALISADES PARK BOROUGH Account No.
Block No 21 Lot No. 5, 6, 7, 8, & 9
☐ No property tax identification number is available on date of this deed. (Check box if applicable.)

All that certain tract or parcel of land and premises, hereinafter parti-
cularly described, situated, lying and being in the Borough of Palisades
Park, in the County of Bergen and State of New Jersey; shown and designa-
ted as lots numbered 5, 6, 7, 8 and 9 in block 21 on a map filed in the
Bergen County Clerk's Office, April 21, 1903 as Map #836, entitled "Map
of Morsemore, in the Boroughs of Ridgefield and Palisades Park, Bergen
County, New Jersey". All as laid down on said map.

In compliance with Chapter 157, Laws of 1977 promises herein are lots
5, 6, 7, 8 and 9 in block 21 on the tax map of the above municipality.

The aforesaid lots are more particularly described as follows:

Beginning at the intersection of the easterly line of Broad Avenue with
the northerly line of East Ruby Avenue and running thence (1) north 28
35' 40" east along the westerly line of Broad Avenue, 101.08 feet; thence
(2) south 53° 01' 20" east, 130.57 feet; thence (3) south 36° 55' 40"
west 100.00 feet to the northerly line of East Ruby Avenue; thence (4)
north 53° 01' 20" west along the northerly line of East Ruby Avenue,
115.62 feet to place of beginning.

The foregoing description is in accordance with survey made by Walter
E. Colger, P.E. dated August 22, 1978.

Being more commonly known as 50 Broad Avenue, Palisades Park, New Jersey.

RECEIVED

FEB 21 2 28 PM '80

BERGEN COUNTY CLERK

BOOK 6557 PAGE 208

Together with all and singular the buildings, improvements, ways, woods, tracts, watercourses, rights, liberties, privileges, hereditaments and appurtenances to the same belonging or in anywise appertaining; and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and of every part and parcel thereof; And also all the estate, right, title, interest, use, possession, property, claim and demand whatsoever, of the Grantors both in law and in equity, of, in and to the premises herein described, and every part and parcel thereof, with the appurtenances. To Have and to Hold all and singular, the premises herein described, together with the appurtenances, unto the Grantees and to Grantees' proper use and benefit forever.

And the Grantors covenant that they have not done or executed, or knowingly suffered to be done or executed, any act, deed or thing whatsoever whereby or by means whereof the premises conveyed herein, or any part thereof, now are or at any time hereafter, will or may be charged or encumbered in any manner or way whatsoever.

In all references herein to any parties, persons, entities or corporations, the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as the text of the within instrument may require.

Wherever in this instrument any party shall be designated or referred to by name or general reference, such designation is intended to and shall have the same effect as if the words "heirs, executors, administrators, personal or legal representatives, successors and assigns" had been inserted after each and every such designation.

In Witness Whereof, the Grantors have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the presence of

Rose Edsall (L.S.)
ROSE EDSALL

Joan J. Schilke
NOTARY PUBLIC OF FLORIDA
MY COMMISSION EXPIRES
Joan J. Schilke

(L.S.)
NOTARY PUBLIC, Florida, State at Large
My Commission Expires March 2, 1982
Bonded thru Judice Insurance Agency

FLORIDA
State of ~~FLORIDA~~ County of
that on ~~2~~ 19 ~~80~~
PUBLIC OF FLORIDA
personally appeared

M. Edsall 1 ss.: Do I Remembered,
19 80, before me, the subscriber, A NOTARY
ROSE EDSALL, WIDOW

who, I am satisfied, is the person named in and who executed the within instrument, and thereupon she acknowledged that she signed, sealed and delivered the same as her act and deed, for the uses and purposes therein expressed, and that the full and actual consideration paid or to be paid for the transfer of title is recited in the within deed, as such consideration is defined in P.L. 1968, c. 29, Sec. 1 (c), is \$ 93,500.00

Witness my hand and seal this 1st day of March, 1980.

Joan J. Schilke
NOTARY PUBLIC OF FLORIDA
MY COMMISSION EXPIRES
Joan J. Schilke
NOTARY PUBLIC, Florida, State at Large
My Commission Expires March 2, 1982
Bonded thru Judice Insurance Agency

ROBERT F. BINETTI, P.A.
ATTORNEY AT LAW

PLEASE REPLY TO
P.O. Box 495
RIDGEFIELD, N.J. 07657

581 BERGEN BOULEVARD
RIDGEFIELD, N.J. 07657
(201) 941-3700

FAX TRANSMISSION COVER MEMO

Date: Dec 18, 1997

To: ANTHONY POLLITTA 585-4110
(FAX number)

From: ROBERT F. BINETTI, P.A. 201-945-7000
(FAX number)

Subject: DeCade v DeCade
So Bronx County, Palesale Public NT

Comments: The follow are: (1) Judgment of Divorce
(see p 2 (1)) (2) Court Order dtd 6/23/93 (see P 1)
(3) Court Order dtd 2/14/94 (see P 1 adj. by SDICA
DeCade v DeCade and P 3 regarding compliance w/
6/23/93 order; (4) Court Order of 6/26/96 (see P 1
holding SDICA v DeCade and P 3 regarding compliance with order.
of June 23, 1993 as you requested
The following document is being transmitted through facsimile.

The document consists of 13 pages including this cover memorandum.

If you have any questions, if the transmission is incomplete, or if it is not legible, please call this office at (201) 941-3700.

IMPORTANT NOTICE: THIS TRANSMISSION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND/OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE. THANK YOU.

*Building
Dept.*

PLANNING BOARD
BOROUGH OF PALISADES PARK
COUNTY OF BERGEN
STATE OF NEW JERSEY

IN THE MATTER OF
THE APPLICATION OF
PETER DE CARLO

WHEREAS, PETER DE CARLO, is the owner of the premises designated as Lot 23 in Block 814 on the Tax Map of the Borough of Palisades Park located at 50 Broad Avenue, Palisades Park; and

WHEREAS, on January 3, 1990 a resolution was memorialized approving a site plan application of Peter De Carlo in which one of the three conditions of approval was that the gas pumps on the premises be removed; and

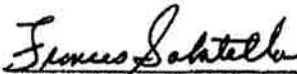
WHEREAS, on July 9, 1990 the applicant sought to permit the gas pumps to remain; and

WHEREAS, the Board's real concern was not the gas pumps but that the underground gas tanks not contaminate;

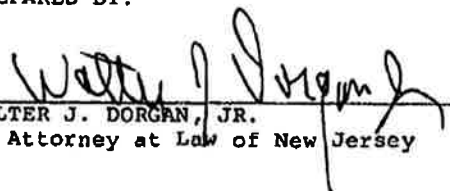
NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Palisades Park that the gas pumps may remain but that gas tanks for future installations should be inspected to insure that they meet the standards imposed by the State of New Jersey.

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Joseph Sperlazzo	X			
Dr. Constantine Christolias	X			
Chairman Robert Pallotta	X			
Marion Pallotta				X
Mayor Donald Magner				X
Jim Burns			X	
Mark Pasquale			X	
Vice-Chairman John Candelmo	X			
John Sambogna	X			

I hereby certify that the foregoing Resolution was duly adopted by the Planning Board of the Borough of Palisades Park on August 1, 1990.


FRANCES SABATELLA, Secretary

PREPARED BY:


WALTER J. DORGAN, JR.
An Attorney at Law of New Jersey

March 25, 1997

Mr. Anthony Pollotta
Building Dept.
Palisade Park, N.J.

Dear Sir,

This letter is to request the help of your offices to cease any operations, functions or business on the property of 50 Braad Ave. I am aware of the property being used ,illegaly, for income purposes by unauthorized individuals.

Future plans require the building to be demolished. This can not be accomplished with the property in it;s present state. I truly appreciate any assistance you and your offices can provide.

Sincerely,

Erika De Carlo
Erika De Carlo
fx: Udo



OFFICE OF
BUILDING INSPECTOR

Borough of Palisades Park

275 Broad Avenue
Bergen County, N. J. 07650

12/19/96

This is to certify I "Anthony Pallotta"
Const. official of Pal. PK. have today
received the following;

① copy of site plan dated
8/8/91 Block 614 Lot 23
Zone B-1

② copy of resolution from
planning board dated 11/6/91

③ copy of plans for 7-11, prepared
by Wyckoff Associates

④ copy of closure approval issued
by the D.E.P. dated 12/12/96

⑤ Ticket of permit application
truck removal & demolition
Anthony Pallotta 12/19/96 was allowed



STATE OF NEW JERSEY
DEPARTMENT OF
ENVIRONMENTAL PROTECTION



I Certify That

Target Environmental Co., Inc.
PO Box 916
Newfield, NJ 08344

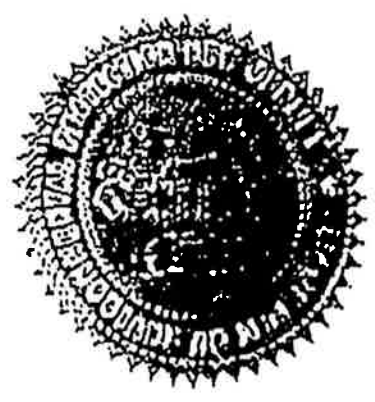
having duly met the requirements of the

Underground Storage Tank Certification Program
N.J.S.A. 58:10A-24.1-8

is hereby approved to perform the following services:

- Closure
- Subsurface Evaluation

US00329
PERMANENT CERTIFICATION NUMBER
7/31/98
EXPIRATION DATE



Richard P. Imbri
COMMISSIONER, DEPARTMENT OF
ENVIRONMENTAL PROTECTION

TO BE PROMINENTLY DISPLAYED AT THE FACILITY.

On the other hand, such a use does partake of some of the attributes of a conforming use. Thus, in the *Industrial Lessors* case, it was held that where a use permitted by variance was totally destroyed, the owner had the right to rebuild the structure "essentially duplicative of that previously in existence." Nevertheless, it is quite clear that a use created by way of variance cannot be expanded or changed without further application to the zoning board of adjustment. Hence, it is evident that a use created by a variance is sui generis and cannot really be spoken of as either fully "conforming" or fully "nonconforming." See *Industrial Lessors, Inc. v. City of Garfield*, 119 N.J. Super. 181, 183 (App. Div. 1972), cert. den. 61 N.J. 160 (1972); *Razberry's, Inc. v. Kingwood Tp.*, 250 N.J. Super. 324 (App. Div. 1991). See Chapter 11, especially 11-3 and 11-4, to compare the treatment of nonconforming uses permitted because they pre-date zoning regulation. The essential difference between the two is illustrated by the fact that while the general policy is that nonconforming uses should be reduced to conformity as quickly as compatible with justice, see *Belleville v. Parrillo's, Inc.*, 83 N.J. 309, 315 (1980), this principle has no application to a use which has been authorized by a variance. See *Razberry's, Inc. v. Kingwood Tp.*, supra.

13-2. Duration of Variances.

13-2.1. General rule. A variance once granted runs with the land and while it may be abandoned, it is not lost through nonexercise in the absence of a time limitation set forth in the variance itself or in the zoning ordinance.

In *Farrell v. Estell Manor Zoning Bd. of Adj.*, 193 N.J. Super. 554 (Law Div. 1984) a variance had been granted to use a property for a residential evaluation and treatment center under contract with the Division of Youth and Family Services. The property was so used for a number of years but then the use was terminated and more than a year after termination the owner leased the premises to the State Department of Corrections for use as a residential treatment facility for teenage boys. The zoning board adjustment found that the failure to use the property in accordance with the first variance for a period in excess of a year, coupled with the owner's attempt to sell the property during that period, constituted an abandonment of the variance. The court, pointing out that a use variance does not exist and is not lost merely because the property is vacant, placed on the issue for sale or used in a more restrictive fashion, stated that a variance is personal to the owner to whom it is granted but is available to the grantor's successors, citing *Bd. of Ed. of Fort Lee v. Mayor, etc.*, of Fort Lee, 92 N.J. Super. 22 (App. Div. 1954) and *2 Rathkopf, Zoning and Planning*, 1966 Section 46-1 et seq. The court found that the evidence for first abandonment by the board was far from convincing (but held that event the state has a qualified immunity from municipal regulations). Compare the situation where the ordinance sets forth

limitation. In *Ramsey Assoc. v. Bd. of Adjust., Bernardsville*, 119 N.J. Super. 131 (App. Div. 1972) the court upheld a provision of the zoning ordinance which provided that any variance or exception granted by the board should expire if no construction, alteration or conversion had been commenced within one year from the date of granting of the variance or exception. It should be noted, however, that a time limitation on the exercise of a variance, however imposed, would be tolled if the developer were barred or prevented directly or indirectly from proceeding by reason of situations encompassed in N.J.S. 40:55D-21. Moreover, appeals to the courts preserve the rights granted until a final judgment is entered.

Even the general rule is not without exception. In *Dimitrov v. Carlson*, 138 N.J. Super. 52 (App. Div. 1975) cert. den. 70 N.J. 275 (1976), where there was no time limitation in the ordinance, the court held that where the owner of the land who obtained a variance in 1964 did nothing until 1970, when he applied for site plan review, and meanwhile the zoning ordinance was amended to generally prohibit the use everywhere in the municipality (whereas previously it had been permitted in some other districts) the owner stood "in no better or different position [vis a vis the new prohibition] than other conforming owners in his zone." 138 N.J. Super. at 58. The court held that the planning board had correctly denied approval of the site plan.

13-2.2. Limitation by condition. Some boards limit the time within which the variance must be exercised, or the time of duration of the variance once exercised as conditions to the grant of the variance. It is admitted that establishment of a time limitation by general board rule, or after yet by ordinance is preferable, since it would seem that the imposition of time limitations on an ad hoc basis by the board of adjustment could be subject to attack on grounds of discrimination.

Also, that conditions imposing limitations on the duration of variances which have been exercised are problematic. In *Berninger v. Board of Adjustment*, 254 N.J. Super. 401 (App. Div. 1991), aff'd o.b. sub nom. *Berninger v. Board of Adjustment of Bor. of Midland Park*, 127 N.J. 226 (1992), the Court held that the duration of a variance could not be limited by a condition which caused it to lapse upon a change of ownership of the property. It is the view of the author, however, that a variance may ultimately be limited to enjoyment by certain classes of persons, as, for example, in the case of variances granted for the construction of accessory units or cottages for occupancy by an aged parent or other dependent person. See discussion at 7-5.2. Such variances would be of limited duration since they lapse on cessation of the approved occupancy. Even if the variance to the lifetime of a particular occupant may be a viable alternative to limitation to a particular class of occupants. In *The Co. Mats, Inc. v. Bd. of Ad. Tewksbury Tp.*, 92 N.J. Super. 293 (App. Div. 1966) the Appellate Division upheld a limit on the duration of a special use permit for an industrial operation to a term of years which

NOT RECORDED

JAN 1 1992

SCHERISI & McLAUGHLIN, P.A.
19473 Sylvan Avenue
Englewood Cliffs, New Jersey 07632
(201) 569-9898
Attorneys for Defendant
KCM:rmg 300172

DEC 11

af

ERIKA DECARLO, :
Plaintiff, :
v. :
PETER DECARLO, :
Defendant.. :
: SUPERIOR COURT OF NEW JERSEY
: BERGEN COUNTY: CHANCERY DIVISION
: FAMILY PART
: DOCKET NO: M-15710-90
: Civil Action
: ORDER TO SHOW CAUSE
: WITH TEMPORARY RESTRAINTS

62

THIS MATTER HAVING come before the Court upon application of Schepisi & McLaughlin, P.A., attorneys for defendant, and it appearing upon a reading of the attached Affidavit that immediate action is necessary to prevent irreparable loss, injury and damage to property, and good cause having been shown, it is on this day of December, 1991, ORDERED that plaintiff show cause before this Court at the Bergen County Court House, Hackensack, New Jersey, on the 13 day of December, 1991, at ^{10:30} ~~8:00~~ a.m. in the forenoon or as soon thereafter as counsel may be heard, to show cause why an Order should not be entered as follows:

- (a) enjoining plaintiff, or anyone acting on her behalf, from taking any action to alter, destroy, or demolish real property located at 50 Broad Avenue, Palisades Park, New Jersey, together with any and all structures currently

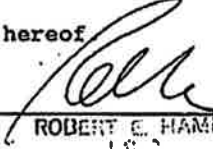
426-45

existing thereon;

- (b) restraining plaintiff or anyone acting on her behalf from taking any similar action with respect to property located in Hillburn, New York and Egg Harbor, New Jersey, and property located at Fletcher Avenue in Fort Lee, New Jersey;
- (c) requiring plaintiff to consult with and obtain the express approval of defendant prior to selling, demolishing, transferring, or otherwise affecting the status of the aforementioned properties;
- (d) such additional relief as the Court deems appropriate; and it is

FURTHER ORDERED that a copy of this Order and the accompanying Affidavit shall be served upon plaintiff and her attorneys within 1 days of the date hereof; and it is

FURTHER ORDERED that any responsive pleading shall be filed with this Court and served upon counsel for the defendant no later than 3 days prior to the return date hereof


ROBERT E. HAMER J.S.C.

Further Ordered that plaintiff may move to dissolve these restraints upon 2 days notice;

BUILDING
DEPARTMENT

BOROUGH OF
PALISADES PARK

275 BROAD AVE
PALISADES PARK
N.J. 07650

Telephone: 585-4108

Fax: 585-4110

To: Joe Marinello (PAL. PK. BORO ATTORNEY)

Voice Phone Number: _____

Fax Number: 947-6605

From: Anthony Paltotta

Date: 2/28/97

Number of Pages (including this one): 3

Message: Joe could you please advise on this,
I have an application in the early
stages for a 7-11 on this property, should
I continue or hold off?

AP

1. The property in question is currently designated as Lot 23 in Block 614 on the Tax Map of the Borough of Palisades Park and is located at 50 Broad Avenue.

2. The application herein conforms to the provisions of the Development Ordinance. The proposed site plan, as requested, would not impair the purpose and intent of the Borough of Palisades Park zoning plan and scheme.

3. Strict application of the zoning restriction is not necessary for the protection of the public health, safety and general welfare under the facts and circumstances of the case.

4. The present relief will not have a detrimental impact on the neighborhood, there will be no substantial impairment of the intent and purpose of the zoning plan and zoning ordinance, and there will be no substantial detriment to the public good.

5. Nothing contained in this Resolution shall be deemed to be any waiver, relaxation or variance other than the specific variances, if any, granted herein.

The application for site plan is granted subject to the following conditions:

1. The applicant shall file a closure plan with N.J.D.E.P.E. Bureau of underground storage Tanks prior to the removal of the underground storage tank(s).

2. Approval by the Bergen County Planning Board and the Bergen County Soil Conservation District, if required.

3. There will be no garbage pickup between 11 P.M., and 6 A.M.

4. There will be no truck deliveries between 11 P.M. and

and 6 A.M.

5. The lighting in the rear can't exceed the height of the fence, will face the building and not the neighbor's property and the rear parking lights will be turned off from 11:00 P.M. to 6 A.M.

6. The applicant will maintain the 5 feet perimeter of the property.

7. The driveway will be located 10 feet south of the building.

The cost of the preparation and drafting of this Resolution shall be paid for by the Applicant. The Planning Board of the Borough of Palisades Park shall cause a brief notice of this decision to be published in the Bergen Record and Palisadian. The cost of the publication shall be paid for by the Applicant.

DATED: November 6, 1991

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Dr. Constantine Christolias	X			
John Candemo	X			
Marion Pallotta	X			
Robert Pallotta	X			
Jim Burns	X			

I hereby certify that the foregoing Resolution was duly adopted by the Planning Board of the Borough of Palisades Park on November 6, 1991.

PREPARED BY:

Walter J. Dorgan, Jr.
WALTER J. DORGAN, JR.
An Attorney at Law of New Jersey

Frances Sabatella
FRANCES SABATELLA, Secretary

GALLO GEFNER FENSTER, P.C.
Continental Plaza II
411 Hackensack Avenue
Hackensack NJ 07601
(201) 489-5400
Attorneys for Defendant, Erika DeCarlo

THE SOUTHLAND CORPORATION, a
Corporation of the State of
Texas,

Plaintiffs,

v.

ERIKA DECARLO,

Defendant.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: BERGEN COUNTY

DOCKET NO. C-459-94

CIVIL ACTION

NOTICE OF MOTION

TO: Motions Clerk
Superior Court of New Jersey
Chancery Division
Justice Center
10 Main Street
Hackensack, NJ 07601

Mr. Peter DeCarlo
428 Grand Avenue
Palisades Park, NJ 07650

Wayne J. Peck, Esq.
Freehold Office Plaza
4257 Route 9, Suite D
Freehold, New Jersey 07728

Robert F. Binetti, Esq.
P.O. Box 495
581 Bergen Boulevard
Ridgefield, NJ 07657

Hon. Arthur J. Lesemann, P.J.S.C.
Justice Center
Room 504
10 Main Street
Hackensack, NJ 07601

RETURNABLE:

April 18, 1997

PLACE (& JUDGE IF ASSIGNED): Hon. Arthur J. Lesemann, P.J.S.C.
Bergen County, Chancery Division

RELIEF SOUGHT:

For an Order scheduling a hearing for Peter DeCarlo and Erika DeCarlo to bid on the Palisades Park property in which the parties shall have the opportunity to bid and purchase the property and be obligated to construct the facility in accordance with the plans and specifications on the lease with 7-11, Southland Corp.

This motion is submitted pursuant to Rule 1:6-2. It is therefore submitted to the Court for ruling on the papers, and if no objections are timely filed, oral argument should be deemed to be waived and the enclosed Order executed, after it meets with the Court's approval.

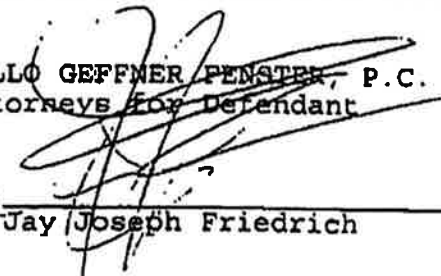
SUPPORTING DOCUMENTS:

Certification of the Defendant, Erika DeCarlo, and a proposed form of Order attached hereto.

CERTIFICATION:

We hereby certify that the original of this pleading is being filed with the County Clerk of the Superior Court where the venue is laid, and that service of the within Notice of Motion has been made in accordance with Rule 1:5.

GALLO GEFFNER FENSTER, P.C.
Attorneys for Defendant

By: 
Jay Joseph Friedrich

Dated: March , 1997

GALLO GEFFNER FENSTER, P.C.
Continental Plaza II
411 Hackensack Avenue
Hackensack NJ 07601
(201) 489-5400
Attorneys for Defendant, Erika DeCarlo

THE SOUTHLAND CORPORATION, a
Corporation of the State of
Texas,

Plaintiffs,

v.

ERIKA DECARLO,

Defendant.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: BERGEN COUNTY

DOCKET NO. C-459-94

CIVIL ACTION

CERTIFICATION OF ERIKA DECARLO

I, Erika DeCarlo, certify that:

1. I am a defendant in the above-entitled matter and I am making this certification as part of my application in which I am requesting this Honorable Court to set down a date certain for Peter DeCarlo and I to bid for the Palisades Park property.

2. In accordance with the Court's directions, I have taken the steps necessary to satisfy all the real estate taxes on the property which resulted the dismissal of the foreclosure action for the failure to pay real estate taxes.

3. In addition I have expended sums of money to supply to the Borough Building Department the necessary information and documentation so that the resolutions permitting a 7-11 to be constructed on the property would not lapse.

4. The Building Department has before it documents from a company licensed to remove the gas tanks that are buried under the property. It is my understanding that we must now commence the demolition of the building and remove the tanks in the ground.

5. All this must be accomplished before the 7-11 structure may be built on the premises.

6. Unfortunately, to date I have been unable to resolve any issues with Peter DeCarlo. Peter DeCarlo reneged on his offer to purchase my interest in the property that being he was to pay \$200,000.00 plus be responsible for all real estate taxes, and comply with the 7-11 lease. I executed the contract, but he failed to perform in accordance with the agreement.

7. I offered him the same terms and conditions which he has rejected. He believes the property is worth substantially more than his offer to me.

8. If we do not commence the work on the property, it is my belief, based on information I have received, that the resolution of the Planning Board will expire.

9. I therefore believe that the only solution would be to permit Peter DeCarlo to bid on the property to determine who should acquire the property. The Court can then make a

determination as to accounting issues as to sums due and owing to me for dollars I have expended for real estate taxes and costs pertaining to the development of the property.

10. As I have stated to the Court, if I am the successful bidder to the property. I will comply with the lease to construct a 7-11 store on the property. One of the conditions to the sale should be that whoever purchases the property shall be responsible for the construction of the building to house a 7-11 convenience store.

11. I thank the Court for its consideration of this application.

I hereby 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.


ERIKA DECARLO

Dated: March 26, 1997

GALLO GEFFNER FENSTER, P.C.
Continental Plaza II
411 Hackensack Avenue
Hackensack NJ 07601
(201) 489-5400
Attorneys for Defendant, Erika DeCarlo

THE SOUTHLAND CORPORATION, a
Corporation of the State of
Texas,

Plaintiffs,

v.

ERIKA DECARLO,

Defendant.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: BERGEN COUNTY

DOCKET NO. C-459-94

CIVIL ACTION

ORDER

THIS MATTER having come before the court on application of Gallo Geffner Fenster, P.C., attorneys for defendant Erika DeCarlo, for an Order to scheduling a hearing for Peter DeCarlo and Erika DeCarlo to bid on the Palisades Park property in which the parties shall have the opportunity to bid and purchase the property and be obligated to construct the facility in accordance with the plans and specifications on the lease with 7-11, Southland Corp.; and the court having considered the papers submitted in support of and in opposition to said motion; and for good cause shown;

IT IS on this day of , 1997;

ORDERED that Erika DeCarlo and Peter DeCarlo shall appear before this Court on the _____ day of May, 1997, to submit bids to the Court to purchase the Palisades Park property and that the property shall be sold to the highest bidder with the obligation that the winning bidder shall be responsible to comply with the terms and conditions of the 7-11 lease; and it is further

ORDERED that the Court shall schedule a hearing at which time an accounting shall be submitted as to all sums disbursed by Erika DeCarlo and Peter DeCarlo on the Palisades Park property and to divide equally all costs and expenses relative to the ownership, maintenance and development of said property;

ORDERED that a copy of this Order be served upon all parties within _____ days of the date hereof.

J.S.C.

 Opposed

Unopposed

OKIN, HOLLANDER & DELUCA, L.L.P.

COUNSELLORS AT LAW

ONE PARKER PLAZA

FORT LEE, NEW JERSEY 07024

PAUL S. HOLLANDER
JAMES J. DELUCA
PETER A. PIZZANI, JR.
BRUCE O. GORDON

LOIS F. MEISEL
ELLEN HOROWITZ DALE

AREA CODE 201
947-7300
TELECOPIER 947-2883

HAROLD S. OKIN -
OF COUNSEL

* ALSO MEMBER OF D.C. BAR
* ALSO MEMBER OF N.Y. BAR
* ALSO MEMBER OF FL. BAR

June 6, 1997

Joseph R. Mariniello, Esq.
265 Columbia Avenue
Fort Lee, New Jersey 07024

Re: 50 Broad Avenue
Palisades Park, New Jersey
Lot 23, Block 614

Dear Mr. Mariniello:

On or about May 16, 1997, the Honorable Arthur J. Lesemann appointed me Receiver in connection with the above-described premises. A copy of the May 16th letter from the Court to Messrs. Binetti and Friedrich advising them of my appointment is enclosed for your reference.

Since being appointed Receiver, I have come to learn that on or about November 6, 1991, the Planning Board of the Borough of Palisades Park granted site plan approval with regard to the construction of a 7-Eleven convenience store on the premises. A copy of the Planning Board's approval dated November 6, 1991, is enclosed for your reference. It is my understanding that since the site plan approval Mr. and Mrs. DeCarlo have had serious disagreements with regard to the premises and have been before various judges in Bergen County with regard to the matter. My appointment as Receiver is apparently the result of those disagreements.

I am writing to you at this time to request an extension of the site plan approval with regard to the above-described premises. Pursuant to Judge Lesemann's May 16th letter, I have been directed to sell the premises, subject to the lease with Southland Corporation, so that the 7-Eleven can be constructed. Accordingly, it appears prudent to have an extension in place so that any prospective purchaser of the property will know that this will not be an issue in the future.

I would appreciate your contacting me upon your receipt of this letter so that we can discuss any additional requirements of

OKIN, HOLLANDER & DeLUCA, L.L.P.

Joseph R. Mariniello, Esq.

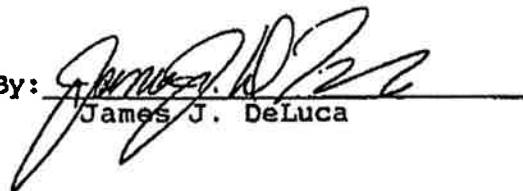
June 6, 1997

Page 2

the Borough of Palisades Park with regard to the matter. I look forward to hearing from you.

Very truly yours,

OKIN, HOLLANDER & DeLUCA, L.L.P.

By: 

James J. DeLuca

JJD:fh

Enc.

cc: Robert F. Binetti, Esq.
Jay Joseph Friedrich, Esq.

f:\och\dicarlo\corres\marin01.jjd

Bldg Dept.

PLANNING BOARD
BOROUGH OF PALISADES PARK
COUNTY OF BERGEN
STATE OF NEW JERSEY

IN THE MATTER OF THE
APPLICATION OF UDO STEUDTNER

WHEREAS, ERIKA DE CARLO is the owner of property and UDO STEUDTNER is the applicant for property designated as Lot 23 in Block 614 on the Tax Map of the Borough of Palisades Park, New Jersey, located at 50 Broad Avenue; and

WHEREAS, UDO STEUDTNER, (hereinafter referred to as the "Applicant") has made application to the Planning Board of the Borough of Palisades Park through his attorney, Alan Pearlman, for site plan approval to demolish an existing building, remove underground tanks and replace with a 2600 square feet convenience store, redo entire frontage, parking, retaining wall, landscaping, fences and reconstruction of an existing sign in accordance with a site plan prepared by Michael J. Hubschman P.E., P.P. dated August 1, 1991; and

WHEREAS, a public hearing was held on October 2, 1991 and the Planning Board has heard and considered the testimony presented and considered the documents submitted and for good cause shown;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Palisades Park, that the following findings of fact and conclusion of law, be and the same are hereby adopted;

SUPERIOR COURT OF NEW JERSEY

ARTHUR J. LESEMAN
Judge



May 16, 1997

Robert F. Binetti, Esq.
581 Bergen Boulevard
Ridgefield, New Jersey 07675

Jay Joseph Friedrich, Esq.
Gallo, Geffner & Fenster, P.C.
Continental Plaza II
411 Hackensack Avenue
Hackensack, New Jersey 07601

Re: *Southland Corporation v. Erika DeCarlo* / Docket No. C-459-95

Gentlemen:

This letter will represent my decision on the issues remaining following completion of oral argument this morning.

To repeat, I have determined that the Southland lease is valid, subsisting, and will be enforced.

I am also satisfied that the property must be sold--either to one of the two parties or to a third party--so that the Southland lease may be carried out and the required construction undertaken. It is of course clear that any such sale must be subject to that lease.

Mr. Friedrich suggests an auction at which each of the two parties or any third party can bid for the property. Mr. Binetti prefers a receiver who can make efforts to market the property before any such sale. A major difficulty that I see is the absence of any appraisal of the property which took account of the Southland lease. Mr. Binetti claims that Mrs. DeCarlo has more money than Mr. Binetti's client and thus might be able to purchase the property at an unfairly low price. I believe we need an appraisal of the property to provide a "floor" to avoid any such inequitable sale.

Robert F. Binetti and Jay Joseph Friedrich, Esqs.

May 16, 1997

Page 2

I am satisfied that the best method of resolving the foregoing is as follows:

I will appoint Mr. DeLuca as receiver for the purpose of carrying out a sale of the property, subject to the Southland lease.

Mr. DeLuca shall undertake to obtain an appraisal of the property (with the Southland lease in effect) as soon as he can--hopefully in not more than thirty days.

Once that appraisal is obtained, Mr. DeLuca will fix a date for the sale to take place, which should be approximately sixty days after receipt of the appraisal. He will fix the terms of the auction and the time and the place of the auction. He will undertake what he regards as reasonable efforts to publicize the sale, but either party is free to take whatever actions he or she wishes to take by way of publicizing the sale, marketing the property, or doing anything else that he or she believes is likely to result in a sale at a higher price.

Following completion of the sale, the matter shall be reported to the court with a view toward obtaining an order confirming the sale and directing dispositions of the sale proceeds. Mr. DeLuca's fees will be paid, subject to court approval, as the first payment to be made from the proceeds of the sale.

This letter will serve as an order appointing Mr. DeLuca as receiver as aforesaid, and no further or more formal order shall be required.

I am sending a copy of this letter to Mr. Peck, attorney for Southland, and to Mr. DeLuca, with the request that all concerned move to put the matter in motion as quickly as possible.

Very truly yours,



Arthur J. Lesemann, J.S.C.

AJL:jom

cc: Wayne J. Peck, Esq.
James J. DeLuca, Esq. ✓

GALLO GEFFNER FENSTER, P.C.
COUNSELLORS AT LAW
CONTINENTAL PLAZA II
411 HACKENSACK AVENUE
HACKENSACK, NEW JERSEY 07601

MICHAEL A. GALLO *
STEPHEN A. GEFFNER *
STEPHEN B. FENSTER *
ANTHONY J. ANDOLINO
CRAIG W. MILLER **
FRANK M. COSCIA
JAY JOSEPH FRIEDRICH *
ROBERT A. RECHO
MICHAEL L. MESSER *

HERBERT FENSTER
DOUGLAS R. EISENBERG
STEPHEN M. ASPERO *
WILLIAM PAGANO
ROBERT LEVY *
OF COUNSEL

(201) 489-5400
FACSIMILE: (201) 489-6831

NEW YORK OFFICE
250 WEST 57TH STREET
NEW YORK, N.Y. 10107
(212) 304-1981

VALERIE A. VLADYKA
MARK C. LEWANDOWSKI *
ELIZABETH R. MILLARD *
ADAM R. GREENBAUM *
DEBRA M. POLGLAZE *
TARA L. PHELAN *
LENA V. BALLAS

CERTIFIED CIVIL TRIAL ATTORNEY *
N.J. & N.Y. BAR *
N.J. & P.A. BAR *
N.J., N.Y. & FLA. BAR *
N.Y. BAR ONLY *

July 1, 1998

Anthony Pollotta, Construction
Official/Zoning Officer
Borough of Palisades Park
275 Broad Avenue
Bergen County, NJ 07650

Re: 52 Broad Avenue, Palisades Park

Dear Mr. Pollotta:

It is my understanding you are fully familiar with the situation pertaining to the above-captioned property. As a result of ongoing litigation, my client has been prohibited from developing, in fact even maintaining the property. It is my understanding you have been in contact with James DeLuca, the court-appointed conservator.

From previous communication from my office, you have been informed that no one was permitted access to the property. Any vehicles parked on the property are not with the authorization of the title owner of the property. All vehicles may be removed from the property. There have been questions posed whether or not the vehicles and content of the premises are owned by Mr. DeCarlo. By copy of this letter to his attorney, I am requesting that he immediately remove all of his items of personalty.

There is a building permit to construct 7-11. It was my client's intent to construct the 7-11 until the commencement of the court action by Mr. DeCarlo. There has been a proposed resolution which all concerned are presently considering. If in fact the settlement is agreed to by all concerned, then my client shall again have control over the property and shall be demolishing the

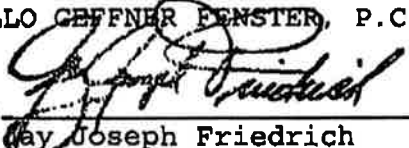
GALLO GEFFNER FENSTER

Anthony Pollotta, Construction
Official/Zoning Officer
Borough of Palisades Park
July 1, 1998
Page 2

present structure and building the 7-11 facility. I would request that you confirm the accuracy of the above information and then communicate with the undersigned so that we can attempt to resolve all issues.

Very truly yours,

GALLO GEFFNER FENSTER, P.C.

By: 
Jay Joseph Friedrich

JJF/mme

cc: Wayne J. Peck, Esq.
Robert F. Binetti, Esq.
James J. DeLuca, Esq.
Ms. Erika DeCarlo
Joseph R. Mariniello, Esq.
Mr. Udo Steudtner



Borough of Palisades Park

275 Broad Avenue

Bergen County, N.J. 07650

Building Department

July 10, 1998

Gallo Geffner Fenster, P.C.
counselors at law
Continental Plaza II
411 Hackensack Avenue
Hackensack, NJ 07601

RE: 52 Broad Avenue, Palisades Park

Dear Mr. Friedrich,

I have received your letter dated 7/1/98 concerning the above referenced property.

First let me say I am not fully familiar with the situation as you have stated. The problems have existed prior to my appointment.

While I do have an idea as to the problems I am in no way fully understanding.

I do not understand why your client has been prohibited from maintaining the property. It is the opinion of this department that failure to maintain this property could result in the issuance of fines. It is only because of the ongoing litigation that no action has been taken at this time.

Also, you stated there is a permit to construct a 7-11 convenience store. Please be advised I know of no such permit. If in fact I'm mistaken kindly give the permit number so I can verify this.

If I can be of any assistance, please feel free to call this office Mon-Fri 9-4:30 (201) 585-4108.

Respectfully,

A handwritten signature in dark ink, appearing to read "Anthony Pollota", with a stylized flourish at the end.

Anthony Pollota
Construction Official

cc: Joseph R. Marinillo Esq.



Borough of Palisades Park

275 Broad Avenue
Bergen County, N.J. 07650

OFFICE OF
BUILDING INSPECTOR
October 14, 1998

Mr. P. DeCarlo
50 Broad Avenue
Palisades Park, N.J. 07650

Dear Sir,

You are hereby ordered by this department as per Section PM303.8 to remove all unregistered or uninspected motor vehicles parked, kept or stored on your premises and no vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled.

If this situation is not abated by October 19, 1998 further action will have to be taken.

Respectfully,

A handwritten signature in dark ink, appearing to read "Anthony Pollotta", is written over the printed name.

Anthony Pollotta
Construction Official/Zoning Officer

AP/ln

**UNDERGROUND STORAGE TANK SYSTEM
CLOSURE APPROVAL**

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

**DIVISION OF RESPONSIBLE PARTY SITE REMEDIATION
BUREAU OF FIELD OPERATIONS
CN-028, TRENTON, NJ 08625-0028**

TMS # C96-1175

UST # 0198994

**FORMER CITGO PALISADES PARK
50 BROAD AVE
PALISADES PARK

BERGEN**

**THE ABOVE LISTED FACILITY IS HEREBY GRANTED APPROVAL TO PERFORM
THE FOLLOWING ACTIVITY IN ACCORDANCE WITH N.J.A.C. 7:14b-1 et. seq:**

**REMOVAL OF: three-3,000 gallon gasoline UST, one-1,000 gallon
waste oil UST, one-550 gallon #4 fuel oil UST and appurtenant
piping.**

**SITE ASSESSMENT: Conduct a site investigation for the UST(s) and appurtenant piping specified in this
approval in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E.**

The management of any excavated soils must follow the requirements listed in the Attachment enclosed within.

**Note: The UNDERGROUND STORAGE TANK SERVICES CERTIFICATION ACT, N.J.S.A. 58:10A-24,
requires all services performed on an UST system for the purpose of complying with P.L.1986, c.102 to be
performed by or under the immediate on-site supervision of a person certified by the Department for that
service. The certified person providing that service must be employed by a business that is also certified by the
Department for that service.**

CONTACT PERSON:

MARK HARMAN

TELEPHONE:

EFFECTIVE DATE: 12/12/1996

**THIS FORM MUST BE DISPLAYED AT THE SITE DURING THE APPROVED
ACTIVITY AND MUST BE MADE AVAILABLE FOR INSPECTIONS AT ALL TIMES.**

Gregory Cunningham for
**Joshua Gragwohl, SUPERVISOR
BUREAU OF FIELD OPERATIONS**



FRONT

I AM UNCERTAIN OF

THE LOCATION OF

(1) 4000 GAL. GAS TANK

I BELIEVE IT TO

BE IN THE P-1

LOCATION.

Udo

BROAD

STREET

550
~~7000~~
GAL.
UNNO.4
FUEL

P-4

11000 GAL.
W.OIL

P-5

3000
~~4000~~
GAL.
GAS

P-2

3000
~~4000~~
GAL. GAS

P-1

P-3

3000
~~4000~~
GAL
GAS

EAS
AIRS
ST

8. SITE ASSESSMENT

1. Obtain any applicable state and local permits and certificates required under this Contract.

2. TEC shall be responsible only for sampling and assessment of the site identified in Attachment A, attached hereto and made a part hereof, and is under no duty or obligation to service site not identified thereon.

3. Sampling procedures shall be in accordance with the Technical Requirements for Site Remediation & 264.3, 4.3, 6 and shall be analyzed by a State Certified Laboratory. A total of thirty (30) samples will be obtained and analyzed from the tank excavation is:

a. Four (4) samples each will be obtained and analyzed from the center line of the three (3,000) gallon leached gasoline tanks excavation and associated piping. These samples will be analyzed by EPA Method 8240 Volatile Organics plus forward library search (VOA-10). Additionally these samples will be analyzed by EPA Method 7221 Total Lead (Pb).

b. Four (4) samples each will be obtained and analyzed from the center line of the two (2,000) gallon leached gasoline tanks excavation and associated piping. These samples will be analyzed by EPA Method 8240 Volatile Organics plus forward library search (VOA-10). Additionally these samples will be analyzed by EPA Method 7221 Total Lead (Pb).

c. Two (2) samples will be obtained and analyzed from the pump island. These samples will be analyzed by EPA Method 8240 Volatile Organics plus forward library search (VOA-10). Additionally these samples will be analyzed by EPA Method 7221 Total Lead (Pb).

d. Four (4) samples will be obtained and analyzed from the center line of the (1,000) gallon waste oil tank. These samples will be analyzed by EPA Method 418.1 Total Petroleum Hydrocarbon. If any of these samples demonstrate any level of petroleum hydrocarbons 25% of the samples must be analyzed for Heavy Metals by EPA Method 8210.

e. Four (4) samples will be obtained and analyzed from the center line of the 2500 gallon #2 fuel oil tank. These samples will be analyzed by EPA method 418.1 Total Petroleum Hydrocarbons. If any of these samples exceed the state action limit of 1000 ppm, 25% of the samples exceeding this limit must be analyzed by EPA Method 8240 Volatile Organics plus forward library search, VOA-10.

4. Closure report will be generated and submitted to the client. TEC will supply all requested documents pertaining to waste removal, certification for clean fill, confined space entry, certificate of non-hazardous vessels, certificate of disposal for tanks, and all other information requested. No fees are included in the cost of the report submitted to NJDEP.

CONTRACT PRICE AND PAYMENT TERMS

1. The terms of payment are as follows: 30% payable upon the initiation of site work, 40% payable when the tanks are removed from the site; and 30% upon the issuance of a final report to the Client.

2. Total price for services: \$15,310.00

EPA Method 418.1 (HPLC) for PCBs	\$75.00 each
EPA Method 821 (GC/MS) for PCBs	\$350.00 each
EPA Method 821 (GC/MS) for PCBs	\$425.00 each
EPA Method 820 (Total PCBs)	\$50.00 each
RUCKA HD-2 analyses for contaminated soil removal	\$885.00/100yds ³
Fluid removal, gasoline, oil, sludge, groundwater	\$1.20/gallon
Transportation and disposal of contaminated soil	\$55.00/ton
Equipment and labor	\$800.00/day

6. Project delays may be made with written notice from the Client. Such notice must be in writing and delivered to TFC at the address stated above at least 48 hours in advance. The Client agrees to pay those reasonable and justified expenses incurred by TFC as a result of the Client's request for delay prior to completion of the Project.

7. TEC (1) shall be an independent contractor and not an employee of the Client under this Contract; (2) shall maintain a policy of liability insurance covering its operations; and (3) shall indemnify, save harmless, and defend the Client from any and all claims, damages, losses, and expenses, including reasonable attorneys' fees, arising from any act or omission of TEC or its personnel.

8. TEC shall be responsible for obtaining all necessary certifications and all documents required by applicable laws, rules, regulations, and codes of practice schedules.

9. The Client shall execute and deliver all necessary certifications and all documents required by applicable laws, rules, regulations, and codes of practice schedules.

10. The Client shall execute and deliver all necessary certifications and all documents required by applicable laws, rules, regulations, and codes of practice schedules.

11. This contract shall be binding on and more to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors, and assigns unless otherwise provided herein.

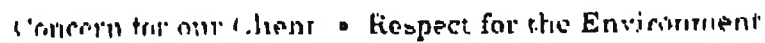
12. If any action or suit is brought to enforce or interpret the provisions of this contract, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which it may be entitled.

13. The validity of this contract and of any of its terms or provisions, as well as the rights and duties of the parties to this contract, shall be governed by and construed in accordance with the laws of the State of California.

14. This contract shall not be amended or modified by a writing executed by both parties to this contract.

15. In case any provision of the provisions contained in this contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability shall not affect any other provision of this contract and this contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in it.

16. WITNESS MY HAND and SEAL the 10th day of December, 1997.



609-804-9100

CONTRACT FOR UNDERGROUND STORAGE TANK CLOSURE CANCELLED SITE ASSESSMENT

RECEIVED JUL 21 1964

1. The Commission has received information from the Government of the United States of America that the United States has provided military assistance to the Government of the Republic of the Philippines in the form of arms, ammunition, and other military equipment.

TARGET ENVIRONMENTAL CO., INC.
CONTRACT FOR UNDERGROUND STORAGE TANK CLOSURE
TO INCLUDE SITE ASSESSMENT

This Contract is entered between U.S. CONSTRUCTION AND DEVELOPMENT (Client) and Target Environmental Co., Inc. (TEC), a New Jersey Corporation with a principal place of business at P.O. Box 100, Newfield, New Jersey 08744.

NOW, THEREFORE, the Client engages the services of TEC and in consideration of the recitals and mutual promises contained in this Contract, the parties agree as follows:

SCOPE OF WORK

Subject to the Terms and Conditions set forth below, TEC or its subcontractor shall furnish labor, material and equipment necessary to perform as follows:

A. TANK CLOSURE

1. Local permits and demolition approvals will be supplied by the CLIENT. If required TEC will supply site specific Health and Safety Plan.
2. Tanks will be entered using proper ventilation and vented above local roof tops.
3. Tanks will be entered using OSHA trained and qualified personnel. Tanks will be cleaned in accordance with the American Petroleum Institute (API) Standard 1604. All tank lines will be removed or capped.
4. All hazardous liquid waste generated from the tank clean out will be manifested on site for proper disposal. Cost of liquid disposal can be found on page three of this proposal.
5. Tank excavation will be filled with 150 tons of clean backfill material.
6. Documentation will be presented to Client that tank is not for re-sale and have been properly disposed.
7. Final report will be generated and submitted to the State (if required), County Health Department and local construction official documenting all site activities, including Standard Reporting Forms.

CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

01/07/97

PRODUCER

Fairways Insurance Services
Monroe Building, Suite #210
101 Route 100
Cinnaminson, NJ 08077

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND
CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE
DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE
POLICY HEREIN.

COMPANIES AFFORDING COVERAGE

Target Insurance Underwriters

Target Insurance Underwriters
P.O. Box 1000
Newark, NJ 07102

OVERHEAD

THE POLICY PERIOD FOR THE POLICY PERIOD
DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE
POLICY HEREIN.

A	500,000	500,000	500,000
	500,000	500,000	500,000
	500,000	500,000	500,000

CERTIFICATE HOLDER

CANCELLATION

IF ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE
EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO
MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE
LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR
LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

John M. Hennessey

ACORD 25.3 (7/90)

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD)
07/08/92

PRODUCER

Wharton/Lyon & Lyon
101 So. Livingston Avenue
Livingston, NJ 07033

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELONGING TO THE COMPANY AFFORDING COVERAGE.

INSURED

Target Environmental, Inc.
3520 N. Highway 100
Rt. 100, Box 100

Great American Insurance Company

COVERAGES

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELONGING TO THE COMPANY AFFORDING COVERAGE.

1. AUTOMOBILE LIABILITY	\$5,000,000
2. AUTOMOBILE PHYSICAL DAMAGE	\$5,000,000
3. AUTOMOBILE COMBINATION	\$5,000,000
4. AUTOMOBILE COMBINATION	\$5,000,000
5. AUTOMOBILE COMBINATION	\$5,000,000
6. AUTOMOBILE COMBINATION	\$5,000,000
7. AUTOMOBILE COMBINATION	\$5,000,000
8. AUTOMOBILE COMBINATION	\$5,000,000
9. AUTOMOBILE COMBINATION	\$5,000,000
10. AUTOMOBILE COMBINATION	\$5,000,000

CONSTRUCTION: Yes
A. PROFESSIONAL LIABILITY: No
C. OTHER: No

DISCOUNTS: 0.00%

CERTIFICATE HOLDER: CANCELLATION

For information purposes only

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO FURNISH 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE POLICY BUT FAILURE TO FURNISH NOTICE SHALL IMPOSE NO OBLIGATION ON EITHER PARTY. ANY AND ALL CLAIMS AGAINST THE COMPANY, ITS AGENTS OR REPRESENTATIVES SHALL BE THE RESPONSIBILITY OF THE CERTIFICATE HOLDER.

ACORD 203 (10/90) - 10/90



PERMIT NO. 1



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FACILITY



**TARGET ENVIRONMENTAL CO., INC.**

1-800-428-6017 • NJ (609) 692-7575 • Fax: (609) 692-8685

Concern for our Client • Respect for the Environment

TELEFAX TRANSMISSION SHEETDATE: Dec. 16, 1996 TIME SENT: _____FROM: Linda CraneTO: Udo SteudnerCOMPANY: Calander DevelopmentTELEFAX #: 201-891-8347REGARDING: Closure Approval
Certificate : Copy**COMMENTS:**of InvoiceNUMBER OF PAGES (INCLUDING THIS SHEET): 3

NOTE: If any of these fax copies are illegible, or you do not receive the same number of pages as stated above, please contact our office immediately at (609) 692-7575.

CONFIDENTIALITY NOTICE: The documents accompanying this telecopy transmission contain information from Target Environmental Co., Inc., which is confidential and/or legally privileged and/or exempt from disclosures under applicable law. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, or an employee or agent responsible for delivering the message intended for the recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopy information is strictly prohibited, and that the documents should be returned to this office immediately. If you have received this telecopy in error, please notify us by telephone.

**UNDERGROUND STORAGE TANK SYSTEM
CLOSURE APPROVAL**

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

**DIVISION OF RESPONSIBLE PARTY SITE REMEDIATION
BUREAU OF FIELD OPERATIONS
CN-028, TRENTON, NJ 08625-0028**

TMS # C96-1175

UST # 0198994

**FORMER CITGO PALISADES PARK
50 BROAD AVE
PALISADES PARK
BERGEN**

**THE ABOVE LISTED FACILITY IS HEREBY GRANTED APPROVAL TO PERFORM
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**REMOVAL OF: three-3,000 gallon gasoline UST, one-1,000 gallon
waste oil UST, one-550 gallon #4 fuel oil UST and appurtenant
piping.**

**SITE ASSESSMENT: Conduct a site investigation for the UST(s) and appurtenant piping specified in this
approval in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E.**

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requires all services performed on an UST system for the purpose of complying with P.L.1986, c.102 to be
performed by or under the immediate on-site supervision of a person certified by the Department for that
service. The certified person providing that service must be employed by a business that is also certified by the
Department for that service.**

CONTACT PERSON:

MARK HARMAN

TELEPHONE:

EFFECTIVE DATE: 12/12/1996

**THIS FORM MUST BE DISPLAYED AT THE SITE DURING THE APPROVED
ACTIVITY AND MUST BE MADE AVAILABLE FOR INSPECTIONS AT ALL TIMES.**

Gregory Cunningham for
**Joshua Gragwohl, SUPERVISOR
BUREAU OF FIELD OPERATIONS**

[REDACTED]

ARGUMENT

POINT I

TRIAL JUDGE ERRED BY SUA SPONTE GRANTING SUMMARY JUDGMENT IN FAVOR OF PLAINTIFF AND AGAINST THIRD PARTY DEFENDANT BY FINDING LEASE VALID, DESPITE DISPUTED FACTS AND ABSENCE OF DISCOVERY TO CORROBORATE ALLEGATIONS WHICH IF FOUND TO BE TRUE WOULD MAKE LEASE UNENFORCEABLE

Neither the motion brought by Erika (56a to 57a) nor the Cross Motion by Peter (60a to 63a), nor any supporting papers submitted by any party sought summary judgment in favor of Southland and against Peter with respect to the validity of the alleged Lease between Southland and Erika. No Certification or documentation of any nature was filed by Southland. In fact, at no time did any party even attach a copy of the Lease to any Certifications or otherwise with regard to this motion and the exact contents of the alleged Modification of December, 1992 is still unknown to Peter, who anticipated learning what it said during discovery. Judge Lesemann asked about the Lease at the hearing on May 2, 1997, when he questioned, "And there was a lease agreement, am I correct, Mr. Peck, signed by your client with Mr. Friedrich's client?" (103a-18 to 20). Thus, Judge Lesemann had not even read the Lease. This is confirmed by the statements thereafter, "Mr. Peck: Yes, your Honor. THE COURT: When was that? I couldn't find --" (103a-21 to 22).

Even if Judge Lesemann had been provided with a copy of Lease and he had read it, it was still improper for him to find the lease valid, thus in essence, granting summary judgment, sua

sponte to Southland and against Peter. Summary judgment is allowed by Rule 4:46 to dispose of any cause which palpably shows the absence of any genuine issue of material facts that would otherwise require disposition at trial, and if it is found that a genuine issue of a material fact is involved, the Court cannot decide that issue and must deny judgment on summary proceedings. DEVLIN v. SURGENT, 18 N.J. 148, 113 A.2d 9 (1955); JUDSON v. PEOPLES BANK & TRUST CO. OF WESTFIELD, 17 N.J. 67, 110 A.2d 24 (1955). Only when it is palpably disclosed that there is no genuine issue of fact and movant is entitled to a judgment as a matter of law should summary judgment be granted and it is movant's burden to exclude any reasonable doubt as to the existence of genuine issue of material facts. UNITED ADVERTISING CORP. v. BOROUGH OF METUCHEN, 35 N.J. 193, 172 A.2d 429, on remand 76 N.J. Super. 301, 184 A.2d 441, affirmed 42 N.J. 1, 198 A.2d 447 (1961); DEVLOM v. SURGENT, supra. The preferable procedure is to permit a matter to be tried and determined in its regular course rather than by summary judgment in cases where pertinent facts have not been explored or set forth in testimonial form and where, if summary judgment were allowed, the legal issues which parties seek to present and which carry important implications would be determined in a merely academic fashion. BEADLING v. SIROTTA, 39 N.J. 34, 186 A.2d 680 (1962). If there is doubt as to facts, it cannot be said that the case for the party seeking summary judgment is unequivocally established or that palpably there is no genuine issue as to any

material fact challenged. RUVOLO v. AMERICAN GAS CO., 39 N.J. 490 189 A.2d 204 (1963).

JUDSON v. PEOPLES BANK AND TRUST CO. OF WESTFIELD, supra, emphasizes that summary judgment should be granted only very cautiously in a case as the one at bar. Justice Brennan, speaking for the Court in JUDSON, supra, stated:

"The standards of decision governing the grant or denial of a summary judgment emphasize that a party opposing a motion is not to be denied a trial unless the moving party sustains the burden of showing clearly the absence of a genuine issue of material fact. At the same time, the standards are to be applied with discriminating care so as not to defeat a summary judgment if the movant is justly entitled to one.

Thus it is the movant's burden to exclude any reasonable doubt as to the existence of any genuine issue of material fact, 6 Moore's Federal Practice, par. 56.15(3). The phrasing of our rule, R.R. 4:58-3, (Now R 4:46) slightly different from Federal Rule 56(c), underscores this in the requirement that the absence of undisputed material facts must appear "palpably." All inferences of doubt are drawn against the movant in favor of the opponent of this motion. The papers supporting the motion are closely scrutinized and the opposing papers indulgently treated, TEMPLETON v. BOROUGH OF GLEN ROCK, 11 N.J. Supra 1,4,77A.2d 487 (App. Div. 1950). And it is not to be concluded that palpably no genuine issue as to any material fact exists solely because the evidence opposing the claimed fact strikes the judge as being incredible. ARNSTEIN v. PORTER, 154 F. 2d 487 (App. Div. 1950). And it is not to concluded that palpably no genuine issue as to any material fact exists solely because the evidence opposing the claimed fact strikes the judge as being incredible. ARNSTEIN v. PORTER, 154 F. 2d 464, 469 (C.C.A. 2 1946). Issues of credibility are ordinarily for the trier

of fact, and the judge does not function as a trier of fact in determining a motion for summary judgment....."

This standard was modified and updated to a degree in the relatively recent holding of the New Jersey Supreme Court in Brill v. Guardian Life Ins. Co. of America, 142 N.J. 520, 666 A.2d 146 (1996) wherein the New Jersey Supreme Court held at 142 N.J. 523:

"We hold that when deciding a motion for summary judgment under Rule 4:46-2, the determination whether there exists a genuine issue with respect to a material fact challenged requires the motion judge to consider whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party in consideration of the applicable evidentiary standard, are sufficient to permit a rational factfinder to resolve the alleged disputed issue in favor of the non-moving party. This assessment of the evidence is to be conducted in the same manner as that required under Rule 4:37-2(b)."

The Supreme Court in Brill, supra, went on at 142 N.J. 535 to say:

"Evers v. Dollinger, 96 N.J. 399, 471 A.2d 405 (1984), expressed the standard for deciding Rule 4:37-2(b) motions more succinctly when it observed that courts should "treat plaintiff's proofs as uncontradicted, both as to liability and damages." Id. at 402, 471 A.2d 405. The same standard applies to determine whether a prima facie case has been established by the party bearing the burden of proof in a trial. "[T]he court must look at the

evidence and inferences which may reasonably be deduced therefrom in a light most favorable to the plaintiff, and if reasonable minds could differ as to whether any negligence had been shown, the motion should be denied." Bell v. Eastern Beef Co., 42 N.J. 126, 129, 199 A.2d 646 (1964).

The only distinction between 1) a directed verdict at the end of plaintiff's case pursuant to Rule 4:37-2(b), 2) a directed verdict pursuant to Rule 4:40-1 after all the evidence has been presented, 3) a judgment notwithstanding the verdict pursuant to Rule 4:40-2, and a summary judgment that allows a Rule 4:37-2(b) weighing of evidence to determine if a genuine issue of material fact exists, is that summary judgment motions are generally decided on documentary-evidential materials, while the directed verdicts are based on evidence presented during a trial. Under our holding today, the essence of the inquiry in each is the same: "whether the evidence presents a sufficient disagreement to require submission to a jury or whether it is so one-sided that one party must prevail as a matter of law." Liberty Lobby, supra, 477 U.S. at 251-52, 106 S.Ct. at 2512, 91 L.Ed.2d at 214."

Under the Brill, supra standard, a determination must be made by the motion judge of the existence of the genuine issue of a material fact. If one exists, summary judgment must not be granted. The motion judge must consider whether the competent evidential materials presented, when viewed in light most favorable to the non-moving party, are sufficient to permit a rational fact finder to resolve the alleged dispute in favor of the non-moving party. The Court was careful to point out that the judges function is not himself [or herself] to weigh the evidence and determine the truth of the matter, but to determine

whether there is a genuine issue for trial.

In the case at bar, there is more than one genuine issue of material fact before the Court. The first' concerns whether Southland had actual or constructual notice of the fact that Peter had rights with regard to the property. The admission of Southland's attorney that his client searched the records (TDa115a-25 to 116a-2) coupled with what the report of title such title search would show (TDa152a to 153a) makes it clear that Southland had actual notice. In the said report of title, Erika DeCarlo is shown as being married and having acquired title in a Deed dated February 7, 1980 and recorded February 21, 1980. This is prior to May 28, 1980 when New Jersey prospectively abolished Dower and Curtesy. Thus, any Deeds conveying title prior to May 28, 1980 would have been subject to the law granting Dower and Curtesy. Further, the report of title pointed out as a specific item such title search was subject to was that there existed "possible interest of spouse of Erika DeCarlo..." This served as actual notice to Southland that they must make inquiry of the spouse of Erika DeCarlo to determine his rights or in some other manner, make a determination with regard to such rights. Their failure to do so constitutes actual notice and precludes them from enforcing the alleged lease to the detriment of Peter.

The second material fact is whether Southland had, in fact, waived any rights it may have had under the lease. In March, 1994, a contract was signed between Erika, as Seller, and

Joon M. Han, as Purchaser, for the Palisades Park property. A copy of this Contract (TDa155a to 157a) shows that the property was being sold free and clear of any lien or claim of Southland by virtue of the fact that the Purchaser was going to use the property as an automobile repair and garage facility. The purchase price was \$600,000.00. It was the understanding of the parties that Southland had abandoned any claims it may have had with the lease or such claims had been or were being satisfied and this was the representation made by Erika. This is corroborated by the fact that were it not so, Erika's attorney would not have permitted her to sign a contract for the sale of the Palisades Park property, to be used by a purchaser to conduct an automobile repair business from that location. Further, Erika's attorney had negotiated the contract and directed Leonard Adler, Esq., the attorney for purchaser, to forward copies to Erika in Florida for her to approve and sign (TDa154a). This was done and the contract was signed and application made to the Palisades Park Board of Adjustment for a variance for the property to be used as an automobile repair facility. This application was handled by Erika's attorney and an attorney from his office appeared before the Palisades Park Board of Adjustment. Although the opportunity for discovery will detail the arrangement made between Erika and Southland, it is clear that Erika's attorney would not have represented that any claims that Southland had, had been resolved and proceeded to have Erika enter into this contract for an automobile repair

facility to be operated by the Buyer or appeared before the Palisades Park Board of Adjustment seeking a variance for the automobile repair facility on behalf of the purchaser.

A third material fact which was not considered by Judge Lesemann was the fact that Southland had full knowledge of the proceedings in the Family Part as of 1991 when that Court entered the Order to Show Cause to prevent the demolition of the structure on the Palisades Park property (TDa53a to 54a) and the permanent Order entered on January 16, 1992 (TDa55a). Southland could have interpleaded or otherwise taken action at the end of 1991 or the beginning of 1992. They elected not to do so and such inaction constitutes laches.

A fourth material fact is the res judicata effect of the prior Orders of the Court. It is Peter's position that as Southland knew of the proceedings in the Family Part action, irrespective of the fact that Southland was not a named party, when the Family Part Judge entered Orders directing the sale of the Palisades Park premises on June 23, 1993 (TDa45a to 47a), February 14, 1994 (TDa48a to 49a) and June 26, 1996 (TDa50a to 52a), it was intended that such sale be free and clear of any claims of Southland. This is confirmed by the fact that the two then prospective purchasers referred to in the Order of June 23, 1993 (TDa45a-20 to 24) were purchasers who were going to use the property for their personal businesses.

A fifth material fact is that the 7-Eleven building which the Southland lease requires may not be able to be constructed

at the Palisades Park property. Although permission for such structure was granted in 1991, it is believed to be no longer valid. The right to begin construction under such approvals was extended through December 31, 1996, but at that time, was ended. Thus, the right to construct such a structure no longer exists as of right. A new application would have to be made to the Palisades Park Planning Board and there is a high probability that such an application would not be approved.

It should be noted that Judge Lesemann at the hearing of May 2, 1997 did not make a judgment with regard to the validity of the lease. He instead appointed James DeLuca, Esq. as a receiver, whose first responsibility was to collect evidence and determine if Southland had a valid lease. Specifically, Judge Lesemann ruled that, "The receiver will first determine whether, as I suspect is the case, Southland does indeed have a valid lease." (TDal27a-20 to 21). In addition, at that time it was to be up to the receiver to determine, "whether the property should be sold in some kind of auction proceeding, whether Mrs. DeCarlo should be directed to proceed with the lease and then arrange some form of pay out to Mr. DeCarlo, whether a share of the rents or whether some lump sum payment and should put together a proposal and a report as to how all of this is to be done." (TDal27a-24 to 128a-5). It was not until Peter's attorney's letter dated May 5, 1997 (TDal134a to 135a) objecting to Peter, who has sparse funds, to have to pay a receiver to make evidentiary findings, when it should be done by a judge without

any additional fee to be paid by the parties, beyond the filing fees, that Judge Lesemann ruled differently. ,

On May 16, 1997, clearly displeased that his appointment of Mr. DeLuca on May 2, 1997 was being questioned, albeit for purely economic reasons, Judge Lesemann at that time ruled that the Southland lease was valid. This finding of validity in the Southland lease was not supported by any evidence and as stated above, a copy of the alleged Lease was not provided by any party with any of the papers submitted in conjunction with the Motion or Cross Motion. It was totally unexpected and respectfully submitted, arbitrary, unreasonable, capricious and improper for Judge Lesemann to sua sponte give summary judgment to Plaintiff on the issue of the validity of the lease.

For these reasons, the actions ordered by Judge Lesemann to be taken as a result of this ruling of the validity of the Southland lease should be stayed pending this appeal.



Borough of Palisades Park

275 Broad Avenue

Bergen County, N.J. 07650

BUILDING Department

April 1. 1997

Erika DeCarlo
4224 66th Circle Dr., West
Bradenton, Fl. 34209

Re: 50 Broad Ave., Pal. PK.

Dear Erika DeCarlo,

I have received and reviewed your letter, dated 3/25/97 concerning the occupancy of the above referenced property.

I am also in receipt of many court papers, the most recent dated, 3/26/97 and signed by you. In this certification Docket No. C-459-94, you are requesting a date to bid, be set.

Also, please be aware any and all documents we have at the bldg. dept., are applications only. No permits have been issued or paid for.

In view of your desire to allow Peter DeCarlo to bid on the property, I feel, at this time, it is in the best interest for all parties concerned, that any action taken by this dept. will wait until after a decision is reached in Court.

If I can be of any further assistance, please feel free to call this office Monday to Friday, 9:00 to 4:30, at 585-4108.

Very, Truly Yours,

Anthony Polzotta,
Construction Official

CC: J. Marinello
Borough Attorney



SOVEREIGN CONSULTING INC.

15 October 1999

Mr. Walter Ostendorp
142 Grove Street
Tenafly, New Jersey 07670

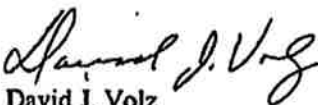
**RE: Results of Laboratory Analysis of Stockpiled Soil
Former Citgo Service Station
50 Broad Avenue, Palisades Park, New Jersey**

Dear Mr. Ostendorp:

On 2 September 1999 Sovereign Consulting Inc. collected a soil sample from a soil stockpile at the referenced site. The soil originated from the excavation of clean overburden during removal of USTs from the site and was kept segregated from other excavation spoils during the UST removal project. The estimated volume of soil was approximately 10 cubic yards. The soil sample was collected from a depth of approximately 24 inches into the pile, preserved in the field using the methanol extraction field preservation method and submitted to a NJDEP certified laboratory (Aqua Pro-Tech Laboratories, Fairfield, cert #07010) for analysis for volatile organic compounds (VOCs+10) by USEPA method 8260.

The laboratory analysis report for the soil stockpile sample is enclosed for your records. As indicated in the report, no VOCs were detected in the sample. Therefore, the soil at the site is suitable for re-use without NJDEP approval. If you have any questions, please feel free to contact me at (609) 259-8200.

Sincerely,
Sovereign Consulting Inc.


David J. Volz
Project Manager

enclosure

GALLO GEFFNER FENSTER, P.C.

COUNSELLORS AT LAW

CONTINENTAL PLAZA II
411 HACKENSACK AVENUE
HACKENSACK, NEW JERSEY 07601

(201) 489-5400

FACSIMILE: (201) 489-6831

E-MAIL: ggflaw@ix.netcom.com

NEW YORK OFFICE
250 WEST 57TH STREET
NEW YORK, N.Y. 10107
(212) 304-1981

MICHAEL A. GALLO *
STEPHEN A. GEFFNER *
STEPHEN B. FENSTER *
ANTHONY J. ANDOLINO
CRAIG W. MILLER **
FRANK M. COSCIA
JAY JOSEPH FRIEDRICH *
ROBERT A. RECIO
MICHAEL L. MESSER *

HERBERT FENSTER
DOUGLAS R. EISENBERG
STEPHEN M. ASPERO *
WILLIAM PAGANO
ROBERT LEVY *
OF COUNSEL

VALERIE A. VLADYKA
MARK C. LEWANDOWSKI *
ELIZABETH R. MILLARD *
ADAM R. GREENBAUM *
DEBRA M. POLGLAZE *
TARA L. PHELAN *
LENA V. BALLAS

CERTIFIED CIVIL TRIAL ATTY *
N.J. & N.Y. BAR *
N.J. & PA. BAR *
N.J. & N.Y. & FLA. BAR *
N.Y. BAR ONLY *

November 16, 1998

Erika DeCarlo
c/o Fantasy Travel
6630 Cortez Road West
Bradenton, Florida 34210

Re: DeCarlo adv. Southland

Dear Erika:

Enclosed please find an order of dismissal which is self explanatory. The only open issue is whether Sovereign Bank shall grant a mortgage.

If you have any questions, please call.

Very truly yours,

GALLO GEFFNER FENSTER, P.C.

By: _____
JAY J. FRIEDRICH

JJF/lee
Enclosures

cc: -Udo Steudtner

FILED

NOV 2 1998

GERALD C. ESCALA
J.S.C.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: BERGEN COUNTY
DOCKET NO. C-459-94

THE SOUTHLAND CORPORATION,
a CORPORATION OF THE STATE OF
TEXAS,

Plaintiff(s),

vs.

ERIKA DECARLO,

Defendant(s).

CIVIL ACTION

ORDER OF DISMISSAL

The court being advised that the within cause has been settled;

IT IS on this 2nd day of November, 1998

ORDERED, that the within cause be and it hereby is dismissed as settled. The parties may submit additional documents setting out the terms of the said settlement, if they so desire. If some impediment to the settlement shall arise, then upon written application of any party by not later than December 2, 1998, the case shall be reinstated to the trial calendar.



GERALD C. ESCALA, J.S.C.

Copies of Dismissal sent to attorneys of record:

Robert Binetti, Esq.

Jay J. Friedrich, Esq.

Wayne J. Peck, Esq.

James J. DeLuca, Esq.



Borough of Palisades Park

275 Broad Avenue
Bergen County, N. J. 07650

PALISADES PARK

FACSIMILE TRANSMITTAL SHEET

FAX # 201-344-0766

DATE: 8/29/91

TO: 4 do [REDACTED]

ATTN: 4 do

SUBJECT: Site Plan Checklist

NUMBER OF PAGES INCLUDING COVER SHEET: 3

NOTE: IF YOU HAVE NOT RECEIVED TOTAL AMOUNT OF PAGES
INCLUDING COVER SHEET, KINDLY CALL SENDER AT

201-385-4121

FROM: Bldg. Dept (BORO OF PALISADES PARK, NJ)

COMMENTS: _____

1037- E37-419-1-

[REDACTED]



**BOROUGH OF PALISADES PARK
SITE PLAN CHECKLIST**

The following checklist is designed to assist applicants in preparing site plans for board review. Applicant should check off each item to ensure that it is included on the plan. **ITEMS OMITTED MAY DELAY CONSIDERATION BY THE BOARD.** Utility plans, landscaping plans, architectural elevations, etc., may be shown on separate sheets.

- ☐ Name and title of applicant, owner and person preparing map.
- ☐ Place for signature of chairman and secretary of planning board or zoning board of adjustment.
- ☐ Place for signature of township engineer.
- ☐ Tax map lot and block numbers.
- ☐ Date, scale and "north" sign.
- ☐ Key map of the site with reference to surrounding areas and to existing street locations.
- ☐ Zone district in which property in question falls, zone district of adjoining properties and all property within a 200-foot radius of the property in question.
- ☐ Names of owners of all contiguous land and adjacent property.
- ☐ Dimensions of lot, setbacks, front yard, side yards and rear yard; size, kind and location of fences.
- ☐ Location dimensions and details of all signs and exterior lighting including type of standards, location, radius of light and intensity in footcandles.
- ☐ Location dimensions and details of all signs and exterior lighting including type of standards, location, radius of light and intensity in footcandles.
- ☐ The outside dimensions of existing and/or proposed principal building(s) and all accessory structures.
- ☐ Storm drainage plan showing location of inlets, pipes, swales, berms and other storm drainage facilities including roof leaders, indicate existing and proposed runoff calculations.
- ☐ Rights-of-way, easements and all lands to be dedicated to the municipality or reserved for specific uses.

- ☐ The entire property in question, even though only a portion of said property is involved in the site plan; provided, however, where it is physically impossible to show the entire property on the required sheet, a separate map at an appropriate scale may be submitted.
- ☐ Significant existing physical features including streams, water courses, rock outcrops, swampy soil, etc.
- ☐ Bearings and distances of property lines.
- ☐ Plans of off-street parking area layout and off-street loading facilities showing location and dimensions of individual parking spaces, loading areas, aisles, traffic patterns and driveways for ingress and egress.
- ☐ All driveways and streets within 200 feet of site.
- ☐ All existing and proposed curbs and sidewalks.
- ☐ All existing and proposed utility lines within and adjacent to the subject property.
- ☐ Typical floor plans and elevations.
- ☐ Existing and proposed sanitary sewerage disposal system. Show percolation test holes and results and soil log data.
- ☐ Water supply system.
- ☐ Method of solid waste disposal and storage.
- ☐ Existing and proposed spot elevations based upon the U.S. Coastal Geodetic datum at all building corners, all floor levels, center lines of abutting roads, top and bottom curbs, property corners, gutters and other pertinent locations.
- ☐ Existing and proposed contours of site at 2 foot intervals for areas less than 5 percent grade and 10 foot intervals above 5 percent grade.
- ☐ Location of all existing trees or tree masses, indicating general sizes and species of trees.
- ☐ Landscaping and buffering plan showing what will remain and what will be planted, indicating names of plants and trees and dimensions, approximate time of planting and method of planting (base rooted, ball and burlap).
- ☐ Any other pertinent information as may be required by the board.

- ☐ The entire property in question, even though only a portion of said property is involved in the site plan; provided, however, where it is physically impossible to show the entire property on the required sheet, a separate map at an appropriate scale may be submitted.
- ☐ Significant existing physical features including streams, water courses, rock outcrops, swampy soil, etc.
- ☐ Bearings and distances of property lines.
- ☐ Plans of off-street parking area layout and off-street loading facilities showing location and dimensions of individual parking spaces, loading areas, aisles, traffic patterns and driveways for ingress and egress.
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- ☐ All existing and proposed utility lines within and adjacent to the subject property.
- ☐ Typical floor plans and elevations.
- ☐ Existing and proposed sanitary sewerage disposal system. Show percolation test holes and results and soil log data.
- ☐ Water supply system.
- ☐ Method of solid waste disposal and storage.
- ☐ Existing and proposed spot elevations based upon the U.S. Coastal Geodetic datum at all building corners, all floor levels, center lines of abutting roads, top and bottom curbs, property corners, gutters and other pertinent locations.
- ☐ Existing and proposed contours of site at 2 foot intervals for areas less than 5 percent grade and 10 foot intervals above 5 percent grade.
- ☐ Location of all existing trees or tree masses, indicating general sizes and species of trees.
- ☐ Landscaping and buffering plan showing what will remain and what will be planted, indicating names of plants and trees and dimensions, approximate time of planting and method of planting (base rooted, ball and burlap).
- ☐ Any other pertinent information as may be required by the board.



BERGEN COUNTY SOIL CONSERVATION DISTRICT

Bergen County Museum Building
327 Ridgewood Avenue
Paramus, New Jersey 07652
Telephone (201) 261-4407

Pursuant to N.J.S.A. 4:24-39 et seq., the N.J. Soil Erosion and Sediment Control Act, the Bergen County Soil Conservation District hereby certifies the Soil Erosion and Sediment Control Plan for the above referenced project, subject to the following:

1. That the applicant carries out all land disturbance activities in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey as promulgated by the State Soil Conservation Committee.
2. The applicant must notify the District office, by mail, at least 48 hours prior to initial land disturbance.
3. The owner/applicant must obtain a District-issued Report of Compliance prior to issuance of any Certificate of Occupancy by the municipality. The District requires advance notice of at least one week for the issuance of a Report of Compliance.
4. Changes in the certified plan relating to, or that will effect land disturbance on the site, must be submitted to the District office for reevaluation and approval.
5. A copy of the certified plan and a copy of these provisions must be kept on the job site at all times.

Failure to comply with any of the above conditions may result in the issuance of a Stop Construction Order.

This approval is limited to the soil erosion, sedimentation and related stormwater management controls specified in the plan. It is not authorization to engage in the proposed land use unless such use has been previously approved by the municipality or other controlling agency.

Sincerely yours,

Angelo Caruso
District Manager

Distribution: White-Applicant; Green-District; Canary-Municipal Engineer;
Pink-Construction Official; Goldenrod-Plan Preparer



COUNTY OF BERGEN
Department of Planning & Economic Development
Division of Development Review

William P. Schuber
County Executive

Chester P. Mattson
Department Director

November 8, 1991

Michael J. Hubschman, P.E.
624 Palisade Avenue
Englewood Cliffs, New Jersey 07632

Dear Mike:

RE: Proposed 7-11 Store
50 Broad Avenue
Block 614, Lot 23
PALISADES PARK

The plan submitted by you or your agent to this office indicates that further Bergen County Planning Board action will be required.

Upon receipt of the completed enclosed application form and a check for \$20.00 (made payable to the County of Bergen) further processing of this application will take place.

If you have any questions regarding the above, please feel free to contact my office.

Sincerely,

Lisa Phillips
Senior Planner

Enclosure

c: Palisades Park Planning Board
Palisades Park Construction Official ✓
File Copy

Administration Building • Court Plaza South
21 Main Street • Hackensack, New Jersey 07601-7000 • (201) 646-2896
West wing elevator to Room 204W



COUNTY OF BERGEN
Department of Planning & Economic Development
Division of Development Review

William P. Schuber
County Executive

Chester P. Mattson
Department Director

December 10, 1991

Udo Steudtner
107 Storms Drive
Mahwah, New Jersey 07430

Dear Mr. Steudtner:

RE: Proposed Convenience Store - SP/EXP 91-66
50 Broad Avenue
Block 614, Lot 23
PALISADES PARK

A review by the Department of Planning and Economic Development's Site Plan Review Team of the above-named plan, drawn by Michael J. Hubschman, P.E., P.P., and dated, 8/1/91, last revised 10/4/91, indicates that Bergen County Planning Board Site Plan Review and Approval will not be required.

Sincerely,


Arthur J. Herkomer
Division Director

AJH:lp

c: Palisades Park Planning Board
Palisades Park Construction Official
Michael J. Hubschman, P.E., P.P.
File

Borough of Palisades Park

275 Broad Avenue
Bergen County, N. J. 07650

To: Erika DeCarlo
50 Broad Avenue
Palisades Park, N.J.

Date: 8/26/91

Re: Block 614 Lot 23
Address same as above
Zone B 2 General Business

Please be advised that your application to open convenience store is hereby denied for failure to comply with the following sections of the Zoning Ordinance of the Borough of Palisades Park

Article

Section

Narrative: a change of use is required

Secretary Board of Adjustment ()

Secretary Planning Board ☒

Frank Giannantonio
Frank Giannantonio
Building Inspector/Zoning Officer

Plz Dept.

PLANNING BOARD
BOROUGH OF PALISADES PARK
COUNTY OF BERGEN
STATE OF NEW JERSEY

IN THE MATTER OF THE
APPLICATION OF UDO STEUDTNER

WHEREAS, ERIKA DE CARLO is the owner of property and UDO STEUDTNER is the applicant for property designated as Lot 23 in Block 614 on the Tax Map of the Borough of Palisades Park, New Jersey, located at 50 Broad Avenue; and

WHEREAS, UDO STEUDTNER, (hereinafter referred to as the "Applicant") has made application to the Planning Board of the Borough of Palisades Park through his attorney, Alan Pearlman, for site plan approval to demolish an existing building, remove underground tanks and replace with a 2600 square feet convenience store, redo entire frontage, parking, retaining wall, landscaping, fences and reconstruction of an existing sign in accordance with a site plan prepared by Michael J. Hubschman P.E., P.P. dated August 1, 1991; and

WHEREAS, a public hearing was held on October 2, 1991 and the Planning Board has heard and considered the testimony presented and considered the documents submitted and for good cause shown;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Palisades Park, that the following findings of fact and conclusion of law, be and the same are hereby adopted;

1. The property in question is currently designated as Lot 23 in Block 614 on the Tax Map of the Borough of Palisades Park and is located at 50 Broad Avenue.

2. The application herein conforms to the provisions of the Development Ordinance. The proposed site plan, as requested, would not impair the purpose and intent of the Borough of Palisades Park zoning plan and scheme.

3. Strict application of the zoning restriction is not necessary for the protection of the public health, safety and general welfare under the facts and circumstances of the case.

4. The present relief will not have a detrimental impact on the neighborhood, there will be no substantial impairment of the intent and purpose of the zoning plan and zoning ordinance, and there will be no substantial detriment to the public good.

5. Nothing contained in this Resolution shall be deemed to be any waiver, relaxation or variance other than the specific variances, if any, granted herein.

The application for site plan is granted subject to the following conditions:

1. The applicant shall file a closure plan with N.J.D.E.P.E. Bureau of underground storage Tanks prior to the removal of the underground storage tank(s).

2. Approval by the Bergen County Planning Board and the Bergen County Soil Conservation District, if required.

3. There will be no garbage pickup between 11 P.M., and 6 A.M.

4. There will be no truck deliveries between 11 P.M. and

and 6 A.M.

5. The lighting in the rear can't exceed the height of the fence, will face the building and not the neighbor's property and the rear parking lights will be turned off from 11:00 P.M. to 6 A.M.

6. The applicant will maintain the 5 feet perimeter of the property.

7. The driveway will be located 10 feet south of the building.

The cost of the preparation and drafting of this Resolution shall be paid for by the Applicant. The Planning Board of the Borough of Palisades Park shall cause a brief notice of this decision to be published in the Bergen Record and Palisadian. The cost of the publication shall be paid for by the Applicant.

DATED: November 6, 1991

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Dr. Constantine Christolias	X			
John Candemo	X			
Marion Pallotta	X			
Robert Pallotta	X			
Jim Burns	X			

I hereby certify that the foregoing Resolution was duly adopted by the Planning Board of the Borough of Palisades Park on November 6, 1991.

PREPARED BY:

Frances Sabatella
FRANCES SABATELLA, Secretary

Walter J. Dorgan, Jr.
WALTER J. DORGAN, JR.
An Attorney at Law of New Jersey

