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**Law Offices of
Richard Schkolnick, LLC**

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December 7, 2023

Via E-mail and Lawyers Service Overnight

Jamilet Baquerizo Vite, Secretary
Planning Board
Township of West Orange
66 Main Street
West Orange, NJ 07052

**RE: Application of L & B Realty Group LLC
106 Ashland Avenue/5 White Street
Block 62, Lot 1**

Dear Jamilet:

This Firm represents L & B Realty Group LLC ("Applicant"). In support of this application for preliminary and final site plan with associated "c" variances in order to demolish and reconstruct one warehouse building (facing Ashland Avenue) and renovate one of the other existing buildings (facing White Street) on the property, enclosed please find six sets of the following:

1. Application to Township of West Orange Planning Board.
2. Site Plan Checklist.
3. Sustainability Checklist Form.
4. Verification of Taxes and Sewer Charged Paid, dated November 15, 2023.
5. Buffer Report (property owners list) (West Orange), dated September 27, 2023.
6. 200 foot list (City of Orange), dated September 11, 2023.
7. W-9 form.
8. Proposal/Project Narrative, dated November 29, 2023.
9. Deed, dated November 15, 2023. .
10. Architectural Plans (Sheets A1, A2, A3), prepared by Parette Somjen, dated January 13, 2023.

Ms. Jamilet Baquerizo Vite, Planning Board Secretary

December 7, 2023

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11. Preliminary and Final Site (6 sheets), prepared by Marucci Engineering Associates, LLC, dated November 6, 2023 (Sheet 2 is a Boundary and Topographic Survey).

Pursuant to N.J.S.A. 40:55D-48.1, the owners of a 10% or greater interest in the Applicant are Frank S. Ench and Camille Ench, whose business address is 16 Hilltop Circle, Whippany, New Jersey.

I have enclosed the application fee of \$2,321.30 for preliminary and final site plan approval with 2 "c" variances (\$450 base + \$168.96 for 5,532 square foot building + \$7.50 for 10 new parking spaces + \$700 (2 "c" variances + \$994.84 for final plan (75% of the preliminary fee). I have also enclosed \$3,500.00 representing the escrow fees for the preliminary and final site plan approval (5,532 square feet of rebuilt warehouse building).

The Applicant is submitting an electronic copy of this application and is therefore requesting a waiver of the digitizing fee. Please advise if any additional fees are required.

The property is located in the Township's I-Industry zone and has frontage on both Ashland Avenue and White Street. The Applicant proposes to demolish and reconstruct an existing warehouse building (Building "A") and renovate an existing building (Building "C" on White Street). The development proposes a total of 25 parking spaces consisting of 17 exterior parking spaces and 8 spaces within building "C."

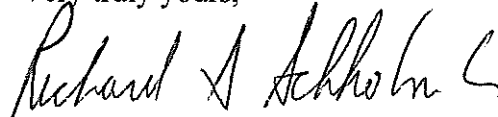
The Applicant requests preliminary and final site plan approval along with the following "c" variances:

1. Minimum side yard setback for property adjacent to a residential use (Attachment 25-3) (10 feet required; 1.3 feet existing/proposed).
2. Minimum number of parking spaces (Section 25-12.2b(1)) (26 parking spaces required; 25 parking spaces proposed).

We ask that this matter be reviewed by the Site Plan Review Advisory Board at its next available meeting.

Thank you for consideration of this matter.

Very truly yours,



Richard S. Schkolnick

RSS/lp

Enclosures

L & B Realty Group LLC

cc: Mr. Frank Ench (via email only)

Anthony Marucci, P.E., L.S., P.P. (via email only)

TOWNSHIP OF WEST ORANGE APPLICATION FORM FOR THE PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT

A. APPLICANT INFORMATION

Full Legal Name: L & B Realty Group LLC _____

Mailing Address: _____ (Last) _____ (First)
16 Hilltop Circle, Whippany, NJ 07981

Telephone Number: (973) 232-5061 (attorney) _____ (City) _____ (State) _____ (Zip)
Email: rick@schkolnicklaw.com _____

Is the Applicant an: Individual, ☐ Corporation, ☐ Partnership, ☒ Other LLC _____

If the Applicant is a corporation or partnership, a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership must be attached.

Relationship of the applicant to the property: ☒ Owner, ☐ Tenant or Lessee, ☐ Purchaser under contract
(with consent of owner, ☐ Other (please specify) _____

If the applicant is not the owner of the property in question, the applicant must submit an affidavit with the owner(s) authorization to proceed with this process.

B. PROPERTY OWNER INFORMATION

☒ Check here if same as applicant. If the owner is not the applicant, please complete the following:

Owner's Name: _____

Address: _____

Telephone Number: () _____ Email: _____

C. PROPERTY INFORMATION

Street Address: 106 Ashland Avenue/5 White Street Block number(s): 62 _____; Lot

Number(s): 1 _____;

Tax Plate: 41 _____; Zone of Property: I - Industry _____

The location of the property is approximately 200 feet from the intersection of Ashland Avenue and White Street.

Has there been any previous Zoning Board of Adjustment or Planning Board hearings involving this property?

☐ Yes, Date(s): _____; ☒ No

If yes, please attach copies of the written decisions adopted by the Board to each application.

Please attach a list of all contiguous or adjacent property owned by the applicant or owner. ☐ None ** see below

Is this property listed in "The Historic Sites Survey" prepared by Robert Guter 7/9/1992 ☐ Yes ☒ No

** Property owner/applicant also owns the adjacent property at 98 Ashland Avenue

D. TYPE OF APPLICATION

Indicate the type of application being submitted, check all boxes that apply. Note that more than one variance may be necessary, please indicate the number of each type needed:

- 1) ☐ Interpretation of ordinance or map.
- 2) ☐ Appeal of action of Zoning Officer.
- 3) ☒ Variance "C1" Reason: ☐ shape of property ☒ physical feature ☐ exceptional situation.
☒ Variance "C2" .
☐ Variance "D"
- 6) ☐ Subdivision without variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 7) ☐ Subdivision with variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 8) ☒ Site Plan: ☐ preliminary; ☐ final; ☒ preliminary and final; ☒ with variances; ☒ without variances.
- 9) ☐ Amended Site Plan.
- 10) ☐ Conditional Use.
- 11) ☐ Conceptual.
- 12) ☐ Home Professional Office.
- 13) ☐ Home Occupation.
- 14) ☐ Soil Removal Permit.

Please list the specific Sections of the Ordinance for which a variance is sought. If additional space is required, please attach a list.

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

**** See Attached Proposal/Project Narrative for list of variances**

PROPERTY E. DESCRIPTION OF

Briefly describe the major elements of your proposal. (a more detailed description is required in Section G.)

Existing Use of the Property Warehouse, storage yard and office

The applicant proposes to demolish and reconstruct existing warehouse building (facing Ashland Avenue) and renovate existing building (facing White Street).

The property is 32,109 (square feet); 0.73 (acres)
) Impervious Surface Coverage: Present: 100%; Proposed: 100% %

Building Coverage: Present: 45.3%; Proposed: 49.7%

Is the property located:

Within 200 feet of another municipality?	☒ Yes	☐ No
Adjacent to an existing or proposed county road?	☐ Yes	☒ No
Adjacent to other county land?	☐ Yes	☒ No
Adjacent to a state highway?	☐ Yes	☒ No

F. EXPERTS

The following information is respectfully requested to enable the Board to facilitate the processing of this application:

APPLICANT'S ATTORNEY: Richard Schkolnick, Esq.

Telephone Number: (973) 232-5061 Email: rick@schkolnicklaw.com

Address: Law Offices of Richard Schkolnick, 75 Main Street, Suite 201, Millburn, NJ 07041

APPLICANT'S ENGINEER: Anthony Marucci, P.E., L.S., P.P., Marucci Engineering, P.O. Box 509,
Cedar Knolls, NJ 07927

Telephone Number: (973) 887-3066 Email: anthony@marucciengineering.com

: _____

APPLICANT'S ARCHITECT Parette Somjen Architects

Telephone Number: (973) 586-2400 Email: kcabarcas@planetpsa.com

Address: 439 Route 46 East, Rockaway, NJ 07866

APPLICANT'S PLANNER Same as engineer
OTHER EXPERT(S): _____

Telephone Number: () _____ Email: _____

Address: _____

If necessary, please list any additional experts below, including address, telephone number and email address.

G. REQUIREMENTS FOR VARIANCES

- 4A) Please attach a written statement labeled “**PROPOSAL**”, describe the major elements of your proposal, and describe in detail the physical and use changes proposed. ****See attached proposal / narrative statement**
- 4B) Please attach a written statement labeled “**REASONS FOR RELIEF**”, which fully answers 4C-1, 4C-2 or 4D (Special Reasons) **AND** part 4E (Negative Criteria). ****See attached proposal / narrative statement**
- 4C-1) (*For C1 variances only*) The strict application of the provisions of the Zoning Ordinance would result in the peculiar and exceptional practical difficulties or exceptional undue hardship under *N.J.S.A. 40:55D-70c(1)*. List in detail wherein this case conforms to this requirement, including, if applicable, reference to the exceptional narrowness, shallowness, or shape of the property, or the exceptional topographical conditions affecting the property which applicant contends warrants the granting of the variance.
- 4C-2) (*For C2 variances only*) State how the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment according to *N.J.S.A 40:55D-70c(2)*. Please list all benefits of the deviation to the Township and any adverse effects. State how the benefits of the deviation would substantially outweigh any detriment to the Township.
- 4D) (*For D variances only*) State the special reasons under *N.J.S.A 40:55D-70d* affecting this property.
- 4E) The granting of this variance will not be substantially detrimental to the public good and will not substantially impair the intent of the zone plan and zoning ordinance. List in detail the reasons, among others, why the variance can be granted without being materially detrimental to the welfare of the community or injurious to the property or improvements of others in the neighborhood and zone.

H. PLAT SUBMISSION

- 4F) Please list all maps and other exhibits accompanying this application. Attach an additional sheet if necessary.

ITEM	SIGNED BY	DATE/REVISION
Architectural Plan (3 sheets)	Edward H. Neighbor, AIA Parette Somjen Architects	November 6, 2023 Jan 13
Site Plan - 6 sheets	Anthony Marucci, Marucci Engineering	November 6, 2023

I. NOTICE

Applicant is responsible to publish and serve notice of this application in accordance with Zoning Board of Adjustment/Planning Board requirements; however, notice may not be served until this application is certified as complete and the administrative officer has assigned the applicant a public hearing date.

VERIFICATION AND AUTHORIZATION

SIGNATURE IS REQUIRED FOR ALL OF THE FOLLOWING:

APPLICANT'S VERIFICATION

I hereby certify that the above statements made by me and the information contained in the papers submitted in connection with this application are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Applicant's Signature: Frank Eul Date: 12/4/23

CONTINUANCE

Should the Planning Board/Zoning Board of Adjustment have a full and heavy agenda, or discussion and meeting regarding this application requiring carrying the matter past the statue time limit, the applicant grants permission for such an extension.

Applicant's Signature: Frank Eul Date: 12/4/23

OWNER'S AUTHORIZATION MUST BE SIGNED

I hereby certify that I reside at 16 Hilltop Circle
in the County of Morris and the State of New Jersey;
and that I am the owner of all that certain lot, piece or parcel of land known as Block(s) 62;
Lot(s) 1 on the Tax Map of _____ which property is the subject of the above
application, and that said application is hereby authorized by me. Furthermore, I authorize inspection of the site
which is the subject of this application.

Owner's Signature: Frank Eul Date: 12/4/23

THIS APPLICATION DOES NOT RELIEVE THE APPLICANT FROM COMPLYING WITH OTHER TOWNSHIP ORDINANCES SUCH AS THE TREE REMOVAL ORDINANCE AND OBTAINING THE NECESSARY APPROVALS AND PERMITS UNDER SUCH ORDINANCES.

TOWNSHIP OF WEST ORANGE

Site Plan/Subdivision Checklist

APPLICANT: L & B Realty Group LLC

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.		Pre-Application - Concept Plan	Minor Application		Major Application				COMPLETE	INCOMPLETE	W/AVENUE REQUESTED	
Item Number	Description		Subdivision	Site Plan	General Development Plan	Subdivision		Site Plan				
						Preliminary	Final	Preliminary				Final
1. PROJECT-PLAN INFORMATION												
1.	<u>Item:</u> Name, address of owner and applicant.	X	X	X	X	X	X	X	X	✓		
2.	<u>Item:</u> Name, signature, license number, seal and address of engineer, land surveyor, architect, professional planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X	X	X	X	X	X	✓		
3.	<u>Item:</u> Title block denoting type of application, tax map sheet, county, name of municipality, block & lot, and street location.	X	X	X	X	X	X	X	X	✓		
4.	<u>Item:</u> A key map at specified scale showing location of tract with reference to surrounding properties, streets, municipal boundaries, etc., within 500'. <u>Comment:</u> Describes setting; may be less detailed in pre-application-concept plan and GDP stages.	X	X	X	X	X	X	X	X	✓		
5.	<u>Item:</u> A schedule of required and provided zone district(s) requirements including lot area, width, depth, yard setbacks, building coverage, open space, parking, etc. <u>Comment:</u> Schedule may be less detailed in pre-application-concept plan stages.	X	X	X	X	X	X	X	X	✓		
6.	<u>Item:</u> North arrow and scale.	X	X	X	X	X	X	X	X	✓		
7.	<u>Item:</u> Proof that taxes are current.		X	X	X	X	X	X	X	✓		
8.	<u>Item:</u> Signature blocks for Chairman, Secretary and Municipal Engineer.		X	X	X	X	X	X	X	✓		
9.	<u>Item:</u> Appropriate certification blocks as required by Map Filing Law.		X			X	X			N/A		
10.	<u>Item:</u> Monumentation as specified by Map Filing Law. <u>Comment:</u> Monumentation required only for final subdivision.		X				X			N/A		
11.	<u>Item:</u> Date of current property survey. <u>Comment:</u> Required by Map Filing Law for final subdivision and site plan; necessary for voting on GDP.									✓		
			X	X	X	X	X	X	X			

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.		Pre-Application - Concept Plan	Major Application						COMPLETE	INCOMPLETE	WAIVER REQUESTED	
			Minor Application		General Development Plan	Subdivision		Site Plan				
			Subdivision	Site Plan		Preliminary	Final	Preliminary				Final
Item Number	Description											
12.	<u>Item:</u> One (1) of four (4) standardized sheets: 30" x 42", 24" x 36", 15" x 21", 8.5" x 13" <u>Comment:</u> Required by Map Filing Law for minor and major subdivisions.		X	X		X	X	X	X	✓		
13.	<u>Item:</u> Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords and central angles for all centerlines and right-of-way, and centerline curves on streets.		X				X		X	✓		
14.	<u>Item:</u> Affidavit of ownership. <u>Comment:</u> Map Filing Law for minor and major subdivision.	X	X	X	X	X	X	X	X	✓		
15.	<u>Item:</u> Acreage of tract to the nearest tenth of an acre (for GDP--to nearest acre).		X	X	X	X	X	X	X	✓		
16.	<u>Item:</u> Date of original and all revisions. <u>Comment:</u> Item necessary for continuity-history of project.		X	X	X	X	X	X	X	✓		
17.	<u>Item:</u> Size and location of any existing or proposed structures with all setbacks dimensioned. <u>Comment:</u> Item important for detailed planning.	X	X	X	X	X	X	X	X	✓		
18.	<u>Item:</u> Location and dimensions of any existing or proposed streets (for GDP and pre-application-concept plan -- general locations). <u>Comment:</u> Item important for detailed planning.	X	X	X	X	X	X	X	X	✓		
19.	<u>Item:</u> All proposed lot lines and area of lots in square feet.		X	X		X	X	X	X	✓		
20.	<u>Item:</u> Copy and/or delineation of any existing or proposed deed restrictions or covenants.	X	X	X	X	X	X	X	X	✓		
21.	<u>Item:</u> Any existing or proposed easement or land reserved for or dedicated to public use.	X	X	X	X	X	X	X	X	✓		
22.	<u>Item:</u> Development stages or staging plans (for GDP--general staging). <u>Comment:</u> Not applicable at pre-application-concept plan stage; minor plans usually not built in stages.				X	X	X	X	X	✓		

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.		Pre-Application - Concept Plan			Major Application				COMPLETE	INCOMPLETE	WAIVER REQUESTED	
Item Number	Description		Minor Application		General Development Plan	Subdivision		Site Plan				
			Subdivision	Site Plan		Preliminary	Final	Preliminary	Final			
23. Item:	List of required regulatory approvals or permits. <u>Comment:</u> Basic planning information. ☐		X	X	X		X		X	✓		
24. Item:	List of variances required or requested. ☐ <u>Comment:</u> Basic planning information.		X	X		X	X	X	X	✓		
25. Item:	Requested or obtained design waivers or exceptions. ☐ <u>Comment:</u> Describes location of all adjacent structures; not necessary at pre-application-concept plan stages; required at site plan stages; required at site plan only if notice is required by ordinance.		X	X		X	X	X	X	✓		
26. Item:	Payment of application fees. <u>Comment:</u> Fee not imposed for pre-application conference.	X	X	X	X	X	X	X	X	✓		
27. Item:	Property owners and lines of all parcels within 200' identified on most recent tax map sheet. <u>Comment:</u> Describes location of all adjacent structures; not necessary at pre-application-concept plan stages; required at site plan only if notice is required by ordinance.			X	X	X	X	X	X	✓		
28. Item:	All existing street, water courses, flood plains, wetlands or other environmentally sensitive areas on and within 200' of site. <u>Comment:</u> while detailed specification of environmentally sensitive areas may not be necessary at pre-application-concept plan and GDP stages, general specification of and sensitivity to such conditions is an important planning consideration.	X		X	X	X	X	X	X	✓		
29. Item:	Existing right-of-way and/or easements on and within 200' of tract. <u>Comment:</u> Rights-of-way and easements are often unknown at the pre-application-concept (see however, item 28).	X		X	X	X	X	X	X	✓		
30. Item:	Topographical features of subject property from U.S.G.S. map. <u>Comment:</u> More detailed topographic information is needed for major subdivision.	X		X	X					✓		

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.		Pre-Application - Concept Plan	Major Application						COMPLETE	INCOMPLETE	WAIVER REQUESTED	
Item Number	Description		Minor Application		General Development Plan	Subdivision		Site Plan				
			Subdivision	Site Plan		Preliminary	Final	Preliminary				Final
31.	<u>Item:</u> Existing and proposed contour intervals based on U.G.S. & G.S. datum. Contours to extend at least 200' beyond subject property as follows: up to 3% grade - 1' 3% + grade - 2' <u>Comment:</u> Major site plan and subdivision requires level of detail of Item 31 as opposed to Item 30.					X	X	X	X	✓		
32.	<u>Item:</u> Boundary, limits, nature and extent of wooded areas, specimen trees, and other significant physical features (detail may vary). <u>Comment:</u> Basic for good planning.	X	X	X	X	X	X	X	X	✓		
33.	<u>Item:</u> Existing system of drainage of subject site and of any larger tract or basin of which it is a part. <u>Comment:</u> See Item 31. Extensive level of detail required only for major subdivision and site plan.					X	X	X	X	✓		
34.	<u>Item:</u> Drainage Area Map. <u>Comment:</u> Necessary for major application; inapplicable at GDP stage					X	X	X	X	✓		
35.	<u>Item:</u> Drainage Calculations. <u>Comment:</u> Required for minor applications if deemed necessary by Planning Board; not required at GDP stage because storm water management evaluated at major subdivision and site plan stage.		X	X		X	X	X	X	✓		
36.	<u>Item:</u> Proposed utility infrastructure plans, including sanitary sewer, water, storm water management, telephone, electric & cable TV. <u>Comment:</u> Information necessary for minor site plan because of potential effect on utility systems. Only general location for electric, telephone and cable TV required.		X	X		X	X	X	X	✓		
37.	<u>Item:</u> Proposed utility infrastructure plans, including sanitary sewer, water, storm water management, telephone, electric and cable TV. <u>Comment:</u> Information necessary for minor site plan because of potential effect on utility systems. Only general location for telephone, electric and cable TV required.			X	X	X	X	X	X	✓		

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.		Pre-Application - Concept Plan			Major Application				COMPLETE	INCOMPLETE	WAIVER REQUESTED	
			Minor Application		General Development Plan	Subdivision		Site Plan				
						Subdivision	Site Plan	Preliminary				Final
Item Number	Description											
38.	<u>Item:</u> Soil Erosion and Sediment Control Plan. <u>Comment:</u> Required for soil disturbance over 5,000 sq. ft.			X		X	X	X	X	✓		
39.	<u>Item:</u> Spot and finished elevations at all property corners, corners of all structures or dwellings, existing or proposed first floor elevations. <u>Comment:</u> Not required for minor subdivision because not involving construction of buildings.			X	X	X	X	X	X	✓		
40.	<u>Item:</u> Construction details as required by ordinance. <u>Comment:</u> Such level of detail necessary only for major applications.					X	X	X	X	✓		
41.	<u>Item:</u> Road and paving cross-sections and profiles. <u>Comment:</u> See Item 40.					X	X	X	X	N/A		
42.	<u>Item:</u> Proposed street names. <u>Comment:</u> Applicable only when new road is proposed.					X	X	X	X	N/A		
43.	<u>Item:</u> New block and lot numbers confirmed with local assessor or municipal designee. <u>Comment:</u> Needed whenever a new lot is created.			X			X			✓		
44.	<u>Item:</u> Lighting plan & details. <u>Comment:</u> Not applicable for minor subdivision because just creating lots.			X		X	X	X	X	✓		
45.	<u>Item:</u> Landscape plan & details prepared by a professional landscape architect <u>Comment:</u> Required for site plans because of magnitude of required landscaping.			X				X	X	✓		
46.	<u>Item:</u> Solid waste management plan. <u>Comment:</u> Site plan consideration only; see Item 44.			X				X	X	✓		
47.	<u>Item:</u> Site identification signs, traffic control signs, and directional signs. <u>Comment:</u> See Item 44.			X		X	X	X	X	✓		

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.				Major Application						COMPLETE	INCOMPLETE	WALVER REQUESTED
		Pre-Application - Concept Plan	Minor Application		General Development Plan	Subdivision		Site Plan				
Item Number	Description		Subdivision	Site Plan		Preliminary	Final	Preliminary	Final			
48. Item:	Sight triangles. Comment: Necessary even for minor applications because sight triangle easement created.		X	X		X	X	X	X	✓		
49. Item:	Vehicular and pedestrian circulation patterns (less detail necessary for pre-application-concept plan and GSP stages). Comment: See item 44.	X		X	X	X	X	X	X	✓		
50. Item:	Parking plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions. Comment: See item 44.			X		X	X	X	X	✓		
51. Item:	Preliminary architectural plan and elevations. Comment: Not required where building is not proposed.			X				X	X	✓		
52. Item:	Plans and legal documents for compliance with West Orange COAH Ordinances.		X	X	X	X	X	X	X	✓		

e Proposed restrictions or covenants do not have to be included for pre-application-concept plan and GDP.
g Conditional approval may be granted subject to other regulatory approvals.

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.

REVISED: 8/30/05 aw

F:\Forms & Awards\PB-ZB\APP\FRM\CHECKLIST\CHECKLIST.FRM

PREPARED BY:

ANTHONY MARUCCI, PE-LS-PP

A. Marucci

October 16, 2023

SUSTAINABILITY CHECKLIST FORM

L & B Realty Group LLC	APPLICANT – PRINT OR TYPE – ALL SECTIONS TO BE COMPLETED:	TOWNSHIP OK (Date)
SUSTAINABLE BUILDING AND DESIGN STANDARDS		
Name of LEED Accredited Professional working on project:	N/A	
List of Energy Star and WaterSense appliances, fixtures and construction techniques:	N/A	
List of green and recycled building materials in new construction, renovation, and maintenance:	N/A	
Waste Management Plan for recycling and/or reuse of 60 percent of all construction and demolition of waste generated in projects larger than \$25,000:	N/A	
Use of any water efficient landscaping:	N/A - Site specific	
Use of any on-site renewable energy systems such as: (i) Solar (ii) Wind (iii) Geothermal	N/A - Site specific	
Details of roofing materials designed to reduce the urban heat island effect such as: (i) Construction of roof top gardens to reduce solar gain in summer and insulate in winter (ii) Use of roofing materials that are no darker than a light gray or demonstrate how alternate roofing materials reduce the urban heat island effect	N/A	
Details of any sustainable stormwater systems employed such as: (i) Bioswales/ raingardens (ii) Permeable surfaces (iii) Grey water systems (iv) Retention and detention facilities (v) Continuous trenching	N/A - Site specific	
A list of native and well adapted species used in landscaping to eliminate the need for fertilization and pesticides:	N/A - Site specific	

Note: Please indicate for each of the sustainable building/design items listed, the extent to which the measure is being incorporated in the project or, alternatively, indicate the reason(s) why it is not being incorporated in the project.

As of April 2, 2015

1

Note that this is being filled out at the time for Planning Board Approval. This project will not be LEED, but when it is getting built, it will conform to the appropriate energy codes.



TOWNSHIP OF WEST ORANGE

66 MAIN STREET, WEST ORANGE, N.J. 07052

OFFICE OF THE TAX COLLECTOR

SUSAN McCARTNEY

Mayor

KATHY LONGO

Tax Collector

Tel: (973) 325-4075

Fax: (973) 736-9182

Email: taxcollector@westorange.org

VERIFICATION OF TAXES & SEWER CHARGES PAID

DATE: 11/15/23

BLOCK: 62

LOT: 1 QUAL: _____

NAME: Chabala, LLC

ADDRESS: 5 White Street

TAXES PAID UNTIL: 1/31/24

2023 SEWER PAID IN FULL:

YES

NO

TOWNSHIP OF WEST ORANGE

TAX COLLECTOR

66 MAIN STREET

WEST ORANGE, NJ 07052

PHONE (973) 325-4075

FAX (973) 736-9182



AN EQUAL OPPORTUNITY EMPLOYER

www.westorange.org

Buffer Report

THE TOWNSHIP OF WEST ORANGE

Office of the Assessor

66 Main Street

West Orange, New Jersey 07052

Telephone: (973) 325-4060

Facsimile: (973) 669-4859

Highlighted feature(s)

Subject Property(s) (1)

Town	Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	Owner Zip
West Orange Township	62	1		5 WHITE STREET	CHABALA LLC,	6 BROOK WAY	WEST ORANGE, NJ	07052

§

List of adjoining feature(s) that intersect 200 foot buffer from Subject Property(s).

Adjoining Properties (41)

Town	Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	Owner Zip
West Orange Township	60	5		59 MAIN STREET	HABERMAN WEST ORANGE CORPORATION	59 MAIN ST	WEST ORANGE, NJ	07052
West Orange Township	60	8		65 MAIN STREET	THE HABERMAN GROUP LP	59 MAIN STREET	WEST ORANGE, N.J.	07052
West Orange Township	60	33		WHITE STREET	PROGRESSIVE ARIZONA LLC	PO BOX 1459	BAYONNE, NJ	07002
West Orange Township	61	5		85-87 MAIN STREET	ALMI INVESTMENT LLC	28 BLOOMFIELD AVE ST. 301	PINE BROOK, NJ	07058
West Orange Township	61	5.02		83 MAIN STREET	FKVP, LLC	83-85 MAIN STREET	WEST ORANGE, NJ	07052
West Orange Township	61	43		85 ASHLAND AVENUE	380 NORTH LLC,	702 PROSPECT AVE	WEST ORANGE, NJ	07052
West Orange Township	61	44						
West Orange Township	61	45		89 ASHLAND AVENUE	89 ASHLAND AVENUE, LLC	89 ASHLAND AVENUE	WEST ORANGE, N.J.	07052
West Orange Township	61	46		93 ASHLAND AVENUE	PISERCHIA, GUISEPPE & PASQUALE	221 EAST MCCLELLAN AVENUE	LIVINGSTON, N. J.	07039
West Orange Township	61	46.01		91 ASHLAND AVENUE	91 ASHLAND AVE LLC,	56 FRANKLIN AVE	WEST ORANGE, NJ	07052
West Orange Township	61	49		95 ASHLAND AVENUE	MASINI, PASQUALE & GRACE	6 GLORIA LANE 2ND FLR	FAIRFIELD, NJ	07004
West Orange Township	61	52		105 ASHLAND AVENUE	CIAMPI, LOUIS V	20 YORKTOWN TERRACE	LIVINGSTON, N.J.	07039
West Orange Township	61	52.01		109 ASHLAND AVENUE	IMPERIAL PROPERTIES, LLC	109 ASHLAND AVE	WEST ORANGE NJ	07052
West Orange Township	61	52.02		107 ASHLAND AVENUE	NEGRINI, LEANDRO & KIARA	107 ASHLAND AVE	WEST ORANGE, NJ	07052
West Orange Township	61	56		117 ASHLAND AVENUE	IMPERIAL PROPERTIES, LLC	109 ASHLAND AVENUE	WEST ORANGE, NJ	07052

Town	Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	Owner Zip
West Orange Township	61	58		119 ASHLAND AVENUE	119 ASHLAND AVENUE,LLC.	109 ASHLAND AVE	WEST ORANGE,NJ	07052
West Orange Township	61	60		21 WHITE STREET	ANDRADE, MANUEL & CALDERON, AVELINA	21 WHITE STREET	WEST ORANGE, N.J.	07052
West Orange Township	61	60.01		19 WHITE STREET	TORRES, ALAN R. & ROBINSON, ROSARIO	11 WHITE ST	WEST ORANGE, NJ	07052
West Orange Township	61	60.03		127 ASHLAND AVENUE	ELECTRON OPTICS SERVICE, INC	88 MT PLEASANT AVE	WEST ORANGE, NJ	07052
West Orange Township	61	60.07		23 WHITE STREET	RUIZ, JORGE L	23 WHITE ST	WEST ORANGE, NJ	07052
West Orange Township	61	61		25 WHITE STREET	JARA, DOLORES & CESAR	25 WHITE STREET	WEST ORANGE, NJ	07052
West Orange Township	61	61.01		29 WHITE STREET	BENITEZ,CARLOS M.& MALDONADO,ELSA	29 WHITE ST	WEST ORANGE, NJ	07052
West Orange Township	62	1		5 WHITE STREET	CHABALA LLC,	6 BROOK WAY	WEST ORANGE, NJ	07052
West Orange Township	62	4		7 WHITE STREET	YORK C FRANKE COMPANY, INC	7 OXFORD LANE	MADISON ,NJ	07940
West Orange Township	62	5		11 WHITE STREET	TORRES, ALAN R.	11 WHITE STREET	WEST ORANGE, NJ	07052
West Orange Township	62	6		13 WHITE STREET	PARRA, JESUS & ECHEVARRIA, MACARENA	13 WHITE STREET	WEST ORANGE, NJ	07052
West Orange Township	62	7		15 WHITE STREET	ZABALETA, GERMAN & GARNICA, BLANCA	15 WHITE ST	WEST ORANGE, NJ	07052
West Orange Township	62	7.01		17 WHITE STREET	CHAVEZ, J & N & HUAYHUAS, O	17 WHITE STREET	WEST ORANGE, NJ	07052
West Orange Township	62	7.02		112 ASHLAND AVENUE	RODRIGUEZ, CARLOS	112 ASHLAND AVE	WEST ORANGE, NJ	07052
West Orange Township	62	9		110 ASHLAND AVENUE	MORALES, ROGACIANO PEREZ	110 ASHLAND AVE	WEST ORANGE, NJ	07052
West Orange Township	62	15		98 ASHLAND AVENUE	ENCH, FRANK III & CAMILLE	16 HILLTOP CIRCLE	WHIPPANY, NJ	07981
West Orange Township	62	16		96 ASHLAND AVENUE	DE SANTIS, CARMEN RISCO	96 ASHLAND AVE	WEST ORANGE, NJ	07052
West Orange Township	62	17		90-92 ASHLAND AVENUE	ENCH, FRANK	16 HILLTOP CIRCLE	WHIPPANY,NJ	07981
West Orange Township	62	19		88 ASHLAND AVENUE	MASINI, PASQUALE	6 GLORIA LANE 2ND FLR	FAIRFIELD, NJ	07004
West Orange Township	62	20		86 ASHLAND AVENUE	ASHLAND PROPERTIES LLC	5 JENNIE COURT	CEDAR GROVE, NJ	07009
West Orange Township	62	21		84 ASHLAND AVENUE	ENCH, FRANK	84 ASHLAND AVENUE	WEST ORANGE, NEW JERSEY	07052
West Orange Township	62	22.01		76-82 ASHLAND AVENUE	ENCH, FRANK	69 ASHLAND AVENUE	WEST ORANGE NJ	07052
West Orange Township	62	33.02		1 WHITE STREET	EPIC EIGHT PROPERTIES, LLC	90 DAYTON AVE BLDG 5 #200	PASSAIC, NJ	07055

Block Lot Qual	Property Location Additional Lot Additional Lot	Property Class	Owner Address City, State	Zip Code
1401 1	145 SPRING STREET	4B	WEST ORANGE LOGISTICS, LLC 37-18 57TH ST. WOODSIDE, N.Y.	11377
1401 2	139 SPRING STREET	4B	LAZARUS REALTY III LLC 5 EAST 92ND STREET BROOKLYN, NY	11212
1401 3	563-565 WHITE STREET	4B	LAZARUS REALTY III LLC 5 EAST 92ND STREET BROOKLYN, NY	11212
1401 4	WHITE STREET	1	EPIC EIGHT PROPERTIES LLC 90 DAYTON AVE BLDG 5 #200 PASSAIC, N.J.	07055
2401 2	578 WHITE STREET	4C	PROGRESSIVE ARIZONA, LLC PO BOX 1459 BAYONNE, NJ	07002
2401 3	574 WHITE STREET	2	SPARTAN PROPERTY MANAGER, LLC 201 EAST MCBEE AVE, #300 GREENVILLE, SC	29601
2401 4	564 WHITE STREET	4A	HABERMAN WEST ORANGE CORP. 59 MAIN STREET WEST ORANGE, N. J.	07052
2401 5	566 WHITE STREET	4B	EPIC THREE PROPERTIES, LLC. 90 DAYTON AVE BLDG 5 #200 PASSAIC, N.J.	07055
2401 6	560 WHITE STREET	4B	EPIC TWO PROPERTIES, LLC 90 DAYTON AVE BLDG 5 #200 PASSAIC, N.J.	07055
2401 7	83-85 NORTH JEFFERSON ST.	2	MESFUN, JOSEPH & GHENET H/W P.O.B. 401 EAST ORANGE, N. J.	07019

PROPOSAL/PROJECT NARRATIVE
RELIEF SOUGHT/JUSTIFICATION FOR VARIANCE
APPLICATION OF L & B REALTY GROUP LLC
106 ASHLAND AVENUE/5 WHITE STREET
BLOCK 62, LOT 1
November 29, 2023

INTRODUCTION AND PROPERTY DESCRIPTION

Applicant, L & B Realty Group LLC (“L & B”) has applied for preliminary and final site plan with associated “c” variance relief for proposed site work on the 32,109 square foot property that is located in the I-Industry Zone. The property has a unique shape with frontage on both Ashland Avenue and White Street and vehicular access solely from Ashland Avenue.

Presently, the site is developed with three buildings that are occupied by warehouse uses and offices. There is a 5,632 square foot building (Building A on the site plan) with frontage on Ashland Avenue; a second building (Building C) with 8,497 square feet, located along White Street; and the third building (Building B) is 1,240 square feet. Presently, there are 15 parking spaces on the site.

PROPOSED DEVELOPMENT

The proposal includes the demolition and reconstruction of the existing 5,632 square foot warehouse building (Building A) with frontage on Ashland Avenue, as well as the renovation of the 8,497 square foot building (Building C) with frontage on White Street. A garage door is being installed in Building C to provide access to the proposed interior parking from White Street.

The renovation will result in a total of 25 parking spaces; 17 exterior spaces and 8 interior garage spaces.

NEIGHBORHOOD DESCRIPTION

The surrounding area on Ashland Avenue is developed with a mix of multifamily dwellings and a few detached residential dwellings. Commercial uses are located at the corner of Ashland Avenue and White Street. The area on White Street is developed with a mix of residential and commercial uses.

REQUESTED VARIANCE RELIEF

The proposed project requests variances from the following requirements of the Township Zoning Ordinance (Attachment 25-2 and Attachment 25-3):

1. Minimum side yard setback (one/both) (Attachment 25-3) (8 feet one side/10 feet one side is required: 1.3 feet is existing and proposed).
2. Min. number of parking spaces (Section 25-12.2b(1)). (26 parking spaces required; 25 parking spaces proposed).

POSITIVE CRITERIA

The Board has the power to grant A "c(2)" or so-called "benefits v. detriments" variances pursuant to N.J.S.A. 40:55D-70c(2), where the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and the benefits would substantially outweigh any detriment. The variances associated with the proposal can be granted under the "c(2)" rationale as the improvements are a benefit to the immediate neighborhood in terms of aesthetics of the property.

The side yard variance is an exacerbation of an existing side yard nonconformity due solely to the proposed increase in the height of the building. Since the site is located adjacent to a residence, a 10 foot side yard setback is required and 1.3 feet is existing and proposed. The height of the building complies with the ordinance height requirement, therefore, there will be no material negative impact to the light, air and open space of the adjacent residence.

A parking variance is required for one parking space. A total of 26 parking spaces are required and a total of 25 parking spaces are proposed, an increase of 10 parking spaces. The deviation is de minimus and the site will now have a handicapped accessible parking space.

The proposal affirms the following goals of the master plan: the West Orange Master Plan, as well as the MLUL both encourage a "desirable visual environment" as one of the purposes of planning.

NEGATIVE CRITERIA

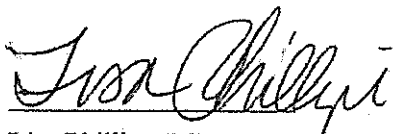
The granting of the variances will not result in a substantial detriment to the public good or impairment to the intent and purpose of the zone plan and zoning ordinance. The building height meets the ordinance limitation so there will be no material negative impact to the adjacent residential property. The visual impact of the proposed improvement to the existing warehouse is an improvement to the neighborhood along Ashland Avenue.

SUMMARY

The proposal is an improvement to the overall aesthetic of the property, and increases the number of parking spaces, as well as provides a handicapped accessible parking space. The proposed variance will not have a substantial detriment to the public good or substantially impair the master plan. The information contained in this report will be supplemented with expert testimony at the Planning Board.

It is certified that all copies of this document are in conformance with the one that was signed and sealed by Lisa Phillips, P.P., AICP, License No. 5167.

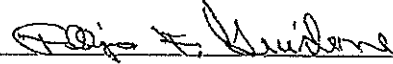
Prepared by:



Lisa Phillips, P.P., AICP

Dated: November 29, 2023

Prepared by:


PHILLIP F. GUIDONE, ESQ.



COPY

DEED

This Deed is made on November 15, 2023, and delivered on November ²²~~15~~, 2023

BETWEEN

CHABALA, LLC

whose address is 6 Brook Way, West Orange, New Jersey 07052 respectively.

referred to as the Grantors.

AND

L&B REALTY GROUP LLC

whose post office address is 15 Hilltop Circle, Whippany, New Jersey 07981

referred to as the Grantees.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of ONE MILLION and 00/100 (\$1,000,000.00) DOLLARS. The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Municipality of Township of West Orange, Block No. 62 Lot No. 1 and known as 5 White Street, West Orange, New Jersey 07052

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

See Schedule "C" Legal Description attached hereto and made a part hereof.

BEING the same premises conveyed to CHABALA LLC, a New Jersey Limited Liability Company by deed from FRANCIS CHABALA AND LUCILLE CHABALA, Husband, and Wife, dated March 6, 2014, recorded March 31, 2014, in the Essex County Clerk/Register's Office in Deed Book 12488, Page 8904.

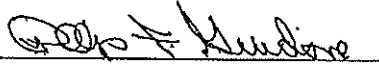
Subject to easements, restrictions of record and such facts as in accurate survey may reveal.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Witnessed by:

CHABALA, LLC



 (Seal)
By: Lucille Chabala, Managing Member of
Chabala, LLC

STATE OF NEW JERSEY, COUNTY OF MORRIS

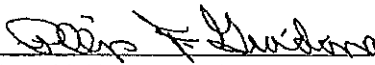
SS.:

I CERTIFY that on November 15, 2023,

CHABALA, LLC BY LUCILLE CHABALA, Managing Member

personally, came before me and acknowledged under oath, to my satisfaction, that this each person:

- (a) is named in and personally signed this Deed;
- (b) signed, sealed and delivered this Deed as their act and deed; and
- (c) made this Deed for \$1,000,000.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A.46:15-5.)


PHILLIP F. GUIDONE, ESQ.
ATTORNEY AT LAW
STATE OF NEW JERSEY



**SCHEDULE C
LEGAL DESCRIPTION**

)

Issuing Office File No. RT-4557

ALL that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Township of West Orange, in the County of Essex, State of NJ;

BEGINNING at a point in the southerly right-of-way line of Ashland Avenue, said point being distant 200.62 feet on a bearing of North 33 degrees 36 minutes East from the intersection of the said line of Ashland Avenue with the easterly right-of-way line of White street; thence

(1) along the said line of Ashland Avenue North 33 degrees 36 minutes East 100.00 feet to a point; thence

(2) south 57 degrees 32 minutes East 224.50 feet to a point in the northerly right-of-way line of the Erie-Lackawanna Railroad; thence

(3) along the said line of the Erie-Lackawanna Railroad South 37 degrees 35 minutes West 301.20 feet to a point in the said line of White Street; thence

(4) along the said line of White Street North 57 degrees 32 minutes West 46.08 feet to a point; thence

(5) North 35 degrees 19 minutes East 200.25 feet to a point; thence (6) North 57 degrees 32 minutes west 163.54 feet to the BEGINNING.

Said premises also being described as follows:

BEGINNING at a point in the southerly right-of way line of Ashland Avenue, said point being distant 200.62 feet on a bearing of North 33 degrees 36 minutes East from the intersection of the said line of Ashland Avenue with the easterly right-of-way line of White Street; thence

(1) along the said line of Ashland Avenue North 33 degrees 36 minutes East 100.00 feet to a point; thence

(2) South 57 degrees 32 minutes East 224.50 feet to a point in the northerly right-of way line of the Erie-Lackawanna Railroad; thence

(3) along the said line of the Erie-Lackawanna Railroad South 37 degrees' 35 minutes West 301.80 feet to a point in the said line of White Street; thence

(4) along the said line of White street North 57 degrees 32 minutes west 46.08 feet to a point; thence

(5) North 35 degrees 19 minutes East 200.25 feet to a point; thence

(6) North 57 degrees 32 minutes West 163.52 feet to the BEGINNING.

FOR INFORMATION PURPOSES ONLY: BEING known as 5 White Street, Tax Lot 1, Tax Block 62 on the Official Tax Map of Township of West Orange, NJ.

(Formerly known as 1-3-5 White Street & 106-08 Ashland Avenue, formerly lots 1, 11 and 13 in Block 62)

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

(Chapter 49, P.L.1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY

COUNTY

ESSEX

0722

} SS. County Municipal Code

FOR RECORDER'S USE ONLY

Consideration \$ _____
 RTF paid by seller \$ _____
 Date _____ By _____

MUNICIPALITY OF PROPERTY LOCATION WEST ORANGE

*Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #13 and #14 on reverse side)

Deponent, LUCILLE CHABALA (Name) being duly sworn according to law upon his/her oath,

deposes and says that he/she is the GRANTOR in a deed dated NOVEMBER, 2023, transferring
 (Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.)

real property identified as Block number 62 Lot number 1 located at

5 WHITE STREET, WEST ORANGE, NEW JERSEY 07052

and annexed thereto.

(Street Address, Town)

(2) CONSIDERATION \$ 1,000,000.00 (Instructions #1 and #5 on reverse side) ☐ no prior mortgage to which property is subject.

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS:
(See Instructions #5A and #7 on reverse side)

Total Assessed Valuation + Director's Ratio = Equalized Assessed Valuation

\$ 1,011,000.00 + 78.22 % = \$ 1,207,020.06

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE (See Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

(5) PARTIAL EXEMPTION FROM FEE (Instruction #9 on reverse side)

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental, and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN Grantor(s) ☐ 62 years of age or over. * (Instruction #9 on reverse side for A or B)
 B. { BLIND PERSON Grantor(s) ☐ legally blind or;
 DISABLED PERSON Grantor(s) ☐ permanently and totally disabled ☐ receiving disability payments ☐ not gainfully employed*

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:

- ☐ Owned and occupied by grantor(s) at time of sale. ☐ Resident of State of New Jersey.
☐ One or two-family residential premises. ☐ Owners as joint tenants must all qualify.

*IN CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

C. LOW AND MODERATE INCOME HOUSING (Instruction #9 on reverse side) IF APPLIES ALL BOXES MUST BE CHECKED.

- ☐ Affordable according to H.U.D. standards. ☐ Reserved for occupancy.
☐ Meets income requirements of region. ☐ Subject to resale controls.

(6) NEW CONSTRUCTION (Instructions #2, #10 and #12 on reverse side) IF APPLIES ALL BOXES MUST BE CHECKED.

- ☐ Entirely new improvement ☐ Not previously occupied.
☐ Not previously used for any purpose. ☐ *NEW CONSTRUCTION* printed clearly at top of first page of the deed.

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions #5, #12, #14 on reverse side) IF APPLIES ALL BOXES MUST BE CHECKED.

- ☐ No prior mortgage assumed or to which property is subject at time of sale.
☐ No contributions to capital by other grantor or grantee legal entity.
☐ No stock or money exchanged by or between grantor or grantee legal entities.

(8) INTERCOMPANY TRANSFER IF APPLIES ALL BOXES MUST BE CHECKED. (Instruction #15 on reverse side)

- ☐ Intercompany transfer between combined group members as part of the unitary business
☐ Combined group NU ID number (Required)

(9) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me
 this 15 day of November 2023

Phillip F. Guidone

PHILLIP F. GUIDONE
 Attorney At Law
 385 State Hl. 24 Suite 26
 Chester, New Jersey 07930

Lucille Chabala
 Signature of Deponent
 6 Brook Way, West Orange, New
 Jersey 07052

Deponent Address

xxx-xx-x 163
 Last three digits in Grantor's Social Security Number

LUCILLE CHABALA
 Grantor Name
 6 Brook Way, West Orange, New
 Jersey 07052

Grantor Address at Time of Sale

PHILLIP F. GUIDONE, ESQ.
 Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY

Instrument Number _____ County _____
 Deed Number _____ Book _____ Page _____
 Deed Dated _____ Date Recorded _____

County recording officers shall forward one copy of each RTF-1 form when Section 3A is completed to: STATE OF NEW JERSEY

PO BOX 251

TRENTON, NJ 08695-0251

ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at:

<https://www.state.nj.us/treasury/taxation/tp/localtax.shtml>

State of New Jersey
Seller's Residency Certification/Exemption

Seller's Information

Name(s)

LUCILLE CHABALA, Managing Member of CHABALA, LLC

Current Street Address

6 Brook Way

City, Town, Post Office

West Orange

State

NJ

ZIP Code

07052

Property Information

Block(s)

62

Lot(s)

1

Qualifier

Street Address

5 White Street

City, Town, Post Office

West Orange

State

NJ

ZIP Code

07052

Seller's Percentage of Ownership

100

Total Consideration

1,000,000.00

Owner's Share of Consideration

1,000,000.00

Closing Date

Seller's Assurances (Check the Appropriate Box) (Boxes 2 through 16 apply to Residents and Nonresidents)

1. ☐ Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident Gross Income Tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2. ☐ The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3. ☐ Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ☐ Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ☒ Seller is not an individual, estate, or trust and is not required to make an estimated Gross Income Tax payment.
6. ☐ The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated Income Tax payment.
7. ☐ The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey Income Tax return for the year of the sale and report the recognized gain.
8. ☐ Seller did not receive non-like kind property.
8. ☐ The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9. ☐ The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10. ☐ The deed is dated prior to August 1, 2004, and was not previously recorded.
11. ☐ The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
12. ☐ The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
13. ☐ The property transferred is a cemetery plot.
14. ☐ The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.
15. ☐ The seller is a retirement trust that received an acknowledgment letter from the Internal Revenue Service that the seller is a retirement trust, and is therefore not required to make the estimated Gross Income Tax payment.
16. ☐ The seller (and/or spouse/civil union partner) originally purchased the property while a resident of New Jersey as a member of the U.S. Armed Forces and is now selling the property as a result of being deployed on active duty outside of New Jersey. (Only check this box if applicable and neither boxes 1 nor 2 apply.)

Seller's Declaration

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box ☐ I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

11-15-23

Date

Lucille Chabala

Signature (Seller)

Indicate if Power of Attorney or Attorney in Fact

Date

Signature (Seller)

Indicate if Power of Attorney or Attorney in Fact

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DEED:

RECORD AND RETURN TO:

CHABALA, LLC

RIDGE TITLE AGENCY, LLC
60 Roseland Avenue
Caldwell, New Jersey 07006

Grantors

TO

L&B REALTY GROUP LLC

Grantee

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