



75 Main Street, Suite 201
Millburn, NJ 07041

**Law Offices of
Richard Schkolnick, LLC**

973-232-5061

Rick@SchkolnickLaw.com
SchkolnickLaw.com

April 9, 2025

VIA Overnight Delivery and Email

Diana Chandler, Secretary
Board of Adjustment
Township of West Orange
66 Main Street, Room 210
West Orange, NJ 07052

**Re: 89 Ashland Avenue, LLC: ZB-22-09
87and 89 Ashland Avenue
Block 61, Lots 44 and 45**

Dear Diana:

This firm represents 89 Ashland Avenue, LLC. Enclosed please find the following:

1. Resolution of approval, memorialized January 19, 2023 (approving a two-unit addition to a then-existing six unit structure).
2. Affidavit of Publication of Notice of Decision, dated February 2, 2023.
3. Deed, recorded March 12, 2024.
4. Resolution "compliance" plans (excerpts), signed by Chairman, Secretary, Engineer, confirming resolution compliance.

West Orange Land Use Regulation Section 25-48.10 requires that when final site plan approval is granted the building or construction permit must be "secured and issued" within two years and one day after the approval. The Board is permitted to extend the time period "for good cause shown" after public notice of such an application.

Similarly, pursuant to the Municipal Land Use Law, the vesting rights associated with final site plan approval expire after two years. N.J.S.A. 40:55D-52. A board may grant up to three, one year extensions. N.J.S.A. 40:55D-52(a).

Diana Chandler, Secretary
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April 9, 2025

The Applicant is committed to filing for permits and completing this project, but seeks a retroactive 9 month extension of its approvals, pursuant to both West Orange Section 25-48.10 and Section 52(a) of the MLUL.

The Applicant's basis for this extension is three fold. First, uncertain economic conditions related to rising interest rates and construction costs have impacted the economics of the project. Second, there was a fire at 89 Ashland Avenue in December 2024 in the existing (and adjacent) 6 unit structure that has created a need for capital expenditures at this building, and has otherwise delayed the project. And, third, the Applicant purchased an adjacent property (located at 97 Main Street) and has pulled permits to renovate this structure. The principal of the Applicant desires to move forward with the construction work at both sites at the same time.

Finally, the Applicant has not 'slept on its rights.' Since the January 2023 approval, the Applicant has moved forward with the project by completing resolution compliance, including carrying out the required lot consolidation. The Applicant's principal will testify at the public meeting on this matter that it has engaged the architect to complete the detailed construction drawings and intends to submit for code approvals in the next 60 to 90 days.

We are not aware of any changes to the zoning ordinance or any material changes to the neighborhood that have taken place since the approval that would impact the conditions surrounding the prior application/approval.

Thank you for your attention to this matter.

Very truly yours,

Richard S. Schkolnick

Richard S. Schkolnick

RSS:lp
Enclosure

RESOLUTION

**ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF WEST ORANGE**

APPLICATION: 89 Ashland Avenue, LLC

ZB-22-09

WHEREAS, 89 Ashland Avenue, LLC (the "Applicant") owner of the property located at 87-89 Ashland Av Avenue, West Orange, New Jersey also known as Block 61, Lots 44 & 45, on the tax Map of the Township of West Orange and located in the "I" zone, applied to the West Orange Zoning Board of Adjustment ("the Board"), for preliminary and final site plan approval with a "d(2)" use variance for expansion of a non-conforming use, and 4 "c" variances, to wit, a "c" variance for maximum lot coverage of 90.8% when 73% is existing and 75% is the maximum lot coverage permitted; a "c" variance for minimum space between a curb and a fence, screening or structure of 0.00 feet when 5 feet is required and the existing space is 0.00 feet; a "c" variance for minimum driveway width for a two-way driveway of 20 feet when 16 feet is existing and 24 feet is required; and a "c" variance for provision of 9 parking spaces when 15 are required and approximately 10-16 un-striped spaces are existing, all to add a three story addition to an existing apartment building on the adjoining lot; and

WHEREAS, the Applicant presented proof that adequate notice of the hearing on the application was published in the West

Orange Chronicle, one of the official newspapers of the Board;
and

WHEREAS, the Applicant submitted proof of notice of the hearing upon all property owners within 200 feet of the property and all others required to receive notice; and

WHEREAS, the Application was heard at a public meeting of the Board held on December 15, 2022; and

WHEREAS, the Applicant was represented by Richard Schkolnick Esq.; and

WHEREAS, the Applicant presented the testimony of Joaquin Bouzas, R.A., a licensed professional architect of the State of New Jersey, who was accepted by the Board as an expert in the field of architecture, Mr. Bouzas testified that he prepared and sealed the architectural plans that were part of the Application submission, which he reviewed with the Board, and also that the façade will be full brick, and that the ceiling of the pass through area for the cars will be a 2 hour fire rated ceiling; and

WHEREAS, the Applicant offered the testimony of Anthony Marucci, P.E., L.S., P.P, a licensed professional engineer of the State of New Jersey and a licensed professional planner in the State of New Jersey, who was accepted by the Board as an expert in the fields of civil engineering and planning, Mr. Marucci testified that the Applicant proposes 9 parking spaces, including 2 electric vehicle charging spaces, giving the

Applicant credit for 11 spaces, that the plan calls for a formalized drainage system, that he reviewed the letter of Board Engineer John Hess dated November 28, 2022 and testified about the questions Mr. Hess had in his letter for items 3, 7 and 9 of that letter; and

WHEREAS, Mr. Marucci also testified as a professional planner, and stated that he believes the expansion of a non-conforming use apartment building use can be granted because the property is surrounded by residential properties, that the Application satisfied many of the statutory purposes of the Municipal Land Use Law, including the promotion of public health, safety morals and the general welfare by providing additional rental units to contribute to viability of neighborhood and local business, to secure safety as the new building will contain a fire sprinkler system, to provide adequate light, air and open space because the project maintains the open space in the rear of the proposed and existing buildings, and to promote a desirable visual environment by creating a new building in scale and setback with existing buildings on the street; that the negative criteria have also been met in that the project presents no detriment to the public good, or the surrounding properties and no impairment to the Zoning Ordinance or Zoning plan; and that the parking variances can be granted because the parking lot will be striped and

improved, providing nine spaces plus a credit of two additional spaces for the electric vehicle charging spaces, there will be one space for each apartment, and that he believes the parking to be adequate because when he performed a parking survey, on four separate occasions, 8-10 spaces were open and only 5 cars were parked in the lot; that the impervious coverage is increasing but the Applicant is putting in a new drainage system, that the Application is in accordance with the Master Plan in that it provides appropriate density to an existing structure, that the Applicant will consider an all-electric new building with 300 amp service, and that the variances can be granted without substantial impairment to the public good, and that it will not impair the general purposes of the Township's Zone Plan, Master Plan or Zoning Ordinance; and

WHEREAS, members of the Board questioned the Applicant's attorney and its witnesses; and

WHEREAS, there were no questions for the Applicant's witnesses from any member of the public and there was no public comment to the Application; and

WHEREAS, the Board considered the report of John Hess, P.E. of CME, Consulting Engineers for the Township of West Orange dated November 1, 2022, and his testimony at the hearing; and

WHEREAS, the Board considered the report of Paul Grygiel, Township Planner dated November 30, 2022, and his testimony at the hearing; and

NOW THEREFORE, the Board hereby makes the following Findings of Fact and Conclusions of Law:

- A. The Applicant is the owner of the property located 87-89 Ashland Avenue, also known as Block 61, Lots 44 & 45, located in the "I" zone, on the tax map of the Township of West Orange.
- B. The Applicant requires preliminary and final site plan approval with a "d(2)" use variance for expansion of a non-conforming use, and 4 "c" variances, to wit, a "c" variance for maximum lot coverage of 90.8% when 73 % is existing and 75% is the maximum lot coverage permitted; a "c" variance for minimum space between a curb and a fence, screening or structure of 0.00 feet when 5 feet is required and the existing setback is 0.00 feet; a "c" variance for minimum driveway width for a two-way driveway of 20 feet when 16 feet is existing and 24 feet is required; and a "c" variance for provision of 9 parking spaces when 15 are required and approximately 10-16 un-striped spaces are existing, all to add a three story addition to an existing apartment building.

C. The Board finds that the Applicant has met the positive and negative criteria for the grant of the "d" variance because the Application satisfied many of the statutory purposes of the Municipal Land Use Law, including purposes a, b, c, e and i.

D. The variance can be granted because it does not present any negative effect on surrounding properties.

E. On balance, the positives of this Application outweigh the detriments of this Application and the purposes of the Municipal Land Use Law will be advanced by the grant of the requested "D" and "C" variances and granting the requested variances will not be a substantial detriment to the public good and will not substantially impair the general purposes of the Township's Zone Plan, Master Plan or Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the Zoning Board of Adjustment of the Township of West Orange, based upon the findings and conclusions aforesaid, and upon the Laws established in the State of New Jersey grants the following variances and waivers:

1. Preliminary and Final Site Approval.
2. A "d(2)" use variance for expansion of a non-conforming use as a residential apartment building.
3. A "c" variance for maximum lot coverage of 90.8% when 73 % is existing and 75% is the maximum lot coverage permitted.

4. A "c" variance for minimum space between a curb and a fence, screening or structure of 0.00 feet when 5 feet is required and the existing setback is 0.00 feet.
5. A "c" variance for minimum driveway width for a two-way driveway of 20 feet when 16 feet is existing and 24 feet is required.
6. A "c" variance and a RSIS waiver for provision of 9 parking spaces when 15 are required and approximately 10-16 unstriped spaces are existing.

BE IT FURTHER RESOLVED that the grant of said variances shall be conditioned upon the Applicant's full and complete satisfaction of the following conditions:

1. Natural gas shall be used in the new apartments for stove and furnace only.
2. The two lots will be consolidated in a deed to be approved by the Zoning Board counsel.
3. All conditions hereby listed will appear on the cover sheet of the final plans and are made an integral part of this approval.

A motion to grant the Application as set forth above was made by Chairman Neuer and seconded by Ms. Weiss and voted upon as follows:

	Ayes	Nays	Abstentions
Eben	Y		
Redwine	Y		
Schwarzbaum	Y		
Sussman	Y		
Weiss	Y		
Neuer	Y		

Those in Favor:

Those Opposed:

Abstention:

I hereby certify that the foregoing Resolution was adopted by the Zoning Board of Adjustment of the Township of West Orange at its meeting of January 19, 2023, and that said Resolution memorializes the action of the Zoning Board taken at its meeting held on December 15, 2022 granting the application by a vote 6 in favor, 0 against and 0 abstentions.

January 19, 2023



Diana L. Chandler, Board Secretary

Affidavit of Publication

STATE OF NEW JERSEY
COUNTY OF ESSEX

SS:

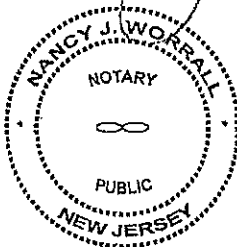
Karen Hoffman of *Worrall Community Newspapers Inc.*,
being duly sworn according to law, states on oath, that a
notice of which the annexed is a true copy, was published in
the *West Orange Chronicle*, a public newspaper published
at West Orange, New Jersey, in its issue of **February 2,**
2023 making 1 insertion in all.

Karen Hoffman

Sworn and subscribed before me this 2nd day of

February, 2023.

[Signature]



Notary Public of New Jersey

NANCY J WORRALL
A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 19, 2024

WEST ORANGE
TOWNSHIP OF WEST ORANGE
BOARD OF ADJUSTMENT

NOTICE OF DECISION

PLEASE TAKE NOTICE that by resolution memorialized on January 18, 2023, the Board of Adjustment of the Township of West Orange approved the application of 89 Ashland Avenue LLC for preliminary and final site plan, approval and "c" and "d" variances in order to construct an addition to an existing 6-unit residential structure to add two additional residential units on property commonly known as 87 and 89 Ashland Avenue, West Orange, which property is identified on the tax maps of the Township of West Orange as Block 61, Lots 44 and 45. The property is located in the Township's 1 zone. This matter is calendared as ZB-22-08.

The resolution of approval, and all maps, plans, applications and other related documents submitted with the application are on file and available for inspection by appointment, or on the Township's Website as follows: www.westorange.org/archive.aspx. Then, go to Zoning Board of Adjustment and the agenda for December 15, 2022.

Please contact the Board Secretary at 973-325-4108 to make an appointment to review the resolution of approval or file in person, or with any questions or for additional instructions on how to review the file. The email is: zoningboard@westorange.org.

Offices of Richard Schkolnick, LLC Law
Attorneys for Applicant
By: Richard S. Schkolnick
Dated: January 23, 2023
E117913 WOC February 2, 2023 (\$16.92)

JUAN M. RIVERA, JR
ESSEX COUNTY REGISTER OF DEEDS & MORTGAGES



Hall of Records
465 Martin Luther King Jr Blvd
Room 130
Newark, NJ 07102
(973) 621-4960

***RETURN DOCUMENT TO:**

CORE R BEINHACKER
COUNSELLOR AT LAW
20 SOUTH STREET
MORRISTOWN, NJ 07960

Instrument Number - 2024014342

Recorded On 3/12/2024 At 12:56:11 PM

* Instrument Type - DEED

Invoice Number - 697204 User ID: BH

* Grantor - ENCH, FRANK S

* Grantee - 89 ASHLAND AVENUE LLC

* PARCEL IDENTIFICATION NUMBER

Block: 61 Lot: 44 - WEST ORANGE

***Total Pages - 9**

*** FEES**

NJ PRESERVATION ACCOUNT	\$50.00
REGISTER RECORDING FEE	\$60.00
HOMELESSNESS TRUST FUND	\$3.00
CODE BLUE EMERGENCY	\$2.00
SHELTER SERVICES	
TOTAL PAID	\$115.00

I hereby CERTIFY that this document is
Recorded in the Register of Deeds & Mortgages Office
of Essex County, New Jersey

Juan M. Rivera, Jr
Register of Deeds & Mortgages

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

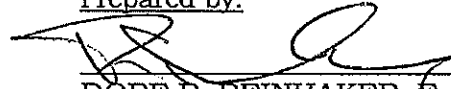
* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

INSTRUMENT NUMBER - 2024014342



Essex County Recording Data Page Honorable Juan M. Rivera, Jr. Essex County Register		Official Use Only	
			
Official Use Only:			
Date of Document:		Type of Document:	
December 14, 2023		Deed	
First Party Name:		Second Party Name:	
Frank S. Ench			
Additional Parties:			
89 Ashland Avenue, LLC			
THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY			
Block:	Lot:	Qualifier:	
61	44, 45		
Municipality:			
West Orange			
Consideration:			
\$1.00			
Mailing Address of Grantee:			
15 Hilltop Circle, Whippany, NJ 07981			
THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION ASSIGNMENTS, RELEASES, SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY			
Original Book:		Original Page:	
ESSEX COUNTY RECORDING DATA PAGE Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.			

Prepared by:


DORE R. BEINHAKE, Esquire

D E E D

This Deed is signed and delivered on December 15 , 2023

BETWEEN FRANK S. ENCH. and 89 Ashland Avenue LLC whose address is c/o Frank S. ENCH, 15 Hilltop Circle, Whippany, New Jersey 07981 referred to as the Grantor and

89 Ashland Avenue LLC whose address is c/o Frank S. ENCH, is 15 Hilltop Circle, Whippany, New Jersey 07981 , referred to as the Grantee

1. Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. The transfer is made for the sum of ONE AND NO CENTS DOLLARS (\$1.00). The Grantor acknowledges receipt of this money.

2. Tax Map Reference. (N.J.S.A. 46:15-1.1) Township of West Orange
Block No. 61 Tax Lot No. 44 and 45

3. 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:

X Please see attached Legal Description annexed hereto and made a part hereof.

BEING COMMONLY known 87-89 Ashland Avenue West Orange, New Jersey

SUBJECT to easements and restrictions of record, and other such facts as an accurate survey would disclose, and municipal, state and federal laws, ordinances, and regulations affecting the use, occupancy and maintenance of the property.

BEING the same premises conveyed to the Grantor as follows:

Conveyed to Frank S. Ench, by Deed from Frank J. Ench, Single, Dated March 8, 2020 and recorded March 22, 2020 in the office of the Clerk of Essex County, New Jersey at Instrument Number 2020086625.

Conveyed to 89 Ashland Avenue LLC by Deed from Josephine DeAngelis, unmarried by Deed from Dated November 13, 2019 and recorded January 2020 in the office of the Clerk of Essex County, New Jersey in Deed Book at Instrument number 2020007580.

4. 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 the 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).

5. Signatures. The Grantor signs this Deed as of the date at the top of the first page. (Print name below each signature.)


Frank S. Ench,

Witnessed by:


DORE R. BEINHAKER

89 Ashland Avenue LLC
by 
Frank S. Ench Manager

STATE OF NEW JERSEY)
) SS.:
COUNTY OF MORRIS)

I hereby certify that on 12/15 2023, Frank S. Ench
Personally came before me and stated to my satisfaction that he
a. is the maker of this Deed
b. executed this Deed as his own act and as the managing member of 89
Ashland Avenue LLC and
c. made the Deed for \$1.00 as the full and actual consideration paid for
the transfer of title (Such consideration is defined in N.J.S.A. 46:14-5)

>


Notary Public

RECORD AND RETURN TO:

DORE R. BEINHAKER
COUNSELLOR AT LAW
20 SOUTH STREET
MORRISTOWN, NJ 07960

ANDREA BEINHAKER
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires March 19, 2024

MARUCCI ENGINEERING ASSOCIATES, LLC
ENGINEERS • SURVEYORS • PLANNERS

~ Established 2001 ~

POST OFFICE BOX 509
CEDAR KNOLLS, NEW JERSEY 07927

PHONE (973) 887-3066
FAX (973) 887-3066

LEGAL DESCRIPTION

All that certain lot(s), tract(s) or parcel(s) of land with the buildings and improvements thereon erected, situate, lying and being in the Township of West Orange, County of Essex, State of New Jersey and bounded and described as follows:

BEGINNING AT A POINT on the westerly sideline of Ashland Avenue (50' Right of Way), formerly Beaver Avenue, at a point distant 420 feet northerly from White Street, running thence:

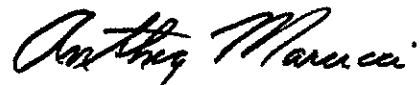
1. Along said westerly sideline of Ashland Avenue, North 32 Degrees 31 Minutes 00 Seconds East (N 32° 31' 00" E), a distance of 60.00 feet to a point, thence;
2. Leaving said sideline of Ashland Avenue, North 57 Degrees 29 Minutes 00 Seconds West (N 57° 29' 00" W), a distance of 149.97 feet to a point in the lands formerly of G.H. Davis, thence;
3. Along the lands formerly of G.H. Davis, South 32 Degrees 31 Minutes 00 Seconds West (S 32° 31' 00" W), a distance of 62.97 feet to a point in the lands now or formerly of Piserchia, thence;
4. Along the lands now or formerly of Piserchia, South 58 Degrees 37 Minutes 00 Seconds East (S 58° 37' 00" E), a distance of 150.00 feet to a point in the westerly sideline of Ashland Avenue, the point and place of BEGINNING.

For Informational Purposes Only:

Said premises being in accordance with a survey made by Marucci Engineering Associates, LLC, signed by Anthony Marucci, PE/PLS, dated February 4, 2020, and revised through April 23, 2022.

BEING KNOWN AND DESIGNATED as Tax Lots 44 and 45 in Block 61 on the Official Tax Map of the Township of West Orange, County of Essex, New Jersey.

Premises more commonly known as 87-89 Ashland Avenue.

A handwritten signature in black ink that reads "Anthony Marucci". The signature is written in a cursive, flowing style.

Anthony Marucci, Professional Engineer & Land Surveyor
New Jersey License No. 24GB02557300

GIT/REP-3
(11-23)
(Print or Type)

State of New Jersey
Seller's Residency Certification/Exemption

Seller's Information

Name(s) -

Frank S. Ench

Current Street Address

15 Hilltop Circle

City, Town, Post Office

Whippany

State

NJ

ZIP Code

07981

Property Information

Block(s)

61

Lot(s)

44 & 45

Qualifier

Street Address

87-89 Ashland Ave

City, Town, Post Office

West Orange

State

NJ

ZIP Code

07044

Seller's Percentage of Ownership

50

Total Consideration

\$1.00

Owner's Share of Consideration

.50

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.
9. ☐ 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.
10. ☐ 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.
11. ☐ The deed is dated prior to August 1, 2004, and was not previously recorded.
12. ☐ 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.
13. ☐ 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.
14. ☐ The property transferred is a cemetery plot.
15. ☐ 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.
16. ☐ 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.
17. ☐ 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.

Date

Signature (Seller)

Indicate if Power of Attorney or Attorney in Fact

Date

Signature (Seller)

Indicate if Power of Attorney or Attorney in Fact

GIT/REP-3
(11-23)
(Print or Type)

State of New Jersey
Seller's Residency Certification/Exemption

Seller's Information

Name(s):

89 Ashland Avenue LLC

Current Street Address

15 Hilltop Circle

City, Town, Post Office

Whippany

State

NJ

ZIP Code

07981

Property Information

Block(s)

61

Lot(s)

44 & 45

Qualifier

Street Address

87-89 Ashland Ave

City, Town, Post Office

West Orange

State

NJ

ZIP Code

07044

Seller's Percentage of Ownership

50

Total Consideration

\$1.00

Owner's Share of Consideration

.50

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.
9. ☐ 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.
10. ☐ 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.
11. ☐ The deed is dated prior to August 1, 2004, and was not previously recorded.
12. ☐ 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.
13. ☐ 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.
14. ☐ The property transferred is a cemetery plot.
15. ☐ 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.
16. ☐ 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.
17. ☐ 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.

Date

Signature (Seller)

Indicate if Power of Attorney or Attorney in Fact

Date

Signature (Seller)

Indicate if Power of Attorney or Attorney in Fact

STATE OF NEW JERSEY
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 } SS. County Municipal Code 0722

MUNICIPALITY OF PROPERTY LOCATION West Orange

FOR RECORDER'S USE ONLY

Consideration \$ 1.00
RTF paid by seller \$ RTF
Date 3/12/24 By RTF

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

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4 on reverse side)

Deponent, Dore Beinhaker being duly sworn according to law upon his/her oath,
(Name)
deposes and says that he/she is the legal representative in a deed dated 12/15/2023 transferring
(Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.)
real property identified as Block number 61 Lot number 45 and 45 located at
87-89 Ashland Terrace, West Orange and annexed thereto.
(Street Address, Town)

(2) CONSIDERATION \$ 1.00 (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

\$ + % = \$

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.
a. consideration is less than \$100.00

(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. 178, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN Grantor(s) ☐ 82 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 either 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 fees 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 Dec, 2023

ANDREA BEINHAKER
NOTARY PUBLIC

STATE OF NEW JERSEY

My Commission Expires March 19, 2024

Signature of Deponent Frank S. Ench
20 South St. Morrisstown NJ 07960 15 Hilltop Cir, Whippany, NJ 07981

Deponent Address

Grantor Address at Time of Sale

xxx-xx-x 796

Last three digits in Grantor's Social Security Number

Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY
Instrument Number 20240134 County ESSEX
Deed Number Book Page
Deed Dated 12/15/23 Date Recorded 3/12/24

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/lpt/localtax.shtml>

PRELIMINARY & FINAL FOR TA87-89 ASHLAND TOWNSHIP OF WEST ORANGE, ESSEX

LIST OF PROPERTY OWNERS WITHIN 200 FT.

PLANNING BOARD APPROVAL CONDITIONS

- The applicant shall provide a site plan showing the location of the proposed structure and the location of the proposed parking area.
- The applicant shall provide a site plan showing the location of the proposed structure and the location of the proposed parking area.
- The applicant shall provide a site plan showing the location of the proposed structure and the location of the proposed parking area.

SITE LOCATION
SCALE

GENERAL NOTES:

DRAWING INDEX:

ZONING BOARD APPROVAL

APPROVED AT A MEETING OF THE WEST ORANGE ZONING BOARD HELD ON 12.15.22

[Signature] 10.5.22
 [Signature]
 [Signature]

