

February 19, 2025

VIA EMAIL & MESSENGER DELIVERY

Township of West Orange Planning Board Office

ATTN: Jamilet Baquerizo Vite

66 Main Street

West Orange, New Jersey 07052

Re: Orange Prospect LLC

111 Prospect Avenue– Block 151, Lot 17.01

B-2 Zone

*Application for Preliminary and Final Site Plan, Tree Removal and Replacement
and Bulk Variance Approval, with Checklist Submission Waivers*

Dear Ms. Baquerizo Vite:

This office represents Orange Prospect LLC (“Applicant”), seeking to development certain improvements at the property located within the Township of West Orange at 111 Prospect Avenue, otherwise known on the Township of West Orange tax maps as Block 151, Lot 17.01 (the “Property”). This application seeks approval of the proposed reconstruction of the existing driveway, walking path and valet parking area, as well as renovations to the main restaurant building. A Porte-Cochere and a Community Garden area accessory use are also proposed at the above-referenced Property which is situated in the B-2 Zone, all as further detailed on the enclosed site and architectural plan sets prepared by J. Michael Petry, PE, PP, AIA (the “Application”).

In support of this Application to the Township of West Orange Planning Board, please find enclosed the following for review:

- One (1) Original and four (4) copies of the Application for Preliminary and Final Major Site Plan approval, with applicable Checklists, to which the following are annexed:
 - o Exhibit A: Corporate Disclosure of Applicant;
 - o Exhibit B: Copies of prior Township of West Orange Land Use Board approvals for the Property;
 - o Exhibit C: Project Description and Requested Relief;
 - o Exhibit D: Copies of Existing Recorded Easements/Restrictions for the Property;
 - o Exhibit E: Certification of Taxes Paid;
 - o Exhibit F: Certified list of property owners within 200 feet and utilities list;
 - o Exhibit G: Calculation of Fees and Escrows; and
 - o Exhibit H: Affidavit of Ownership and Authorization of Application.

GIBBONS P.C.

Orange Prospect LLC
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- Five (5) sets of signed and sealed plans entitled “Preliminary and Final Major Site Plan,” prepared by Petry Engineering, dated January 31, 2025, consisting of 23 Sheets;
- Five (5) sets of Architectural floor plans, elevations and renderings, prepared by J. Michael Petry, AIA, dated December 23, 2024, consisting of 7 Sheets;
- Five (5) signed and sealed sets of the Boundary Survey, prepared by ZL Land Surveying, dated February 29, 2012;
- Five (5) sets of the Stormwater Management Report and facilities operations and maintenance manual, both dated December 27, 2024, both prepared by Petry Engineering;
- One (1) Form W-9 (executed);
- One (1) Check payable to the Township of West Orange in the amount of \$2,314.38 (Application Fee);
- One (1) Check payable to the Township of West Orange in the amount of \$2,500.00 (Digitizing Fee); and
- One (1) Check payable to the Township of West Orange in the amount of \$8,000.00 (Board Professional Escrow Review Deposit)

PDF Copies of these Application submission materials will follow via email Mimecast share file transfer to your attention. Upon review, please advise as to whether a technical review discussion can be scheduled with the Site Plan Review Advisory Board on *March 11, 2025*. We thank you for your courtesies regarding this Application, and look forward to working with the Planning Board and its professional team.

Sincerely,



Kenneth D. McPherson III

Enclosures

cc: Orange Prospect LLC
Petry Engineering

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

A. APPLICANT INFORMATION

Full Legal Name: Orange Prospect LLC

(Last)

(First)

Mailing Address: c/o Kenneth McPherson, Gibbons Law, One Gateway Center, Newark, NJ 07102

(Street)

(City)

(State)

(Zip)

Telephone Number: (973) 596-4415

Email: kmcpherson@gibbonslaw.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. SEE ATTACHED CORPORATE DISCLOSURE (EX. A)

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. N/A

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: 111 Prospect Ave, West Orange, NJ 07052

Block Number(s): 151; Lot Number(s): 17.01

Tax Plate: Tax Map Sheet 75; Zone of Property: B-2

The location of the property is approximately -0- feet from the intersection of Prospect Avenue
and Woodland Avenue (closest intersection.)

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

☒ Yes, Date(s): see attached (EX. B); ☐ No

If yes, please attach copies of the written decisions adopted by the Board to each application. see attached (EX. B)

Please attach a list of all contiguous or adjacent property owned by the applicant or owner. ☒ None

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

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 features; ☒ exceptional situation.
- 4) ☒ Variance "C2".
- 5) ☐ 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.
+Tree Removal & Replacement (Ord. #2846-24)
- 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. see attached Project Description (EX. C)

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

E. DESCRIPTION OF PROPERTY

Existing Use of the Property

Briefly describe the major elements of your proposal: (a more detailed description is required in Section G.)
Renovation of the main building, the front garden area, and the reconstruction of the valet parking lot.

see attached Project Description (EX. C)

The property is 361,261 (square feet); 8.2934 (acres)

Impervious Surface Coverage: Present: 43,625; Proposed: 48,617

Building Coverage: Present: 223,078; Proposed: 218,677

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: Kenneth D. McPherson III, Esq.

Telephone Number: (973) 596-4415 Email: kmcpherson@gibbonslaw.com
Gibbons P.C.

Address: One Gateway Center, Newark, NJ 07102

APPLICANT'S ENGINEER: J. Michael Petry, P.E., P.P., A.I.A.

Telephone Number: (973) 227-7004 Email: mikepetry@petryengineering.com

Address: 155 Passaic Avenue, Suite 350, Fairfield NJ 07004

APPLICANT'S ARCHITECT: same as engineer

Telephone Number: () _____ Email: _____

Address: _____

APPLICANT'S PLANNER: same as engineer

Telephone Number: () _____ Email: _____

Address: _____

OTHER EXPERT(S): N/A

Telephone Number: () _____ Email: _____

Address: _____

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

N/A

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 Project Description (EX. C)
- 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 Project Description (EX. C)
- 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. see attached Project Description (EX. C)
- 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. see attached Project Description (EX. C)
- 4D) (*For D variances only*) State the special reasons under *N.J.S.A 40:55D-70d* affecting this property. N/A
- 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. see attached Project Description (EX. C)

H. PLAT SUBMISSION

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

ITEM (5 SETS)	SIGNED BY	DATE/REVISION
Site Plan Set (23 Sheets)	J. Michael Petry, P.E., P.P., A.I.A.	January 31, 2025
Floor Plans and Elevations (7 Sheets)	J. Michael Petry, P.E., P.P., A.I.A.	December 23, 2024
Boundary Survey (1 Sheet)	Zdravko Lucin, P.L.S.	February 29, 2012
Stormwater Management Report	J. Michael Petry, P.E., P.P., A.I.A.	December 27, 2024
Stormwater Maintenance Manual	J. Michael Petry, P.E., P.P., A.I.A.	December 27, 2024

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.

Acknowledged. Applicant will publish and serve notice of this application upon the Board's scheduling of a hearing date.

J. 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.

ORANGE PROSPECT LLLC

Applicant's Signature: [Signature]

Date: 2/13/25

Name (print): ARKADUSZ ERIC BAGINSKI

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 statute time limit, the applicant grants permission for such an extension.

ORANGE PROSPECT LLLC

Applicant's Signature: [Signature]

Date: 2/13/25

Name (print): ARKADUSZ ERIC BAGINSKI

OWNER'S AUTHORIZATION - MUST BE SIGNED

I hereby certify that ~~XXXXX~~ Orange Prospect LLC

is in the County of Essex and the State of New Jersey;

~~XXXXX~~ is the owner of all that certain lot, piece or parcel of land known as Block(s) 151;

Lot(s) 17.01 on the Tax Map of West Orange 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.

ORANGE PROSPECT LLLC

Owner's Signature: [Signature]

Date: 2/13/15

Name (print): ARKADUSZ ERIC BAGINSKI

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: ORANGE PROSPECT LLC (Block 151, Lot 17.01)

[illegible]

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.		Pre-Application - Concept Plan	Major Application						COMPLETE	INCOMPLETE	W/AVIEW REQUESTED	
Item Number	Description		Minor Application		General Development Plan	Subdivision		Site Plan				
			Subdivision	Site Plan		Preliminary	Final	Preliminary				Final
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	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	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	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	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	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	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	X		
19.	<u>Item:</u> All proposed lot lines and area of lots in square feet.		X	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	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	N/A		
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			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											
23. <u>Item</u> : List of required regulatory approvals or permits. <u>Comment</u> : Basic planning information. €			X	X	X		X		X			
24. <u>Item</u> : List of variances required or requested. € <u>Comment</u> : Basic planning information.			X	X		X	X	X	X			
25. <u>Item</u> : 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. <u>Item</u> : Payment of application fees. <u>Comment</u> : Fee not imposed for pre-application conference.		X	X	X	X	X	X	X	X			
27. <u>Item</u> : 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. <u>Item</u> : 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. <u>Item</u> : 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. <u>Item</u> : 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				X			

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.		Pre-Application - Concept Plan			Major Application				COMPLETE	INCOMPLETE	W/AVER REQUESTED	
Item Number	Description		Minor Application		General Development Plan	Subdivision		Site Plan				
			Subdivision	Site Plan		Preliminary	Final	Preliminary				Final
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			
41.	<u>Item:</u> Road and paving cross-sections and profiles. <u>Comment:</u> See Item 40.					X	X	X	X			
42.	<u>Item:</u> Proposed street names. <u>Comment:</u> Applicable only when new road is proposed.					X	X	X	X	X		
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			N/A		
44.	<u>Item:</u> Lighting plan & details. <u>Comment:</u> Not applicable for minor subdivision because just creating lots.			X		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	X		
46.	<u>Item:</u> Solid waste management plan. <u>Comment:</u> Site plan consideration only; see Item 44.			X				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	X		

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

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

*to the extent that Non-residential development fees are applicable, Applicant will supply same to the Township tax department.

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

REVISED: 8/30/05 aw

F:\Forms & Awards\PB-ZBAPP.FRM\CHECKLST\CHECKLST.FRM

SUSTAINABILITY CHECKLIST FORM

SUSTAINABLE BUILDING AND DESIGN STANDARDS	APPLICANT – PRINT OR TYPE – ALL SECTIONS TO BE COMPLETED:	TOWNSHIP OK (Date)
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 \$25,0000:	N/A	
Use of any water efficient landscaping:	N/A	
Use of any on-site renewable energy systems such as: (i) Solar (ii) Wind (iii) Geothermal	N/A	
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	See Stormwater Maintenance Manual.	
A list of native and well adapted species used in landscaping to eliminate the need for fertilization and pesticides:	See Tree Replacement Plan (Sheet TR-2)	

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

EXHIBIT A

CORPORATE OWNERSHIP DISCLOSURE FOR ORANGE PROSPECT, LLC

Applicant: Orange Prospect, LLC (111 Prospect Avenue, West Orange, New Jersey 07052)

Property: Block 151, Lot 17.01 (111 Prospect Avenue, West Orange, New Jersey 07052)

In accordance with the ownership disclosure requirements of the New Jersey Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-48.1 et seq., the Applicant acknowledges that the following individuals have at least a 10% interest in Applicant:

- Eric Baginski
15 Fairfield Place
West Caldwell, New Jersey 07006
- Dariusz Kida
92 Windsor Drive
Pine Brook, New Jersey 07058

EXHIBIT B

PB-92-10

PLANNING BOARD RESOLUTION
GRANTING VARIANCES AS TO LOT
COVERAGE, SET BACK AND PARKING
AND
CONDITIONALLY APPROVING THE
AMENDED SITE PLAN APPLICATION
AND
CONDITIONALLY APPROVING THE MINOR
SUBDIVISION APPLICATION
BY BOW AND ARROW MANOR, LOCATED
AT PROSPECT AVENUE, BEING BLOCK
151, LOTS 15, 15.02, 17.02, 17.04, &
17.06 AND BLOCK 151.03, LOTS 13, 205,
206, 207, 208, 209, 210, 210, & 211,
ZONE B-2

WHEREAS the Planning Board of the Township of West Orange, at its regular meetings held on January 6, 1993, February 3, 1993, March 3, 1993, April 14, 1993, and June 2, 1993, considered the application for a variance from the requirements of maximum lot coverage of 34.5% as limited by the steep slope section of the Zoning Ordinance, a minimum side yard of 125 feet on the north side, a minimum driveway set back of 50 feet, a minimum set back for the free standing sign of 50 feet and a minimum of 128 parking spaces for the Hotel as required by the West Orange Zoning Ordinance, which application was submitted by Bow and Arrow Manor, Inc., through their attorney, Robert C. Williams, Esq.; and

WHEREAS the Planning Board considered the concurrent applications for amended site plan approval and minor subdivision approval; and

WHEREAS the Planning Board considered the presentation of Robert C. Williams, Esq., Attorney for the applicant, and the testimony of Mr. Harry Knowles, for the Bow & Arrow, Inc., Mr. J. Michael Petry, P.E., the applicant's project engineer, Mr. Joseph Courter, Mr. Jeffrey Hendricks, S.R.A. and Mr. Peter Steck, P.P., and Harold K. Maltz, P.E., the traffic engineer retained for the Township, and the various Exhibits A 1-A 13 that were placed in evidence; and

WHEREAS the general public having been given an opportunity to be heard, the Planning Board made the following findings of fact:

1. The applicant is continuing an existing use on a portion of the site, and the applicant agreed that the occupancy limit of the Manor restaurant shall be 1,437. The current use has 572 parking spaces and the applicant will submit a joint parking agreement between the "Manor" and the "Hotel".

2. The property, which is the subject of this application, has exceptional topographical conditions which uniquely affect its use. The excessive steep slopes occur around the perimeter of the existing parking lot and are toward the west.

3. The 80 foot side yard, as opposed to the 125 foot requirement to the north, will have no detrimental effect as the adjoining property to North is a golf course and there are no residential buildings there, other than one caretaker's cottage.

4. Similarly 25 foot driveway set back, as opposed to the 50 foot requirement will have no detrimental effect as the adjoining property to North is a golf course, and the traffic expert believed that it would improve traffic safety and benefit the community to have the driveway in that location.

5. The addition of a fine hotel to match the ambiance of the restaurant will be a benefit to the Township.

7. The requested variances will not substantially impair the intent and purpose of the Master Plan and Zoning Ordinance of the Township of West Orange. The strict application of the regulations of the Zoning Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the applicant without any similar benefit to adjoining property owners.

NOW, THEREFORE, BE IT RESOLVED that, conditioned upon the approval of the Amended Site Plan Application and the Minor Subdivision Application for property located at Prospect Avenue, being Block 151, Lots 15, 15.02, 17.02, 17.04, & 17.06 and Block 151.03, Lots 13, 205, 206, 207, 208, 209, 210, 210, & 211, Zone B-2, in the Township of West Orange, the application for a variance from the requirements of maximum lot coverage of less than 40% as opposed to the 34.5% as limited by the steep slope section of the Zoning Ordinance, a minimum side yard of 80 feet as opposed to 125 feet required on the north side, a minimum driveway set back of 25 feet as opposed to 50 feet required, a minimum set back (in line with the existing "Manor" sign) for the free standing sign as opposed to 50 feet required, and a minimum of 95 parking spaces as opposed to 128 parking spaces required for the Hotel, be and hereby is granted subject to the following conditions:

1. The applicant shall submit an as built site plan.
2. The impervious coverage shall be less than 40 percent of the "Hotel" lot.
3. The sign shall conform to the size limit of the zoning ordinance.

BE IT FURTHER RESOLVED that, the Planning Board approves the Environmental Impact Statement submitted as part of the application.

WHEREAS the general public having been given an opportunity to be heard, the Planning Board made the additional findings of fact:

The applicant agreed to construct the Prospect Avenue improvement outlined in the February 24, 1993, Traffic Study of Harold K. Maltz, P.E., subject to the approval of the

County of Essex. The applicant further agreed that it would use its best effort to obtain Essex County approval.

BE IT FURTHER RESOLVED that, as the application now complies with the West Orange Zoning Ordinance, the Amended Site Plan application, dated January 29, 1993, revised April 23, 1993, submitted by the Bow & Arrow Manor, for property located at Prospect Avenue, being Block 151, Lots 15, 15.02, 17.02, 17.04, & 17.06, and Block 151.03, Lots 13, 205, 206, 207, 208, 209, 210, 210, & 211, Zone B-2, in the Township of West Orange, be and hereby is approved subject to the following conditions:

1. The approval of the Minor Subdivision.
2. The applicant shall submit a joint parking agreement, subject to the approval of the Township Planner and the Planning Board Attorney.
3. The impervious coverage shall be less than 40 percent of the "Hotel" lot.
4. The applicant shall submit an as built site plan prior to the issuance of a Certificate of Occupancy.
5. The applicant shall require that all construction equipment must enter and leave the site by way of Prospect Avenue.
6. The obstruction to the view of exiting traffic shall be cleared and maintained clear, subject to the approval of the Municipal Engineer.
7. The applicant shall limit the occupancy of the "Manor" to 1,437 seats.
8. The applicant shall maintain and/or construct a six foot high wood stockade fence along the rear of the property, the location shall be subject to the approval of the Planning Director.
9. The landscaping shall be in accordance with the landscaping plan dated January 29, 1993, revised November 8, 1993; this plan shall utilize the tiered, walled concept, subject to the approval of the Township Planner, Township Forester, and the Township Environmental Commission.
10. The applicant shall contribute its fair share, \$20,000, as determined by the Municipal Engineer, for the installation of traffic signals at the intersection of Prospect Avenue and Woodland Avenue.
11. The applicant shall install low water use fixtures throughout the "Hotel" as well upgrade the plumbing fixtures at the "Manor" to low water use fixtures where necessary, subject to the approval of the Municipal Engineer.
12. The applicant shall remove from the sanitary sewer system any extraneous flow, such as the cooling water for the refrigerating equipment.
13. The applicant shall install grease traps and grit chambers for all kitchen facilities at the "Manor" and at the "Hotel."

14. The applicant shall pay its fair share of off tract sewer improvements as established by Ordinance 824-86 for the South Mountain Relief Sewer and the new Vitro Pump Station and Force Main.

15. The applicant shall analyze the detention requirements and resubmit them to the Municipal Engineer for his approval using the most conservative design for the detention chamber. The detention chamber must have a means to collect and remove debris.

16. The final design of the site grading and drainage swale at the rear of the "Hotel" site, adjacent to the Deerfield Road residences shall be subject to the approval of the Municipal Engineer.

17. The applicant shall submit a solution to the runoff problems from the existing "Manor" parking lots, subject to the approval of the Municipal Engineer.

18. The applicant shall enter into to a developer's agreement controlling the sequence of development and the establishing the appropriate amount of bonds to assure compliance with the conditional approval granted herein.

19 This application is subject to the Township's Development Fee Ordinance for low and moderate income housing and the applicant shall pay the appropriate fee.

20. Subject to the approval of the Essex County Planning Board, the Hudson-Essex-Passaic Soil Conservation District and the New Jersey Department of Environmental Protection and Energy for a sewer extension permit.

BE IT FURTHER RESOLVED that the Subdivision is classified as a Minor Subdivision, and

BE IT FURTHER RESOLVED that the Minor Subdivision application, dated January 29, 1993, submitted by the Bow & Arrow Manor, for property located at Prospect Avenue, being Block 151, Lots 15, 15.02, 17.02, 17.04, & 17.06 and Block 151.03, Lots 13, 205, 206, 207, 208, 209, 210, 210, & 211, Zone B-2, in the Township of West Orange, be and hereby is approved subject to the following condition:

1. The applicant shall consolidate by deed all lots, so that there is one lot for the "Manor" and one lot for the "Hotel."

The foregoing is a true copy of the resolution adopted by the Planning Board of the Township of West Orange.

Dated: December 1, 1993


Migdalia Wagner, Secretary

**Signed Site Plans Required
Prior to the Issuance of
Building Permits**

2/12
PB-96-08

*Moran
Smith*

**PLANNING BOARD RESOLUTION AMENDING
SITE PLAN APPROVAL GRANTED TO
BOW AND ARROW MANOR, INC.
BY RESOLUTION PB-92-10
FOR PREMISES LOCATED AT
111 PROSPECT AVENUE, BEING BLOCK 151,
LOTS 15, 15.02, 17.02, 17.04, 17.05 & 17.06,
AND BLOCK 151.03, LOTS 13, 205, 206, 207, 208, 209,
210, & 211**

*1409
Lump
on
manor*

WHEREAS the Planning Board of the Township of West Orange, at its regular meetings held on August 7, 1996 and September 4, 1996, considered the application for an amendment to an existing site plan approval, subdivision, variances and conditional use approval granted by the Board pursuant to Resolution PB-92-10 previously filed by Bow and Arrow Manor, Inc. for premises commonly referred to as 111 Prospect Avenue, West Orange, New Jersey; and

WHEREAS, the Planning Board considered the presentation of Robert C. Williams, Esq., attorney for the applicant, and the testimony of J. Michael Petry, P.E., P.P., R.A., the applicant's project engineer; and

WHEREAS, the Planning Board had the opportunity to review the amended site plan prepared by J. Michael Petry, P.E., P.P., R.A. dated January 17, 1996 with amendments through February 20, 1996, along with the floor plans and elevations prepared by Jonathan Nehmer and Associates, Inc. dated March 7, 1996; and

WHEREAS, the Planning Board having found that the jurisdictional requirements have been met and that proper notice was provided pursuant to the Municipal Land Use Act; and

WHEREAS, the Planning Board made the following findings of fact:

1. That the amended site plan provide a state of the art hotel which will have less impact on surrounding properties as a result of the amendments and modifications which have been made, including but not limited to the following:

A. The amendment to the site plan has reduced the number of buildings proposed for the hotel from 5 to 3 and the number of rooms contained therein has been reduced from 128 to 122.

B. The parking on the hotel site has been increased from 95 to 96 spaces.

C. The space in between the buildings has increased from 19.5 feet to 30.33 feet.

D. The building set-backs have been increased along with the parking set-backs which will have a beneficial impact on adjacent residences.

E. The applicant has agreed to a reduction in the occupancy of its adjacent restaurant, The Manor Restaurant, from 1437 to 1404.

F. The applicant has removed the outdoor sport court and relocated the swimming pool to inside the building; and

WHEREAS, the Planning Board has determined that the amended site plan provides a more efficient and attractive site and still qualifies the project as a conditional use pursuant to the West Orange Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board approves the amended site plan as referred to above and further approves and grants a waiver for an amended Environmental Impact Statement and Traffic Report since it has determined that

the amendments prepared by the applicant have no impact on the previously submitted studies; and

BE IT FURTHER RESOLVED, that the application for an amended site plan is hereby approved subject the following special conditions:

1. The approval of the Minor Subdivision pursuant to Resolution PB-92-10.
2. The applicant shall submit a joint parking agreement, subject to the approval of the Township Planner and the Planning Board Attorney.
3. The impervious coverage shall be less than 40 percent of the "Hotel" lot.
4. The applicant shall submit an as built site plan prior to the issuance of a Certificate of Occupancy.
5. The applicant shall require that all construction equipment must enter and leave the site by way of Prospect Avenue, except for the construction of the sewer connection.
6. The obstruction to the view of existing traffic shall be cleared and maintained clear, subject to the approval of the Municipal Engineer on Prospect Avenue.
7. The applicant shall limit the occupancy of the "Manor Restaurant" to 1,404 seats.
8. The applicant shall construct a six foot high board-on-board fence along the rear of the property, on the hotel site only, subject to the approval of the Planning Director.
9. The landscaping shall be in accordance with the landscaping plan submitted with the amended application by J. Michael Petry, P.E., P.P., R.A. dated January 17, 1996 and amended through February 20, 1996 which shall be further subject to the approval of

the Township Planner, Township Forester, and the Township Environmental Commission.

10. The applicant shall contribute its fair share, \$20,000.00, as determined by the Municipal Engineer, for the installation of traffic signals at the intersection of Prospect Avenue and Woodland Avenue.

11. The applicant shall install low water use fixtures throughout the "Hotel" as well as upgrade the plumbing fixtures at the "Manor Restaurant" to low water use fixtures where necessary, subject to the approval of the Municipal Engineer.

12. The applicant shall remove from the sanitary sewer system any extraneous flow, such as the cooling water, for the refrigerating equipment.

13. The applicant shall install grease traps and grit chambers for all kitchen facilities at the "Manor Restaurant" and at the "Hotel".

14. The applicant shall pay its fair share of off tract sewer improvements as established by Ordinance 824-86 for the South Mountain Relief Sewer and the new Vitro Pump Station and Force Main.

15. The applicant shall analyze the detention requirements and resubmit them to the Municipal Engineer for his approval, using the most conservative design for the detention chamber. The detention chamber must have a means to collect and remove debris.

16. The final design of the site grading and drainage swale at the rear of the "Hotel" site, adjacent to the Deerfield Road residences, shall be subject to the approval of the Municipal Engineer.

17. The applicant shall submit a solution to the runoff problems from the existing "Manor Restaurant" parking lots, subject to the approval of the Municipal Engineer.

18. The applicant shall enter into a developer's agreement controlling the sequence of development and the establishing of appropriate amounts of bonds to assure compliance with the conditional approval granted herein.

19. The application is subject to the Township's Development Fee Ordinance for low and moderate income housing and the applicant shall pay the appropriate fee.

20. The application is subject to the approval of the Essex County Planning Board, the Hudson-Essex-Passaic Soil Conservation District, and the New Jersey Department of Environmental Protection and Energy for a sewer extension permit.

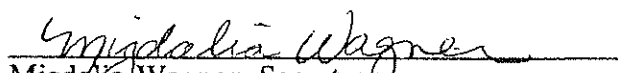
21. Applicant shall add shutters to the facade of the building, subject to the approval of the Planning Director.

All other terms of the previous approvals granted by the Planning Board by Resolution dated December 1, 1993 (PB 92-10) which are not part of the amended approval remain in full force and effect and are attached hereto.

BE IT FURTHER RESOLVED, by the Planning Board of the Township of West Orange that all approvals to the extent necessary shall be extended to September 4, 1997 or until such time thereafter as the legislature may extend the Permit Extension Act.

The forgoing is a true copy of the resolution adopted by the Planning Board of the Township of West Orange.

Dated: Oct. 9, 1996


Migdalia Wagner, Secretary

CONDITIONS OF PB 92-10

1. Variance conditioned upon (Page 2)

- (1) The applicant shall submit an as built site plan.
- (2) The impervious coverage shall be less than 40 percent on the "Hotel" lot.
- (3) The sign shall conform to the sign limit of the zoning ordinance and shall be similar to the sign at the "Manor Restaurant".

2. Minor Subdivision Approval Conditioned upon (Page 4)

- (1) The applicant shall consolidate by deed all lots, so there is one lot for the "Manor Restaurant" and one lot for the "Hotel".

PB-97-21

PLANNING BOARD RESOLUTION EXTENDING SITE PLAN APPROVAL
SUBDIVISION, VARIANCES AND CONDITIONAL USES
GRANTED TO BOW AND ARROW MANOR, INC.
BY RESOLUTION PB-92-10 AND AMENDED BY
RESOLUTION PB 96-08 FOR PREMISES LOCATED
AT 111 PROSPECT AVENUE, BEING BLOCK 151,
LOTS 15, 15.02, 17.02, 17.04, 17.05 & 17.06, AND
BLOCK 151.03, LOTS 13, 205, 206, 207, 208, 209,
210, & 211

WHEREAS the Planning Board of the Township of West Orange, at its regular meeting held on September 3, 1997 considered the application for an extension to existing site plan approval, subdivision, variances and conditional use approval granted by the Board pursuant to Resolution PB-92-10 and amended and extended through PB 96-08 on behalf of Bow and Arrow Manor, Inc. for premises commonly referred to as 111 Prospect Avenue, West Orange, New Jersey; and

WHEREAS, the Planning Board considered the presentation of Robert C. Williams, Esq., attorney for the applicant, and

WHEREAS, the Board was advised that the applicant had received conditional approval from the Essex County Planning Board on May 13, 1997 and received a Sanitary Sewer Extension Permit for the premises on July 23, 1997; and

WHEREAS, the Board has determined that just cause has been shown for an additional two year extension of all prior approvals; and

WHEREAS, the Planning Board having found that the jurisdictional requirements have been met and proper notice was provided pursuant to the Municipal Land Use Act; and

WHEREAS, the Board made the following findings of fact:

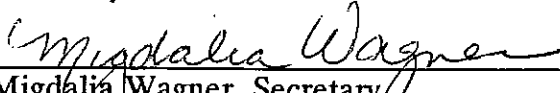
1. That the request of the applicant is necessary for the completion of the project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board approves the extension requested by the applicant which shall extend through and including September 8, 1999; and

BE IT FURTHER RESOLVED, that the application is extended with all prior special conditions remaining in full force and effect and are incorporated herein by reference.

The forgoing is a true copy of the resolution adopted by the Planning Board of the Township of West Orange at its regular meeting held on October 8, 1997.

Dated: October 8, 1997


Migdalia Wagner, Secretary

BOARD OF ADJUSTMENT
OF
THE TOWNSHIP OF WEST ORANGE
RESOLUTION
ZB-98-07

WHEREAS, Bow & Arrow Manor, Inc., the ("The Applicant"), hereinafter referred to as Manor, located at 111 Prospect Avenue, West Orange, New Jersey, 07052, and being the owner of said property where it owns and operates a restaurant known as "The Manor";¹ applied to the West Orange Zoning Board of Adjustment ("The Board"), to erect and operate a hotel which will be known as "Residence Inn by Marriott at The Manor" which will require a use variance because it is located in the B-2 Zone because it will exceed the maximum lot coverage of 40%, a condition pursuant to the ordinance for conditional use approval thus requiring the Zoning Board consideration and approval, together with a height variance for 3 stories instead of 2 1/2 and for various "C" variances for parking for 96 spaces instead of 122 spaces as required, a driveway distance from the residential zone (golf course) of 25 feet instead of 50 feet as required, permission to park in the front yard of the Hotel where it is not allowed, a side yard setback of 50 feet instead of 75 feet as required, a buffer strip to the residential district of 48.40 feet on the side and 73.82 feet in the rear instead of the 75 feet in addition to the required setback that is required and also sub-division approval and preliminary and final site plan approval in connection with constructing a 122 bed hotel; and free standing sign approval for the Hotel; being Block 151, Lots 15, 15.02, 17.02, 17.04, 17.05 and 17.06; and Block 151.03,

Lots 13, 205, 206, 207, 208, 209, 210 and 211 with a proposal for a sub-division into 2 lots wherein the restauraant banquet facility known as "The Manor" will continue on Lot 17.01 and the proposed hotel adjoining it will be on Lot 15.01; being in the B-2 Zone, wherein it is a conditional use; and

WHEREAS, the Applicant presented proof that adequate notice of the hearing on said application was published in The West Orange Chronicle, one of the official newspapers of the Board; and

WHEREAS, the Applicant submitted proof of service of hearing upon all property owners within 200 feet of the property; and

WHEREAS, the application was heard at public meetings of the Board on April 23, 1998 and May 14, 1998; and

WHEREAS, the Applicant made their presentation through Robert C. Williams, Esq., as their attorney; and submissions included a title sheet prepared and signed by McCumsey-Petry, Engineers dated November 18, 1997 and revised March 31, 1998; a Minor Sub-Division prepared and signed by McCumsey-Petry, Engineers dated January 29, 1993 and revised June 17, 1997; Overall Parking Plan prepared and signed by McCumsey-Petry, Engineers dated November 15, 1997 and revised March 31, 1998; Layout Sheet, prepared and signed by McCumsey-Petry, Engineers dated November 15, 1997 and revised March 31, 1998 Alternate Layout Plan dated April 23, 1998, revised May 15, 1998 by McCumsey-Petry, Engineers; Grading and Drainage Plan prepared and signed by McCumsey-Petry, Engineers dated November 15, 1997; Lighting and Landscaping Plan

prepared and signed by McCumsey-Petry, Engineers dated November 15, 1997 and revised March 31, 1998; Soil Erosion and Sediment Control Plan prepared and signed by McCumsey-Petry, Engineers dated November 15, 1997 and revised March 31, 1998; Storm Sewer Profiles prepared and signed by McCumsey-Petry, Engineers dated November 15, 1997; Sanitary Sewer Profile & Details, prepared and signed by McCumsey-Petry, Engineers dated November 15, 1997; Details, Page 10 of 11, prepared and signed by McCumsey-Petry, Engineers dated November 15, 1997; Details - Page 11 of 11, prepared and signed by McCumsey-Petry, Engineers dated November 15, 1997 and revised March 31, 1998; Architectural Cover Sheet prepared by Robert Waldron, Registered Architect, undated; Ground Floor, First Floor, Second Floor, and Roof Plan, all prepared and signed by Robert Waldron, Registered Architect, and each dated October 7, 1997; Elevations (Page 5) and Elevations (Page 6) prepared and signed by Robert Waldron, Registered Architect, each dated October 7, 1997 revised April 1, 1998; Sections (Page 7), prepared and signed by Robert Waldron, Registered Architect, and Typical Units, prepared and signed by Robert Waldron, Registered Engineer, each dated October 7, 1997 together with various exhibits presented at the public hearing and viewed by the members of the Board and those in attendance in the audience; and

WHEREAS, the Applicant presented various witnesses, who included J. Michael Petry, Professional Engineer and Professional Planner, Robert Waldron, Registered Architect and Peter G. Steck, Licensed Planner, who satisfied the positive and negative criteria

required; and testified that the use of a restaurant and banquet facility with a hotel adjoining it represented uses that complemented each other and that represented the highest and best use of the property and that because of shared parking and sharing other facilities, represented a lesser impact on the property and one that would not negatively impact on the surrounding area; and

WHEREAS, the Applicant submitted copies of three prior Planning Board Resolutions, being PB-92-10 adopted on December 1, 1993 granting certain variances and conditionally approving the Amended Site Plan Application and Minor Sub-Division Application; PB-96-08 adopted on October 9, 1996 extending the approvals previously granted in the prior resolution to September 4, 1997; and PB-97-21 adopted October 8, 1997 extending the approvals previously granted through September 8, 1999; and

WHEREAS, the Board considered 2 reports prepared by Harold K. Maltz, Professional Engineer and Professional Planner of Hamal Associates Inc. as a Traffic Expert and his testimony as having been hired by the Board concerning the project and indicating his approval because the Applicant had revised their plans in order to comply with the requirements of the said Harold K. Maltz and the Engineering Department of the Township of West Orange with whom there had been concurrence with the said Harold K. Maltz; and

WHEREAS, a sanitary sewer easement was recorded and met with the satisfaction of the Board; and

WHEREAS, Bill Herinya resident at 23 Deerfield Drive, West Orange, New Jersey, questioned the various witnesses of Applicant regarding the easement above referred to and drainage problems and the effect of the new system and also expressed concern with the fence and its location and certain trees on the western side as to whether they would be remaining or would be removed and was assured they would remain; and

WHEREAS, the reports filed by Susan Borg, Township Planner and Allan J. Palmere, Assistant Municipal Engineer together with their respective comments were considered by the Board; and

WHEREAS, Robert Lavitt, the Public Advocate was in attendance and conducted examination of various witnesses as did various members of the Zoning Board of Adjustment expressing concern over the drainage problems, parking problems, safety of persons going from the Manor Restaurant Facility and access for emergency vehicles and limo's and; whether or not there would be an adverse effect upon the area as to traffic or anything else detrimental; and concern that the proposed hotel use remain solely as a hotel use and not become an apartment use to which it could be adapted; and

WHEREAS, no one else appeared at the meeting; and no one else testified in favor of or in opposition to the project; and

WHEREAS, all the facts and data contained in the submitted application and all the facts and testimony adduced at the public hearing on said application are incorporated herein as Finding of Fact of this Board as if set forth at length herein; and

THE BOARD HAVING MADE THE FOLLOWING SPECIFIC FINDINGS OF
FACT AND CONCLUSIONS:

A. Applicant is the owner and operator of a long standing high quality restaurant and banquet facility at 111 Prospect Avenue, West Orange, New Jersey known as The Manor and seeks approval for a hotel to be erected adjoining it.

B. The property consists of approximately 14 acres, is located in the B-2 Zone where a hotel is a conditional use and it is designated as Block 151, Lots 15, 15.02, 17.02, 17.04, 17.05, and 17.06; and Block 151.03, Lots 13, 205, 206, 207, 208, 209, 210, and 211.

C. The Board considered the 3 prior resolutions of the Planning Board adopted noting that the original approval before the West Orange Planning Board on December 1, 1993, bearing number PB-92-10, granted site plan approval with variances for lot coverage, setback and parking and conditional use approval and it consisted of 5 buildings for the development of Summerfield Suites at The Manor as the hotel to be adjoining the Manor Restaurant Facility. It was further noted that on October 9, 1996 the West Orange Planning Board approved an amended site plan which reduced the number of buildings originally approved from 5 to 3 and the number of bedrooms from 128 to 122. The said approval were extended by the West Orange Planning Board Resolution of October 8, 1997 bearing number PB-97-21 through September 8, 1999 and remained in full force and effect. The West Orange Planning Board had jurisdiction for the prior approvals because the hotel use proposed

met all of the conditions of the West Orange Ordinance for Hotels in a B-2 Zone for a conditional use.

D. The present design of the proposed hotel presented to the Zoning Board has reduced the buildings from 3 to 1, but it cannot be built without exceeding the maximum lot coverage of 40% which is a condition pursuant to the ordinance in order to obtain a conditional use approval and also it violates the Steep Slopes coverage requirement. Therefore jurisdiction for this application rests with the Zoning Board.

E. The "Residence Inn by Marriott at The Manor" that is proposed as the hotel adjoining the Manor Restaurant will result in less impact on the surrounding uses.

F. The Applicant proposes to sub-divide the property into 2 lots retaining the restaurant facility known as "The Manor" on proposed Lot 17.01 and "Residence Inn by Marriott at The Manor" which will be the hotel on proposed Lot 15.01. The Applicant will own the hotel but it will be operated by Marriott who has vast experience in such operations in that it can accommodate not only the usual over night accommodations for those attending a banquet or special affair at The Manor which will be next door but also for business persons who must be in the area for longer than over night.

G. Applicant seeks approval for a height variance for 3 stories instead of 2 1/2 stories as permitted although the maximum height of 35 feet will be the same and it appearing that the hotel will not appear as a 3 story structure as the first floor will be

buried and from Prospect Avenue, only floors 2 and 3 will be seen; and in the back floors 1 and 2 will be seen but the 3rd floor will appear as a roof area with dormers so as to complement the area and the adjoining facility of The Manor.

H. The proposed lot coverage, 51.3% exceeds the maximum permitted of 40% and the 51.3% maximum lot coverage also affects the steep slopes lot coverage requirement of 34.5% so as to involve a further use variance requirement.

I. While the number of buildings has been reduced to 1 the number of beds remains at 122 as approved by the Planning Board in a subsequent amended application.

J. The Applicant also seeks various "C" variances which include parking for 96 spaces instead of 122 spaces as required, a side yard setback contiguous to the residential zone (the golf course side) of 50 feet instead of 75 feet as required; a buffer to the residential district of 48.40 feet on the side and 73.82 feet in the rear instead of 75 feet as permitted; parking in the front yard of the hotel which is not permitted; and driveway distance to the residential area of 25 feet instead of 50 feet as required and permitting a free standing sign to be erected that would be suitable to advertise the hotel and will comply with all the requirements of the ordinance applicable to signs and will be substantially the same size as the existing Manor sign.

K. The drainage system will be improved and the plans submitted and approved by the Engineering Department will accommodate the needs of the residents and prevent problems for

them; and a satisfactory sanitary sewer easement has been recorded.

L. There will be shared parking between the hotel and The Manor and the 2 uses side by side complement each other and represent a less intense use of the facilities because they will have shared facilities for parking and other appropriate facilities, and there is no current restaurant proposal for the hotel as the occupants will utilize the Manor.

M. The traffic concerns for the proposed facility were addressed by the engineering department and by Harold Maltz, the Traffic Engineer both in his reports and in his testimony and the requirements expressed by Mr. Harold Maltz and the engineering department have been adopted by the Applicant.

N. Suitable sidewalk and pedestrian routes on the hotel site have been provided for so that guests will not be required to walk through the parking areas to access the hotel and their safety will not be adversely affected.

O. The drainage will be improved by going into a detention basin and only the area of the slope between the parking area and the ditch will drain into the ditch as a berm has been constructed behind the Manor Restaurant.

P. The Applicant also seeks sub-division so that it will be sub-divided into 2 lots, the proposed lot 17.01 to be for the operation for the Manor Restaurant and Catering Facility and the proposed lot 15.01 to be for the "Residence Inn by Marriott at The Manor".

Q. Applicant also requires amended preliminary and final

site plan approval.

R. The traffic situation having been appropriately addressed as testified to by Harold K. Maltz and as covered in his reports, will not lead to traffic congestion or traffic problems and in fact represents a less intense use of the facilities than approved by the Planning Board.

S. The Board noted that should the application before it be denied the application of the Planning Board which has been extended to September 8, 1999 would be the plan that could be completed by the Applicant and would represent a more intense use of the property.

T. The plan submitted for lighting and landscaping and as testified to by the various witnesses will not produce any noxious fumes or generate any disturbing noises to the neighboring properties and their inhabitants.

U. The compatibility of the 2 uses, the Manor Restaurant and Banquet Facility and the Hotel represents a less intensive use for parking as a shared parking facility recommended by the Urban Land Institute as indicated by the testimony of the Professional Planner, Peter G. Steck who testified that the 2 uses, restaurant and hotel complement each other, and represent an appropriate use of the area and represent a reduced impact on the land use which is a recommended purpose of proper planning. The testimony of the Professional Planner also supported the granting of the various "C" variances that are required as above setforth. The proposed use represents the highest and best use of the property.

V. The proposed construction and use is designed to blend in with the character of the neighborhood and will not impact negatively on the surrounding area.

W. Due to the nature of the proposed use, the design of the site, and the on site operation management of the operation, there will be no adverse impact to the health, safety or welfare of the existing residences in the area or to passersby or to the users of the facilities.

X. The purposes of the Municipal Land Use Law will be advanced by the grant of the "D" variances and the "C" variances.

Y. The granting of the "D" variances and the "C" variances will not substantially impair the general purposes of the West Orange Zoning Plan, Master Plan or Zoning Ordinances of West Orange.

Z. The benefits of said variances will substantially outweigh any detriment and will not substantially negatively impact on the surrounding properties and neighborhood.

AA. The proposed building and use is not out of character with the neighborhood, will enhance the utility of the property, and will considerably enhance the neighborhood and benefit the general welfare of the general public and surrounding area by providing a much needed hotel service.

BB. The proposed construction and use does not pose any threat to the safety and well being of anyone in the surrounding area.

CC. The granting of the application will not be a substantial

detriment to the public good.

A motion to grant the Applicant's request for two "D" variances as to height for 3 stories instead of 2 1/2 as permitted and for maximum coverage of 51.3% instead of 40% as permitted and instead of 34.5% as permitted by the Steep Slopes Ordinance on Lot 15.01 and 59.9% as per Steep Slopes where 56.77% is permitted on Lot 17.01, and for "C" variances to include a side yard setback contiguous to the residential zone of 50 feet instead of 75 feet; parking for 96 spaces instead of 122 as required; a side yard buffer to the residential district of 48.40 feet and a rear yard buffer to the residential district of 73.82 feet instead of 75 feet as required; permitting parking in the front yard of the hotel which is not permitted, and the driveway distance to the residential area shall be 25 feet instead of 50 feet as required; and a free standing sign advertising the hotel to conform with the signage requirements of the existing sign ordinance; and for minor sub-division to create 2 lots, one for the hotel and one for the restaurant and banquet facility and for amended preliminary and final site plan approval; was made by Alton Williamson, seconded by Zal Velez and voted upon as follows:

AYESNAYSABSTENTIONS

Abeles
Foster
Gunning
Velez
Weiss
Williamson

0

0

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Adjustment of the Township of West Orange, based upon the Findings

of Fact and Conclusions aforesaid, and upon the laws established in the State of New Jersey, hereby grants Bow & Arrow Manor, Inc., the "D" variances requested for a three story hotel building to be erected instead of a two and a half story in accordance with the plans submitted and for maximum lot coverage to be 51.3% instead of 40% as required by maximum lot coverage provisions and instead of 34.5% as required by the Steep Slopes Ordinance; and does grant the following "C" variances: for side yard setback contiguous to a residential zone of 50 feet instead of 75 feet as required; parking for 96 spaces instead of 122 spaces; side yard buffer 48.40 feet and rear yard buffer 73.82 feet to a residential district instead of 75 feet as required; permitting parking in the front yard of the hotel where it is not permitted and permitting entrance and exit setbacks for the driveway distance to be 25 feet instead of 50 feet as required and for a free standing sign advertising the Hotel to be in accordance with signage requirements of the existing ordinance and grants minor sub-division approval so as to create 2 lots, one for the restaurant and banquet facility known as The Manor and the other for the operation of the hotel to be known as "Residence Inn by Marriott at The Manor"; and for preliminary and final amended site plan approval in order to permit the Applicant to construct a single building 122 bed hotel on property adjacent to the Manor Restaurant & Catering Facility at 111 Prospect Avenue, West Orange, New Jersey in accordance with the plans submitted; and subject to the conditions stated below being satisfied; and

R RESOLVED, that the grant of said variances upon the Applicant's full and complete following conditions:

ditch shall be cleaned out twice per year in debris so that it will be kept clear at all

ed parking agreement between the Hotel and shall be prepared and submitted to the Board ed hereto as Exhibit "A".

l reports as implemented by J. Michael Petry Applicant, are subject to approval of the of the Township of West Orange, which approved report dated June 8, 1998 prepared engineers, entitled "Revised Drainage Report, ect Avenue, West Orange, New Jersey, 07052". ding sign for the Hotel shall be similar to Restaurant.

shall be allowed in the fire zone and/or

t shall pay a development fee of 1% of the ue of the project as determined by the Tax

lock wall with a gate shall be provided to

nce along the entire westerly portion of Lot on board wood fence and shall have suitable

l by the Township

along the entire ig so as not to e to be to the

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16. The approvals granted herein are subject to the approval of the West Orange Fire Department.

17. All Findings of Fact and Conclusions of Law set forth herein are deemed conditions that are binding on the Applicant.

18. As built drawings must be submitted to the Engineering Department for their approval.

19. A tree cutting permit must be obtained by Applicant.

20. Applicant must obtain approvals from New Jersey Department of Environmental Protection, Soil Conservation Service, and the Essex County Planning Board and submit evidence thereof to the Township Planner.

21. Applicant shall contribute to its fair share of off tract sewer improvements as established by Ordinance No. 1328-95 for the South Mountain Relief Sewer in the amount of \$862.50 per bedroom and the Vitro Pump Station in the amount of \$112.50 per bedroom.

22. Complete compliance with the applicable conditions of the prior resolutions of approval of the Planning Board dated October 9, 1996 and December 1, 1993 including but not limited to:

A. The Applicant shall require that all construction equipment must enter and leave by way of Prospect Avenue, except for the construction of the sanitary sewer connection.

B. The Applicant shall install low water use fixture throughout the "Hotel" as well as upgrade the plumbing fixtures throughout the "Manor Restaurant" to low water use fixtures where necessary, subject to the approval of the Municipal Engineer.

C. The Applicant shall remove from the sanitary sewer

system any extraneous flow, such as cooling water, for the refrigerating equipment.

D. The Applicant shall install grease traps and grit chambers for all kitchen facilities at the "Manor Restaurant" and the "Hotel".

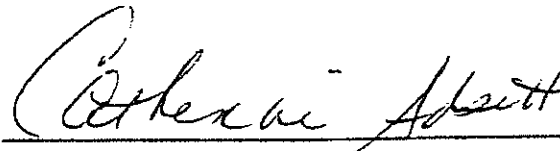
E. The final design of the site grading and drainage swale at the rear of the "Hotel" site, adjacent to the Deerfield Road residences, shall be subject to the approval of the Municipal Engineer.

F. The Applicant shall consolidate by deed all lots, so there will be one lot for the "Manor Restaurant" and one lot for the "Hotel".

23. The Applicant shall execute, prior to the issuance of a Certificate of Occupancy, an Affidavit of Compliance certifying they have fulfilled all conditions set forth herein, which shall be to the satisfaction of the Township Planner, Engineering Department, and Building Department of the Township of West Orange, who shall be furnished with a copy of this resolution. No Certificate of Occupancy shall be issued until receipt of an executed Affidavit of Compliance approved and signed by the Zoning Official.

MOVED BY: Alice Weiss
SECONDED BY: Zal Velez
THOSE IN FAVOR: Gunning, Velez, Weiss, Williamson, Abeles
THOSE OPPOSED: 0
ABSTENTIONS: 0

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 June 18, 1998 and that said Resolution memorializes the action of the Zoning Board taken at its meeting held on May 14, 1998, granting said application by a vote of 6 in favor and 0 against.

A handwritten signature in cursive script, reading "Catherine Adsitt", is written over a horizontal line.

CATHERINE ADSITT, Board Secretary

BOARD OF ADJUSTMENT
OF
THE TOWNSHIP OF WEST ORANGE
RESOLUTION
ZB-99-10

WHEREAS, the Zoning Board of Adjustment of the Township of West Orange ("The Board") at a regular meeting held on July 15, 1999 considered an application submitted by Bow & Arrow Manor, Inc. located 111 Prospect Avenue, West Orange, New Jersey, 07052 to extend the time period for a previously granted site plan approval and various variances granted by the Board by resolution adopted June 18, 1998 granting a "D" variance for the building of a hotel, and for various "C" variances required in connection therewith, for premises on Prospect Avenue, West Orange, New Jersey being Lots 15.03 and 17.01 in Block 151, located in Zone B-2 and at which time site plan approval was also granted; and

WHEREAS, the Applicant presented proof that adequate notice of the hearing on said application was published in The West Orange Chronicle, one of the official newspapers of the Board; and

WHEREAS, the Applicant submitted proof of service of the notice of the hearing upon all property owners within two hundred feet of the property; and

WHEREAS, the Board considered the presentation of Robert C. Williams, Esq., attorney for the Applicant to support the application for the extension; and

WHEREAS, Robert C. Williams, Esq., explained to the Board that there was a delay initially because the Essex County Planning Board did not grant their approval until August, 1998; and that in connection with the application for the mortgage loan from the lender revisions had to be made in the plans which they are in the process of now doing; and the lender must be satisfied that there is sufficient time to complete the project; and it appears that final construction drawings will not be completed until the fall of 1999; and generally good cause was presented for extending the time to obtain the building permit to August 11, 2000 and for the completion of the building to August 11, 2002. It was indicated that construction will be started in the Spring of 2000; and

WHEREAS, the report of Susan Borg, Township Planner, and her comments were considered; and

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

WHEREAS, no one else appeared on behalf of or in opposition to the application; and

WHEREAS, all the facts and data contained in the application submitted and all the facts and testimony adduced at the hearing, are incorporated herein as Findings of Fact of the Board as set out at length herein; and

THE BOARD HAVING MADE THE FOLLOWING SPECIFIC FINDINGS OF FACT AND CONCLUSIONS:

A. Applicant is the owner of premises 111 Prospect Avenue, West Orange, New Jersey, being Lots 15.03 and 17.01 in Block 151 as

shown on the Tax Maps of the Township of West Orange.

B. The property is located in a B-2 Zone.

C. On June 18, 1998 the Zoning Board adopted a resolution granting approvals of a "D" variance and various "C" variances in order to permit the erection of a 122 bed hotel at the site.

D. The Applicant now seeks to extend the time for obtaining the building permit and the time for completion of the building beyond the required period.

E. The Applicant gave good and sufficient reasons to support their application, indicating that there was a delay in obtaining the Essex County Planning Board approval until August, 1998, that in connection with negotiations with the mortgage lender there has been a delay in design approvals and plans and final construction drawings must be revised and completed by the fall, 1999.

F. The Applicant seeks an extension to obtain the building permit to August 11, 2000 and for completion of the building to August 11, 2002, it being expected that construction will start in the spring of 2000.

G. It was deemed by the Board that the granting of the approval for the extension was supported by good and sufficient reasons and that the granting of the relief sought will not substantially impair the intent and purpose of the West Orange Zoning Plan, Master Plan or Zoning Ordinances of West Orange.

H. The purposes of the Municipal Land Use Law will be advanced by the granting of the extension as it will assist in the completion of the development in accordance with the resolution

adopted.

I. The granting of the extension will not impair the general purposes of the Zoning Plan, Master Plan or Zoning Ordinances of the Township of West Orange.

A motion to grant the Applicant's request to extend the time to obtain a building permit to August 11, 2000 and to extend the time for completing the proposed construction to August 11, 2002 relating to the variances granted by the Zoning Board by resolution adopted June 18, 1998 providing for the construction of a 122 bed hotel on Prospect Avenue, West Orange, New Jersey, was made by William Sullivan, and seconded by Zal Velez and voted upon as follows:

AYES

NAYS

ABSTENTIONS

Buechler
Gunning
Rosenberg
Sullivan
Vecchio
Velez
Weiss

0

0

NOW, THEREFORE, be it resolved that the Zoning board of Adjustment of the Township of West Orange, based on the findings of fact and conclusions aforesaid, and upon the laws established in the State of New Jersey, hereby grants the Applicant, Bow & Arrow Manor, Inc., extension of time for obtaining a building permit to August 11, 2000 and extension of time for completing the construction involved until August 11, 2002 concerning the erection of a 122 bed hotel on Prospect Avenue, West Orange, New Jersey pursuant to a resolution adopted by the Board on June 18, 1998

granting the Applicant the relief sought consisting of a "D" variance and various "C" variances as therein stated; and site plan approval; and

BE IT FURTHER RESOLVED, that the granting of the aforementioned extention for the obtaining of the building permit and the compeletion of the construction shall be conditioned upon the Applicant's full and complete satisfaction and completion of the following conditions:

1. All conditions imposed by Zoning Board resolution adopted June 18, 1998 shall continue and remain in full force and effect hereunder as more particularly stated as follows:

A. The drainage ditch shall be cleaned out twice per year in order to remove all debris so that it will be kept clear at all times.

B. A joint shared parking agreement between the Hotel and The Manor Restaurant shall be prepared and submitted to the Board for approval.

C. All plans and reports as implemented by J. Michael Petry the engineer for the Applicant, are subject to approval of the Engineering Department of the Township of West Orange, which department specifically approved report dated June 8, 1998 prepared by McCumsey & Petry, Engineers, entitled "Revised Drainage Report, Manor Hotel, 111 Prospect Avenue, West Orange, New Jersey, 07052".

D. The free standing sign for the Hotel shall be similar to that used by The Manor Restaurant.

E. No parking shall be allowed in the fire zone and/or

emergency drive areas.

F. The Applicant shall pay a development fee of 1% of the equalized assessed value of the project as determined by the Tax Assessor.

G. A concrete block wall with a gate shall be provided to enclose the dumpster.

H. The wooden fence along the entire westerly portion of Lot 17.01 shall be a board on board wood fence and shall have suitable landscaping on both sides for screening as required by the Township Planner.

I. The lighting in the rear of the property along the entire back must be screened by appropriate landscaping so as not to interfere with the residential properties, same to be to the satisfaction of the Township Planner.

J. All rubbish and trash in the rear of the property shall be removed and shall be maintained free of any rubbish and trash. The board on board fence as above referred to shall be installed between the rows of the existing Evergreens at the top of the slope.

K. The berm constructed behind The Manor shall remain in its present form.

L. The Hotel to be constructed and operated shall be used as a hotel only so that no person may reside therein more than 30 days in any 90 day period except under extraordinary circumstances.

M. A shuttle service will be provided for use of persons going from The Manor Restaurant facility to the Hotel facility so

as not to subject them to have to walk through parking areas.

N. The grass pavers may be utilized for the pavement and parking areas as designated in the plans submitted. However, if the grass pavers do not function to the satisfaction of the Township, then the emergency driveway shall be constructed of 4" stabilized base, 2" surface course and curbs along the perimeter.

O. No building is permitted without fire hydrants within 700 feet of the proposed structure.

P. The approvals granted herein are subject to the approval of the West Orange Fire Department.

Q. As built drawings must be submitted to the Engineering Department for their approval.

R. A tree cutting permit must be obtained by Applicant.

S. Applicant must obtain approvals from New Jersey Department of Environmental Protection, Soil Conservation Service, and the Essex County Planning Board and submit evidence thereof to the Township Planner.

T. Applicant shall contribute to its fair share of off tract sewer improvements as established by Ordinance No. 1328-95 for the South Mountain Relief Sewer in the amount of \$862.50 per bedroom and the Vitro Pump Station in the amount of \$112.50 per bedroom.

U. Complete compliance with the applicable conditions of the prior resolutions of approval of the Planning Board dated October 9, 1996 and December 1, 1993 including but not limited to:

1. The Applicant shall require that all construction equipment must enter and leave by way of Prospect Avenue, except

for the construction of the sanitary sewer connection.

2. The Applicant shall install low water use fixtures throughout the "Hotel" as well as upgrade the plumbing fixtures throughout the "Manor Restaurant" to low water use fixtures where necessary, subject to the approval of the Municipal Engineer.

3. The Applicant shall remove from the sanitary sewer system any extraneous flow, such as cooling water, for the refrigerating equipment.

4. The Applicant shall install grease traps and grit chambers for all kitchen facilities at the "Manor Restaurant" and the "Hotel".

5. The final design of the site grading and drainage swale at the rear of the "Hotel" site, adjacent to the Deerfield Road residences, shall be subject to the approval of the Municipal Engineer.

6. The Applicant shall consolidate by deed all lots, so there will be one lot for the "Manor Restaurant" and one lot for the "Hotel".

V. The Applicant shall execute, prior to the issuance of a Certificate of Occupancy, an Affidavit of Compliance certifying they have fulfilled all conditions set forth herein, which shall be to the satisfaction of the Township Planner, Engineering Department, and Building Department of the Township of West Orange who shall be furnished with a copy of this resolution. No Certificate of Occupancy shall be issued until receipt of an executed Affidavit of Compliance approved and signed by the Zoning

Official.

2. All revised plans and construction plans involved must be submitted to the West Orange Engineering Department for their approval.

3. All findings of fact and conclusions of law set forth herein are deemed conditions that are binding upon the Applicant.

MOVED BY: Mr. Sullivan

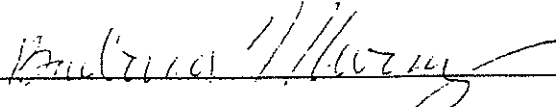
SECONDED BY: Mr. Buechler

THOSE IN FAVOR: 7

THOSE OPPOSED: 0

ABSTENTIONS: 0

I hereby certify that the foregoing Resolution was adopted by the West Orange Zoning Board of Adjustment at its public meeting on August 19, 1999, memorializing the resolution adopted July 15, 1999 granting the application by a vote of 7 in favor and 0 against.


BARBARA MURRAY, Board Secretary

**BOARD OF ADJUSTMENT
OF
THE TOWNSHIP OF WEST ORANGE
RESOLUTION
ZB-00-05**

WHEREAS, Bow & Arrow Manor, Inc., the ("The Applicant"), hereinafter referred to as Manor, located at 111 Prospect Avenue, West Orange, New Jersey, 07052, and being the owner of said property where it owns and operates a restaurant known as "The Manor", applied to the West Orange Zoning Board of Adjustment ("The Board") , to modify its existing site plan for the Residence Inn Hotel previously approved by the Zoning Board on June 18th, 1998, in order to comply with the more modern and updated look for the year 2000 and seeking a "D" height variance, preliminary and final site plan approval and 9 "C" variances. The premises being Block 151, Lot 17.01 and 15.03 in Zone B-2 and also seeks waivers of having a new environmental impact statement , a new drainage report and a new traffic report ; and

WHEREAS, the Applicant presented proof that adequate notice of the hearing on said application was published in The West Orange Chronicle, one of the official newspapers of the Board; and

WHEREAS, the Applicant submitted proof of service of hearing upon all the property owners within 200 feet of the property; and

WHEREAS, the application was heard at public meeting of the Board on May 11th, 2000; and

WHEREAS, the Applicant made their presentation through Robert C. Williams, Esq., as their attorney , and submissions included a Title Sheet, Overall Parking Plan, Layout

Sheet , Grading and Drainage Sheet, Lighting and Landscaping Sheet , and Soil Erosion and Sediment Control Sheet all prepared and signed by McCumsey-Petry, Licensed Engineers and each dated November 15th, 1997 and revised April 5, 2000; Sanitary Sewer Profile , Construction Details, on three different sheets, each prepared and signed by McCumsey-Petry, Licensed Engineers and dated respectively November 15th, 1997 and revised March 3rd, 2000 except for the final Construction Details which is dated July 30th, 1998 and revised August 25, 1998; Architectural Cover Sheet ,Ground Floor , Second Floor, Roof Plan , North and East Elevations, South and West Elevations, North and East Courtyard Elevations and South and West Courtyard, each prepared and signed by Robert Waldron, Licensed Architect and each dated April 7th, 2000 except for the South and West Courtyard Elevations which is dated April 4th, 2000; and

WHEREAS, the Applicant presented evidence of three prior Planning Board Resolutions granted, the first being PB-92-10 granted by the Planning Board adopted December 1, 1993 granting approval of an Amended Site Plan and approving the minor sub division application presented; PB96-08 adopted by the Planning Board on October 9, 1996 granting approval of a Site Plan Amended as presented and PB-97-21 adopted by the Planning Board on October 8th, 1997 extending the Site Plan approval sub division and variances and conditional uses previously granted by them through September 8th, 1999; and

WHEREAS, the Applicant presented evidence of the resolution adopted by the Board of Adjustment under ZB-98-07 on June 18th, 1998 granting the Applicant approval to construct the hotel known as "Residence Inn by Marriot" which included a "D" variance for height and various "C" variances for same, and evidence of a resolution adopted by the Zoning Board under ZB-99-10 on August 19th, 1999 extending the time for completing the construction

involved until August 11th, 2002 for the erection of the hotel; and

WHEREAS, the Applicant presented various witnesses, who included Robert Waldron, Licensed Architect, J. Michael Petry , Licensed Engineer and Professional Planner and Harry Knowles, the owner of Applicant, was sworn but did not testify; and

WHEREAS, Robert Waldron described the various changes in the plans from those that had been approved indicating that the principal purpose thereof was to modernize and update the hotel so that it would be state of the art in accordance with the latest product line of the Residence Inn for the year 2000 and also to enhance the site by providing a more residential character to the hotel; and he indicated that this would increase the number of rooms to 138 from 122 and would result in a slightly higher building, 4 feet 4 inches with a reconfigured parking layout but no increase in parking; J. Michael Petry, Licensed Engineer and Professional Planner testified to the various engineering changes and pointed out the various "C" variances that were required principally because of the special configurations and conditions of the property unique to it and because of special reasons that existed as he explained ; and he testified to the 9 "C" variances required and explained why and the basis for same and supplied the necessary planning reasons to support the granting of same; and testified to the positive and negative criteria to support the "D" height variance needed; and

WHEREAS, the reports filed by Susan Borg, Township Planner and Allan J. Palmere, Assistant Municipal Engineer together with their respective comments were considered by the Board; and

WHEREAS, various Board members questioned the witnesses ; and

WHEREAS, Barry Moskowitz, the Public Advocate did not conduct any

questioning of the witnesses; and

WHEREAS, various residents in the area questioned the witnesses presented; including Robert Frank of 21 Deerfield Drive, West Orange, New Jersey, who complained about not getting prior notice of prior private meetings with representatives of the Applicant; Linda Ljubicich, of 29 Deerfield Drive, West Orange, New Jersey, questioned if anymore trees were to be cut down and whether there would be further landscaping installed ; and David Lawrence of 35 Deerfield Drive, West Orange, New Jersey, gave a public statement stating that he lives directly behind the proposed site and indicates that property values have dropped for him because of a number of large trees having been cut down near their property and that they would have cut down trees on their property if they did not stop the construction man doing it and that with the trees gone they will be able to see the hotel because it is on a hilltop, and therefore he opposed the increase in the hotel size; and

WHEREAS, no one else appeared at the meeting, and no one else testified in favor of or in opposition to the project; and

WHEREAS, all the facts and data contained in the submitted application and all the facts and testimony adduced at the public hearing on said application are incorporated herein as Finding of Facts of this Board as if set forth at length herein and made part hereof; and

**THE BOARD HAVING MADE THE FOLLOWING SPECIFIC
FINDINGS OF FACT AND CONCLUSIONS:**

- A. Applicant is the owner and operator of a long standing high quality restaurant and banquet facility at 111 Prospect Avenue, West Orange, New Jersey known as The Manor and previously by resolution of this Board,

ZB-98-07 adopted on June 18th, 1998 granted approval to build a hotel to be erected adjoining it and thereafter by resolution adopted on August 19th, 1999 under ZB-99-10 extended the time to complete the building of same to August 11th, 2002.

- B. The Planning Board had previously granted 3 different resolutions respectively on December 1, 1993 bearing number PB-92-10 which granted site plan approval with variances for lot coverage and other related items and on October 9, 1996 adopted another resolution approving an amended site plan reducing the number of buildings originally approved; and by resolution of the Planning Board adopted October 8th, 1997 extended the approvals through September 8, 1999.
- C. The premises are known as Block 151, Lots 17.01 and 15.03 on the Tax Maps of the Township of West Orange and is in the B-2 Zone.
- D. The Applicant seeks a "D" height variance because the new plan of the hotel increased to 138 rooms from 122 will be 4 feet 4 inches higher and therefore exceeds the permitted height allowed by ordinance.
- E. The Applicant seeks 9 "C" variances occasioned because of the change in plans and because of the peculiar configurations and topography of the premises which include maximum lot coverage to be 57.4% instead of 40% as required; under steep slopes, maximum density of 97 units instead of 86.2 units as allowed and maximum lot coverage of 59.1% instead of 34.5% as allowed; restaurant set back to residential district of 55 feet on

the side instead of 125 feet; side yard set back contiguous to residential district of 55 feet instead of 75 feet as required; buffer strip on all now residential districts of 28 feet on the side and 65.05 feet in the rear instead of 75 feet in addition to the required set back as required; parking in front where parking in front is not allowed by the ordinance; driveway distance to residential area of 23 feet instead of 50 feet and a 60 degree angled parking aisle width of 16 feet instead of 18 feet as required.

- F. Suitable sidewalk and pedestrian routes for the hotel site have been provided for so the guests will not be required to walk through the parking areas to access the hotel and their safety will not be adversely effected.
- G. Applicant also seeks preliminary and final site plan approval.
- H. Applicant asks for waivers for a new environmental impact statement, a new drainage report and a new traffic report as they are not required under the circumstances.
- I. The "D" variance is minimal in nature and the additional height is insignificant under the circumstances and will not be readily observed from the highway.
- J. The various "C" variances are necessary as an adjunct of the proposed use which represents the highest and best use of the property.
- K. The proposed construction and use is designed to blend in with the character of the neighborhood and will not impact negatively on the surrounding area and represents an improvement of the design and layout

so as to be state of the art.

- L. Due to the nature of the proposed use, the design of the site and the onsite operation management of the operation, there will be no adverse impact to the health, safety or welfare of the existing residences in the area or to passersby or to the users of the facilities.
- M. The purposes of the Municipal Land Use Law will be advanced by the grant of the "D" variance and the various "C" variances .
- N. The granting of the "D" variance and the "C" variances will not substantially impair the general purposes of the West Orange Zoning Plan, Master Plan or Zoning Ordinances of West Orange.
- O. The benefits of said variances will substantially outweigh any detriment and not substantially negatively impact on the surrounding properties and neighborhood.
- P. The proposed building and use is not out of character with the neighborhood and will enhance the property, and will considerably enhance the neighborhood and benefit the general welfare of the general public and surrounding area by a much needed hotel service.
- Q. The proposed construction and use does not pose any threat to the safety and well being of anyone in the surrounding area .
- R. The granting of the application will not be a substantial detriment to the public good.

A motion to grant the Applicant's request for the "D" height

variance to increase the height of the building by 4 feet 4 inches and for the various 9 "C" variances above mentioned and to grant preliminary and final site plan approval and to waive a new environmental impact statement, a new drainage report and a new traffic report was made by Zal Velez and seconded by Anthony Vecchio and voted upon as follows:

<u>AYES</u>	<u>NAYS</u>	<u>ABSTENTIONS</u>
Abeles	0	0
Beuchler		
Gunning		
Rosenberg		
Sullivan		
Velez		
Vecchio		

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Adjustment of the Township of West Orange, based upon the Findings of Fact and Conclusions aforesaid, and upon the laws established in the State of New Jersey, hereby grants Bow & Arrow Manor, Inc., the "D" variance requested for the three story hotel building to be 39 feet 4 inches ; and does grant the following "C" variances:

Maximum lot coverage of 57.4% instead of 40% as required; steep slopes maximum density of 97 units instead of 86.2 units as permitted and 59.1% maximum lot coverage instead of 34.5 % as permitted; restaurant set back to residential district of 55 feet on the side instead of 125 feet required; side yard set back contiguous to residential district of 55 feet instead of 75 feet; buffer strip in all non residential districts of 28 feet on the side and 65.05 feet in the rear instead of 75 feet in addition to the required set back; parking in the front which is not allowed; driveway distance to residential area of 23 feet instead of 50 feet as required and a

60 degree angle parking aisle width of 16 feet instead of 18 feet as required; for premises at 111 Prospect Avenue, West Orange, New Jersey, being Block 151, Lot 17.01 and 15.03 on the Tax Maps of the Township of West Orange, New Jersey and in order to permit the Applicant to construct a 138 bed hotel on property adjacent to the Manor Restaurant in accordance with the plans submitted and subject to the conditions stated below being satisfied and further preliminary and final amended site plan approval is granted and the requested waivers for new environmental impact statement and new drainage report and new traffic report are hereby granted ; and

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. Applicant shall meet and perform all of the conditions set forth in the resolution ZB-99-10 adopted by the Board of Adjustment on August 19, 1999 as follows:
 - A. The drainage ditch shall be cleaned out twice per year in order to remove all debris so that it will be kept clear at all times.
 - B. A joint shared parking agreement between the Hotel and The Manor Restaurant shall be prepared and submitted to the Board for approval.
 - C. All plans and reports as implemented by J. Michael Petry and engineer for the Applicant, are subject to approval of the Engineering Department of the Township of West Orange, which department specifically approved report dated June 8, 1998 prepared by McCumsey & Petry, Engineers, entitled "Revised Drainage Report, Manor Hotel, 111 Prospect Avenue, West Orange, New Jersey, 07052".
 - D. The free standing sign for the Hotel shall be similar to that used by The

Manor Restaurant.

- E. No parking shall be allowed in the fire zone and/or emergency drive areas.
- F. The Applicant shall pay a development fee of 1% of the equalized assessed value of the project as determined by the Tax Assessor.
- G. A concrete block wall with a gate shall be provided to enclose the dumpster.
- H. The wooden fence along the entire westerly portion of Lot 17.01 shall be a board on board wood fence and shall have suitable landscaping on both sides for screening as required by the Township Planner.
- I. The lighting in the rear of the property along the entire back must be screened by appropriate landscaping so as not to interfere with the residential properties, same to be to the satisfaction of the Township Planner.
- J. All rubbish and trash in the rear of the property shall be removed and shall be maintained free of any rubbish and trash. The board on board fence as above referred to shall be installed between the rows of the existing Evergreens at the top of the slope.
- K. The berm constructed behind The Manor shall remain in its present form.
- L. The Hotel to be constructed and operated shall be used as a hotel only so that no person may reside therein more than 30 days in any 90 day period except under extraordinary circumstances.
- M. A shuttle service will be provided for use of persons going from The

Manor Restaurant facility to the Hotel facility so as not to subject them to have to walk through parking areas.

- N. The grass pavers may be utilized for the pavement and parking areas as designated in the plans submitted. However, if the grass pavers do not function to the satisfaction of the Township, then the emergency driveway shall be constructed of 4" stabilized base, 2" surface course and curbs along the perimeter.
- O. No building is permitted without fire hydrants within 700 feet of the proposed structure.
- P. The approvals granted herein are subject to the approval of the West Orange Fire Department.
- Q. As built drawings must be submitted to the Engineering Department for their approval.
- R. A tree cutting permit must be obtained by Applicant.
- S. Applicant must obtain approvals from New Jersey Department of Environmental Protection, Soil Conservation Service, and the Essex County Planning Board and submit evidence thereof to the Township Planner.
- T. Applicant shall contribute to its fair share of off tract sewer improvements as established by Ordinance No. 1328-95 for the South Mountain Relief Sewer in the amount of \$862.50 per bedroom and the Vitro Pump Station in the amount of \$112.50 per bedroom.

- U. Complete compliance with the applicable conditions of the prior resolutions of approval of the Planning Board dated October 9, 1996, October 8, 1997 and December 1, 1993 including but not limited to:
1. The Applicant shall require that all construction equipment must enter and leave by way of Prospect Avenue, except for the construction of the sanitary sewer connection.
 2. The Applicant shall install low water use fixtures throughout the "Hotel" as well as upgrade the plumbing fixtures throughout the "Manor Restaurant" to low water use fixtures where necessary, subject to the approval of the Municipal Engineer.
 3. The Applicant shall remove from the sanitary sewer system any extraneous flow, such as cooling water, for the refrigerating equipment.
 4. The Applicant shall install grease traps and grit chambers for all kitchen facilities at the "Manor Restaurant" and the "Hotel".
 5. The final design of the site grading and drainage swale at the rear of the "Hotel" site, adjacent to the Deerfield Road residences, shall be subject to the approval of the Municipal Engineer.
 6. The Applicant shall consolidate by deed all lots, so there will be one lot for the "Manor Restaurant" and one lot for the "Hotel".

2. The drainage report shall analyze the detention requirements using the most conservative design as done in the previous reports submitted. This shall then be submitted to

the Township Engineer for approval.

3. N.J.DEF Rainfall Intensity Curve should be used to calculate runoff values and submitted to the Township Engineer for approval.

4. The final grading and drainage swale along the rear of the property shall be subject to the approval of the Municipal Engineer.

5. The swale along the rear of this property should be inspected to determine if improvements are needed after Hurricane Floyd and report made to the Township Engineer and to meet their satisfaction.

6. Accessibility to the dumpster relocated to the western portion of Lot 15.03 shall be such as not to interfere with the adjoining residential homes.

7. A report shall be submitted to the Engineering Department concerning the light fixtures and any modifications thereof so that the Engineering Department shall approve the same.

8. The configuration of the hotel over flow parking lot leaves a parking island that can accommodate considerable landscaping. The landscaping proposed is insufficient and a new plan shall be submitted which shall include sodding and an increase of the landscaping to the satisfaction of the Township Planner.

9. Any trees that were inadvertently and erroneously removed in the area of the proposed location of the hotel shall be restored by Applicant by the planting of appropriate trees to the satisfaction of the Township Planner and Township Forester and for which a tree permit shall be obtained.

10. A representative of the Applicant will meet with any Deerfield Drive resident

affected by the removal of trees that should have not been and will resolve with them a satisfactory plan for tree restoration that shall also be to the satisfaction of the Township Planner.

11. The approvals granted are conditioned upon the approval of the West Orange Fire Department.

12. All Findings of Fact and Conclusions of Law set forth herein are deemed conditions that are binding upon the Applicant.

13. All landscaping shall be planted in a healthy and vigorous manner.

14. The landscaping shall be maintained in perpetuity in accordance with the approved plan.

15. Hardwood mulch shall be used around all plantings and replaced annually.

16. All plants, shrubs and trees that die shall be replaced with plants of equal or better quality in conformance with the approved landscape plan.

17. No building permit shall be issued unless taxes are current.

18. Applicant shall execute prior to the issuance of a Certificate of Occupancy, an Affidavit of Compliance certifying they have fulfilled all conditions set forth which shall be to the satisfaction of the Township Planner, Engineering Department and Building Department of the Township of West Orange who shall be furnished with a copy of this resolution. No Certificate of Occupancy shall be issued until receipt of an executed Affidavit of Compliance approved and signed by the Zoning Official.

MOVED BY: Perry Jambor

SECONDED BY: Zal Velez

THOSE IN FAVOR: 7

THOSE OPPOSED: 0

ABSTENTIONS: 0

I hereby certify that the foregoing Resolution was adopted by the West Orange Zoning Board of Adjustment at its public meeting on May 18th, 2000 memorializing the resolution adopted May 11th, 2000 granting the application by a vote of 7 in favor and 0 against.

A handwritten signature in cursive script, reading "Barbara J. Murray", is written over a horizontal line.

Barbara Murray, Board Secretary

PB-12-31T
BOW AND ARROW MANOR, INCORPORATED

111 PROSPECT AVENUE
WEST ORANGE, NEW JERSEY

**RESOLUTION OF THE PLANNING BOARD OF THE
TOWNSHIP OF WEST ORANGE
TECHNICAL REVIEW COMMITTEE**

Granting Technical Site Plan Approval (Technical Review Subcommittee), without variances, for interior renovations and adding an elevator to an existing catering facility.

WHEREAS, the Technical Review Committee of the Planning Board of the Township of West Orange, at a meeting held on December 13, 2012, considered the application for Technical Site Plan Approval, without variances, for interior renovations and adding an elevator to an existing catering facility on property located in the B-2 Zone, identified as Block 151, Lot 17.01, which was submitted by Bow and Arrow Manor, Incorporated (the "Applicant"); and

WHEREAS, the Planning Board considered the presentation of the Applicant, Robert C. Williams, Esq., the Applicant's attorney, and J. Michael Petry, the Applicant's engineer; and

WHEREAS, a complete application has been filed, all fees required by ordinance have been paid and it otherwise appears that the jurisdiction and powers of the Technical Review Committee of the Planning Board have been properly invoked and exercised; and the Technical Review Committee of the Planning Board having conducted a vote on this application on December 13, 2012; and

WHEREAS, the Applicant requested Technical Site Plan approval, without variances, for interior renovations and adding an elevator to the existing catering facility;

NOW, THEREFORE, the Planning Board (Technical Review Committee) of the Township of West Orange makes the following findings of fact and conclusions of law with regard to this application:

1. This is an application for Technical Site Plan Approval, without variances, for interior renovations and adding an elevator to the existing catering facility.
2. The Board (Technical Review Committee) has recommended and the Applicant has agreed to the following additional conditions of approval:
 - i. An egress path will be provided on the final plan.

NOW, THEREFORE, BE IT RESOLVED that this application for Technical Site Plan Approval, without variances, for interior renovations and adding an elevator to an existing catering facility is approved, subject to the additional conditions set forth in this resolution.

The foregoing is a true copy of the resolution adopted by the Planning Board of the Township of West Orange.



ROBIN MILLER, Board Secretary
Planning Board of the Township of West Orange

Dated: January 2, 2013

EXHIBIT C

Project Description and Summary of Requested Relief

Applicant: Orange Prospect LLC

Property: 111 Prospect Avenue (CR 677)
Block 151, Lot 17.01
Township of West Orange, County of Essex, State of New Jersey

Zone: B-2

Orange Prospect LLC (“Applicant”) proposes the reconstruction of the existing driveway, walking path and valet parking area, as well as renovations to the main building. A Porte-Cochere and a Community Garden area are also proposed at the above-referenced Property, all as further detailed on the submitted site and architectural plan sets prepared by J. Michael Petry, PE, PP, AIA, of Petry Engineering. The Property is located in the B-2 zone, where the long-existing and proposed restaurant use is a permitted principal use. The referenced Community Garden area, a part of which shall also service the principal restaurant use, is proposed as an accessory use.

Accordingly, the Applicant seeks preliminary and final major site plan approval, tree removal and replacement approval and an associated bulk variance, as detailed below. The Applicant further reserves the right to amend its list of requested variance or exception relief throughout the course of review of this Application.

Based on the proposed development, the Applicant has identified the following *de minimus* variance relief which will be required:

- Bulk Variance for Maximum Impervious Coverage (60.53% proposed, 63.38% previously approved, 61.75% existing, whereas a maximum of 60% is required in the B-2 Zone pursuant to Township Code Section 25-7.1).

In addition to preliminary and final site plan approval, tree removal and replacement approval and the above cited variance relief, Applicant seeks any and all variances, design exceptions, waivers, modifications of prior approvals or any other approvals as may be determined to be required during the Board’s review of this Application. Additional justification in support of the required variance relief will be provided via Applicant’s professional testimony at the public hearing before the Board.

Justification for Requested Waivers from Submission Checklist Requirements: As part of its application for development, the Applicant seeks waivers from the following required Site Plan Checklist Items:

- **Item 22 (Development Staging):** Applicant does not propose multiple stages of development.
- **Item 46 (Solid waste management plan):** Applicant is not proposing any modifications requiring a new solid waste management plan for the Property.
- **Item 52 (COAH Compliance):** To the extent that any non-residential development fees are determined to be applicable for this development, Applicant will supply same to the Township Tax Department prior to the issuance of an occupancy certificate relative to the proposed improvements.

EXHIBIT D

RECEIVED & RECORDED
REGISTER'S OFFICE
ESSEX COUNTY, N.J.

JUN 28 2 18 PM '74

Hyman B. Mintz
REGISTER

THIS INDENTURE, made this 19TH day of JUNE, nineteen hundred and seventy-four (1974), between Harry Knowles and Doris Knowles (his wife) residing at 111 Prospect Avenue, West Orange, New Jersey

hereinafter called "Owner", and

PUBLIC SERVICE ELECTRIC AND GAS COMPANY, a corporation having its office at 80 Park Place, Newark, New Jersey, hereinafter called "Electric", and NEW JERSEY TELEPHONE AND TELEGRAPH COMPANY, a corporation having its office at 100 Broad Street, Newark, New Jersey, hereinafter called "Telephone", together with the right of access to said property for the aforesaid purposes.

WITNESSETH:

Owner for and in consideration of the sum of One Dollar (\$1.00) lawful money of the United States of America to them in hand paid by Electric and Telephone, the receipt whereof is hereby acknowledged, and in consideration of the premises, covenants and conditions hereinafter contained and the mutual benefits to be derived herefrom, has given, granted, and conveyed and by these presents does give, grant, and convey unto Electric and Telephone, the right, privilege, authority and an easement in perpetuity to install, construct, reconstruct, operate, maintain, inspect, repair, remove and replace their respective utility facilities, hereinafter called "facilities" in, on, and over the property of Owner, situate in the Town of West Orange, Essex County, New Jersey, approximately as shown on drawing number DE-11-14363 hereto attached, and hereby made a part hereof, for the purpose of supplying electric and telephone service thereto and for the conduct of their respective businesses, together with the right of access to said property for the aforesaid purposes.

Owner grants to Electric and Telephone the right to trim and keep trimmed all trees which shall in any way interfere with the installation, operation, or maintenance of said facilities.

Electric and Telephone agree that said facilities shall be kept in proper condition and that when either opens or disturbs the surface of said property they will, at their own expense, restore the surface of said property to substantially the same condition in which it was immediately prior thereto.

Owner shall comply with the requirements of the National Electrical Code and the National Electrical Safety Code as applicable to clearances to any buildings or structures and agrees that no buildings or structures shall be erected over or under said facilities.

If Owner shall, at any time after the initial installation of said facilities, request Electric and Telephone to relocate said facilities to a different location or locations, they shall do so at such location or locations as shall be mutually satisfactory to the parties hereto, at the sole cost and expense of Owner, Electric and Telephone to have the same rights and privileges in the new location or locations as in the former location or locations.

Owner covenants to warrant generally the rights above granted, will execute such further assurance of the same as may be requisite, and that Electric and Telephone shall have the quiet possession thereof free from all encumbrances.

By the acceptance of this instrument Electric and Telephone agree to abide by the terms and conditions herein on their part to be performed and shall be deemed signatories hereto, and the provisions of this indenture shall inure to the benefit of and be obligatory upon the respective parties hereto and their heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, Owner has duly signed and sealed these presents the day and year first above written.

Signed, sealed, and delivered
in the presence of

Harry Knowles Jr
Harry Knowles Jr
Doris Knowles
Doris Knowles

Harry Knowles Jr
PUBLIC OF NEW JERSEY
My Commission Expires 12-17-77

By _____

Attest:

STATE OF New Jersey } SS.
COUNTY OF Essex

BE IT REMEMBERED, that on this 19TH day of JUNE, nineteen hundred and seventy-four, before me, the subscriber, a Notary Public of the State of New Jersey, Harry Knowles and Doris Knowles (his wife) personally appeared who, I am satisfied, are the grantors mentioned in the within Indenture, and they acknowledged that they signed, sealed, and delivered the same as their voluntary act and deed, for the uses and purposes therein expressed. The full and actual consideration paid or to be paid for the transfer of title to realty evidenced by the within deed, as such consideration is defined in P.L. 1968, C.49, Sec. 1 (C), is less than \$100.00

Prepared by William F. Lambert

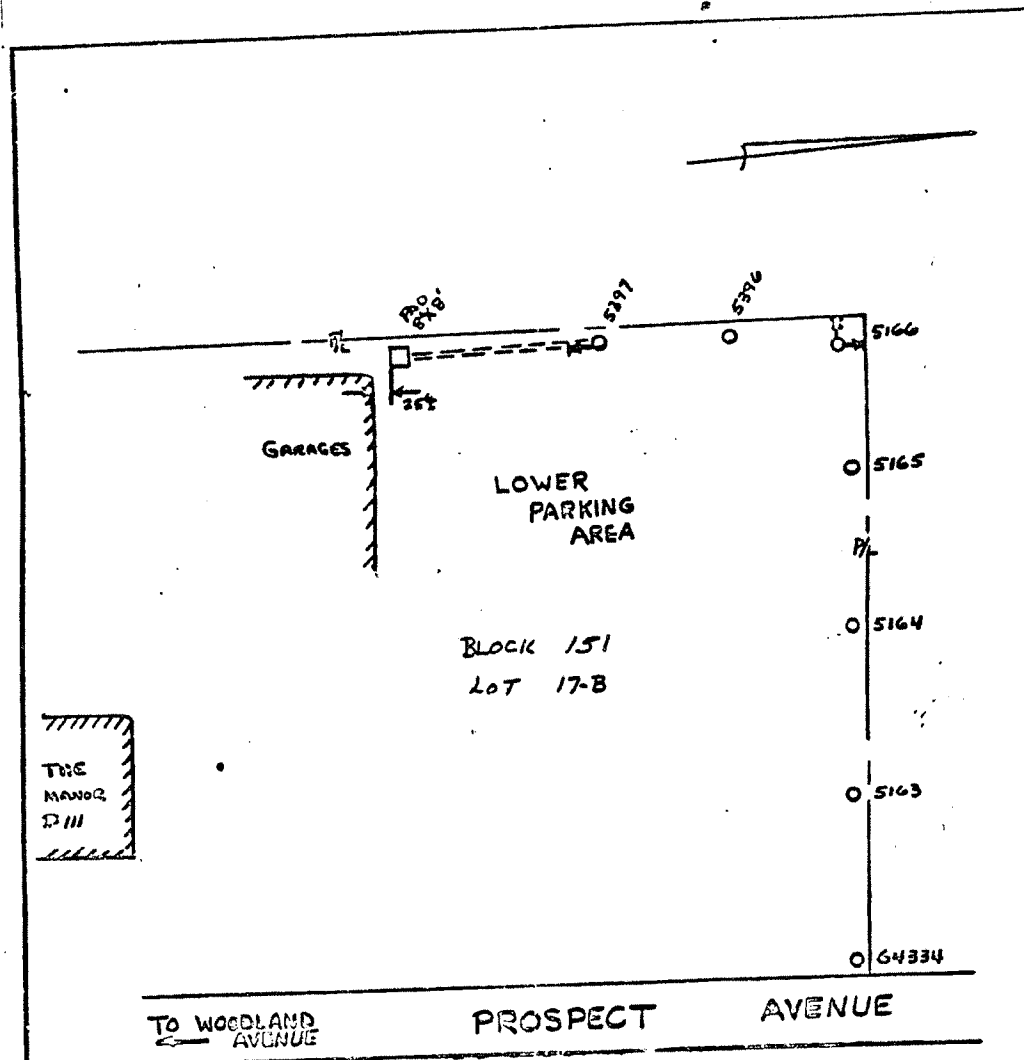
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Jan. 19-77

Harry Knowles Jr

STATE OF } SS.
COUNTY OF

BE IT REMEMBERED, that on this _____ day of _____, nineteen hundred and _____, before me, the subscriber, _____ personally appeared _____ who, I am satisfied, is _____ President of _____

the Corporation named in and which executed the foregoing instrument and is the person who signed said instrument as such officer for and on behalf of said corporation and he acknowledged that said instrument was made by said corporation and sealed with its corporate seal, as the voluntary act and deed of said corporation, by virtue of authority from its Board of Directors. The full and actual consideration paid or to be paid for the transfer of title to realty evidenced by the within deed, as such consideration is defined in P.L. 1968, C.49, Sec. 1 (C), is less than \$100.00.



SUBJECT PROPOSED TRANSFORMER PAD, UNDERGROUND FACILITIES AND GUYS ON THE PROPERTY OF HARRY AND MORIS KNOWLES, III PROSPECT AVENUE, WEST ORANGE, NEW JERSEY			
LOCATION	MOON	DRAWN BY	W.F.G.
FILE NUMBER		CHECKED	W.F.G.
		DATE	5-1-74
		SCALE	NONE
		APPROVED	M. F. R. - 5-7-74
		TITLE	ELK SERV. ENGINEER
		DRAWING NUMBER	LB-11-14363
		PUBLIC SERVICE ELECTRIC AND GAS COMPANY ELECTRIC DEPARTMENT	

Prepared By: *[Signature]*

RONALD REICHSTEIN

EASEMENT

Know all men by these presents that HARRY KNOWLES, c/o The Manor, 111 Prospect Street, West Orange, New Jersey 07052 for valuable consideration to him paid by BOW AND ARROW MANOR, INC., HARRY KNOWLES and DORIS KNOWLES (hereinafter "GRANTEES"), 111 Prospect Avenue, West Orange, New Jersey 07052, on or before the ensealing and delivery of these presents, does hereby grant and convey to the said GRANTEES a perpetual easement in, upon, over, and under the following described property being a part of Lot 30, Block 151.03 on the Tax Maps of the Township of West Orange, Essex County, New Jersey:

BEGINNING at a point on the easterly sideline of Deerfield Drive (50 feet wide), said point being the Northwesterly corner of Lot 30, Block 151.03, and being distant Northerly 1126.25 feet from the intersection of said sideline projected and the Northeasterly line of Seaman Road projected, and running thence:

1. Along the Northerly property line of said Lot 30, South 43 degrees, 29 minutes, 30 seconds East a distance of 175.24 feet to a point; thence
2. South 47 degrees, 18 minutes, 30 seconds West distance of 10.00 feet to a point; thence
3. North 43 degrees, 29 minutes, 30 seconds West distance of 171.31 feet to the easterly sideline of Deerfield Drive; thence
4. North 25 degrees, 45 minutes, 00 seconds East a distance of 10.69 feet to the point of BEGINNING.

Received & Recorded
Register's Office
Essex County, NJ
JAN 12, 10:32 AM '96
Carole A. Graves
886000131110747623

EX5399PG 727

Being a 10 foot wide strip of land along the Northerly property line of Lot 30, Block 151.03 and containing 0.0398 acres more or less.

This easement is for the construction, maintenance, operation and repair of storm drain, sanitary sewer and utility facilities.

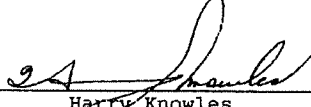
In the event it shall become necessary to disturb the easement area, GRANTEES shall restore the same at their own expense to substantially the same condition in which it was found before such work was undertaken, except that GRANTEES shall have no obligation to replace any structures or trees thereon.

This easement shall be binding upon the parties hereto, their heirs, successors and assigns, and shall run with the land.

In Witness Whereof, I have hereunto set my hand and sealed on this 22nd day of December, 1995.

Witness:


Ronald Reichstein


Harry Knowles

STATE OF NEW JERSEY:

COUNTY OF ESSEX : ss.

I CERTIFY that on December 22, 1995, Harry Knowles personally came before me, and acknowledged under oath, to my satisfaction, that he signed, sealed and delivered this Instrument as and for his voluntary act and deed.

BU5399PG 728

RECORD & RETURN TO:

RONALD REICHSTEIN, ESQ. (#1538)
195 Fairfield Ave., Suite 4C
West Caldwell, N.J. 07006
201-228-8818


Ronald Reichstein
An Attorney at Law of N.J.

BK 5502 PG 509
BK 5502 PG 509
AGREEMENT FOR RESERVATION OF LAND IN LIEU OF DEDICATION

Date July 17, 1997

COUNTY PLANNING BOARD

RESOLUTION NO. _____

RESOLUTION# SUB-02-0692/28-B-20

Bow & Arrow Manor, Inc.

hereby

Received & Recorded
Register's Office
Essex County, NJ
OCT 31, 10:07 AM '97
Carole A. Graves
B97003744110959164

the County of Essex a twelve (12) foot Reservation in lieu

of Dedication of land along Prospect Avenue

in the Township of West Orange

Said Reservation shall run along the westerly

border of the premises known as Block # 151

Lots# 15,15.02,17.02,17.04,17.05,17.06*** Said Reservation is being

granted to the County of Essex for any such future road

widening which may be done by them.

***Block 151.03, Lots 13,205,206,207,208,209,210,211

BOW & ARROW MANOR, INC.

BY: [Signature]
HARRY KNOWLES, President
SIGNATURE GRANTOR

PREPARED BY:
PLANNING BOARD ATTORNEY

[Signature]
WADE KNOWLES, Secretary
WITNESS

(If Reservation is being given by corporation, it should be signed by the President or Vice-President and witnessed by the Secretary with the corporate seal affixed to the witness's signature.)

McCumsey - Petry P.C.

**METES AND BOUNDS DESCRIPTION
12 FOOT WIDE RESERVATION FOR
FUTURE ROAD WIDENING
THRU THE HOTEL LOT
(PROPOSED LOT 15.01 BLOCK 151)**

BEGINNING at a point on the northwesterly sideline of Prospect Avenue (66 feet wide) distant northeasterly the following tow courses from the intersection of said northwesterly sideline of Prospect Avenue with the northeasterly sideline of Woodland Avenue (50 feet wide):

- A. Along said northwesterly sideline of Prospect Avenue, along a curve to the right having a radius of 1833.00 feet and an arc length of 567.00 feet (chord North 33° 38' 18" East 564.74 feet) to a point of tangency; thence
- B. Still along the same, North 42° 30' 00" East 505.38 feet to the proper point of BEGINNING and running; thence
 - 1. South 87° 38' 40" West 16.93 feet to a point; thence
 - 2. North 42° 30' 00" East 321.78 feet to a point on the southerly line of lands now or formerly Montclair Golf Club; thence
 - 3. Along said southerly line of lands now or formerly Montclair Golf Club, South 43° 29' 30" East 12.03 feet to a point on the aforesaid present northwesterly sideline of Prospect Avenue; thence
 - 4. Along said northwesterly sideline of Prospect Avenue, South 42° 30' 00" West 309.00 feet to the point of BEGINNING.

Containing an area of 0.0869 acres more or less.

McCumsey - Petry P.C.

METES AND BOUNDS DESCRIPTION
12 FOOT WIDE RESERVATION FOR
FUTURE ROAD WIDENING
THRU THE MANOR LOT
(PROPOSED LOT 17.1 BLOCK 151)
TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, NEW JERSEY

BEGINNING at a point of intersection of the northeasterly sideline of Woodland Avenue (50 feet wide) and the northwesterly sideline of Prospect Avenue (66 feet wide) and running; thence

1. Along the northeasterly sideline of Woodland Avenue, North $50^{\circ} 56' 30''$ West 12.38 feet to a point; thence
2. Along a curve to the right, having a radius of 1845.00 feet and an arc length of 567.66 feet (chord South $33^{\circ} 41' 09''$ West 565.42 feet) to a point of tangency; thence
3. North $42^{\circ} 30' 00''$ East 493.44 feet to a point; thence
4. North $87^{\circ} 38' 40''$ East 16.93 feet to a point on the aforesaid present northwesterly sideline of Prospect Avenue; thence
5. Along said northwesterly sideline of Prospect Avenue, South $42^{\circ} 30' 00''$ West 505.38 feet to a point of curvature; thence
6. Still along the same, along a curve to the left having a radius of 1833.00 feet and an arc length of 567.00 feet to the point of BEGINNING.

Containing an area of 0.2939 acres more or less.

BK6902 PG0575

BK5502.PG 512

2A--N. J. ACKNOWLEDGEMENT, CORP.

ALL-STATE LEGAL SUPPLY
289 SHEFFIELD STREET, MOUNTAINVIEW, N.J. 07046

State of New Jersey
County of ESSEX

ss.:

We it Remembered, that on this 17th day of July 1997, before
the subscriber Robert C. Williams, Esq.

personally appeared HARRY KNOWLES who, I am satisfied, is the person
who signed the within instrument as President
of BOW & ARROW MANOR, INC.

the corporation named therein and he thereupon acknowledged that the said instrument made by
corporation and sealed with its corporate seal, was signed, sealed with the corporate seal and delivered
by him as such officer and is the voluntary act and deed of the corporation, made by virtue of authority
from its Board of


ROBERT C. WILLIAMS, Attorney at Law
State of New Jersey

Prepared by:

AGREEMENT FOR RESERVATION OF LAND

BK5502PG 513

Date July 24, 1997

ESSEX COUNTY PLANNING BOARD

RESOLUTION NO. _____

DATED _____

APPLICATION # SP-05-0297A

Received & Recorded
Register's Office
Essex County, NJ
OCT 31, 10:09 AM '97
Carole A. Graves
897003744110959167

Housing and Neighborhood Development Services, Inc. hereby grants
the County of Essex a eight foot Reservation of land

along No. Grove St in the City

of East Orange. Said Reservation shall run along

the Eastern border of the premises known as Block # 260

Lot # 5.1. Said Reservation is being granted to the

County of Essex for any such future road widening which may be

done by them.

Received & Recorded
Register's Office
Essex County, NJ
OCT 27, 08:54 AM '97
Carole A. Graves
89700365120955491

[Signature]
PREPARED BY:
PLANNING BOARD ATTORNEY

Reginald Jackson
SIGNATURE: GRANTOR

Patricia M. [Signature]
WITNESS - Secretary

(If Reservation is being given by corporation, it should be signed by the President or Vice President and witnessed by the Secretary with the corporate seal affixed to the witness's signature.)

BK6902 PG0566

Wm. DiMarzo & Son Associates, Inc.
William Swift, L.S. & P.P.
SURVEYORS - PLANNERS
P.O. BOX 544
IRVINGTON, N.J. 07111-0544
(973) 372-1400
FAX (973) 372-1543

**METES and BOUNDS DESCRIPTION
for Reservation of Land to Essex County**

from
197 North Grove Street
Tax Lot 5.1, Block 260
City of East Orange
Essex County, New Jersey

Beginning at a point in the westerly line of North Grove Street with the said point
being distant northerly 319.21 feet from the northerly line of William Street;
thence,

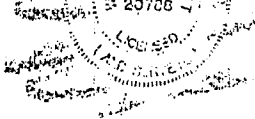
- 1) North 56 degrees 21 minutes West, 8.26 feet; thence,
- 2) Parallel to North Grove Street,
North 19 degrees 16 minutes East, 117.16 feet; thence,
- 3) South 70 degrees 44 minutes East, 8.00 feet; thence,
- 4) Along said line of North Grove Street,
South 19 degrees 16 minutes West, 119.21 feet,
to the point and place of beginning.

Lot Area = 945.5 Sq. Ft.

The above description is drawn in accordance with a Reservation of Land Map made by
William Swift, L.S., Wm. DiMarzo & Son Associates, Inc.
Dated August 1, 1997.

William Swift

William P. Swift, L.S. 20788, P.P. 4767



RM 5502PG 515

State of New Jersey

County of

ss.:

We it Remembered, that on this 24th day of July 1997, before me the subscriber Jean R. Campbell, Esquire

personally appeared Patrick Morrissey, who, I am satisfied, is the person who signed the within instrument as Secretary of Housing and Neighborhood Development Services, Inc.

the corporation named therein and he thereupon acknowledged that the said instrument made by the corporation and sealed with its corporate seal, was signed, sealed with the corporate seal and delivered by him as such officer and is the voluntary act and deed of the corporation, made by virtue of authority from its Board of Directors.

Prepared by:

Jean R. Campbell
JEAN R. CAMPBELL
AN ATTORNEY AT LAW OF THE
STATE OF NEW JERSEY

BK 5502 PG 516
BK 5502 PG 516

AGREEMENT FOR RESERVATION OF LAND IN LIEU OF DEDICATION

Date June 26, 1997

ESSEX COUNTY PLANNING BOARD

RESOLUTION NO. _____

DATED _____

APPLICATION# SUB-04-1196/28-G-31

Re: Register's Office
Essex County
Carole A. Grant
B970037441109

_____ hereby grant to the County of Essex a ten (10) foot Reservation in lieu

of Dedication of land along Two Bridges Road

in the _____ Township of Fairfield

Said Reservation shall run along the westerly

border of the premises known as Block # 3104

Lot # 2.01. Said Reservation is being

granted to the County of Essex for any such future road

widening which may be done by them.

KHUBANT ENTERPRISES, INC.

BY: _____

SIGNATURE: GRANTOR

PREPARED BY:
PLANNING BOARD ATTORNEY

WITNESS

(If Reservation is being given by corporation, it should be signed by the President or Vice-President and witnessed by the Secretary with the corporate seal affixed to the witness's signature.)

BK6902 PG0577

BK5502 PG 517



44 Roseland Avenue P.O. Box 5 Roseland, N.J. 07068 (201) 226-0141 Fax (201) 226-3061

DESCRIPTION OF
10' WIDE RESERVATION
FOR ROADWAY PURPOSES
ON THE WEST SIDE OF TWO BRIDGES ROAD
TOWNSHIP OF FAIRFIELD
ESSEX COUNTY, NEW JERSEY

BEGINNING at a point on the Westerly side line of Two Bridges Road (66' wide) at the division line between Lots 2.01 and Lot 1, Block 3104, Tax Maps of Fairfield;

thence (1) running along said division line, South $86^{\circ}-39'-14''$ West, 10.01 feet to a point;

thence (2) running on a curve through said Lot 2.01, curving to the right, having a radius of 1236.57 feet, an arc distance of 83.25 feet and a chord of South $1^{\circ}-35'-40''$ West, 83.24 feet to a point;

thence (3) still running through Lot 2.01 and parallel to and 10 feet Westerly as measured at right angles from the Westerly side line of existing Two Bridges Road, South $9^{\circ}-10'-10''$ West, 231.61 feet to an angle point in same;

thence (4) still along same, South $11^{\circ}-39'-10''$ West, 254.45 feet to a point on the Northerly side line of Lane Road;

thence (5) running along the Northerly side line of Lane Road, North $62^{\circ}-20'-39''$ East, 12.92 feet to a point on the existing side line of said Two Bridges Road;

thence (6) running along the existing side line of said Two Bridges Road, North $11^{\circ}-39'-10''$ East, 246.48 feet to an angle in same;

thence (7) still along same, North $9^{\circ}-10'-10''$ East, 232.32 feet to a point;

thence (8) on a curve, curving to the left, having a radius of 1246.57 feet, an arc distance of 84.95 feet and a chord of North $1^{\circ}-35'-37''$ East, 84.93 feet to the point and place of BEGINNING.

ENGINEERS / SURVEYORS / PLANNERS

BK6902 PG0578

BK5502 PG 518

2A—N. J. ACKNOWLEDGEMENT, CORP.

ALL-STATE LEGAL SUPPLY CO.
269 SHEFFIELD STREET, MOUNTAIN SIDE, N.J. 07092

State of New Jersey

County of

} ss.:

We it Remembered, that on this 13 day of June 19 97, before me
the subscriber

personally appeared Ajit Khubani
who signed the within instrument as Vice President who, I am satisfied, is the person
of KHUBANI ENTERPRISES, INC.

the corporation named therein and he thereupon acknowledged that the said instrument made by the
corporation and sealed with its corporate seal, was signed, sealed with the corporate seal and delivered
by him as such officer and is the voluntary act and deed of the corporation, made by virtue of authority
from its Board of

Patricia J. Meyer

PATRICIA MEYER
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Aug. 16, 1999

Prepared by:

BK 902 PC0579

BK 5502 PG 519

AGREEMENT FOR RESERVATION OF LAND IN LIEU OF DEDICATION

Date September 4, 1997

ESSEX COUNTY PLANNING BOARD

RESOLUTION NO. _____

DATED _____

APPLICATION# SUB-09-0597/30-D-3Sussex & Warren Holding Corp.Received & Recorded
Register's Office
Essex County, NJ
OCT 31, 10:13 AM '97
Carole A. Graves
B97003744110959175the County of Essex a fourteen-foot Reservationof Dedication of land along Pleasant Valley Wayin the Township of West OrangeSaid Reservation shall run along the westerlyborder of the premises known as Block # 151Received & Recorded
Register's Office
Essex County, NJ
OCT 27, 09:04 AM '97
Carole A. Graves
B97003665120956499Lot # 30.30.01,30.02,30.03 & 33 Said Reservation is being

granted to the County of Essex for any such future road

widening which may be done by them.

SUSSEX & WARREN HOLDING CORP.

BY: Jerry Turco
JERRY TURCO, President
SIGNATURE: GRANTORPREPARED BY:
PLANNING BOARD ATTORNEY

WITNESS

(If Reservation is being given by corporation, it should be signed by the President or Vice-President and witnessed by the Secretary with the corporate seal affixed to the witness's signature.)



ENGINEERS • ARCHITECTS • PLANNERS

Legal Description

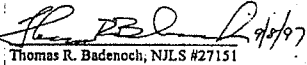
Proposed 14 Foot Reservation

Situate within Tax Lots 30, 30.01, 30.02, 30.03, and 33, Block 151
Township of West Orange, Essex County, New Jersey

Beginning at a point on the southeasterly right of way line of Pleasant Valley Way, 80 feet wide, which point is 691.86 feet north of the northeasterly right of way line of Woodland Avenue, 50 feet wide, as measured along said right of way line of Pleasant Valley Way, and which point is also described as being the southerly corner of Tax Lot 30, and running thence:

1. along the southeasterly right of way line of Pleasant Valley Way, the following three courses, North 43 deg. 40 min. 40 sec East, 69.19 feet to a point of curvature; thence,
2. along a curve to the left having a radius of 995.37 feet, whose chord bears North 39 deg. 22 min. 05 sec. East for a distance of 149.60 feet, an arc distance of 149.74 feet to a point of tangency; thence,
3. North 35 deg. 03 min. 30 sec. East, 277.54 feet; thence,
4. along Tax Lot 34, lands now or formerly of the Montclair Golf Club, South 54 deg. 44 min. 00 sec. East, 14.00 feet; thence,
5. through Tax Lots 33, 30.01, 30.03, 30.02, and 30, the following three courses, South 35 deg. 03 min. 30 sec. West, 277.52 feet to a point of curvature; thence,
6. along a curve to the right having a radius of 1009.37 feet, whose chord bears South 39 deg. 22 min. 05 sec. West for a distance of 151.69 feet, an arc distance of 151.83 feet to a point of tangency; thence,
7. South 43 deg. 40 min. 40 sec. West, 67.05 feet; thence,
8. along Tax Lot 29, lands now or formerly of Pleasantdale Nurseries, North 55 deg. 00 min. 20 sec. West, 14.16 feet to the point and place of beginning, containing 6951 square feet or 0.160 acres.

Prepared by:


Thomas R. Badenoch, NJLS #27151
The RBA Group
Morristown, NJ



BK6902 P605845502 PG 521
ESSEX COUNTY PLANNING BOARD

100 FAIRVIEW AVENUE
CEDAR GROVE, NEW JERSEY 07009
(973) 309-4300
FAX (973) 309-4324

JAMES W. TREFFINGER
COUNTY EXECUTIVE

June 24, 1997

Migdalia Wagner, Secretary
West Orange Planning Board
66 Main Street
West Orange, NJ 07052

Dear Ms. Wagner:

Re: SP-08-0597
APPLICATION #SUB-09-0597/30-D-3
Sussex & Warren Holding Corporation/
Marriott Senior Living Services
220-222 Pleasant Valley Way
Block #151, Lot 30, 30.01, 30.02, 30.03 & 33

Please be advised that the above-mentioned application has been rejected for the following:

RIGHT-OF-WAY COMMENTS:

A dedication of fourteen (14) feet is required along the entire frontage of Pleasant Valley Way.

The applicant has to replace the Two (2) monuments previously disturbed by the construction of the southerly driveway and landscaping.

The applicant needs to grant a maintenance easement to the County of Essex for the 24 inch pipe located near the southern property line. The easement will have a width of 20 feet centered on the pipe and shall run from the right-of-way line to 15 feet past the end of the pipe.

ESSEX COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER

TRAFFIC COMMENTS:

The northerly driveway is to be constructed as approved by Site Plan 01-0993.
(See Sheet C-5)

All identification signs and traffic control devices associated with the site are to be constructed behind the proposed right-of-way line (on site).

PERMIT COMMENTS:

A note is to be placed on the plans stating that a permit is required from the Essex County Division of Engineering prior to beginning any work within the County Road Right-of-way.

The curbing where the two (2) depressed curb areas were reconstructed need to be removed and replaced according to Essex County Standards.

The roadway in front of the southerly driveway is to be milled 2 inches and overlay for a width of 5 feet measured from the curbline towards the centerline for the entire depressed curb area.

The applicant is to verify with the Township of West Orange whether or not a sidewalk is to be installed along Pleasant Valley Way. If a sidewalk is to be constructed, then it is to be shown on the plans along with all ADA requirements (driveways in particular).

The applicant is required to submit a Performance Guarantee in the amount of \$10,000.00 to cover the above mentioned comments. The Performance Guarantee needs to be by certified Check or Letter of Credit.

Please revise the plans accordingly and return them to this office at your earliest convenience. There will be a revision fee of \$45.00 for this application.

If you have any questions, please direct them to James Bartell of my staff.

Sincerely,



Janet B. Treamont
Supv. Planner/Acting Division Director

JBT:cf

cc: John A. Vitale, Essex County Engineer
Eve Rappaport, Legal Assistant

BK6902 PG0583

BK5502 PG 523

2A—N.J. ACKNOWLEDGEMENT, CORP.

ALL-STATE LEGAL SUPPLY CO.
269 SHEFFIELD STREET, MOUNTAIN SIDE, N.J. 07092

State of ~~Del~~ Jersey

County of ESSEX

} ss.:

We it Remem~~bered~~, that on this 4th day of September 1997, before me the subscriber.

personally appeared Jerry Turco who, I am satisfied, is the person who signed the within instrument as President of Sussex & Warren Corp.

the corporation named therein and he thereupon acknowledged that the said instrument made by the corporation and sealed with its corporate seal, was signed, sealed with the corporate seal and delivered by him as such officer and is the voluntary act and deed of the corporation, made by virtue of authority from its Board of Directors.


ROBERT C. WILLIAMS, Attorney at Law
State of New Jersey

Prepared by:

Recorded
Notary Public Office
Essex County, NJ
OCT 31, 10:45 AM '97
Carole A. Graves
B9700374411095917

BK 5502 PG 524
BK 5502 PG 524

Prepared by:

Planning Board Attorney

AGREEMENT FOR RESERVATION OF LAND IN LIEU OF DEDICATION

Date: September 18, 1997

ESSEX COUNTY PLANNING BOARD

RESOLUTION NO. _____

DATED September 18, 1997

APPLICATION # SP-07-0697/30-C-61

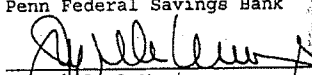
Received &
Registered
Essex County
OCT 27 09:52
Carole A. Graves
B9700366512

Penn Federal Savings Bank hereby grants to the County of Essex a 10.0 foot Reservation in lieu of Dedication of land along Eagle Rock Avenue in the Borough of Roseland. Said Reservation shall run along the northerly border of the premises known as Block # 38 Lot # 52 and is more particularly described in Schedule A attached hereto. Said Reservation is being granted to the County of Essex for any such future road widening which may be done by them.

ATTEST


Patrick D. McTernan
Secretary

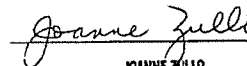
Penn Federal Savings Bank


Joseph L. LaMonica
President

STATE OF NEW JERSEY)
) ss.
COUNTY OF ESSEX)

I certify that on September 18, 1997, Joseph L. LaMonica, came before me in person and stated to my satisfaction he:

- (a) made the within instrument; and,
- (b) was authorized to and did execute this instrument on behalf of and as President of Penn Federal Savings Bank the entity named in this instrument.



JOANNE ZULLO
A Notary Public of New Jersey
My Commission Expires 1/3/98

SCHEDULE A

BK6 902 PG0585

RICHARD F. SMITH, JR.
Professional Land Surveyor

16 Schuyler Place
Morristown, NJ 07960
(201)-540-9004
(201)-292-0220 Fax

Proposed Reservation for Lands Adjacent to Eagle Rock Avenue
Borough of Roseland, Essex County, New Jersey

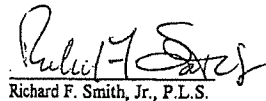
BK5502PG 525

Beginning at a point in the southerly line of Eagle Rock Avenue, 66 feet wide, where the same is intersected by the westerly sideline of Freeman Street, 40 feet wide and running; thence,

- 1) along Eagle Rock Avenue, North 80 degrees 15 minutes 00 seconds West 160.20 feet to a point where the same is intersected by the division line between Tax Lots 52 and 53; thence,
- 2) along Tax Lot 53, South 06 degrees 46 minutes 50 seconds West 10.01 feet to a point on the same; thence,
- 3) by a new line through Tax Lot 52 in Block 38, South 80 degrees 15 minutes 00 seconds West 160.26 feet to a point in the aforementioned westerly sideline of Freeman Street; thence,
- 4) along Freeman Street, North 06 degrees 26 minutes 00 seconds East 10.02 feet to the point and place of Beginning.

Containing 1602 square feet.

This description was prepared by Richard F. Smith, Jr., Professional Land Surveyor, in accordance with his survey dated February 25, 1997 and revised through


Richard F. Smith, Jr., P.L.S.

AGREEMENT FOR RESERVATION OF LAND IN LIEU OF DEDICATION

Date September 17, 1997

ESSEX COUNTY PLANNING BOARD

RESOLUTION NO. SP-01-0297/30-B-50

DATED June 10, 1997

APPLICATION# SP-01-0297/30-B-50

ManorCare Health Services, Inc.

Received & Rec
Register's Off
Essex County
OCT 31 10:18
Carole A. Gray
B9700374411095

13.0' (Mt. Pleasant Avenue)
the County of Essex a 10.0' (Prospect Avenue) Reservation in lieu

of Dedication of land along Mount Pleasant Avenue
Prospect Avenue

in the Township of West Orange

Said Reservation shall run along the Northerly/Westerly

border of the premises known as Block # 82.03

Lot # 36,27,22 Said Reservation is being

granted to the County of Essex for any such future road

widening which may be done by them.

MANORCARE HEALTH SERVICES, INC.

By: LARRY GOPLA, VICE PRESIDENT
SIGNATURE: GRANTOR

PREPARED BY:
PLANNING BOARD ATTORNEY

Jim P. Butler
Assistant Secretary
WITNESS

(If Reservation is being given by corporation, it should be signed by the President or Vice-President and witnessed by the Secretary with the corporate seal affixed to the witness's signature.)



SCHOOR DEPALMA
Engineers and Design Professionals

BK6902-PG058-7 BK 5502 PG 527

Theodore D. Cassera
Anthony J. Cirino
Stephen P. DePalma
Richard E. Drewes
George G. McCann
Daniel C. McSweeney
Henry J. Nay
Ralph J. Orlando
L. Miguel Salinas
Howard M. Schoor

August 25, 1997

Project No. B95082A

LEGAL DESCRIPTION
OF A ROADWAY RESERVATION ALONG PROSPECT
AND MOUNT PLEASANT AVENUE,
TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NJ

A parcel of land described herein for roadway reservation purposes, located along Prospect and Mount Pleasant Avenues, in the Township of West Orange, Essex County, New Jersey, and as shown on a certain map entitled "Site Layout Plan, for Manor Health Care, Block 82.03 - Lots 22, 27, and 36, Tax Map Sheet 12, Township of West Orange, Essex County, New Jersey" prepared by Schoor DePalma, dated February 18, 1997, last revised August 25, 1997, Sheet 3 of 12, and being more particularly described as follows:

Beginning at a point forming the intersection of the southerly sideline of Mount Pleasant Avenue (a/k/a New Jersey State Highway Route 10), (60 foot right-of-way), and the easterly sideline of Prospect Avenue, (66 foot right-of-way) and running, thence;

1. Along said southerly sideline, south 67 degrees 44 minutes 10 seconds east, 434.91 feet to a point; thence,
2. Along the same, south 86 degrees 00 minutes 10 seconds east, 140.98 feet to a point; thence,
3. Leaving said southerly sideline and along the westerly sideline of Ridge Road (30 foot right-of-way), south 17 degrees 20 minutes 30 seconds west, 13.36 feet to a point; thence,
4. Leaving said westerly sideline and along a line through said Lot 36, north 86 degrees 00 minutes 10 seconds west, 139.99 feet to a point; thence,
5. Along the same, north 67 degrees 44 minutes 10 seconds west, 428.36 feet to a point; thence,
6. Along a line through said Lots 36 and 27 and into said Lot 22, south 28 degrees 30 minutes 50 seconds west, 823.19 feet to a point; thence,
7. Along a line through said Lot 22, south 26 degrees 28 minutes 12 seconds west, 217.46 feet to a point; thence,
8. Along the southerly line of said Lot 22, north 75 degrees 36 minutes 30 seconds west, 10.23 feet to a point in the easterly right-of-way line of said Prospect Avenue; thence,

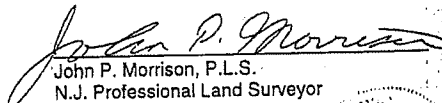


August 25, 1997
Page 2

9. Along said easterly right-of-way line, north 26 degrees 28 minutes 12 seconds east, 219.78 feet to a point; thence,
10. Along the same, north 28 degrees 30 minutes 50 seconds east, 835.34 feet to the point and place of beginning.

Containing 17,916 square feet/0.4113 acres of land as described herein

Subject to all easements of record

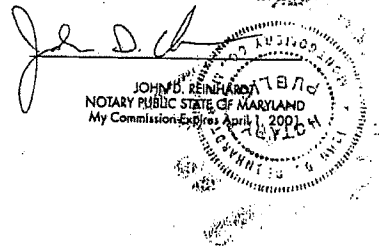

John P. Morrison, P.L.S.
N.J. Professional Land Surveyor
New Jersey License No. 34869



State of Maryland)
) ss:
County of Montgomery)

Be it remembered, that on this 17th day of September, 1997, before me the subscriber personally appeared Larry Godla, who, I am satisfied, is the person who signed the within instrument as Vice President of ManorCare Health Services, Inc. the corporation named therein and he thereupon acknowledged that the said instrument made by the corporation and sealed with its corporate seal, was signed, sealed with the corporate seal and delivered by him as such officer and is the voluntary act and deed of the corporation, made by virtue of authority from its Board of Directors.

Prepared by:



625061

Prepared By:

Ira Meislik, an Attorney
at Law of New Jersey

DECLARATION OF CROSS-ACCESS EASEMENT

THIS DECLARATION OF CROSS-ACCESS EASEMENT ("Declaration") is made this 20 day of May, 2002 by Bow and Arrow Manor, Inc., a New Jersey corporation, with offices at 111 Prospect Avenue, West Orange, New Jersey 07052 ("Manor").

W I T N E S S E T H:

WHEREAS, Manor is the owner of two adjacent parcels of land identified as Lot 15.03 in Block 151 ("Hotel Parcel") and Lot 17.01 in Block 151 ("Restaurant Parcel"), each on the Tax Maps of the Township of West Orange, New Jersey (the Hotel Parcel and the Restaurant Parcel collectively referred to as the "Property");

WHEREAS, the legal descriptions of the Hotel Parcel and the Restaurant Parcel are attached hereto as Exhibit A-1 and Exhibit A-2, respectively;

WHEREAS, Manor currently owns and operates a restaurant and banquet facility on the Restaurant Parcel;

WHEREAS, Manor currently ground leases the land on the Hotel Parcel to The Inn at the Manor, Inc. ("Inn") pursuant to a lease dated November 15, 1999 ("Lease");

WHEREAS, Inn currently owns and operates a hotel facility on the Hotel Parcel;

WHEREAS, Manor and Inn share the paved parking areas located on the Property which are accessible from both the Restaurant Parcel and the Hotel Parcel by a common paved drive which transects the common property boundary dividing the Restaurant Parcel from the Hotel Parcel;

WHEREAS, Manor desires to confirm by the grant of this easement benefitting and burdening both the Restaurant Parcel and the Hotel Parcel, that each such parcel is subject to the rights and obligations herein set forth concerning ingress, egress, and the use of the parking areas at the Property;



Instr# 625061 Carole A. Graves
Recorded/Filed AC 1 Essex County Register
07/11/2002 09:56:0 Bk 5899 Pg 121 #Pgs 10 50

Consideration: 0.00
County: 0.00
State: 0.00
N.P.R.F.: 0.00
Realty Tax: 0.00
Fees: 70.00

E

NOW THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is hereby declared that:

1. Manor hereby creates, confirms, and grants to itself and its successors and assigns a perpetual, non-exclusive easement in, upon, over, and through the real property known as the Restaurant Parcel and the Hotel Parcel, the right to use and for the purposes for which they have been designed, the points of ingress, egress, and access, and all internal driveways, roads, curb openings, parking areas, and other similar facilities for the purpose of providing vehicular and pedestrian access to and from the Restaurant Parcel and the Hotel Parcel. Attached hereto as Exhibit B is a sketch of the property in which the easement areas are identified by the shaded areas.

2. By virtue of the easement created in Paragraph 1 above, Manor and any subsequent owner of the Restaurant Parcel and the Hotel Parcel shall not be permitted to alter, modify, change or redirect any access or ingress point without the mutual approval and consent of all such owners and all holders of permanent mortgages secured by the Restaurant Parcel and the Hotel Parcel. Consent shall not be required from any other person or entity such as, but not limited to, any of their respective employees, licensees, guests, tenants, invitees, servants, agents, or other such authorized individuals.

3. The easement granted herein is declared to be granted on a non-exclusive basis in favor of the current and future owners of the Restaurant Parcel and the Hotel Parcel and their successors and assigns and is also intended to benefit their respective employees, licensees, guests, tenants, invitees, servants, agents, or other such authorized individuals.

4. The easement benefits, restrictions, and obligations set forth in this Agreement shall create mutual and reciprocal easements, restrictions, benefits, and servitudes upon the land running with the land which shall be perpetual. This easement is intended to be superior and prior to any and all mortgages now or hereafter encumbering the Restaurant Parcel and the Hotel Parcel.

5. For as long as the Restaurant Parcel and the Hotel Parcel are owned under common ownership, then such common owner shall be entitled to expand, modify, relocate or otherwise change the easement area to accommodate future improvements and changes at the Restaurant Parcel and the Hotel parcel, provided any such changes comply with all applicable governmental requirements

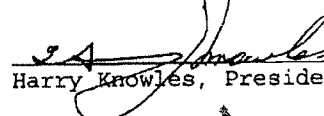
provided that the then current owner file and record an appropriate amendment to this Declaration.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seals as of the day and year first above written.

WITNESS:

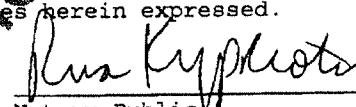

Kurt Knowles, Secretary

Bow and Arrow Manor, Inc.


Harry Knowles, President

STATE OF NEW JERSEY }
COUNTY OF ESSEX } SS.:

BE IT REMEMBERED that on this ³⁰ day of May, 2002, before me, the subscriber personally appeared Harry Knowles, who I am satisfied is the President of Bow and Arrow Manor, Inc. and he acknowledged that he signed, sealed and delivered the same as his voluntary act and deed and as the voluntary act and deed of the corporation for the use and purposes herein expressed.


Notary Public

RINA KYPRIOTIS
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Aug. 17, 2005

NEW JERSEY)
) S.S.:
ESSEX)

REMEMBERED that on this 30th day of May, 2000, the subscriber personally appeared Harry Knowles, Jr., as the President of New and Arrow Manor, Inc., and that he signed, sealed and delivered the foregoing act and deed and as the voluntary act and deed for the use and purposes herein expressed.

Rina Kypr
Notary Public

RINA KYPRIOTIS
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires August 1, 2003

ATTEST:

Kurt Knowles, Secretary

By: Harry Knowles, President

BE IT REMEMBERED that on this ⁷⁰ day of May, 2002, before me, the subscriber personally appeared Harry Knowles, who I am satisfied is the President of Bow and Arrow Manor, Inc. and he acknowledged that he signed, sealed and delivered the same as his voluntary act and deed and as the voluntary act and deed of the corporation for the use and purposes herein expressed.

Notary Public

RINA KYPRIOTIS
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Aug. 17, 2005

JOINDER AND CONSENT OF MORTGAGEE

THE UNDERSIGNED, being the holder of a mortgage on the Hotel Parcel given by Inn dated September 27, 2000 and recorded on November 9, 2000, in the Essex County Register's office in Mortgage Book 7619, Page 882, et seq., hereby joins in the aforesaid agreement for the sole purpose of expressing consent thereto and of binding subjecting subordinate and subordinating the aforesaid mortgage and its interest in any portion of the Parcel to the terms hereof.

ATTEST:

Valley National Bank

Patricia Botsolas

Patricia Botsolas
Assistant Cashier

Robert L. Barrett
By: Robert L. Barrett
FIRST Vice President

STATE OF NEW JERSEY)
COUNTY OF ESSEX) S.S.:

BE IT REMEMBERED that on this JUNE day of JUNE, 2002, before me, the subscriber personally appeared Robert L. Barrett, who I am satisfied is the FVP of Valley National Bank and he/she acknowledged that he/she signed, sealed and delivered the same as his/her voluntary act and deed and as the voluntary act and deed of the corporation for the use and purposes herein expressed.

Doris V. Loverich
Notary Public

DORIS V. LOVERICH
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES APRIL 6, 2004



EXHIBIT A-1
METES AND BOUNDS DESCRIPTION
THE HOTEL LOT
LOT 15.01 BLOCK 151
TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, NEW JERSEY

BEGINNING at a point on the northwesterly sideline of Prospect Avenue (66 feet wide) distant northeasterly the following two courses from the intersection of said northwesterly sideline of Prospect Avenue with the northeasterly sideline of Woodland Avenue (50 feet wide):

- A. Along said northwesterly sideline of Prospect Avenue along a curve to the right having a radius of 1833.00 feet and an arc length of 567.00 feet (chord North 33° 38' 18" East 564.74 feet) to a point of tangency; thence
- B. Still along the same, North 42° 30' 00" East 505.38 feet to the proper point of BEGINNING and running; thence
1. South 87° 38' 40" West 87.00 feet to a point; thence
 2. North 59° 53' 38" West 53.98 feet to a point; thence
 3. North 48° 14' 40" West 420.93 feet to a point; thence
 4. North 78° 49' 32" West 57.80 feet to a point on the rear lot line of Lot 24 in Block 151.65; thence
 5. North 30° 45' 00" East, along the rear line of Lots 24 through 28 in Block 151.02 59.48 feet to a point on the southerly lot line of Lot 29; thence
 6. South 43° 29' 30" East, along the southerly line of Lot 29, 4.65 feet to a point and the southeasterly corner of Lot 29; thence
 7. North 47° 18' 30" East, along the rear lines of Lots 29 through 31, 198.00 feet to a point on the southerly line of lands now or formerly Montclair Golf Club; thence
 8. South 43° 29' 30" East, along said southerly line of lands now or formerly Montclair Golf Club, 619.82 feet to a point on the aforesaid northwesterly sideline of Prospect Avenue; thence

McCumsey - Petry
a Division of
RCC Design, Inc.



9. South 42° 30' 00" West, along said northwesterly sideline of Prospect Avenue,
309.00 feet to the point of BEGINNING

Containing an area of 5.7392 acres more or less.

Not Certified Copy



EXHIBIT A-2
METES AND BOUNDS DESCRIPTION
THE MANOR LOT
LOT 17.01 BLOCK 151
TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, NEW JERSEY

BEGINNING at a point of intersection of the northeasterly sideline of Woodland Avenue (50 feet wide) and the northwesterly sideline of Prospect Avenue (66 feet wide) and running; thence

1. North 50° 56' 30" West, along the northeasterly sideline of Woodland Avenue, 166.61 feet to a point; thence
2. North 33° 04' 30" East, along the rear lines of Lots 10, 11 and 12 in Block 151.03 as shown on the official tax map of the Township of West Orange, 150.00 feet to a point on the southwesterly line of Lot 9; thence
3. South 50° 56' 30" East, along said southwesterly lot line, 15.00 feet to a point and the southerly corner of Lot 9; thence
4. North 33° 04' 30" East, along the rear lines of Lots 7, 8, and 9, 326.07 feet to a point; thence
North 56° 54' 30" West, along the rear lines of Lots 3 through 6, 332.70 feet to a point and the southerly corner of Lot 14; thence
6. North 30° 45' 00" East, along the rear lines of Lots 14 through 24, 560.49 feet to a point; thence
7. South 78° 49' 32" East 57.80 feet to a point; thence
8. South 48° 14' 47" East 420.93 feet to a point; thence
9. South 59° 53' 38" East 53.98 feet to a point; thence
10. North 87° 38' 40" East 87.00 feet to a point on the aforesaid northwesterly sideline of Prospect Avenue; thence



11. Along said northwesterly sideline of Prospect Avenue, South $42^{\circ} 30' 00''$
west 505.38 feet to a point of curvature; thence

12. Still along the same, along a curve to the left having a radius of 1833.00 feet and
an arc length of 567.00 feet (chord South $33^{\circ} 38' 18''$ West 564.74 feet) to the
point of BEGINNING

Containing an area of 8.2934 acres more or less.

Not Certified Copy

PREPARED BY:

ROBERT C. WILLIAMS, ESQ.

RECORD & RETURN:

ROBERT C. WILLIAMS, ESQ.
622 Eagle Rock Avenue
West Orange, New Jersey 07052
(973) 736-4100

**GRANT OF EASEMENT
(SEWER)**

THIS GRANT OF EASEMENT, made this 6th day of February, 2002, by and between:

HARRY KNOWLES, whose address is 111 Prospect Avenue, West Orange, New Jersey 07052, (hereinafter "**Grantor**"),

and

BOW & ARROW MANOR, INC., a corporation of the State of New Jersey, with offices at 111 Prospect Avenue, West Orange, New Jersey 07052, (hereinafter "**Grantee**").

WITNESSETH:

WHEREAS, the **Grantor** is in possession of certain property in the Township of West Orange, New Jersey being Lot 30 in Block 151.03 and commonly known as 33 Deerfield Drive; and

WHEREAS, **Grantee** desires to obtain an Easement for the installation and/or operation of a sanitary sewer line on a portion of said property for the benefit and use by adjacent Lot 15.03 in Block 151.03;

WHEREAS, **Grantor** is desirous of granting said **Grantee** that easement;

NCW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and the mutual undertaking herein, **Grantor** hereby gives and grants and conveys to **Grantee**, its successors and assigns, in perpetuity, and Easement for the purposes hereinafter set forth across the following premises, being in the Township of West Orange, County of Essex, State of New Jersey, and more particularly described on Schedule "A" attached hereto and made a part hereof.

The aforesaid Easement shall include the right to install and/or operate, rebuild, remove, inspect, test, replace, reconstruct, repair and maintain a sewer line in and upon

0.00
0.00
0.00
0.00
0.00
50.00

Consideration:
County:
State:
N.P.R.F.:
Rec'd Tax:
Fees:



Instr# 559839
Recorded/Filed LS 901 Essex County Register
03/06/2002 13:30:2 Bk 5866 Pg 808 #Pg 6

Carole A. Graves

and under and through said lands; the right of the beneficiary of this Easement, their agents, servants, employees, contractors and licensees (with all necessary or appropriate vehicles, equipment, apparatus, tools, materials and supplies) of ingress, access and egress in and upon said lands until the completion of any such installation, maintenance, repair, location, testing, rebuilding, reconstruction, or replacement of the said installation is included herein on the condition, however, that the party making said installations and/or repairs, upon completion of any said work, shall remove all materials, tools, equipment, building and debris remove all materials, tools, equipment, building and debris from said premises and generally restore the surface of the land as nearly as possible to the same condition as it may have been prior to the undertaking of said work.

The **Grantor** of the land shall have the right to use the surface of the aforesaid premises, except as may otherwise appear hereon or to be inconsistent with the rights hereby established, and shall not erect or cause to be erected, installed or placed upon the premises herein described or part thereof, the erection, installation or placement of any building or permanent structure, sidewalk, or any other type of permanent material of any nature (including any machinery, apparatus, merchandise or any other personal property of a permanent nature of any kind whatsoever) and shall not take any action to interfere with the construction, maintenance, or other operation of the sanitary sewer line constructed pursuant to this instrument.

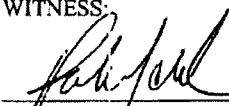
The **Grantor** agrees, at the **Grantee's** option, to procure and deliver to the **Grantee**, upon demand, proper postponements and subordinations from parties holding liens or other interests in the lands, postponing and subordinating their interest to the easement created by this instrument.

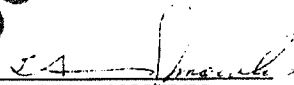
The **Grantor** covenants and represents that **Grantor** is lawfully seized and possessed of the lands hereinabove described on Schedule "A" and that **Grantor** has good and lawful right and title to convey said lands and interest therein.

The covenants and easement herein granted shall run with the land and shall be construed as running with the land and that same shall be binding on the parties hereto, their heirs, assigns and successors in title or interest, in perpetuity.

IN WITNESS WHEREOF, the parties hereto have hereunto caused these presents to be signed, sealed and acknowledged the day and year as indicated in the acknowledgements attached hereto and made a part hereof.

WITNESS:

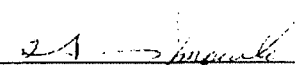

ROBERT C. WILLIAMS
An Attorney at Law of the
State of New Jersey

By: 
HARRY KNOWLES

ATTEST:


Secretary
Kent Knowles

THE BOW & ARROW MANOR, INC.

By: 
HARRY KNOWLES,
PRESIDENT

Acknowledgment

STATE OF NEW JERSEY, COUNTY OF ESSEX

SS:

I CERTIFY that on *Feb 6, 2002*
HARRY KNOWLES

personally came before me and stated to my satisfaction that this person (or if more than one, each person):
(a) was the maker of the attached instrument; and
(b) executed this instrument as his or her own act.


(Print name and title below signature)
Robert C. Williams
An Attorney at Law of New Jersey

Not Certified Copy

Acknowledgment

Corporation or Other Entity

STATE OF NEW JERSEY, COUNTY OF ESSEX

SS:

I CERTIFY that on

HARRY KNOWLES

personally came before me and stated to my satisfaction that this person (or if more than one, each person):

(a) was the maker of the attached instrument;

(b) was authorized to and did execute this instrument as **President**

of **The Bow & Arrow Manor, Inc.** the entity named in this instrument, and,

(c) executed this instrument as the act of the entity named in this instrument.

(Print name and title below)

Robert C. Williams

An Attorney at Law of New Jersey

Not Certified Copy



McCumsey - Petry, P.C.

Engineering • Planning • Surveying

**METES AND BOUNDS DESCRIPTION
PROPOSED SANITARY SEWER EASEMENT
FROM HARRY KNOWLES (LOT 30; BLOCK 151.03)
TO BOW & ARROW MANOR, INC. (LOT 15.03 BLOCK 151)
TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, NEW JERSEY**

BEGINNING at a point on the easterly side line of Deerfield Drive (50 feet wide), said point being the Northwesterly corner of Lot 30; Block 151.03 and being distant Northerly 1126.25 feet from the intersection of said side line projected and the Northeasterly line of Seaman Road projected and running thence:

1. Along the Northerly property line of said Lot 30, South $43^{\circ} 29' 30''$ East a distance of 175.24 feet to a point; thence
2. South $47^{\circ} 18' 30''$ West a distance of 10.00 feet to a point; thence
3. North $43^{\circ} 29' 30''$ West a distance of 171.31 feet to the easterly side line of Deerfield Drive; thence
4. North $25^{\circ} 45' 00''$ East a distance of 10.69 feet to the point of BEGINNING.

Being a 10 foot wide strip of land along the Northerly property line of Lot 30; Block 151.03 and containing 0.0398 acres more or less.

PREPARED BY:

ROBERT C. WILLIAMS, ESQ.

RECORD + RETURN

ROBERT C. WILLIAMS, ESQ.
622 Eagle Rock Avenue
West Orange, New Jersey 07052
(973) 736-4100

**GRANT OF EASEMENT
(WATER)**

THIS GRANT OF EASEMENT, made this 6th day of February, 2002, by and between:

HARRY KNOWLES, whose address is 111 Prospect Avenue, West Orange, New Jersey 07052, (hereinafter "**Grantor**"),

and

BOW & ARROW MANOR, INC., a corporation of the State of New Jersey, with offices at 111 Prospect Avenue, West Orange, New Jersey 07052, (hereinafter "**Grantee**").

WITNESSETH:

WHEREAS, the **Grantor** is in possession of certain property in the Township of West Orange, New Jersey being Lot 30 in Block 151.03 and commonly known as 33 Deerfield Drive; and

WHEREAS, **Grantee** desires to obtain an Easement for the installation and/or operation of a water line on a portion of said property for the benefit and use by adjacent Lot 15.03 in Block 151; and

WHEREAS, **Grantor** is desirous of granting said **Grantee** that easement;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and the mutual undertakings herein, **Grantor** hereby gives and grants and conveys to **Grantee**, its successors and assigns, in perpetuity, and Easement for the purposes hereinafter set forth across the following premises, being in the Township of West Orange, County of Essex, State of New Jersey, and more particularly described on Schedule "A" attached hereto and made a part hereof.

The aforesaid Easement shall include the right to install and/or operate, rebuild, remove, inspect, test, replace, reconstruct, repair and maintain a water main in and upon

Consideration:

County:

State:

N.P.R.F.:

Realty Tax:

Fees:

0.00
0.00
0.00
50.00



Instr# 559848
Recorded/Filed LS 901 Essex County Register
03/08/2002 13:37:0 BK 6866 Pg 868 #Pg 6 RM

Carole A. Graves

and under and through said lands; the right of the beneficiary of this Easement, their agents, servants, employees, contractors and licensees (with all necessary or appropriate vehicles, equipment, apparatus, tools, materials and supplies) of ingress, access and egress in and upon said lands until the completion of any such installation, maintenance, repair, location, testing, rebuilding, reconstruction, or replacement of the said installation is included herein on the condition, however, that the party making said installations and/or repairs, upon completion of any said work, shall remove all materials, tools, equipment, building and debris remove all materials, tools, equipment, building and debris from said premises and generally restore the surface of the land as nearly as possible to the same condition as it may have been prior to the undertaking of said work.

The **Grantor** of the land shall have the right to use the surface of the aforesaid premises, except as may otherwise appear hereon or to be inconsistent with the rights hereby established, and shall not erect or cause to be erected, installed or placed upon the premises herein described or part thereof, the erection, installation or placement of any building or permanent structure, sidewalk, or any other type of permanent material of any nature (including any machinery, apparatus, merchandise or any other personal property of a permanent nature of any kind whatsoever) and shall not take any action to interfere with the construction, maintenance, or other operation of the water line constructed pursuant to this instrument.

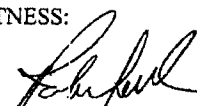
The **Grantor** agrees, at the **Grantee's** option, to procure and deliver to the **Grantee**, upon demand, proper postponements and subordinations from parties holding liens or other interests in the lands, postponing and subordinating their interest to the easement created by this instrument.

The **Grantor** covenants and represents that **Grantor** is lawfully seized and possessed of the lands hereinabove described on Schedule "A" and that **Grantor** has good and lawful right and title to convey said lands and interest therein.

The covenants and easement herein granted shall run with the land and shall be construed as running with the land and that same shall be binding on the parties hereto, their heirs, assigns and successors in title or interest, in perpetuity.

IN WITNESS WHEREOF, the parties hereto have hereunto caused these presents to be signed, sealed and acknowledged the day and year as indicated on the acknowledgements attached hereto and made a part hereof.

WITNESS:

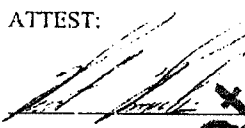


ROBERT C. WILLIAMS
An Attorney at Law of the
State of New Jersey

By: 

HARRY KNOWLES

ATTEST:



Secretary
Harry Knowles

THE BOW & ARROW MANOR, INC.

By: 

HARRY KNOWLES,
PRESIDENT

Acknowledgment

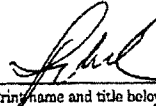
STATE OF NEW JERSEY, COUNTY OF **ESSEX**

SS:

I CERTIFY that on
HARRY KNOWLES

Feb. 6, 2002

personally came before me and stated to my satisfaction that this person (or if more than one, each person):
(a) was the maker of the attached instrument; and
(b) executed this instrument as his or her own act.


(Print name and title below signature)

Robert C. Williams
An Attorney at Law of New Jersey

Not Certified Copy

EXHIBIT E



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: 1/28/25

BLOCK: 151

LOT: 17.01

NAME: ORANGE PROSPECT, LLC

ADDRESS: 111 PROSPECT AVENUE

TAXES PAID UNTIL: 1/31/25

2024 SEWER PAID

2025 SEWER NOT YET BILLED



AN EQUAL OPPORTUNITY EMPLOYER

www.westorange.org

EXHIBIT F

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)

Parcel Limits (4)

Municipality	Block	Lot	Qualifier	Parcel Address	Owner Name	Owner Street	Owner CityState	Owner Zip	Property Mailing
West Orange Township	151	15.03		107 PROSPECT AVENUE	BOW & ARROW MANOR INC	111 PROSPECT AVENUE	WEST ORANGE,N.J.	07052	107 Prospect Avenue, West Orange, NJ, 07052
West Orange Township	151	17.01		111 PROSPECT AVENUE	ORANGE PROSPECT, LLC	111 PROSPECT AVE	WEST ORANGE, NJ	07052	111 Prospect Avenue, West Orange, NJ, 07052
West Orange Township	151.03	5		16 SEAMAN ROAD	KNOWLES, KURT JR	16 SEAMAN RD	WEST ORANGE, NJ	07052	16 Seaman Road, West Orange, NJ, 07052
West Orange Township	151.03	6		14 SEAMAN ROAD	ORANGE PROSPECT LLC	12 SEAMAN ROAD	WEST ORANGE, NJ	07052	14 Seaman Road, West Orange, NJ, 07052

§

List of adjoining feature(s) that intersect 200 foot buffer from Parcel Limits.

Adjoining Properties (54)

Municipality	Block	Lot	Qualifier	Parcel Address	Owner Name	Owner Street	Owner CityState	Owner Zip	Property Mailing
West Orange Township	150	1		PROSPECT & EAGLE ROCK AVE	COUNTY OF ESSEX	115 CLIFTON AVENUE	NEWARK N J	07114	Prospect & Eagle Rock Ave, West Orange, NJ, 07052
West Orange Township	151	1		25 PROSPECT AVENUE	MONTCLAIR GOLF CLUB	P O BOX 194	MONTCLAIR N J	07042	25 Prospect Avenue, West Orange, NJ, 07052
West Orange Township	151	15.03		107 PROSPECT AVENUE	BOW & ARROW MANOR INC	111 PROSPECT AVENUE	WEST ORANGE,N.J.	07052	107 Prospect Avenue, West Orange, NJ, 07052
West Orange Township	151	17.01		111 PROSPECT AVENUE	ORANGE PROSPECT, LLC	111 PROSPECT AVE	WEST ORANGE, NJ	07052	111 Prospect Avenue, West Orange, NJ, 07052
West Orange Township	151.02	5		26 SEAMAN ROAD	OGUN, OLUWATOSIN A. & OGUN, IBILOLA	26 SEAMAN ROAD	WEST ORANGE, NJ	07052	26 Seaman Road, West Orange, NJ, 07052

Municipality	Block	Lot	Qualifier	Parcel Address	Owner Name	Owner Street	Owner CityState	Owner Zip	Property Mailing
West Orange Township	151.02	16		13 STANLEY ROAD	ADAYENG, PATIENCE	13 STANLEY RD	WEST ORANGE, NJ	07052	13 Stanley Road, West Orange, NJ, 07052
West Orange Township	151.03	1		24 SEAMAN ROAD	TITIEVSKY, ALEKSANDR & LAURA	24 SEAMAN RD.	WEST ORANGE, N.J.	07052	24 Seaman Road, West Orange, NJ, 07052
West Orange Township	151.03	2		22 SEAMAN ROAD	BATTLE, CURTIS JR & APRIL L	22 SEAMAN ROAD	WEST ORANGE, NJ	07052	22 Seaman Road, West Orange, NJ, 07052
West Orange Township	151.03	3		20 SEAMAN ROAD	SALINAS, PABLO	20 SEAMAN ROAD	WEST ORANGE, NJ	07052	20 Seaman Road, West Orange, NJ, 07052
West Orange Township	151.03	4		18 SEAMAN ROAD	CORCORAN, CHERYL A. & KEVIN J.	18 SEAMAN ROAD	WEST ORANGE, NJ	07052	18 Seaman Road, West Orange, NJ, 07052
West Orange Township	151.03	5		16 SEAMAN ROAD	KNOWLES, KURT JR	16 SEAMAN RD	WEST ORANGE, NJ	07052	16 Seaman Road, West Orange, NJ, 07052
West Orange Township	151.03	6		14 SEAMAN ROAD	ORANGE PROSPECT LLC	12 SEAMAN ROAD	WEST ORANGE, NJ	07052	14 Seaman Road, West Orange, NJ, 07052
West Orange Township	151.03	7		12 SEAMAN ROAD	COPPER BELL PROPERTIES LLC	PO BOX 533	WEST ORANGE, NJ	07052	12 Seaman Road, West Orange, NJ, 07052
West Orange Township	151.03	8		10 SEAMAN ROAD	ARIYARATNE, BIMSARA RUWAN	10 SEAMAN RD	WEST ORANGE, NJ	07052	10 Seaman Road, West Orange, NJ, 07052
West Orange Township	151.03	9		8 SEAMAN ROAD	AKINBOYEWA, ADEYINKA A	8 SEAMAN RD.	WEST ORANGE, NJ	07052	8 Seaman Road, West Orange, NJ, 07052
West Orange Township	151.03	10		6 SEAMAN ROAD	RODRIGUEZ, DAVID & MAYRA MOLINA-	6 SEAMAN ROAD	WEST ORANGE,NJ	07052	6 Seaman Road, West Orange, NJ, 07052
West Orange Township	151.03	11		4 SEAMAN ROAD	PETTIT, FRANKY & PAUL, FRANCOISE	4 SEAMAN ROAD	WEST ORANGE, NJ	07052	4 Seaman Road, West Orange, NJ, 07052
West Orange Township	151.03	12		2 SEAMAN ROAD	REYES, JOSE ENRIQUE	2 SEAMAN ROAD	WEST ORANGE, NJ	07052	2 Seaman Road, West Orange, NJ, 07052

Municipality	Block	Lot	Qualifier	Parcel Address	Owner Name	Owner Street	Owner CityState	Owner Zip	Property Mailing
West Orange Township	151.03	14		1 DEERFIELD DRIVE	MC CRINK, FRANCES M.	1 DEERFIELD DRIVE	WEST ORANGE, NEW JERSEY	07052	1 Deerfield Drive, West Orange, NJ, 07052
West Orange Township	151.03	15		3 DEERFIELD DRIVE	SUSSMAN, BARRY E	3 DEERFIELD DRIVE	WEST ORANGE, NJ	07052	3 Deerfield Drive, West Orange, NJ, 07052
West Orange Township	151.03	16		5 DEERFIELD DRIVE	DENT, CATHY J.	5 DEERFIELD DRIVE	WEST ORANGE, NEW JERSEY	07052	5 Deerfield Drive, West Orange, NJ, 07052
West Orange Township	151.03	17		7 DEERFIELD DRIVE	ALLEYNE, KHALFANI	7 DEERFIELD DR	WEST ORANGE, NJ	07052	7 Deerfield Drive, West Orange, NJ, 07052
West Orange Township	151.03	18		9 DEERFIELD DRIVE	YOUNG, HARRY S & MARY E.	9 DEERFIELD DRIVE	WEST ORANGE, NJ	07052	9 Deerfield Drive, West Orange, NJ, 07052
West Orange Township	151.03	19		11 DEERFIELD DRIVE	SANTOS, MARY JENNIFER+SALVADOR B.IV	11 DEERFIELD DRIVE	WEST ORANGE, NJ	07052	11 Deerfield Drive, West Orange, NJ, 07052
West Orange Township	151.03	20		13 DEERFIELD DRIVE	TIERNAN, KIM A	13 DEERFIELD DRIVE	WEST ORANGE, NEW JERSEY	07052	13 Deerfield Drive, West Orange, NJ, 07052
West Orange Township	151.03	21		15 DEERFIELD DRIVE	ROWE, CHAD W.	15 DEERFIELD DR	WEST ORANGE, NJ	07052	15 Deerfield Drive, West Orange, NJ, 07052
West Orange Township	151.03	22		17 DEERFIELD DRIVE	PRITCHARD, SARAH	17 DEERFIELD DRIVE	WEST ORANGE, NEW JERSEY	07052	17 Deerfield Drive, West Orange, NJ, 07052
West Orange Township	151.03	23		19 DEERFIELD DRIVE	PROANO CELI, DAVID & HSIA-HAN	19 DEERFIELD DRIVE	WEST ORANGE, NJ	07052	19 Deerfield Drive, West Orange, NJ, 07052
West Orange Township	151.03	24		21 DEERFIELD DRIVE	ROGERS, KENNY R & SHARDA	8420 AUSTIN ST #3C	KEW GRDENS, NY	11415	21 Deerfield Drive, West Orange, NJ, 07052
West Orange Township	151.03	25		23 DEERFIELD DRIVE	PHILLIPS, KAMEELAH	23 DEERFIELD DR	WEST ORANGE, NJ	07052	23 Deerfield Drive, West Orange, NJ, 07052
West Orange Township	151.03	26		25 DEERFIELD DRIVE	SAWHNEY, NAVEEN	70 S. MUNN AVENUE #1108	EAST ORANGE, NJ	07018	25 Deerfield Drive, West Orange, NJ, 07052

Municipality	Block	Lot	Qualifier	Parcel Address	Owner Name	Owner Street	Owner CityState	Owner Zip	Property Mailing
West Orange Township	151.03	27		27 DEERFIELD DRIVE	27 DEERFIELD DRIVE CO.	27 DEERFIELD DR.	WEST ORANGE, NJ	07052	27 Deerfield Drive, West Orange, NJ, 07052
West Orange Township	151.03	28		29 DEERFIELD DRIVE	HURITE, ALAN S & PRIYADARSHINI, G.	29 DEERFIELD DRIVE	WEST ORANGE, NJ	07052	29 Deerfield Drive, West Orange, NJ, 07052
West Orange Township	151.03	29		31 DEERFIELD DRIVE	GABALDON, MELECIO Q & MARITES	31 DEERFIELD DRIVE	WEST ORANGE, NJ	07052	31 Deerfield Drive, West Orange, NJ, 07052
West Orange Township	151.03	30		33 DEERFIELD DRIVE	CHINDEA, SIMONA MARIA & NECULAI	33 DEERFIELD DR	WEST ORANGE, NJ	07052	33 Deerfield Drive, West Orange, NJ, 07052
West Orange Township	151.03	31		35 DEERFIELD DRIVE	HERNANDEZ, DIANNA	35 DEERFIELD DRIVE	WEST ORANGE, NJ	07052	35 Deerfield Drive, West Orange, NJ, 07052
West Orange Township	151.04	9		13 BRYN MAWR ROAD	WILLIAMS, GLENN	13 BRYN MAWR ROAD	WEST ORANGE, NJ	07052	13 Bryn Mawr Road, West Orange, NJ, 07052
West Orange Township	151.04	10		12 STANLEY ROAD	WILLIAMS JR, LESTER H.	12 STANLEY RD	WEST ORANGE, NJ	07052	12 Stanley Road, West Orange, NJ, 07052
West Orange Township	151.05	6		23 SEAMAN ROAD	SHEHATA,MOHAMED & SHEHAB,LINA A.	PO BOX 344	WEST ORANGE, N.J.	07052	23 Seaman Road, West Orange, NJ, 07052
West Orange Township	151.05	7		21 SEAMAN ROAD	CARROLL, PATRICIA A.	21 SEAMAN RD.	WEST ORANGE, N.J.	07052	21 Seaman Road, West Orange, NJ, 07052
West Orange Township	151.05	8		19 SEAMAN ROAD	WILLIAMS, RHESHA L & WATT, MARTIN A	19 SEAMAN ROAD	WEST ORANGE, NJ	07052	19 Seaman Road, West Orange, NJ, 07052
West Orange Township	151.05	9		17 SEAMAN ROAD	MERIGLIANO, GINA M.	17 SEAMAN ROAD	WEST ORANGE, NJ	07052	17 Seaman Road, West Orange, NJ, 07052
West Orange Township	151.05	10		15 SEAMAN ROAD	TEIXEIRA, ANGELA &SCHALLER,AUSTIN	15 SEAMAN DR.	WEST ORANGE, NJ	07052	15 Seaman Road, West Orange, NJ, 07052
West Orange Township	151.05	11		5 SEAMAN ROAD	MONTEIRO, NATALIE & RICARDO FILIPE	5 SEAMAN RD	WEST ORANGE, NJ	07052	5 Seaman Road, West Orange, NJ, 07052

Municipality	Block	Lot	Qualifier	Parcel Address	Owner Name	Owner Street	Owner CityState	Owner Zip	Property Mailing
West Orange Township	151.05	12		3 SEAMAN ROAD	MC KENZIE, DONNA	3 SEAMAN RD	WEST ORANGE, NJ	07052	3 Seaman Road, West Orange, NJ, 07052
West Orange Township	151.05	13		1 SEAMAN ROAD	DE PASQUALE, MARY & JOSEPH	1 SEAMAN RD	WEST ORANGE, NJ	07052	1 Seaman Road, West Orange, NJ, 07052
West Orange Township	151.05	225		25 WOODLAND AVENUE	NATALE, ELENE MELEAS -	25 WOODLAND AVENUE	WEST ORANGE, NJ	07052	25 Woodland Avenue, West Orange, NJ, 07052
West Orange Township	151.05	228		27 WOODLAND AVENUE	CAMPANELLA, LEONARD & W. NORMA I.	27 WOODLAND AVENUE	WEST ORANGE, N.J.	07052	27 Woodland Avenue, West Orange, NJ, 07052
West Orange Township	151.06	7		14 BRYN MAWR ROAD	ANDREVILLE, NAZE & PATRICIA	14 BRYN MAWR ROAD	WEST ORANGE, NJ	07052	14 Bryn Mawr Road, West Orange, NJ, 07052
West Orange Township	151.06	8		11 ABINGTON ROAD	AIYER, OLUFEMI & STEPHANIE	11 ABINGTON ROAD	WEST ORANGE, NJ	07052	11 Abington Road, West Orange, NJ, 07052
West Orange Township	151.07	1		12 ABINGTON ROAD	FUERDERER, MARKUS & MONICA	20 RIVER COURT	JERSEY CITY, NJ	07869	12 Abington Road, West Orange, NJ, 07052
West Orange Township	151.07	12		30 DEERFIELD DRIVE	QUIRK, JOHN & DONNA	30 DEERFIELD DRIVE	WEST ORANGE, N. J.	07052	30 Deerfield Drive, West Orange, NJ, 07052
West Orange Township	152.02	132		151 PROSPECT AVENUE	TERRA KENNEDY REALTY,LLC	339 HICKSVILLE RD,#1120	BETHPAGE, NY	11714	151 Prospect Avenue, West Orange, NJ, 07052
West Orange Township	152.02	186		12-22 WOODLAND AVE	MONTCLAIR STABLES LLC	1320 CAPE ST #636	ANNAPOLIS, MD	21409	12-22 Woodland Ave, West Orange, NJ, 07052

Buffer Report - Map

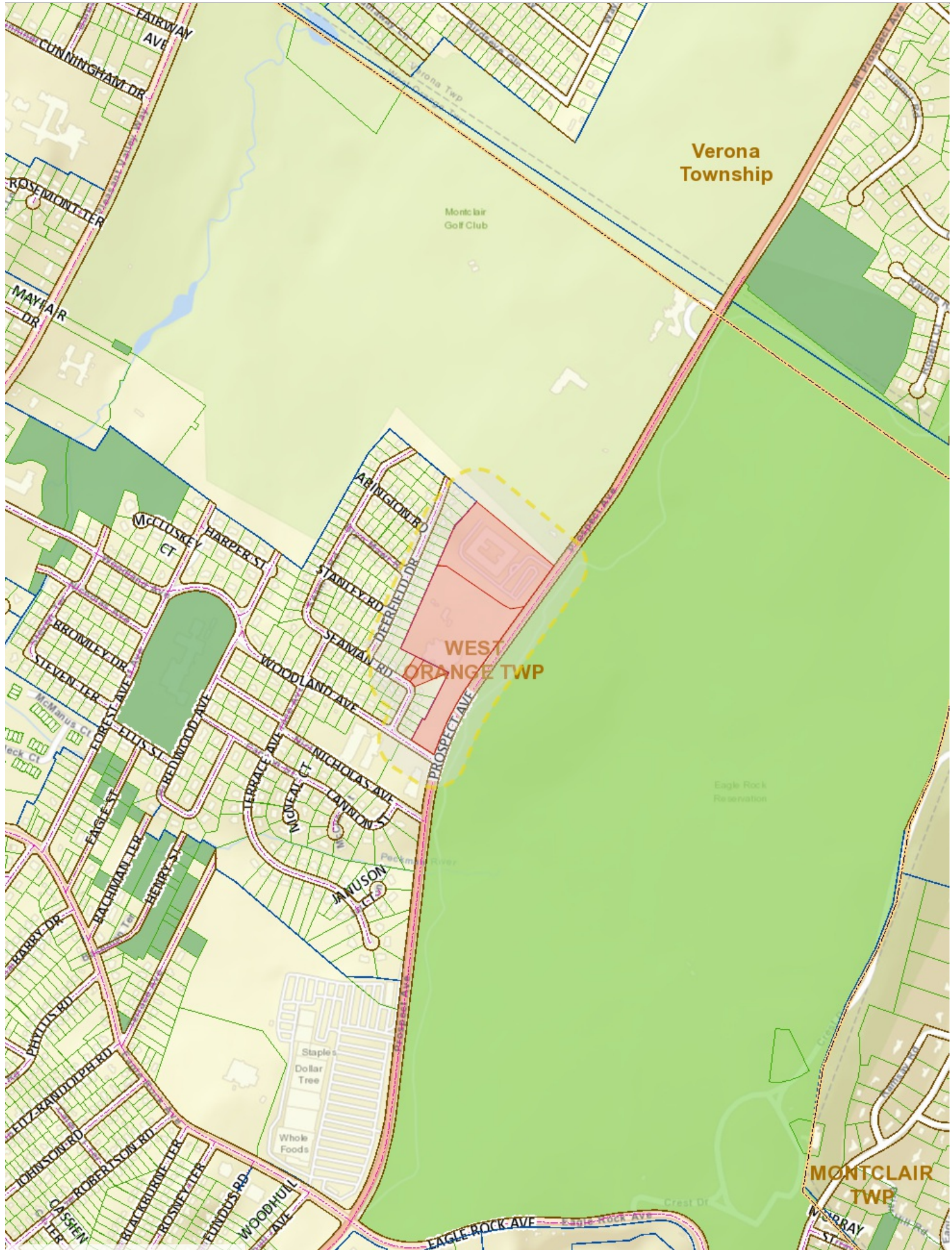


EXHIBIT G

APPLICATION FEES AND ESCROW DEPOSIT CALCULATIONS

Applicant: Orange Prospect, LLC
Property: 111 Prospect Avenue (County Route 577)
West Orange, New Jersey
Block 151, Lot 17.01

1. Application Fees (Non-residential)

Preliminary Major Site Plan (Base fee (\$500.00 + \$622.50 acreage fee)	\$ 1,122.50
Final Major Site Plan (75% of preliminary fee)	\$ 841.88
C Variance	\$ 350.00
Total:	\$ 2,314.38

2. Digitizing Fee (Non-residential)

Preliminary Major Site Plan	\$ 1,500.00
Final Major Site Plan	\$ 1,000.00
Total:	\$ 2,500.00

Escrow Deposit (Commercial)

Preliminary/Final Major Site Plan	\$ 6,500.00
Resolution Drafting	\$ 1,500.00
Total:	\$ 8,000.00

EXHIBIT H

AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION OF APPLICATION

State of New Jersey }

County of Essex }
Arkadiusz Eric

I, Baginski, being of full age and upon oath, do hereby certify as follows:

1. I am an authorized signatory member of Orange Prospect LLC ("Owner"), having a business address of 92 Windsor Drive, Pine Brook, New Jersey 07058.
2. Orange Prospect LLC is the owner of certain property known as 111 Prospect Avenue in the Township of West Orange, otherwise known on the Township of West Orange Tax maps as Block 151, Lot 17.01 (the "Property").
3. Owner hereby grants its professionals consent to apply to the Township of West Orange and Essex County Planning Boards (and any other necessary agencies with jurisdiction) for preliminary and final site plan approval, tree replacement and removal approval, as well as any other variances, exceptions or other related approvals as may be necessary for Owner to develop the associated site improvements at the Property which are shown as a part of the plans accompanying the application for development submitted herewith.
4. Owner further hereby permits authorized officials of the Township of West Orange and the County of Essex to inspect the above-referenced Property in conjunction with the application for development submitted herewith.

ORANGE PROSPECT LLC

By: _____

Name: ARKADIUSZ ERIC BAGINSKI

Sworn and subscribed before me
this 13th day of February, 2025

Notary Public
State of New Jersey

