

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

A. APPLICANT INFORMATION

Full Legal Name: 19 Wheatland Development LLC

Mailing Address: (Last) 10 Orton Road (First) West Caldwell NJ 07006

(Street) (City) (State) (Zip)

Telephone Number: () Email: RGaccione@gpmlegal.com

Is the Applicant an: ☐ Individual, ☐ Corporation, ☐ Partnership, ☒ Other Limited Liability Company

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

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

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

B. PROPERTY OWNER INFORMATION

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

Owner's Name: _____

Address: _____

Telephone Number: () _____ Email: _____

C. PROPERTY INFORMATION

Street Address: 17 Wheatland Avenue, West Orange NJ 07052

Block Number(s): 39; Lot Number(s): 56.06;

Tax Plate: 11; Zone of Property: R-6 One Family Residential

The location of the property is approximately 110 feet from the intersection of _____
South Valley Road and Wheatland Avenue (closest intersection.)

Has there been any previous Zoning Board of Adjustment or Planning Board hearings involving this property?
☐ Yes, Date(s): _____; ☒ No

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

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

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.
- 9) ☐ Amended Site Plan.
- 10) ☐ Conditional Use.
- 11) ☐ Conceptual.
- 12) ☐ Home Professional Office.
- 13) ☐ Home Occupation.
- 14) ☐ Soil Removal Permit.

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

Section: _____; Proposed: _____; Description: See attached Proposal

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.)

-The applicant is seeking to construct a single family home on the property which is currently vacant.

The property is 5,789 (square feet); 0.1323 (acres)

Impervious Surface Coverage: Present: 0%; Proposed: 37.1%

Building Coverage: Present: 0%; Proposed: 20.57%

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: Robert A. Gaccione, Esq. of Gaccione Pomaco, P.C.

Telephone Number: (973) 759-2807 Email: rgaccione@gpmlegal.com

Address: 524 Union Avenue, Belleville NJ 07109

APPLICANT'S ENGINEER: J. Michael Petry of Petry Engineering, LLC

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

Address: 155 Passaic Avenue, Fairfield NJ 07004

APPLICANT'S ARCHITECT: Charles L. Baldanza, R.A. of Baldanza Design Build

Telephone Number: (973) 780-3360 Email: charlie@baldanzadesign.com

Address: 1055 Bloomfield Avenue, West Caldwell NJ 07006

APPLICANT'S PLANNER: To be determined

Telephone Number: () _____ Email: _____

Address: _____

OTHER EXPERT(S): _____

Telephone Number: () _____ Email: _____

Address: _____

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

G. REQUIREMENTS FOR VARIANCES

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

H. PLAT SUBMISSION

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

ITEM	SIGNED BY	DATE/REVISION
Floor plans and elevations	Charles L. Baldanza, R.A.	9/30/21 and not since revised
Engineering plans to include plot plan & steep slopes map	J. Michael Petry, P.E.	9/22/21 / 10/5/21

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.

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.

Applicant's Signature:  Date: 10-25-21

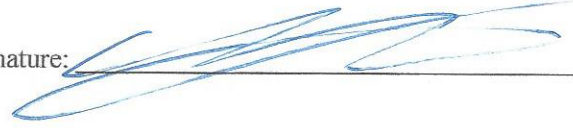
CONTINUANCE

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

Applicant's Signature:  Date: 10-25-21

OWNER'S AUTHORIZATION – MUST BE SIGNED

I hereby certify that I reside at 10 Orton Road, West Caldwell NJ 07006
in the County of Essex and the State of New Jersey;
and that I am the owner of all that certain lot, piece or parcel of land known as Block(s) 39;
Lot(s) 56.06 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.

Owner's Signature:  Date: 10-25-21

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.

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:	- Not applicable	
List of Energy Star and WaterSense appliances, fixtures and construction techniques:	- None provided	
List of green and recycled building materials in new construction, renovation, and maintenance:	- None provided	
Waste Management Plan for recycling and/or reuse of 60 percent of all construction and demolition of waste generated in projects larger than \$25,000:	- Not provided	
Use of any water efficient landscaping:	- None provided	
Use of any on-site renewable energy systems such as: (i) Solar (ii) Wind (iii) Geothermal	- Not provided	
Details of roofing materials designed to reduce the urban heat island effect such as: (i) Construction of rooftop 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	- Not provided	
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	- Not provided	
A list of native and well adapted species used in landscaping to eliminate the need for fertilization and pesticides:	- None provided	

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.

ROBERT A. GACCIONE
FRANK POMACO
DENNIS E. GAGLIONE
ALDO DITROLIO
ANTHONY G. DEL GUERCIO

JOSEPH V. ISABELLA, J.S.C. (Ret.)

GACCIONE POMACO

A PROFESSIONAL CORPORATION

524 UNION AVENUE

P.O. BOX 96

BELLEVILLE, NEW JERSEY 07109

(973) 759-2807

TELEFAX: (973) 759-6968

MICHAEL J. PIROMALLI
STEVEN M. AHRENDT
WILFREDO CARABALLO
Of Counsel

LESLIE W. FINCH
(1973-2000)

Proposal

Re: 19 Wheatland Development LLC.
17 Wheatland Avenue
Block 39 / Lot 56.06

19 Wheatland Development LLC ("Applicant") filed an application to the West Orange Zoning Board of Adjustment requesting bulk variance relief in order to construct a single family residential dwelling on a presently vacant lot.

The subject property is located in the R-6 Single Family Residential Zone and single family use proposed is permitted in the zone. In order to develop and use the subject property as proposed, the Applicant is requesting the following bulk variances:

- Class C Bulk Variance for minimum required lot area where a minimum lot area of 6,000 square feet is required pursuant to West Orange Ordinance Section 25 Attachment 3 Bulk Standards and a lot area of 5,789 is provided. Note this is pre-existing condition which will not be changed as a result of the present application.
- Class C Bulk Variance for minimum required lot area per dwelling unit where a minimum lot area of 6,000 square feet is required per dwelling unit pursuant to West Orange Ordinance Section 25 Attachment 3 Bulk Standards and a lot area of 5,789 square feet per dwelling unit is proposed.
- Class C Bulk Variance for minimum required lot width where a minimum lot width of 60 feet is required pursuant to West Orange Ordinance Section 25 Attachment 3 Bulk Standards and a lot width of 43 feet is provided. Note this is pre-existing condition which will not be changed as a result of the present application.
- Class C Bulk Variance for minimum effective lot area where a minimum effective lot area of 6,000 square feet is required pursuant to West Orange Ordinance Section 25 Attachment 3 Bulk Standards and an effective lot area of 1,847 is provided after applying the steep slope adjustment required by West Orange Ordinance Section 25-28.8.d.
- Class C Bulk Variance for maximum effective building coverage where a maximum building coverage of 35% is permitted pursuant to West Orange Ordinance Section 25 Attachment 3 Bulk Standards and an effective building coverage of 64.48% is proposed after applying the steep slope adjustment required by West Orange Ordinance Section 25-28.8.d.

- Class C Bulk Variance for maximum effective lot coverage where a maximum lot coverage of 45% is permitted pursuant to West Orange Ordinance Section 25 Attachment 3 Bulk Standards and an effective building coverage of 116.24% is proposed after applying the steep slope adjustment required by West Orange Ordinance Section 25-28.8.d.

The Applicant hereby request the above listed variance relief in addition to any and all variances or waivers that the West Orange Zoning Board of Adjustment deems necessary for approval of the application.

Dated: October 21, 2021

ROBERT A. GACCIONE
FRANK POMACO
DENNIS E. GAGLIONE
ALDO DITROLIO
ANTHONY G. DEL GUERCIO

GACCIONE POMACO

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Of Counsel

JOSEPH V. ISABELLA, J.S.C. (Ret.)

LESLIE W. FINCH
(1973-2000)

Business Entity Disclosure Statement

The Applicant for development at 17 Wheatland Avenue, West Orange NJ 07052 (Block 39, Lot 56.06) is 19 Wheatland Development LLC. 19 Wheatland Development LLC is a New Jersey Domestic Limited Liability Company formed in February of 2019 and is owned by the following natural persons:

- | | | |
|------------------|--|--------------|
| • Miguel Armijos | 10 Orton Road, West Caldwell NJ 07006 | 80% interest |
| • Steven Rodas | 32 63rd Street, West New York NJ 07093 | 20% interest |


Miguel Armijos, Managing Member
19 Wheatland Development LLC

10-25-21

Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the
requester. Do not
send to the IRS.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

19 Wheatland Development LLC

2 Business name/disregarded entity name, if different from above

Not applicable

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC

☐ C Corporation

☐ S Corporation

☐ Partnership

☐ Trust/estate

☒ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► **P**

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ►

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

10 Orton Road

6 City, state, and ZIP code

West Caldwell, NJ 07006

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

____ - ____ - ____

OR

Employer identification number

03 - 3604586

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign
Here

Signature of
U.S. person ►

Date ►

10-25-21

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.