

FOR OFFICIAL USE ONLY

Planning Board

Zoning Board of Adjustment

Name of Application: \_\_\_\_\_ Docket Number : \_\_\_\_\_

## PART A

### APPLICANT REQUESTS THE FOLLOWING:

Explain, in detail sufficient for the Board to understand the nature of the proposal, the exact nature of the proposed application and proposed physical modifications to be made to the site, building(s) and/or signage including the proposed use of the premises.

The Applicant is applying to the Planning Board for Preliminary and Final Site Plan and c(2) variance approval to construct a one-story warehouse (152,174 sf) with the associated parking lots for passenger and WB-67 vehicles.

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Identify the type of variance(s) requested. Check all that apply.

"C" Variance(s)

- The strict application of the provisions of the Development Ordinance would result in peculiar and exceptional practical difficulties or exceptional and undue hardship - N.J.S.A.. 40:55D-70.C(1)
- 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 - N.J.S.A.. 40:55D-70.C(2)

"D" Variance(s):

- Use or principal structure in a district restricted against such use or principal structure – N.J.S.A.. 40:55D-70.D(1)
- Expansion of a nonconforming use - N.J.S.A.. 40:55D-70D(2)
- Deviation from a specification or standard pertaining solely to a conditional use - N.J.S.A.. 40:55D-70. D(3)
- Increase in the permitted floor area ratio - N.J.S.A.. 40:55D-70.D(4)
- Increase in the permitted density - N.J.S.A.. 40:55D-70.D(5)
- Height of a principal structure exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure - N.J.S.A.. 40:55D-70.D(6)



**PART C**

Note: “\*” indicates not required in association with signage variances

**SUBJECT PROPERTY:**

Block/s 517.05 Lot/s 35.12 Zone M-1

Street Address 230 Belmont Drive

City Somerset State NJ Zip Code 08873

Approximate Site Size \* 22.079 Acres/ 961,777 Sq. ft.

Present use of the property, specify: Vacant land.

Proposed use of the property, specify: Warehouse.

Public water available:\*  Yes  No If not, proposed?  Yes  No

Public sanitary sewer available: \*  Yes  No If not, proposed?  Yes  No

Describe any off tract improvement required or proposed\* No off tract improvements proposed.

**Deed restrictions, covenants, easements, association by-laws:**

Yes (Provide a copy)  No  Proposed (Must be submitted for review)

Does the applicant own any contiguous property?\*  Yes  No

If yes, state the address, block and lot of such property: \*

Has there been any previous appeal, request, or application to this or any other Township Boards involving this property?  Yes  No

If, yes, state type, docket number, the nature and date of such appeal:

How long has the present owner had title to this property? \* Since December 28, 2012.

Is the property under contract to be sold?  Yes  No

If yes, state the date of contract and name of the contract purchaser: Contract dated June 2020.

Contract purchaser is Active Acq. Fresh Ponds LLC an affiliate company of Active SP Belmont, LLC the Applicant.

**PART D**

Identify if the application is proposed to be bifurcated (i.e., variances identified herein sought at this time with approval for other development approvals, such as subdivision and/or site plan approval, to be sought at a later date):  Yes  No

If not bifurcated, identify the associated development approvals sought at this time (check all that apply):

- Waiver of Site Plan
- Minor Site Plan
- Preliminary Site Plan
- Final Site Plan
- Minor Subdivision
- Preliminary Major Subdivision
- Final Major Subdivision
- Conditional Use Approval
- Other(s) (Specify: \_\_\_\_\_)

**Note: Applicant must consult the respective Instruction Sheet(s) and Submission Checklist(s) for the associated development approvals being sought at this time. The submission will not be deemed an Application for Development unless all required submissions are provided for all requested development approvals.**

If bifurcated, identify the nature of subsequent development approvals to be sought: \_\_\_\_\_

For signage variances indicate the following:

- Single Tenant Building
- Multiple Tenant Building

**PART E**

C Variance(s):

- The strict application of the provisions of the Development Ordinance would result in peculiar and exceptional practical difficulties or exceptional and undue hardship under N.J.S.A.. 40:55D-70.C(1)

List in detail wherein this case conforms to this requirement, including, if applicable, reference to exceptional narrowness, shallowness or shape of the property, or exceptional topographic conditions or physical features uniquely affecting the property, or extraordinary and exceptional situation uniquely affecting the property or the structures lawfully existing thereon.

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\_\_\_\_\_ and/or

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 under N.J.S.A.. 40:55D-70.C(2).

List in detail wherein this case conforms to this requirement:

The industry standard size for the loading berth is 135 feet. We are able to comply with the ordinance with if we extended to the 147 feet required by the ordinance it would create additional unnecessary impervious coverage.

D Variance(s):

State why the property is particularly suitable for the proposed use, including any inherently beneficial conditions and/or any undue hardship, if any, showing that the property cannot reasonably be adapted to a conforming use:

C and D Variance(s):

Supply a statement of facts why relief can be granted without substantial detriment to the public good.  
See above.

Supply a statement of facts why relief can be granted without substantial detriment to the intent and purpose of the zone plan and zoning ordinance.  
See above.

**PART F**

**LIST OF PLANS, REPORTS AND OTHER MATERIALS SUBMITTED:**

<u>Quantity:</u>	<u>Description of Item:</u>
25	Preliminary & Final Major Site Plan
25	Architectural Drawings
3	ALTA/NSPS Land Title Survey
3	Stormwater Management Report
3	Stormwater Operations & Maintenance Manual
15	Environmental Assessment Report
15	Traffic Impact Statement

**PART G**

**CONTACT PERSON INFORMATION/ CERTIFICATION**

The person indicated below shall serve as the point-of-contact with the Township Department of Planning and Zoning and shall be the sole recipient of official correspondence from the Department. By signing this form, in Part H below, the Applicant and Owner certify that that the party listed below is authorized to act on their behalf as the designated contact person with the Department.

Owner     Applicant     Attorney     Engineer     Architect     Other

Name Peter U. Lanfrit, Esq., Borrus, Goldin, Foley, Vignuolo, Hyman and Stahl, P.C.

Street Address 2875 US Route One Apt./Ste/Unit # \_\_\_\_\_

City North Brunswick State New Jersey Zip Code 08902

Phone 732-422-1000 Fax 732-422-1016

Email peter@borrus.com / erin@borrus.com

**PART H**

**APPLICANT'S CERTIFICATION**


Active SP Belmont, LLC

I, c/o Seth Gerszberg, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 5 Tenafly Road, Suite 416, Englewood in the County of Bergen and State of New Jersey, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the individual applicant, or a general partner of the partnership applicant, or an officer of the corporate applicant and I am authorized to sign the application for the partnership or corporation.

Sworn to and subscribed before me this 18 day of June, 20 20

Active SP Belmont, LLC

  
\_\_\_\_\_  
APPLICANT'S SIGNATURE

  
\_\_\_\_\_  
NOTARY PUBLIC  
Zack Goldman, Esq.  
Attorney at Law  
OWNER'S CERTIFICATION

(If the owner is a corporation, this section must be signed by an authorized corporate officer. If the owner is a partnership, this section must be signed by a general partner.)

I, \_\_\_\_\_, of full age, being duly sworn according to law and upon my oath depose that: I reside at \_\_\_\_\_ in the County of \_\_\_\_\_ and State of \_\_\_\_\_, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the owner of the property which is the subject of this application, and I am the applicant or I have authorized the applicant to make this application, and I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 20

\_\_\_\_\_  
OWNER'S SIGNATURE

\_\_\_\_\_  
NOTARY PUBLIC

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Active SP Belmont, LLC

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Sworn to and subscribed before me this \_\_\_ day of \_\_\_\_\_, 20 20

Active SP Belmont, LLC

APPLICANT'S SIGNATURE

NOTARY PUBLIC

OWNER'S CERTIFICATION

(If the owner is a corporation, this section must be signed by an authorized corporate officer. If the owner is a partnership, this section must be signed by a general partner.)

I, BASANT KHARBANDA, of full age, being duly sworn according to law and upon my oath depose that: I reside at 8-West Pleasant Lake Rd. in the County of RAMSEY and State of Minnesota, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the owner of the property which is the subject of this application, and I am the applicant or I have authorized the applicant to make this application, and I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

Sworn to and subscribed before me this 23rd day of June, 20 20

Basant Kharbanda  
OWNER'S SIGNATURE

BASANT KHARBANDA  
612-578-5227

Deborah Ann Swift  
NOTARY PUBLIC

