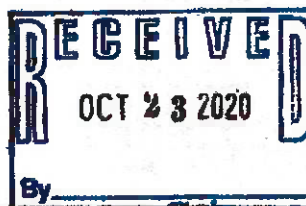


BOROUGH OF CALDWELL
ONE PROVOST SQUARE
CALDWELL, NJ 07006
973-463-4626



Date Filed: 10/20/2020 Application No. RED23-003 Application Fee: \$ 450

Planning Board Zoning Board of Adjustment Escrow Deposit: \$ 1,800 -

Review for Completeness (Date) 7/12/2022 Hearing Date: MAY 10, 2023

By: M. Beckmeyer

DO NOT WRITE ABOVE THIS LINE

1. SUBJECT PROPERTY:

Location: 30 SMULL AVENUE

Tax Map: Page 2-3 Block 22 Lot(s) 7

Dimensions: Frontage 90.08' Depth 292.27' Total Area: 26,501 SF

Zoning District: IN-5

2. APPLICANT:

Name: THOMAS P. STILLE thomaspstile@gmail.com

Address: 143 Smull Ave, West Caldwell NJ 07006

Phone Number: 973 296 0518

Applicant is a Corporation Partnership Individual

3. DISCLOSURE STATEMENT:

Pursuant to N.J.S. 40:55D-42.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S. 40:55D-42.2, that disclosure requirement applies to any corporation or partnership, which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed. Attach sheet showing names, address and interest percentages.

4. If owner is other than the applicant, provide the following information on the Owner(s):

Owner's Name: Francis X. Garrity
Lisa J. Garrity

Address: 131 Brookside Ave, Caldwell, NJ 07006

Phone #: 973-618-1635

5. PROPERTY INFORMATION:

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:
Yes (attach copies) No Proposed _____

Present use of the premises: SINGLE FAMILY HOUSE

Proposed use of the premises: TOWNHOUSES

Total proposed parking spaces 12

Number of parking spaces required by ordinance 12

6. NOTE. All corporations must be represented by counsel.

Applicant's Attorney: JEFFREY KANTOWITZ 1/4 ABE RAFFAORT AGENCY, PC

Address: 195 ROUTE 46 WEST SUITE 6, TOWNSHIP, NJ 07512

MOBILE: 201-446-3148 email: jeffrey.kantowitz@gmail.com
Phone #: OFFICE: 973-785-1799 Fax #: 973-785-2463

7. Applicant's Engineer: CHARLES STEWART, P.E. 1/4 SUBURBAN CONSULTING ENGINEERS, INC.

Address: 2340 HIGHWAY 34, BUILDING A, SUITE 101, HAWTHORNE, NJ 08736

Phone #: 732-282-1776 x 3315 Fax #: 732-722-7319
email: cstewart@suburbanconsulting.com

8. Applicant's Planning Consultant: CHARLES STEWART, P.E. 1/4 SUBURBAN CONSULTING ENG.

Address: _____

Phone #: _____ Fax #: _____

9. Applicant's Traffic Engineer: _____

Address: _____

Phone #: _____ Fax #: _____

10. List any other Expert who will submit a report or who will testify for the Applicant: (Attach additional sheets as necessary)

Name: MARK MONTALBANO, AIA - COPPA MONTALBANO ARCHITECTS

Field of Expertise: ARCHITECTURE

Address: 97 LACKAWANNA AVENUE, TOTOWA, NJ 07512

Phone #: 973-890-8989

Fax #: 973-890-8855

email: mmontalbano@

CoppaMontalbano.com

11. APPLICANT REPRESENTS A REQUEST FOR THE FOLLOWING:

SUBDIVISION:

Minor Subdivision Approval

Subdivision Approval (Preliminary)

Subdivision Approval (Final)

Number of lots to be created _____
(including remainder lot)

Number of proposed dwelling units _____
(if applicable)

SITE PLAN:

Minor Site Plan Approval

Preliminary Site Plan Approval (Phases (if applicable) _____)

Final Site Plan Approval (Phases (if applicable) _____)

Amendment or revision to an approved site plan

Area to be disturbed (square feet) _____

Total number of proposed dwelling units 6

Request for Waiver From Site Plan Review and Approval

Reason for request: Project designed to help satisfy Caldwell affordable housing obligation, as set forth in its Compliance Plan

Informal Review

Appeal decision of an Administrative Officer [N.J.S. 50:55D-70a]

Map or Ordinance Interpretation of Special Question [N.J.S. 40:55D-70b]

Variance Relief (hardship) [N.J.S. 40:55D-70c(1)]

Variance Relief (substantial benefit) [N.J.S. 40:55D-70c(2)]

Variance Relief (Use) [N.J.S. 50:55D-70d]

Conditional Use Approval [N.J.S. 50:55D-67]

* To the extent such variance relief is deemed needed for off-street parking provided

If a "C" or "D" variance is sought, applicant must supply the following information:

Request is hereby made for permission to erect, alter, convert or use a _____ contrary to the requirements of Section _____ of the Caldwell Zoning Ordinance or for other relief as follows: _____
If deemed a variance, 12 parking spaces where 14 required

1. Said property is: 26,501 SF (give area and dimensions) and has the following structures erected thereon: existing single family house
2. Size of proposed building: Height 39' Depth _____ Stories 2 1/2
3. Setback of proposed building: Front 25' Rear 63.4' Side 5'
Side: 32.5'
4. Percentage of lot to be covered by proposed structure: 36%
5. Date property was acquired _____ Zoning of property at time of acquisition R-A/O-P

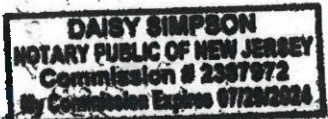
CERTIFICATIONS

12. I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or that I am general partner of the partnership applicant

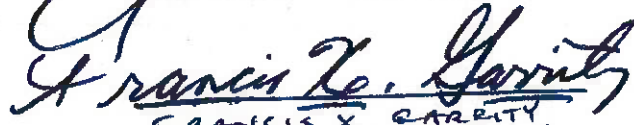
Sworn to and subscribed before me this

20th day of October, 2020


NOTARY PUBLIC




SIGNATURE OF APPLICANT


FRANCIS X. GARRITY
Signature of Applicant


LISA J. GARRITY

13. I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that 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

20th Day of October, 2020

Thomas P. Stille
THOMAS P. STILLE

Francis X. Garrity
Francis X. Garrity

[Signature]
NOTARY PUBLIC

DAISY SIMPSON
NOTARY PUBLIC OF NEW JERSEY
Commission # 2387972
My Commission Expires 07/23/2025

SIGNATURE OF OWNER
Lisa J. Garrity
LISA J. GARRITY

has been deposited in an escrow account. In accordance with the Ordinances of the Borough of Caldwell, I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days.

10/20/20
DATE

Thomas P. Stille
SIGNATURE OF APPLICANT

Francis X. Garrity
FRANCIS X. GARRITY
Signature of Applicant
Lisa J. Garrity
LISA J. GARRITY

ESCROW AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2016, by and between the BOROUGH OF CALDWELL, a municipal corporation of the State of New Jersey, having its principal place of business at 1 Provost Square in the Borough of Caldwell, County of Essex and State of New Jersey, hereinafter referred to as "Borough" and THOMAS STILLE, ^{Francis X. Garity,} having ^{Lisa J. Garity,} its principal place of business at **143 Smull Avenue, West Caldwell, NJ 07006** in the _____ County of ESSEX and State of New Jersey, hereinafter referred to as "Applicant."

WITNESSETH:

WHEREAS, the Applicant wishes to make application to the Borough of Caldwell for development and/or improvements to certain property located at 30 SMULL AVENUE in the Borough of Caldwell; and

WHEREAS, in contemplation of submittal of said application for development and/or improvements, the Applicant must conform with all appropriate ordinances, rules and regulations of the Borough and its agencies; and

WHEREAS, pursuant to said ordinances, rules and regulations of the Borough and its agencies, the Applicant will be required to obtain certain approvals and/or permits from the appropriate Board such as, but not limited to, Planning Board or the Board of Adjustment, or pursuant to certain codes, such as, but not limited to, the Borough Construction Code; and

WHEREAS, the Applicant recognizes that he/she must pay certain fees in connection with said approvals and permits and that the Borough bears certain technical and professional costs in consideration of a request for the aforementioned approvals and/or permits, said costs include, but are not limited to, engineering and legal fees and expenses; and

WHEREAS, the Borough has created certain escrow accounts to defray the costs of operations and/or inspection fees incurred by the Borough when processing said applications for development and/or improvements;

NOW, THEREFORE, in consideration of the promises and mutual covenants hereinafter contained, the parties hereto, for themselves, their heirs, successors and assigns, hereby agree as follows:

1. The Applicant agrees to deposit with the Borough Treasurer the amount of \$ _____, said amount being set forth in Borough Ordinance No. 796.87 as amended.

Said amount shall be paid in cash or certified check. The amount will be deposited in an interest bearing account at a rate not less than the minimum currently paid on saving deposits.

The Borough agrees to notify the Applicant, in writing, of the name and address of the institution or depository in which the deposit is made and the amount of said deposit.

The Borough and the Applicant agree that the amount set forth above as specified by said Ordinance No. 796-87 as amended is solely an estimate of fees and costs.

2. The Applicant agrees to make said deposit before submitting his/her application to either the Planning Board or the Zoning Board of Adjustment or prior to the issuance of a building deposit, whichever is applicable.

Said fees must be paid prior to certification by either the Zoning Board of Adjustment or Planning Board of a complete application. The Applicant further recognizes that all fees required as set forth herein shall be paid prior to said application being considered complete. However, the Applicant agrees that payment of the fee in and of itself shall not be deemed to make said application complete.

3. The Applicant agrees that if the amount required to be deposited as set forth herein is not sufficient to cover said professional charges and/or fees, he/she will provide additional funds.

Escrow Agreement
Page 3

Said determination as to the necessity of said additional funds will be made by the Board secretary or designee of the Planning Board, Zoning Board of Adjustment or Construction Code Official as appropriate.

In the event it is determined that additional funds are required, the Board secretary or designees of the approving authority shall forthwith notify the approving authority and the Applicant. The Applicant agrees to pay the additional fees within fourteen (14) days of said notice. Applicant further agrees and acknowledges that if the fees are not provided, the application shall be deemed incomplete and no further action shall be taken on said application until the deficiency is cured.

The Applicant agrees to pay an additional fee whenever the original fee paid into escrow, as previously set forth, is reduced by charges against the account to 25% or less of the original fee. Applicant shall be notified by the Board secretary or designee in writing of the amount of additional monies necessary to bring the escrow account up to 50% of the fee originally paid. Any additional fees required will be paid by the Applicant to the Borough in the manner previously set forth herein.

4. The Borough agrees that in the event the amounts deposited in said escrow accounts shall be in excess of the amount required for all professional review and charges, the excess funds plus any accrued interest shall be returned to the Applicant within thirty (30) days of the submission of the final invoice by the Borough professionals with regard to said application or of the issuance of a certificate of occupancy for the project.

