

BOROUGH OF CALDWELL
ONE PROVOST SQUARE
CALDWELL, NJ 07006
973-403-4626

Date Filed: 11/15/2022 Application No.: RED23-002 Application Fee: \$1,125.00
Planning Board Zoning Board of Adjustments Escrow Fee: \$3,000.00
Reviewed for Completeness: 12/28/22 Hearing Date: March 1st, 2023
By: J. Beckmeyer

DO NOT WRITE ABOVE THIS LINE

1. SUBJECT PROPERTY:

Location: 358 Bloomfield Avenue

Tax Map: Page: 7 Block: 52 Lot(s): 25.01

Dimension: Frontage: 27.15 Depth: 100' Total Area: 2,838

Zoning District: SUBDISTRICT 1 - DOWNTOWN CORE 1

2. APPLICANT:

Name: 358 Bloomfield Avenue, LLC

Address: 15 Fairfield Place, West Caldwell, NJ 07006

Phone Number: 973-575-5200 Email Address: ERIC@ARLOROOD.COM

Applicant is a: Corporation Partnership Individual

3. DISCLOSURE STATEMENT:

Pursuant to N.J.S. 40:55DA8.1, 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-48.2, 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 name, address and interest percentage.

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

Owner's Name(s): N/A

Address: _____

Phone Number: _____ Email Address: _____

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: RETAIL - PRESENTLY VACANT

Proposed use of the premises: 10305 RETAIL AND FIVE ONE-BEDROOM APARTMENTS

Total proposed parking spaces: 8

Number of parking spaces required by Ordinance: 8

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

Applicant's Attorney: WILLIAM LA TOURETTE

Address: 15 FAIRFIELD PLACE, WEST CALDWELL, NJ 07006

Phone Number: 973-521-5889 Fax Number: 973-575-5210

Email Address: WILLIAM.LATOURETTE@OUTLOOK.COM

7. Applicant's Engineer: J. MICHAEL PETRY, PE, PP, RA

Address: 155 PASSAIC AVE, FAIRFIELD, NJ 07004

Phone Number: 973-227-7004 Fax Number: 973-227-7074

Email Address: MIKEPETRY@PETRYENGINEERING.COM

8. Applicant's Planning Consultant: SAME

Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

9. Applicant's Traffic Engineer: NAME _____

Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

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

Name: _____

Field of Expertise: _____

Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

11. APPLICANT REPRESENTS A REQUEST FOR THE FOLLOWING:
SUBDIVISION:

- Minor Subdivision Approval
- Subdivision Approval (Preliminary)
- Subdivision Approval (Final)

Number of lots to be created: _____ Number of proposed dwelling units: _____
(Including Remainder Lot) (If Applicable)

SITE PLAN:

- Minor Site Plan Approval
- Preliminary Site Plan Approval (Phase (If Applicable) _____)
- Final Site Plan Approval (Phase (If Applicable) _____)
- Amendment or Revision to an Approved Site Plan
Area to be disturbed (Square Feet) _____
Total number of proposed dwelling units: _____
- Request for Waiver from Site Plan Review and Approval

Reason for Request:

MAX RESIDENTIAL DENSITY IS 40 DU/AC = 2.7 UNITS,
VARIANCE FOR 77 DU/AC = 5 UNITS. OFF STREET PARKING
IS REQUIRED IN SUBDISTRICT 1 - MINIMUM 1 PER UNIT

- Informal Review
- Appeal Decision of an Administrative Officer (N.J.S.A. 50:55D-70a)
- Map or Ordinance Interpretation of Special Question (N.J.S.A. 40: 55D-70b)
- Variance Relief (Hardship)
- 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]

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: REDEVELOPMENT PLAN, SEC. 6.3.5 'RESIDENTIAL DENSITY'
REDEVELOPMENT PLAN, SEC. 6.8A3 'PARKING STANDARDS'

1. Said property is: 2838 SQ. FT., 29' X 100' (Give area and dimensions) and has the following structures erected thereon:

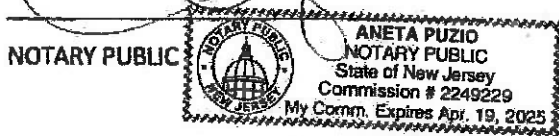
SINGLE STORY RETAIL BUILDING W/BASEMENT

2. Size of proposed building: Height: 47' Depth: 69.07' Stories: 3
3. Setback of proposed building: Front: 10 Rear: 0 Side: 0
4. Percentage of lot to be covered by proposed structure: 100
5. Date property was acquired: 7/10/14 Zoning of Property at the time of acquisition: B

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 day of
10th day of February 2023




SIGNATURE OF APPLICANT

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 day of
10th day of FEBRUARY 2023

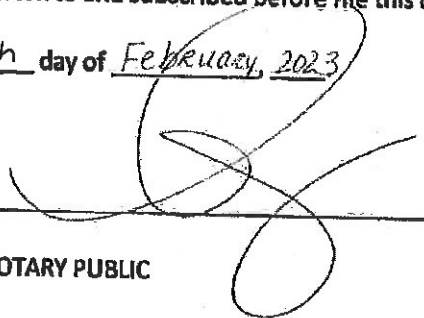



SIGNATURE OF OWNER

14. I understand that the sum of \$ _____ 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.

Sworn to and subscribed before me this day of

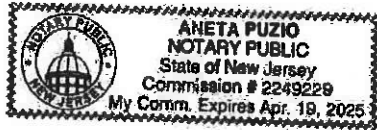
10th day of February, 2023



NOTARY PUBLIC



SIGNATURE OF APPLICANT



Application of 358 Bloomfield Avenue, LLC to the Borough of Caldwell Planning Board

ESCROW AGREEMENT

THIS AGREEMENT, made this 9TH day of December, 2020, 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 358 Bloomfield Avenue, LLC, having its principal place of business at 15 Fairfield Place, West Caldwell, 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 improvement of a certain property located at 358 Bloomfield 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 it 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 \$4,125.00, 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.

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 farther agrees and acknowledges that if the fees are not provided, the application shall be deemed incomplete and no farther 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 pad. 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.

5. The Borough agrees to provide the Applicant with an accounting of the expenses or fees paid by him/her for professional review. The Applicant will request

same in a letter directed to the respective Board secretary or designee. The Applicant further agrees that he/she will be responsible for any costs incurred in having the Board's professional and/or administrative staff prepare an accounting of the fees expended.

IN WITNESS WHEREOF, the Parties hereto have hereunto set their hands and seals or caused their corporate officers and their proper corporate seals to be affixed hereto the day and year above written.

STATE OF NEW JERSEY)
)SS
COUNTY OF ESSEX)

Attest:

Clerk

Mayor

Attest:



Arkadiusz Baginski
Managing Member
358 Bloomfield Avenue, LLC

Sworn and subscribed before me
on this 9TH day of December 2022



Notary Public
William La Tourette
Attorney at Law
My commission expires on _____
State of New Jersey