

**I** **INGLESINO WEBSTER**  
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*Admitted in NJ & NY*

May 7, 2021

**Via Hand Delivery**

Colleen Reardon, Land Use Board Secretary  
Borough of Rockaway  
1 East Main St.  
Rockaway, NJ 07866

**Re: Laboratory Corporation of America Holdings**  
**204-212 US Route 46 (also known as 260 US Route 46)(Block 84, Lot 1)**  
**Rockaway, NJ**  
**Application for Use Variance and Site Plan Waiver**

Dear Ms. Reardon:

As you know, this law firm represents Laboratory Corporation of America Holdings (the "Applicant"), with respect to property located at 204-212 US Route 46 (Block 84, Lot 1)(the "Property"). The Property is in the Borough's HT/LI zone district.

The Applicant is requesting a use variance (to permit the proposed use and to permit two (2) principal uses on the Property) and a site plan waiver approval to permit the interior fit-out of a approximately 400 SF Patient Service Center within the existing Walgreens on the Property as more particularly described in the application materials. Other than signage, no exterior improvements are proposed.

In response to the April 2, 2021 completeness review letter of the Board's Engineer, Mott MacDonald, enclosed herewith please accept the following:

1. Seventeen (17) sets of the survey entitle "Final As-Built Survey of Lot 1 in Block 84, Borough of Rockaway, County of Morris, N.J., Prepared for Rockaway Commons," prepared by Bertin Engineering Associates, Inc., dated October 8, 2008 (the "As-Built Plan").
2. The April 2<sup>nd</sup> letter requests that the Applicant provide a breakdown of the required, existing, and proposed parking and loading spaces on-site based upon the proposed uses and indicate if additional loading spaces are proposed for the laboratory pick-up use. Please consider the following:

*There are currently 126 off-street parking spaces and one (1) off-street loading area/space (at the rear of the Walgreens building) dedicated for use by the existing Walgreens building located on the Property as shown on the As-Built Plan.*

*Sec. 171-17.B of the Borough's Land Development Ordinance establishes the required off-street parking for relevant business uses (e.g., laboratory and retail uses) by use of a parking space/SF ratio. Given the similarity of uses, the Applicant believes that the parking ratio applicable to the proposed Patient Service Center should be the same as the parking ratio applicable to the existing Walgreens use. Because no additional square footage is proposed in this application and given the similarity of the existing and proposed uses (and parking ratios), no additional off-street parking spaces are proposed in this application.*

*Sec. 171-18 of the Borough's Land Development Ordinance states that all relevant business uses (i.e., those requiring the receipt or distribution in vehicles of materials or merchandise) shall provide one (1) off-street loading area/space. Because one (1) off-street loading area/space is already provided, no additional off-street loading area/space is proposed in this application.*

*The Applicant will provide engineering and operational testimony at the hearing further supporting the analysis that no additional off-street parking spaces or loading spaces are required here.*

In addition to the above, please find the following:

1. Seventeen (17) copies of the Borough's Land Use Board Application and the Administrative Checklist with attachments.
2. Seventeen (17) sets of the Schedule "A" Checklist for "D" Variance.
3. Seventeen (17) sets of the plan entitled "Floor Plan", prepared by Onyx/Creative, dated February 1, 2021.
4. Seventeen (17) sets of plans entitled "Walgreens PSC, Store #09335", prepared by Walgreens Store Planning and Design Development, dated February 26, 2021.
5. Seventeen (17) sets of the signage/branding package entitled "260 US Highway 46, Rockaway, NJ 07866-3854", prepared by Stratus, revised through February 8, 2021.
6. Affidavit of Owner's Consent.
7. Letter from Zoning Officer, dated February 25, 2021, regarding Zoning Permit Application.
8. Letter from LabCorp regarding proposed PSC use, dated February 5, 2021.
9. W-9 form.
10. The 200 foot property owners list. A form of public notice of hearing will be provided.
11. Certification from the Tax Collector that real estate taxes are current. We will request an updated certification and will provide same, if necessary.
12. Corporate Ownership Disclosure.
13. Fee Calculation Sheet.

Rockaway Borough Land Use Board  
May 7, 2021  
Page 2

Please do not hesitate to contact me if you require anything further. Thank you.

Very truly yours,

*/s/ Dean J. Donatelli*

Dean J. Donatelli

Encl.

Cc: LabCorp

**BOROUGH OF ROCKAWAY APPLICATION  
LAND USE BOARD**

Date Filed: \_\_\_\_\_

App. Fee \_\_\_\_\_

Escrow Fee \_\_\_\_\_

App. # \_\_\_\_\_

Twenty (20) copies of the application, checklists, maps/drawings/plans etc. must be filed with the Secretary of the Board at least thirty days prior to the regular meeting of the Board. Scheduling is based on the completeness of the application, and once the application is deemed to be complete a hearing date will be determined by the administrative officer. You will be advised in writing as to the date of your hearing.

**Block:** 84 **Lot:** 1 **Zone:** HT/LI **Date of Purchase:** November 21, 2003

**Street Address of Property** 204-212 US Route 46, Rockaway Borough, New Jersey

Does applicant/owner own or have under contractor to purchase any adjoining properties? No  
If yes, please list properties: \_\_\_\_\_

**Applicant:** Laboratory Corporation of America Holdings

Mailing Address: 69 First Street, Raritan, NJ 08869

Telephone Number: (973) 818-1957

**Owner:** Rockaway Commons, LLC (Owner is the landlord of Walgreen Co. Applicant is tenant of Walgreen Co. Please see attached Affidavit of Consent)

Mailing Address: 425 Route 46 West, Fairfield, NJ 07004

Telephone Number: 973-249-0700 Fax No. \_\_\_\_\_ E-mail Address: achermark@huffmankoos.com

(Note: Affidavit of Ownership Form must be executed and attached to this application)

**Engineer:** TBD

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax No. \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**Attorney:** Dean J. Donatelli, Esq.

Mailing Address: IWWT Law, 600 Parsippany Road, Parsippany, NJ 07054

Telephone Number: (973) 818-1957 Fax No. (973) 887-2700 E-mail Address: ddonatelli@iwwt.law

**Planner:** John McDonough, LA, PP, AICP  
John McDonough Associates, LLC, 101 Gibraltar Dr., Suite 1A, Morris Plains, NJ 07950  
Phone: 973.222.6011, Fax: 973.786.6537, Email: jmcdonoughpp@gmail.com

**TO: LAND USE BOARD (VARIANCE APPLICATIONS)**  
(Check the appropriate application)

- |  |   |
|--|---|
| <input type="checkbox"/> Appeal under 40:55D-70a   | <b>Present Use</b> ( ) Residential ( X ) Non-Residential  |
| <input type="checkbox"/> Interpretation Use permit under 40:55D-70b  |   |
| <input type="checkbox"/> "C" Hardship Variance under 40:55D-70c  | <b>Proposed Use</b> ( ) Residential ( X ) Non-Residential |
| <input checked="" type="checkbox"/> "D" Use Variance under 40:55D-70d  |   |
| <input type="checkbox"/> Conditional Use Variance  |   |
| <input type="checkbox"/> Sign – Free Standing per Ordinance * Replacement signage proposed (no increase in signage quantity or area) |   |
| <input type="checkbox"/> Sign – Non-Conforming   |   |

Request is hereby made for permission to erect, alter, convert, use: \_\_\_\_\_

A 421 square foot patient service center for collection of lab specimens (e.g., blood or urine) within the existing Walgreens pharmacy  
\_\_\_\_\_ contrary to the requirements of the Zoning Ordinance of the

Borough of Rockaway, as follows: \_\_\_\_\_

Sec. 172-8 and Sec. 172-81 - variance under N.J.S.A. 40:55D-70(d)(1) variance to permit a use not permitted in the HT/LI Zone.

Sec. 169-42 - variance under N.J.S.A. 40:55D-70(d)(1) to permit the proposed use as a secondary use together with the existing Walgreens pharmacy use.

Describe Request:

The Applicant proposes to (a) install an approximately 421 square foot patient service center for collection of lab specimens (e.g., blood or urine) within the existing Walgreens pharmacy building. No testing is done on site. The proposed interior layout is illustrated on the attached plans. A total of two (2) to three (3) LabCorp employees are anticipated. Hours of operation of the PSC will be within the operating hours of the existing Walgreens; and

(b) replace certain existing signage (i.e., replace 2 existing "PHOTO" signs with "LABS" signs, and replace both panels on existing 2-sided monument/ground sign) as illustrated in the attached signage package. No increase in signage quantity or area is proposed.

**TO: LAND USE BOARD**

(FOR SITE PLAN APPLICATION)

(Check the appropriate items)

- Concept Site Plan
- Major Site Plan
- Preliminary Site Plan
- Minor Site Plan
- Amended Preliminary Site Plan
- Final Site Plan
- Amended Final Site Plan
- Waiver of Site Plan Please see attached exhibit supporting request
- Multi – Family Plan

**Present Use** An existing stand-alone Walgreens pharmacy building with parking and a drive-thru, all to remain.

**Proposed Use** A 421 square foot patient service center for collection of lab specimens (e.g., blood or urine) within the existing Walgreens pharmacy.

**Multi Family Planned Unit Development: (RESIDENTIAL)**

Total Housing Units N/A Number of Bedrooms per unit N/A

**Type of Housing**  Fee Simple  Condo  Townhouse  Rental  Apartments

Site Acreage: \_\_\_\_\_ Area Disturbed \_\_\_\_\_ Impervious % \_\_\_\_\_

FAR% \_\_\_\_\_ Building Lot Coverage \_\_\_\_\_ # of Parking Spaces \_\_\_\_\_

**Planned Development: (NON-RESIDENTIAL)**

Site Acreage No change Area Disturbed None Building Lot Coverage No change

Impervious Coverage No change FAR% No change # of Parking Spaces Approx. 153 existing parking spaces to be shared by proposed use

Proposed Sign Dimensions Please see attached signage package Number of Signs Proposed Replace 2 existing "PHOTO" signs with "LABS" signs. Replace both panels on existing 2-sided monument/ground sign. Please see attached signage package.

**TO: LAND USE BOARD** N/A

(FOR SUBDIVISION APPLICATION)

- Concept
- Minor Subdivision
- Major Subdivision
- Preliminary Subdivision
- Amended Preliminary Subdivision
- Final Subdivision
- Amended Final Subdivision

**Present Use** \_\_\_\_\_

**Proposed Use** \_\_\_\_\_

**Development Plans:** Sell Lots Only: \_\_\_\_\_ Construct Homes for Sale \_\_\_\_\_ Other \_\_\_\_\_ (explain)

How will water service be supplied? \_\_\_\_\_

Proposed method of sewage disposal: \_\_\_\_\_

Are deed restrictions contemplated?  YES  NO (If yes, describe on separate sheet)

List proposed improvements and utilities and intention to post performance bond, certified check or to install improvement prior to approval of final plat:

IMPROVEMENT	INTENTION
_____	_____
_____	_____
_____	_____
_____	_____

Total area of existing lot(s): \_\_\_\_\_

Total number of new lots to be created (including the remainder): \_\_\_\_\_

Average new lot size: \_\_\_\_\_

Are there municipal water and sewerage systems \_\_\_\_\_

Last previous occupancy \_\_\_\_\_

Proposed structure or use \_\_\_\_\_

**SIZE OF LOT** \_\_\_\_\_ square feet.

**DIMENSIONS OF LOT:**

FRONT YARD \_\_\_\_\_ feet

DEPTH \_\_\_\_\_ feet

WIDTH \_\_\_\_\_ feet

**SIZE OF BUILDING AT STREET LEVEL:**

FRONT \_\_\_\_\_ feet

DEPTH \_\_\_\_\_ feet

PERCENTAGE OF LOT OCCUPIED BY BUILDINGS \_\_\_\_\_ square feet

HEIGHT OF BUILDING \_\_\_\_\_ stories \_\_\_\_\_ feet

FRONT YARD DEPTH \_\_\_\_\_ feet REAR YARD DEPTH \_\_\_\_\_ feet

SIDE YARD WIDTHS \_\_\_\_\_ feet and \_\_\_\_\_ feet

SIDE YARD WIDTH ABUTTING A SIDE STREET ON CORNER LOT \_\_\_\_\_ feet

PREVAILING FRONT YARD SETBACKS OF ADJOINING LOTS WITHIN BLOCK

Have there ever been any previous appeals, requests, or applications made to this or any other Board, or municipal agency involving these premises? If yes, state the nature, date and disposition of said matter.

None.

Explain the exceptional conditions which would create undue hardship on the applicant if required to comply with the Zoning ordinance? State the special reasons that support the granting the variance. (NOTE: The above questions MUST be answered in detail - attach statement to this application if necessary)

With respect to the so-called "positive criteria", there is justification for the grant of a use variance under N.J.S.A. 40:55D-70(d) to permit the Applicant's Patient Service Center as a permitted use and as a secondary principal use together with the existing Walgreens use. The proposed use is beneficial and advances the goals of the MLUL in that it provides services to the community which promote the general health and welfare. Here, the proposed use is not a permitted use in the HT/LI zone, nor is a second principal use permitted on a single lot. As to the former issue, the Borough's Land Development Ordinance does not expressly prohibit the use; but does not expressly permit it. As to the latter, although it is a secondary principal use, it is a related one given the new national trend in healthcare services of "neighborhood health destinations", which enable consumers to obtain various healthcare services and supplies at a single location. This consolidation of uses is a positive benefit to the local consumer and the community in that it makes the consumption of needed medical services and items more efficient. It will also decrease the number of automobile trips by enabling individuals to combine several tasks in a single trip to a single location, rather than multiple locations.

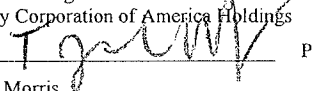
Furthermore, the subject property is "particularly suited" for the proposed use, since it is already occupied by a Walgreens pharmacy, and thus in close proximity to a walk-in medical clinic and pharmacy.

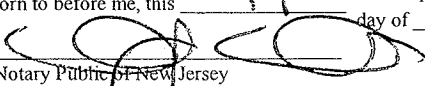
Supply a statement of facts showing why relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone plan and zoning ordinances. (NOTE: The above question MUST be answered - attached statement to this application if necessary)

With regard to the so-called "negative criteria", the requested variances under N.J.S.A. 40:55D-70(d) will not result in substantial detriment to the public good nor substantially impair the intent of the Zone Plan of the Borough's Land Development Ordinance because the Walgreens facility is already existing and serving the community, and the use of a portion of the premises for a Patient Service Center reduces the need for duplicative infrastructure and other physical structures that would be needed for a stand-alone facility.

The last step in the evaluation processes is the weighing of the above positive and negative criteria. The Applicant respectfully submits that the grant of the variance would not cause a "substantial" detriment to the public good. The Applicant further respectfully submits, that in balancing the benefits of the proposed Personal Service Center and the somewhat limited detrimental effects of such use, the Land Use Board should determine that the grant of the requested variances is warranted and would not cause a substantial detriment to the public good.

The undersigned has submitted the attached plans, applications and other necessary supporting data, and hereby certifies that all information submitted is accurate and complete. Proof of Public Notice and Proof of Publication must be submitted to this office several days before the scheduled meeting.

Laboratory Corporation of America Holdings  
Signature of Applicant By:  Print Name Thomas Kennedy  
State of New Jersey, County of Morris

Sworn to before me, this 17 day of March 2021  
  
A Notary Public of New Jersey

**Dean J. Donatelli**  
**Attorney at Law**  
**State of New Jersey**

**STATUS OF TAXES**

**Contact the Tax Collector. Submit Tax Certification verifying taxes are paid up-to-date with this filing. The tax collector will also provide you with a list of property owners within 200 feet. It is your responsibility to notify these property owners via return receipt registered mail after your application has been deemed complete and you have been scheduled for a hearing. Please note that if the property borders another municipality, you must obtain a list from that municipality showing the property owners within 200 feet of your property and they also must be notified.**

FOR LAND USE BOARD

SITE INSPECTION AUTHORIZATION FORM

I hereby give permission for Rockaway Borough Municipal Agencies and their agents to come upon and inspect these premises with respect to this application for 204-212 US Route 46 Rockaway, NJ Block 84 Lot 1 Laboratory Corporation of America Holdings

Applicant's Signature: By: [Signature] Print Applicant's Name Thomas Kennedy Date: March 17 2021

Sworn to and subscribed, before me. This 17 day of March, 20 21

[Signature] A Notary Public of New Jersey

Dean J. Donatelli Attorney at Law State of New Jersey

AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY COUNTY OF MORRIS

Please see attached Affidavit of Consent

\_\_\_\_\_ of full age, being duly sworn according to law on oath deposes and says, that the deponent resides at \_\_\_\_\_, in the municipality of \_\_\_\_\_ in the County of \_\_\_\_\_ and the State of \_\_\_\_\_, and that \_\_\_\_\_ is the owner in fee of all that certain lot, piece or parcel of land situated, lying, and being in the municipality aforesaid, and known and designated as Block \_\_\_\_\_, Lot \_\_\_\_\_.

Owner's Signature Please see attached Affidavit of Consent

Print Owner's Name \_\_\_\_\_

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

\_\_\_\_\_ A Notary Public of New Jersey

AUTHORIZATION

If anyone other than the above owner is making this application, the following authorization must be executed.

\_\_\_\_\_ is hereby authorized to make the within application.

Dated: \_\_\_\_\_ Please see attached Affidavit of Consent (Owner's Signature)

\_\_\_\_\_ (Print Owner's Name)



BOROUGH OF ROCKAWAY

1 East Main Street

Rockaway, NJ 07866

ADMINISTRATIVE CHECKLIST

NAME OF APPLICANT: Laboratory Corporation of America Holdings

DATE SUBMITTED: March 17 2021

**Applicant Responsibility:** Check appropriate box. State reasons for any waivers requested.

ITEM NO.	PLAN REQUIREMENT	PROVIDED	NOT PROVIDED	NOT APPLICABLE	WAIVER REQUESTED	REASON FOR WAIVER REQUEST
1	Completed Application Forms (20 Copies)	X				
2	For preliminary site plan or preliminary subdivision applications: a. Six (6) full sets of the plan addressing all requirements of the preliminary checklist requirements. b. 6 copies of plans showing the site layout, existing and proposed topography, landscaping, lighting, zone data box. <i>(May be a sheet or miscellaneous sheets from the full plan submission.)</i> c. 6 copies of building plans showing elevations and floor plans of any proposed building (Site plans only) d. 20 copies when deemed complete or an additional 14 copies if there are no changes to original submission.				X	No exterior improvements/ disturbance proposed
3	For all other land use applications: 20 copies of the plans and maps as required by the applicable checklist.	X				
4	A listing of all variance requests, design waiver requests, RSIS waivers and checklist waiver requests. (20 copies)	X				
5	Completed and signed Administrative Checklist and Schedule "A" Checklist applicable to the application. (20 copies)	X				
6	Fees and escrow deposits paid. Provide Fee Calculation Form with Breakdown of Fees required. (One Copy)	X				
7	Site inspection authorization form. (20 copies)	X				

**SCHEDULE "A" CHECKLIST  
BOROUGH OF ROCKAWAY, MORRIS COUNTY, N.J.**

8	Corporation or Partnership Form. (20 copies)	X				
9	Affidavit of Ownership/Authorization Form. (20 copies)	X				
10	Certification of payment of taxes, liens and assessment by the tax collector. (20 copies)	X				
11	Copies of approvals from other governmental agencies as may be required or an affidavit indicating that Application has been made to such agencies, i.e. septic permits; Morris County Planning Board, Morris County Soil Conservation District, DEP (20 copies)	Application to Morris County Planning Board to be submitted				
12	Compliance with Legal notice requirements. (Must be submitted several days prior to scheduled hearing date.)	X				
13	Affidavit of Applicant	X				
14	Copy of Plot Plan, Indicating buildings, front, side and rear yard dimensions.  Plans and elevations of proposed structure or sign including dimensions (20 copies)				X	No exterior improvements/ disturbance proposed
15	Key Map showing subject property. (20 copies)				X	Google aerial map provided. No exterior improvements/ disturbance proposed

**CORPORATION OR PARTNERSHIP FORM**

Applications before the Land Use Board by a Corporation or Partnership for a subdivision of six (6) or more lots, or 25 or more family units, for approval of a site plan or approval of lands for commercial purposes, shall list below the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as the case may be, as required by N.J.S.A. 40:55D-48.1.

Please see attached Corporate Ownership Disclosure

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

**PLEASE NOTE:** "No Land Use Board or Municipal Governing Body shall approve the application of any Corporation or Partnership which does not comply with this Act" as per N.J.S.A. 40:55D-48.1 et seq., P.L. 1977, Chapter 335, Section 3.

**SCHEDULE "A" CHECKLIST**

"C" VARIANCE

"D" VARIANCE

**BOROUGH OF ROCKAWAY, MORRIS COUNTY, NEW JERSEY**

NAME OF APPLICANT: Laboratory Corporation of America Holdings

DATE SUBMITTED: March 11, 2021

PROJECT NAME: LabCorp at Walgreens

BLOCK(S) & LOT(S) Block 84, Lot 1

Check appropriate box. State reasons for any waivers requested. (Attach additional pages as required)

ITEM NO.	PLAN REQUIREMENT	PROVIDED	NOT PROVIDED	NOT APPLICABLE	WAIVER REQUESTED	REASON FOR WAIVER REQUEST
1	Map, either in conformance with the ordinance or if the application is to be bifurcated, a separate map, signed and sealed by an Professional Architect, Engineer, Planner or Surveyor which provides sufficient data (i.e. setbacks, lot area, existing or proposed structures, etc.) upon which a decision can be based.				X	No exterior improvements/ disturbance proposed
2	A graphic or written description of the area surrounding the subject property			X		
3	A description of alternatives which were considered.			X		
4	A statement or legal brief which clarifies why the Variance should be granted and the specific hardship involved. Particular attention should be paid to relevant Borough ordinances, applicable case law and other New Jersey Statutes.	X				

**Proposal and Reasons Supporting Waiver of Site Plan**

**Laboratory Corporation of America Holdings  
204-212 US Route 46, Rockaway Borough, NJ (Block 84, Lot 1)  
HT/LI Zoning District**

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Laboratory Corporation of America Holdings (the "Applicant") proposes to install an approximately 421 square foot patient service center for collection of lab specimens (e.g., blood or urine) within the existing 14,739 square foot Walgreens pharmacy building (the "PSC"). No testing will be done on site. A total of two (2) to three (3) LabCorp employees are anticipated, and the hours of operation of the PSC will be within the operating hours of the existing Walgreens.

A waiver from the requirements for site plan approval is justified in this case given that the application involves a change in use/occupancy with no extensive construction or improvements (or de minimis construction or improvements) proposed. The Applicant maintains that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting, parking and other considerations of site plan approval and that the existing facilities do not require upgraded or additional site improvements.

Here, the proposed interior renovations would convert less than three percent (3%) of the gross floor area of the existing Walgreens store for use as a PSC, which is a use that is consistent with the Walgreens existing use in that they both provide the community with pharmaceutical-related services as well as other related medical services. No exterior improvements are proposed (other than replacement of certain existing channel letter wall signs (resulting in a reduction in signage area) and the replacement of the faces on the existing two-sided monument sign).

For the above reasons stated above, the Applicant respectfully requests that the Board grant the requested waiver of site plan approval. If the Board determines that a waiver of site Plan approval is not warranted, then the Applicant is prepared to present the information necessary to justify the grant of minor site plan approval.



February 05, 2021

To whom it may concern:

The purpose to this letter is to explain the functions performed at a Laboratory Corporation of America (LabCorp) Patient Service Center (PSC) in order to obtain approval for permits and occupancy at a facility LabCorp is wishing to occupy.

LabCorp PSCs provide routine adult and pediatric specimen collections for diagnostic testing and screening in a professional environment. A customer will come to the PSC with a doctor's order for a blood or urine collection or with an order from a current or potential employer for a drug screen collection. The LabCorp employee will then enter the customer's information into the computer and proceed to collect the specimen. Once the specimen is collected the employee will then prepare the sample for shipment to one of LabCorp's testing facilities. Please note that NO testing is done on site and this is a collection facility only. On limited occasions, customers will collect a specimen at home and bring the specimen to the PSC where the information is entered into the computer and the specimen is packaged for shipping. A typical LabCorp PSC will have from 1 and 3 phlebotomists on staff.

Periodically during the day and/or upon close of business a LabCorp courier will come to the facility and pick up the prepared specimens for that day and take those to a branch facility for shipment to the testing facility with other specimens picked up within the area. All specimens are packaged and transported in approved secure containers that comply with state and federal laws.

I trust this answers any questions you may have on the functions performed at a LabCorp PSC. If you should need additional information please feel free to contact me at 317-710-8048.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Sinning", is written over a horizontal line.

Joe Sinning  
Associate Vice President  
Director of Patient Services

AFFIDAVIT OF CONSENT

I, Kim Stober, am the Manager, of Walgreen Co. (the "Company"). The Company is a tenant of the Property located at 204-212 US Route 46 (Block 84, Lot1), Rockaway Borough, New Jersey (the "Property") under a ground lease, dated August 2, 2007 with Rockaway Commons, LLC, whose address is 425 US Route 426 West, Fairfield, NJ 07004, the owner of the Property. The Company hereby authorizes Laboratory Corporation of America Holdings, to execute and submit all applications and consent forms associated with the application/submission by Laboratory Corporation of America Holdings for use permits, variances, land development and associated approvals regarding Property located at 204-212 US Route 46 (Block 84, Lot1), Rockaway Borough, New Jersey, and further consents to the Borough's access to such Property for inspections and other related purposes.

Walgreen Co.

By: [Signature]

Name: Kim Stober

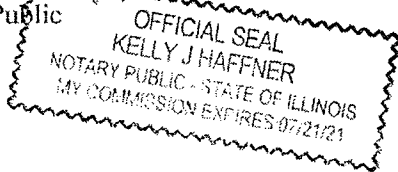
Title: Manager, Health Services

Sworn to and subscribed before me

On this 10<sup>th</sup> day of February, 2021

[Signature]

Notary Public





Rockaway Borough  
ZONING OFFICER

1 EAST MAIN ST  
ROCKAWAY, NJ 07866  
973-627-2000 X229  
ZONINGOFFICER@ROCKAWAYBOROUGH.OR  
G

Application Date: 2/25/2021  
Application Number: ZA-21-00029  
Permit Number: \_\_\_\_\_  
Project Number: \_\_\_\_\_

Fee: \$100

## Denial of Application

Date: 2/25/2021

To: LAB CORP/ C/O DEAN DONATELLI ESQ.  
PARSIPANNY , NJ 07054

CC: APP TELE:(973) 818-1957  
APP EMAIL:DDONATELLI@IWWT.LAW

RE: 404 ROUTE 46  
BLOCK: 84 LOT: 12.01 QUAL: ZONE: HT/LI

DEAR LAB CORP/ C/O DEAN DONATELLI ESQ.,

Proposed 421 sq. ft. patient service center in existing Wallgreens.

Use is not an approved Use For this zone.

Property as Bk. 84/ Lt 1 and in the HT/LI zone

APPLICATION DENIED:

Wallgreens approval was for a stand-alone Wallgreens retail store and pharmacy.

There was no Land Use Board approval for a second business at this site. Therefore the application is denied.

Applicant can apply to Land Use Board to variance relief.

Sincerely,

\_\_\_\_\_  
KEVIN LEWTHWAITE, ZONING OFFICIAL

## Request for Taxpayer Identification Number and Certification

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

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return) <b>Laboratory Corporation of America Holdings</b>	
	Business name/disregarded entity name, if different from above <b>LabCorp of America Holdings</b>	
	Check appropriate box for federal tax classification: <input type="checkbox"/> Individual/sole proprietor <input checked="" type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <input type="checkbox"/> Other (see instructions) ▶ _____	
	Exemptions (see instructions): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____	
	Address (number, street, and apt. or suite no.) <b>531 South Spring Street</b>	
City, state, and ZIP code <b>Burlington, NC 27215</b>		
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 the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Social security number**

			-			-			
--	--	--	---	--	--	---	--	--	--

**Employer identification number**

1	3	-	3	7	5	7	3	7	0
---	---	---	---	---	---	---	---	---	---

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

**Part II Certification**

Under penalties of perjury, I certify that:

- 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
- 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
- I am a U.S. citizen or other U.S. person (defined below), and
- 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 on page 3.

<b>Sign Here</b>	Signature of U.S. person ▶ <i>Michael T. Caronough</i>	Date ▶ <i>5/20/15</i>
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**General Instructions**

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

**Future developments.** The IRS has created a page on [www.irs.gov/w9](http://www.irs.gov/w9) for information about Form W-9, at [www.irs.gov/w9](http://www.irs.gov/w9). Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

**Purpose of Form**

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the

withholding tax on foreign partners' share of effectively connected income, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

**Note.** If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.



Tel (973) 627-2000  
Fax (973) 627-8294

# Borough of Rockaway

MUNICIPAL BUILDING • 1 EAST MAIN STREET • ROCKAWAY, NEW JERSEY 07866



March 5, 2021

Chrisanne Young  
Inglesino Webster Wyciskala Taylor, LLC  
600 Parsippany Road, Suite 204  
Parsippany, NJ 07054

Re: Block 84, Lot 1  
204-212 US Route 46  
Rockaway, NJ  
200' property owner list

Dear Ms. Young,

Per your request, attached is a certified list of property owners within 200 feet of:

Block: 84

Lots: 1

Property Location: 204-212 US Route 46

I certify that the attached is an accurate and complete list of property owners and addresses as of March 5, 2021. They must be given notice pursuant to the requirements of N.J.S.A. 40:55.

Sincerely,

*Jason Laliker*

Jason Laliker, CTA  
Tax Assessor, Borough of Rockaway

OWNER & ADDRESS REPORT

ROCKAWAY BOROUGH

CERTIFIED LIST FOR BLOCK 84 LOT 1 IN ROCKAWAY BOROUGH

03/05/21 Page 1 of 1

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
84	2		2	TYMD, LLC 425 ROUTE 46 WEST FAIRFIELD, N.J. 07004	345 FRANKLIN AVE	
84	3		2	SHAFFER, SCOTT/DAWN D 351 FRANKLIN AVE ROCKAWAY, NJ 07866	351 FRANKLIN AVE	
84	5.02		4B	385 FRANKLIN AVE LLC PO BOX 704 HARRIMAN NY 10926	385 FRANKLIN AVE	
84	35.02		1	PETER, CHRISTIAN N 850 BURBAK CT MARCO ISLAND, FLA 33937	RR ROW	
33	6.02		4A	SGD FUEL 202 LLC 9 15TH AVE ELMWOOD PARK, NJ 07407	202 ROUTE 46	
33	8		2	VAZQUEZ, FRANCISCO/CARMEN 306 FRANKLIN AVE ROCKAWAY, NJ 07866	306 FRANKLIN AVE	
33	6.01		4C	RESIDENCES IN ROCKAWAY LLC 131 W 35TH ST, 11TH FLR NEW YORK, NY 10001	330 FRANKLIN AVE	
33	7		2	WINCZOWSKI, JOHN 350 FRANKLIN AVE ROCKAWAY, NJ 07866	350 FRANKLIN AVE	
33	7.01		2	ESHEESH, FIRAS 354 FRANKLIN AVE ROCKAWAY, NJ 07866	354 FRANKLIN AVE	
34	5		4A	C J T REALTY HOLDING LLC 14 WENZEL ST ELMWOOD PARK, NJ 07407	207 ROUTE 46	AV
34	7		2	CHOPRA, LAKSHAY/KAURA, SHILPA/ETALS 290 FRANKLIN AVE ROCKAWAY, NJ 07866	290 FRANKLIN AVE	
40	37.02		4A	GILL PETROLEUM INC 935 ROUTE 34 MATAWAN, NJ 07747	209 ROUTE 46	
40	37.03		4A	MCDONALD'S RESTAURANT 215 ROUTE 46 ROCKAWAY, N.J 07866	215 ROUTE 46	L36.02
40	37.04		4A	203 ROCKAWAY , LLC 203 ROUTE 46 ROCKAWAY, NJ 07866	219 ROUTE 46	IRR
40	34		2	GALLO BROTHERS, INC 154 POLKVILLE RD COLUMBIA, NJ 07832	259 FRANKLIN AVE	L35
40	33		4B	GALLO BROTHERS INC 154 POLKVILLE RD COLUMBIA, NJ 07832	249 FRANKLIN AVE	L38, 22.02

# Borough of Rockaway

MUNICIPAL BUILDING • 1 EAST MAIN STREET • ROCKAWAY, NEW JERSEY 07866



## NOTICE REGARDING UTILITIES

### PURSUANT TO N.J.S.A. 40:55D-12h (1) (2)

Please be advised that recent amendments to the Municipal Land Use law require an applicant to provide notice to the corporate secretary of all public utilities and the general manager of all cable television companies owning land, facilities, easements or rights-of-way within 200 feet in all directions of property which is subject to a hearing.

The Borough of Rockaway is not required to include information concerning this notice requirement pursuant to the Tax Assessor's list of properties within 200 feet and has no way of certifying this information. As a courtesy to applicants in meeting new notice requirements but without certifying the sufficiency, the following are public utilities and cable television companies which potentially could require notice and should be notified to avoid jurisdictional defects:

Rockaway Borough Municipal Building  
Borough Clerk  
1 East Main Street  
Rockaway, NJ 07866

Jersey Central Power & Light Company  
300 Madison Ave  
PO Box 1911  
Morristown, NJ 07962-1911

Verizon  
290 W Mt Pleasant Rd  
Bldg 2, 4th Floor Rm  
Livingston, NJ 07039

Rockaway Valley Regional Sewer Authority  
99 Greenbank Road RD #1  
Boonton, NJ 07005-9602

NJ Natural Gas Company  
1415 Wyckoff Road  
PO Box 1464  
Wall, NJ 07719

Cablevision  
683 Route 10 East  
Randolph, NJ 07869-3799

Telephone (973) 627-2000  
Fax (973) 627-8294

# Borough of Rockaway

MUNICIPAL BUILDING • 1 EAST MAIN STREET • ROCKAWAY, NEW JERSEY 07866



2/24/21

TO WHOM IT MAY CONCERN

FROM: Donna L. Browne, Tax Collector

SUBJECT: REAL ESTATE TAXES

BLOCK 84 LOT 1

TAXES ON THE ABOVE ARE PAID THRU 1st quarter 2021

TAXES ON THE ABOVE ARE DELINQUENT AS OF —

IN THE AMOUNT OF —

PLUS INTEREST TO DATE OF PAYMENT.

*Donna L. Browne*  
Donna L. Browne, Tax Collector

**CORPORATE OWNERSHIP DISCLOSURE**  
**LABORATORY CORPORATION OF AMERICA HOLDINGS**

Laboratory Corporation of America Holdings is a publicly traded stock on the New York Stock Exchange trading under symbol "LH". As such, there are no individuals holding a 10% or greater interest in this corporation.

FEE CALCULATION SHEET

(Rockaway Borough)

LABORATORY CORPORATION OF AMERICA HOLDINGS

APPLICATION FOR VARIANCE UNDER N.J.S.A. 40:55D-70(d) AND SITE PLAN WAIVER

The following is the administrative fee and professional review escrow calculation for the above matter. If the Borough determines that additional fees and/or escrows are required, then the Applicant will supplement the amounts below as requested by the Borough.

**APPLICATION FEES**

Variance:

- Use (N.J.S.A. 40:55D-70(d))(\$1,000.00) **\$1,000.00**

Site Plans:

- Site Plan Waiver (\$300.00) **\$300.00**

**Total Application Fees: \$1,300.00**

**INITIAL PROFESSIONAL REVIEW ESCROW**

Variance:

- Use (N.J.S.A. 40:55D-70(d))(\$2,500.00) **\$2,500.00**

Site Plans:

- Site Plan Waiver (\$500.00) **\$500.00**

**Total (Initial) Professional Review Escrows: \$3,000.00**