

**BOROUGH OF ROCKAWAY APPLICATION
LAND USE BOARD**

Date Filed: 10/20/2021

App. Fee _____

* REVISED 3/22/2022

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: 17 Lot: 23 Zone: O-B Date of Purchase: JULY 27, 2019

Street Address of Property 60 E. MAIN STREET
(EXISTING HOME LOCATED AT NO EAST MAIN STREET)

Does applicant/owner own or have under contractor to purchase any adjoining properties? _____
If yes, please list properties. _____

Applicant: MILL LANE REALTY, LLC

Mailing Address: C/O MASON THOMPSON, LLC, 50 NELSON ST., DOVER NJ 07801

Telephone Number: 973-366-9300

Owner: MILL LANE REALTY, LLC

Mailing Address: 24 CALAIS ROAD, RANDOLPH, NJ 07869

Telephone Number: 973-366-9300 Fax No. _____ E-mail Address: _____

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

Engineer: FC MEDIA, LLC / FREDERICK C. MEDIA, PE LS

Mailing Address: 28 WHIPPANY ROAD, WHIPPANY NJ 0

Telephone Number: 973-538-8863 Fax No. 973-538-5715 E-mail Address: _____

Attorney: BRIAN W. MASON, ESQ

Mailing Address: 50 NELSON STREET DOVER NJ 07801

Telephone Number: 973-366-9300 Fax No. 973-366-9301 E-mail Address: BWM@MasonThompsonLaw.com

TO: LAND USE BOARD (VARIANCE APPLICATIONS)

(Check the appropriate application)

_____ Appeal under 40:55D-70a

Present Use () Residential () Non-Residential

_____ Interpretation Use permit under 40:55D-70b

"C" Hardship Variance under 40:55D-70c

Proposed Use () Residential () Non-Residential

"D" Use Variance under 40:55D-70d (1)(2)

_____ Conditional Use Variance

_____ Sign - Free Standing per Ordinance

_____ Sign - Non-Conforming

Request is hereby made for permission to erect, alter, convert, use: MINOR SUBDIVISION

_____ contrary to the requirements of the Zoning Ordinance of the

Borough of Rockaway, as follows: IMPERVIOUS COVERAGE, REAR YARD (EXISTING)

SETBACK (PROPOSED LOT 23.02), MAXIMUM HEIGHT (EXISTING),

FRONT YARD (EXISTING) SETBACK. D(2) VARIANCE REQUIRED FOR

EXISTING RESIDENTIAL HOUSE THAT EXCEED 10% OF HEIGHT LIMIT.

APPLICANT SEEKS MINOR SUBDIVISION APPROVAL

TO CREATE SEPARATE LOTS FOR EXISTING

BUILDINGS LOCATED ON LOT 23 IN BLOCK

17.

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
- Multi - Family Plan

Present Use EXISTING APARTMENT BUILDING / EXISTING DWELLING
 Proposed Use NO CHANGE OF USE PROPOSED

Multi Family Planned Unit Development: (RESIDENTIAL)

Total Housing Units _____ Number of Bedrooms per unit _____
 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 _____ Area Disturbed _____ Building Lot Coverage _____
 Impervious Coverage _____ FAR% _____ # of Parking Spaces _____
 Proposed Sign Dimensions _____ Number of Signs Proposed _____

TO: LAND USE BOARD

(FOR SUBDIVISION APPLICATION)

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

Present Use EXISTING APARTMENT BUILDING / EXISTING DWELLING
 Proposed Use NO CHANGE OF USE PROPOSED.

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
<u>EXISTING IMPROVEMENTS</u>	<u>NO CHANGE PROPOSED</u>
_____	_____
_____	_____
_____	_____

Total area of existing lot(s): 79,179 s.f. (1.818 ac.)
 Total number of new lots to be created (including the remainder): 1 new lot
 Average new lot size: Proposed Lot 23.01 = 58,261 s.f.
Proposed Lot 23.02 = 20,919 s.f.

Are there municipal water and sewerage systems Yes

Last previous occupancy No change

Proposed structure or use No change

SIZE OF LOT 79,179 square feet. (total) 58,261 and 20,919 (each lot)

DIMENSIONS OF LOT: (existing) Proposed 23.01 Proposed 23.02
FRONT YARD 6.1* feet 28.9' 54.9'

DEPTH 267.38' feet 181.48' 143.39'

WIDTH 276.60' feet 113.39' 143.21'

* existing

SIZE OF BUILDING AT STREET LEVEL:

FRONT _____ feet existing 31.6' 39.9'

DEPTH _____ feet existing 181.48' 143.39'

PERCENTAGE OF LOT OCCUPIED BY BUILDINGS 51.7% square feet existing

HEIGHT OF BUILDING 2 1/2 stories 39.9' feet (Lot 23.02)

FRONT YARD DEPTH 54.9 feet REAR YARD DEPTH 31.6 feet (Lot 23.01)

SIDE YARD WIDTHS 28.9 feet and 14.4 feet (Lot 23.02)

SIDE YARD WIDTH ABUTTING A SIDE STREET ON CORNER LOT 1013 feet and 17.1 feet (Lot 23.01)

SIDE YARD WIDTH ABUTTING A SIDE STREET ON CORNER LOT 54.7 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.

APPLICANT OBTAINED APPROVAL FOR APARTMENT USE IN EXISTING BUILDING (606 MAIN STREET)

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)

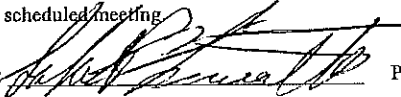
Applicant seeks to subdivide lot to create two separate lots for the two existing buildings. There are no proposed changes to the existing uses or structures.

* Variance pursuant to NJSA 40:55D-70(d)(2) required as existing residential house exceeds 10% of height limit in O-B zone.

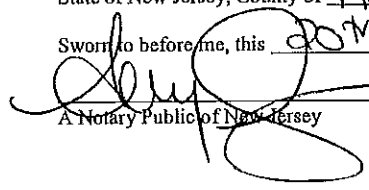
Supply a statement of facts showing why relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone plan and zoning ordinances. (NOTE: The above question MUST be answered - attached statement to this application if necessary)

The existing lot contains two separate structures. The minor subdivision will promote the purposes of the Zone Plan and zoning ordinance by creating a separate lot for each existing building.

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.

Signature of Applicant:  Print Name SAL CHIARAVALLOTI
Member, Mill Lane Realty, LLC

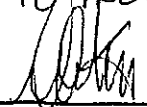
State of New Jersey, County of Morris
Sworn to before me, this 20th day of October Year 2021


A Notary Public of New Jersey

AMY L. JARVIS
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 8/2/2026

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.

AS TO REVISED APPLICATION

C. RALPH CATIZONE
Member, Mill Lane Realty, LLC
Date of: 3/25/2022

SCHEDULE "A" CHECKLIST

"C" VARIANCE

"D" VARIANCE

BOROUGH OF ROCKAWAY, MORRIS COUNTY, NEW JERSEY

NAME OF APPLICANT: MILL LAKE REALTY, LLC
 DATE SUBMITTED: OCTOBER 20, 2021
 PROJECT NAME: MINOR SUBDIVISION
 BLOCK(S) & LOT(S): BLOCK 17, LOT 23

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.	✓				
2	A graphic or written description of the area surrounding the subject property	✓				
3	A description of alternatives which were considered.	✓				
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.	✓				

**SCHEDULE "A" CHECKLIST
PRELIMINARY MINOR/MAJOR SUBDIVISION
BOROUGH OF ROCKAWAY, MORRIS COUNTY, NEW JERSEY**

NAME OF APPLICANT: MILL LANE REALTY LLC
 DATE SUBMITTED: OCTOBER 20, 2021
 PROJECT NAME: MINOR SUBDIVISION
 BLOCK(S) & LOT(S): BLOCK 17, LOT 23

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 REQUESTED
1	Plans drawn, signed and sealed by appropriate New Jersey licensed professional person(s) pursuant to N.J.A.C.13:40-7 et.seq.	✓				
2	Plat scale to be not smaller than 1"=50'.	✓				
3	Key map showing the subject property and all lands within 500 feet thereof with existing streets, Rights of Way, easements, and zone boundaries	✓				
4	Map sizes permitted: 24"x36" 30"x42"	✓				
5	Plans should contain the following: a. Name of Development b. Name and Address of owner c. Name and address of applicant d. Date of preparation e. Block(s) and lots developed f. Name, address, signature, seal and license number of persons preparing plans. g. Land Use Board Application Number (when assigned)	✓				
6	Graphic and written scale. Reference meridian.	✓				
7	Revision box and date of each revision.	✓				
8	Current Survey (within 5 years) of the entire tract or property, prepared by a New Jersey licensed surveyor, showing the location of the portion to be divided there from, giving all distances and showing all roads abutting or traversing the property. Development boundaries shall be clearly delineated.	✓				
9	List of waivers and variances requested or obtained (with the applicable ordinance sections.) List of waivers or de minimus exceptions from the Residential Site Improvement Standards (with applicable reference sections) depicted on the cover sheet.	✓				

ITEM NO.	PLAN REQUIREMENT	PROVIDED	NOT PROVIDED	NOT APPLICABLE	WAIVER REQUESTED	REASON FOR WAIVER REQUESTED
10	A list of all property owners within 200 feet as disclosed by a current (within 6 months) certified list of the most recent tax records, including addresses and block and lot designations on the plans.	✓				
11	Any municipal limits within 200 feet of the development and the names and zoning of the adjoining municipalities.	N/A				
12	Existing and proposed property lines with metes and bounds description.	✓				
13	Existing and proposed streets, both public and private, showing the right-of-way width and width of the traveled way within 200' of the property.	✓				
14	Existing structures with uses, number of stories, dimensions and setbacks to all property lines.	✓				
15	Existing physical features including streams, wetlands, floodplains, railroads, bridges, drainage, trees over 18" dBH, utilities, public and private easements and reservations.	✓				
16	Area of existing and proposed lots in square feet and acres.	✓				
17	2' contours onsite and 100 feet beyond the property lines.				✓	EXISTING SITE
18	Zone data box showing a. Zone District(s) b. required and proposed Area Lot width Setbacks Other applicable zone requirements	✓				
19	Representative concept house and grading showing driveway profile grades, drainage swales, percolation test locations, septic systems, wells, roof drainage, drywells, utility services at a maximum scale of 1"=50'.	N/A				
20	Location of all structures (with the number of stories and uses), sidewalks, driveways, and existing streets within 100 feet of the property. Answer #20 for Minor Subdivision only.	✓				
21	Percolation or permeability test results including soil logs for each of the proposed lots witnessed by the Municipal Health Officer, together with Health Office report confirming suitability.				✓	EXISTING SITE

ITEM NO.	PLAN REQUIREMENT	PROVIDED	NOT PROVIDED	NOT APPLICABLE	WAIVER REQUESTED	REASON FOR WAIVER REQUESTED
22	A current Letter of Interpretation and associated plan depicting wetlands areas and transition areas delineated.				✓	EXISTING SITE
23	Location of floodplains and floodways (if within the jurisdiction of the NJDEP), lakes, ponds, brooks, streams and drainage ditches within the property.				✓	EXISTING SITE
24	Sketch of proposed layout or disposition of remaining lands if any.	N/A				
25	For plats involving a corner lot or lots, the required sight triangle easements.				✓	EXISTING SITE
26	Setback lines for each of the proposed lots based on zone requirements.	✓				
27	The plans shall include the signature block below: Approved by the Rockaway Borough Land Use Board: _____ Land Use Board Chairperson Date _____ Land Use Board Secretary Date _____ Land Use Board Engineer Date	✓				
28	Plans and computations for any stormwater management systems in accordance with the ordinance or RSIS, as applicable.	N/A				
29	Erosion and Sediment Control Plan at plan scale, but no greater than 1"=100'.	N/A				
30	Location of existing utilities onsite and within 100 feet of the site including: a. Sanitary sewers or septic systems. b. Storm drains. c. Water lines or wells d. Gas, telephone, electric	✓				
31	Landscaping Plan showing: a. Proposed Shade trees and landscaping including species and size of plant materials. b. Buffering plan showing berms, vegetation, fences including construction details as applicable.				✓	EXISTING SITE
32	All construction details for proposed improvements.	N/A				

ITEM NO.	PLAN REQUIREMENT	PROVIDED	NOT PROVIDED	NOT APPLICABLE	WAIVER REQUESTED	REASON FOR WAIVER REQUESTED
33	Plans and profiles for existing and proposed: a. Stormwater Management systems b. Sanitary sewers c. Water mains				✓	EXISTING SITE
34	A copy of all existing protective covenants or deed restrictions of every nature affecting the subject property including statements as to whether such deeds or covenants are of record and as to the impact on the proposed project.				✓	EXISTING SITE
35	Location and use of all property to be reserved by covenant in the deed for the common use of all property owners or otherwise.	N/A				
36	Applicant must provide documentation supporting compliance with Chapter 15 as it relates to any lands that may have been agricultural/orchard use	N/A				
37	All public property and property proposed to be dedicated in the tract, accurately outlined and described with existing or proposed uses designated.	N/A				
38	For those projects that lie within the Rookaway River watershed, copy of correspondence to the Rookaway River Watershed Cabinet advising them of the application.	N/A				
FOR MAJOR SUBDIVISION ANSWER 39 THRU 44 ALSO						
39	Location of all structures (with the number of stories and uses), sidewalks, driveways, traffic improvements such as signals, signs, and channelization, and existing and proposed streets within 200 feet of the property.	X				
40	Lighting plan showing: a. Location of existing and proposed street lights. b. Height of existing and proposed street lights. c. Construction details of proposed street lights. d. 0.3fc and 0.5fc lines for existing and proposed light fixtures. e. Catalog cut sheets for proposed lighting fixtures along with isolux diagrams.	X				
41	Public improvements construction plans for all new streets and improvements to existing streets including: a. Centerline, geometry b. Road profiles c. Road cross sections 50' on center. d. Grading plan showing existing and proposed contours.	X				
HECKLIST - (P) Minor & Major Subdivision p. 4		X				4

ITEM NO.	PLAN REQUIREMENT	PROVIDED	NOT PROVIDED	NOT APPLICABLE	WAIVER REQUESTED	REASON FOR WAIVER REQUESTED
42	<p>Environmental Impact Assessment including the following:</p> <ul style="list-style-type: none"> a. Plan and description of the proposed development. b. Inventory of existing natural resources. c. Assessment of environmental impacts. d. Unavoidable adverse environmental impacts. e. Steps to minimize adverse environmental impacts. f. Details and matter to be evaluated: <ul style="list-style-type: none"> 1. Sewage Facilities 2. Water Supply 3. Storm water 4. Stream encroachments 5. Flood plains 6. Wetlands 7. Solid waste disposal 8. Air Pollution 9. Traffic 10. Social/Economic 11. Aesthetics 12. Licenses, permits, etc. 13. Documentation as required by the Borough's soil testing ordinance. 	X				
43	<p>Sign Plan showing:</p> <ul style="list-style-type: none"> a. Location of traffic control signs. b. Street signs. c. Development signs. d. Appropriate sign details showing size, height, materials and lighting. 	X				
44	<p>Location of temporary sales office and storage trailers, including temporary facilities for parking, landscaping, drainage, fencing, lighting and signs.</p>	X				

BOROUGH OF ROCKAWAY

1 East Main Street

Rockaway, NJ 07866

ADMINISTRATIVE CHECKLIST

NAME OF APPLICANT: MILL LANE REALTY, LLC

DATE SUBMITTED: October 20, 2021

Applicant Responsibility Check appropriate box. State redactions and waiver requests.

ITEM NO.	PLAN REQUIREMENT	PROVIDED	NOT PROVIDED	NOT APPLICABLE	WAIVER REQUESTED	REASON FOR WAIVER REQUEST
1	Completed Application Forms (20 Copies)	(6) ✓				
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. (May be a sheet or miscellaneous sheets from the full plan submission.) 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.	✓				
3	For all other land use applications: 20 copies of the plans and maps as required by the applicable checklist.	N/A				
4	A listing of all variance requests, design waiver requests, RSIS waivers and checklist waiver requests. (20 copies)	✓				
5	Completed and signed Administrative Checklist and Schedule "A" Checklist applicable to the application. (20 copies)	✓				
6	Fees and escrow deposits paid. Provide Fee Calculation Form with Breakdown of Fees required. (One Copy)	✓				
7	Site inspection authorization form. (20 copies)	✓				

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

8	Corporation or Partnership Form. (20 copies)	✓				
9	Affidavit of Ownership/Authorization Form. (20 copies)	✓				
10	Certification of payment of taxes, liens and assessment by the tax collector. (20 copies)					TO BE PROVIDED
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)	N/A				
12	Compliance with Legal notice requirements. (Must be submitted several days prior to scheduled hearing date.)					TO BE PROVIDED
13	Affidavit of Applicant	✓				
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)	✓				
15	Key Map showing subject property. (20 copies)	✓				

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.

NAME Cesare Catizone ADDRESS 24 Calais Road, Randolph NJ 07869
 NAME Sal Chiaravalloti ADDRESS 25 Andrea Drive, Rockaway NJ 07866
 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.

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 60 E. Main St., Rockaway, NJ, Block 17 Lot 23.

Applicant's Signature: [Signature] Print Applicant's Name Sal Chiaravalloti
Date: October 20, 2021 Member, Mill Lane Realty LLC

Sworn to and subscribed, before me
This 20th day of October, 2021

[Signature]
A Notary Public of New Jersey

AMY L. JARVIS
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 8/2/2026

AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY
COUNTY OF MORRIS

Sal Chiaravalloti of full age, being duly sworn according to law on oath

deposes and says, that the deponent resides at 25 Anarea Drive, in the
municipality of Rockaway in the County of Morris
and the State of NJ, and that Mill Lane Realty LLC

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 17, Lot 23.

Owner's Signature [Signature]
Print Owner's Name Sal Chiaravalloti
Member, Mill Lane Realty LLC

Sworn to and subscribed, before me,
This 20th day of October, 2021.

[Signature]
A Notary Public of New Jersey

AMY L. JARVIS
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 8/2/2026

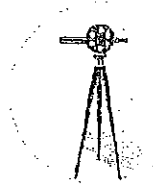
AUTHORIZATION

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: _____

(Owner's Signature) _____
N/A
(Print Owner's Name) _____
Member, Mill Lane Realty LLC / Owner + Applicant



Engineering & Land Surveying

28 Whippany Road
Whippany, New Jersey 07981

Telephone (973) 538-8863
Fax (973) 538-5715

September 3, 2021

Rockaway Borough Engineer Department
1 East Main St.
Rockaway, NJ 07866

RE: Mill Lane Realty LLC
Block 23 Lot 17
60 East Main Street
File # 171211

The lights in the rear parking lot are on a timer that reduces the intensity by 50% from 11 P.M. to sunrise.

If you have any questions, please call me at (973) 538-8863.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frederick C. Meola". The signature is written in dark ink and is positioned above the printed name.

Frederick C. Meola P.E. & P.L.S.
Professional Engineer and Land Surveyor
N.J. Licensed # 22708

Frederick C. Meola P.E. & P.L.S.

MORRIS COUNTY SOIL CONSERVATION DISTRICT



30 Schuyler Place
P O Box 900
Morristown NJ 07963-0900
Ph.: 973-285-2953
Fax: 973-285-8345
www.MCSCD.org

SOIL EROSION AND SEDIMENT CONTROL PLAN RE-CERTIFICATION

In accordance with the "Soil Erosion and Sediment Control Act", Chapter 251, Public Laws of 1975, the Morris County Soil Conservation District hereby certifies the subject plan does conform to the standards for Soil Erosion and Sediment Control in New Jersey promulgated pursuant to the Act.

Name of Project: River Edge Apartments

Street and Municipality: East Main Street – Borough of Rockaway

Block: 17 Lot(s): 23 Application No: 2018-10814

NOTE: FAILURE TO COMPLY WITH ANY OF THE PROVISIONS OUTLINED BELOW WILL RESULT IN A DISTRICT ENFORCEMENT ACTION AND ADDITIONAL FEES FOR REPEATED SERVICES

All revision of the subject plan, Engineer's Project No. 171211, Original Plan Date: April 20, 2018, Last Plan Revision Date: July 12, 2019, after certification will void this approval and must be forwarded to this office.

Any conveyance of the project (or portion thereof) will transfer full responsibility for compliance to subsequent owner(s). This District must be notified in writing of any change of ownership.

A written notification indicating the start of land disturbance must be submitted to this District 48 hours in advance.

Prior to the issuance of a "Certificate of Occupancy" by the municipality, the "Soil Erosion and Sediment Control Act", N.J.S.A. 4:24-49 requires this District issue a "Report of Compliance" with the provisions of the certified plan for permanent measures to control soil erosion and sedimentation.

This certification is limited to the controls in this plan. It is not authorization to engage in the proposed land use unless such use has been previously approved by the municipality or other controlling agency.

MORRIS COUNTY SOIL
CONSERVATION DISTRICT

Chair or Representative

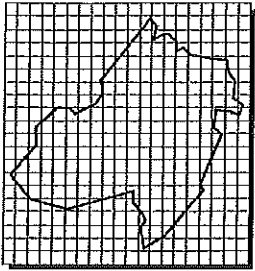
RE-CERTIFICATION DATE: October 23, 2019

EXPIRATION DATE: January 25, 2022

Member -- New Jersey Association of Conservation Districts
National Association of Conservation Districts

RE- CERTIFICATION LETTER

Cc: Applicant, Design Professional, Municipal: Construction Code Official, Engineer, Land Use Board, Environmental Commission



MORRIS COUNTY PLANNING BOARD

P.O. Box 900, Morristown, NJ 07963-0900

Steve Rattner, *Chairman*

Isobel W. Olcott, *Vice-Chairman*

Ted Eppel, *Secretary*

Douglas R. Cabana
Freeholder Director

Stephen H. Shaw
Freeholder

Deborah Smith
Freeholder Alternate

Christopher J. Vitz, *County Engineer*

Roslyn Khurdan, *County Engineer Alt.*

Nita Galate

Annabel Pierce

Everton Scott

Christian Francioli, *Alternate 1*

Staci L. Santucci, Esq.
First Assistant County Counsel

Christine Marion, P.P.
Planning Board Director

(973) 829-8120

FAX (973) 826-9025

EMAIL: cmarion@co.morris.nj.us

December 13, 2019

Colleen Reardon, *Secretary*
Borough of Rockaway Planning Board
1 East Main Street
Rockaway, NJ 07866

SITE PLAN REPORT

NAME: "River Edge Apartments" (Deed of Easement)
LOCATION: Southeastern corner of the intersection of Mill Lane and East Main Street
(County Route 644)
FILE NUMBER: 2019-34-10-SP-3

ADVISORY REVIEW

With the submission of the deed of right-of-way easement for East Main Street, the requirement from the County report of November 15, 2019 has been satisfied.


COUNTY REQUIREMENTS (R.S. 40:27-6.7)


This site plan is approved

PROCEDURAL CONDITIONS

Prior to the start of any work in the County right-of-way, a Permit must be applied for and issued by the County Division of Engineering and Transportation. When applying for a Permit, a copy of the Morris County Planning Board approval report and one set of the approved plans must be submitted to Charmayne Bowie, Superintendent of Road Inspection, County Division of Engineering and Transportation, P.O. Box 900, Morristown, NJ 07963-0900, (973) 285-6750. This office is located at the County Administration and Records Building, 2nd floor, Court Street, Morristown.

MORRIS COUNTY PLANNING BOARD


Gregory S. Perry, P.P.
Supervising Planner


Christine G. Marion, P.P./AICP
Planning Director

cc: Morris County Planning Board Members
Mill Lane Realty, LLC
Alyse Landano Hubbard, Esq.
FCMeola, LLC
C. Bowie, County Engineering

Prepared by


Alyse Jandano Hubbard, Esq.

Deed of Affordable Housing Restriction

THIS DEED RESTRICTION (this "Deed Restriction") entered into as of this 25 day of September, 2019, by

MILL LANE REALTY, LLC, having its principal office at 25 Andrea Drive, Rockaway, New Jersey 07866 (the "Owner")

and

BOROUGH OF ROCKAWAY, with offices at 1 East Main Street, Rockaway, New Jersey 07866, Attn.: Borough Clerk (the "Municipality") concerning the residential low- or moderate-income rental Project (as defined below) further described herein.

WITNESSETH

WHEREAS, Owner has developed, inter alia, a 19-unit multi-family residential project (the "Project") located on the Property (as defined below) in accordance with the Preliminary and Final Major Site Plan approval with deviations and variance relief granted by the Land Use Board of the Borough of Rockaway pursuant to Resolution LUB-049 memorialized on March 5, 2019.

Article 1. Consideration

In consideration of the benefits and/or rights to develop received by the Owner from the Municipality regarding this rental Project, the Owner hereby agrees to abide by the covenants, terms and conditions set forth in this Deed Restriction, with respect to the land and improvements more specifically described in Article 2, hereof.

Article 2. Description of Property

The Property consists of all of the land and the improvements thereon, that is located in the municipality of the Borough of Rockaway, County of Morris, State of New Jersey, and designated as Block 23, Lot 17 on the official Tax Map of the Borough of Rockaway as more particularly described on **Exhibit A** attached hereto (the "Property").

The Covenants contained herein are limited to three (3) units located in the buildings A and C on the Property known as 60 East Main Street and designated as the apartments number 101, 106, and 201, shown and described on **Exhibit B** attached hereto (an "Affordable Unit"):

Article 3. Affordable Housing Covenants

The following covenants (the "Covenants") shall run with the land for the period of time (the "Control Period"), determined separately with respect for each Affordable Unit, commencing upon

the date on which the first certified household occupies the unit (each, a "Commencement Date"), and shall expire as determined under the Uniform Controls, as defined below:

In accordance with N.J.A.C. 5:80-26.11, each restricted Affordable Unit shall remain subject to the requirements of this subchapter during the "Control Period," until the Municipality in which the Affordable Unit is located elects to release the Affordable Unit from such requirements. Prior to such an election by the Municipality, a restricted Affordable Unit must remain subject to the requirements of this subchapter for a period of at least thirty (30) years from the Commencement Date.

- A. Sale and use of the Property is governed by regulations known as the Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, chapter 80, subchapter 26 N.J.A.C. 5:80-26.1, *et. seq.* (the "Uniform Controls"), as modified and amended from time to time.
- B. The Affordable Unit shall be used solely for the purpose of providing rental dwelling unit for low or moderate-income households, and no commitment for any such Affordable Unit shall be given or implied, without exception, to any person who has not been certified for that unit by the Administrative Agent in accordance with the Uniform Controls. So long as any Affordable Unit remains within its Control Period, sale of the Property must be expressly subject to this Deed Restriction, the deed of conveyance must have this Deed Restriction appended thereto, and no sale of the Property shall be lawful, unless approved in advance and in writing by the Administrative Agent.
- C. No improvements may be made to the Property that would affect the bedroom configuration of the Affordable Unit, and any improvements to the Affordable Unit must be approved in advance and in writing by the Administrative Agent.
- D. The Owner shall notify the Municipality and the Administrative Agent of any foreclosure actions filed with respect to the Property within five (5) business days after service upon Owner.
- E. The Owner shall notify the Municipality and the Administrative Agent within three (3) business days after the filing of any petition for protection from creditors or reorganization filed by or on behalf of the Owner.
- F. If the Municipality does not have an Administrative Agent at the time of the recording of this Deed Restriction. The Owner agrees to retain an Administrative Agent for the Affordable Units and shall be solely responsible for all payments required for the services of its Administrative Agent with respect to the Affordable Units. The Administrative Agent shall be COAH-qualified, shall be approved by and be under the supervision of the Municipality, and shall perform all duties and responsibilities of an administrative agent as set forth in the COAH Rules and UHAC, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which duties and responsibilities include, but are not limited to affordability controls; affirmative marketing; and enforcement. At such time when the Municipality may create the position of Administrative Agent, the Municipality may, upon sixty (60) days written notice to Owner, assume the duties and responsibilities of an Administrative Agent for the Affordable Units.

Article 4. Remedies for Breach of Affordable Housing Covenants

A breach of the Covenants will cause irreparable harm to the Municipality, and to the public, in light of the public policies set forth in the New Jersey Fair Housing Act, the Uniform Housing Affordability Control rules found at N.J.A.C. 5:80-26, and the obligation for the provision of low and moderate-income housing.

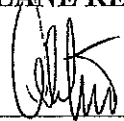
- A. In the event of a threatened breach of any of the Covenants by the Owner, or any successor in interest of the Property, the Municipality shall have all remedies provided at law or equity, including the right to seek injunctive relief or specific performance.

- B. Upon the occurrence of a breach of any Covenants by the Owner, or any successor in interest or other owner of the Property, the Municipality shall have all remedies provided at law or equity including but not limited to forfeiture, foreclosure, acceleration of all sums due to the Municipality under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent further violation of said Covenants, entry on the premises, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.


IN WITNESS WHEREOF, the Owner has executed this Deed Restriction as of the date first above written.


MILL LANE REALTY, LLC


Alyse Landano Hubbard, Esq.

By: 
Cesare Catizone, Partner

BOROUGH OF ROCKAWAY


Patricia Bussow, Borough Clerk

By: 
Russell Greuter, Mayor



ACKNOWLEDGEMENTS

STATE OF NEW JERSEY)
) SS:
COUNTY OF MORRIS)

Be it remembered that on the 25 day of September, 2019, Cesare Catizone personally appeared before me, and this person acknowledged under oath, to my satisfaction that:

- (a) he is the Partner of **MILL LANE REALTY, LLC**, the Owner in the attached Deed Restriction;
- (b) he is authorized to execute the attached Deed Restriction on behalf of the Owner;
- (c) he executed the attached Deed Restriction on behalf of and as the act of the Owner; and
- (d) the attached Deed Restriction was signed and made by the Owner as its duly authorized and voluntary act.

Alyse Landano Hubbard
Alyse Landano Hubbard, Esq.
Attorney at Law, State of New Jersey

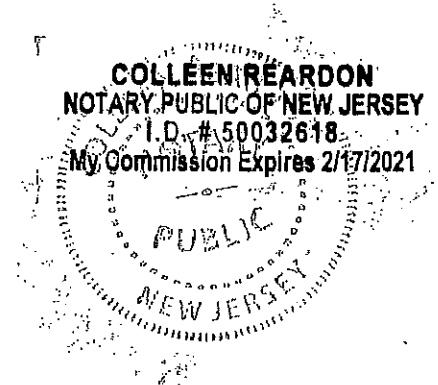
STATE OF NEW JERSEY)
) SS:
COUNTY OF MORRIS)

BE IT REMEMBERED, that on this 25 day of September, 2019 before me, the subscriber, personally appeared Russell Greuter, who, being by me duly sworn on his oath, deposes and makes proof to my satisfaction that he is the Mayor of the **Borough of Rockaway**, the Municipality named in the within Instrument; that the execution, as well as the making of this Instrument, have been duly authorized by the Municipality, that deponent well knows the seal of said Town; and that the seal affixed to said Instrument is the proper seal and was hereto affixed by Patricia Busson, Borough Clerk, and said Instrument was signed and delivered by said Mayor as and for the voluntary act and deed of said Town.

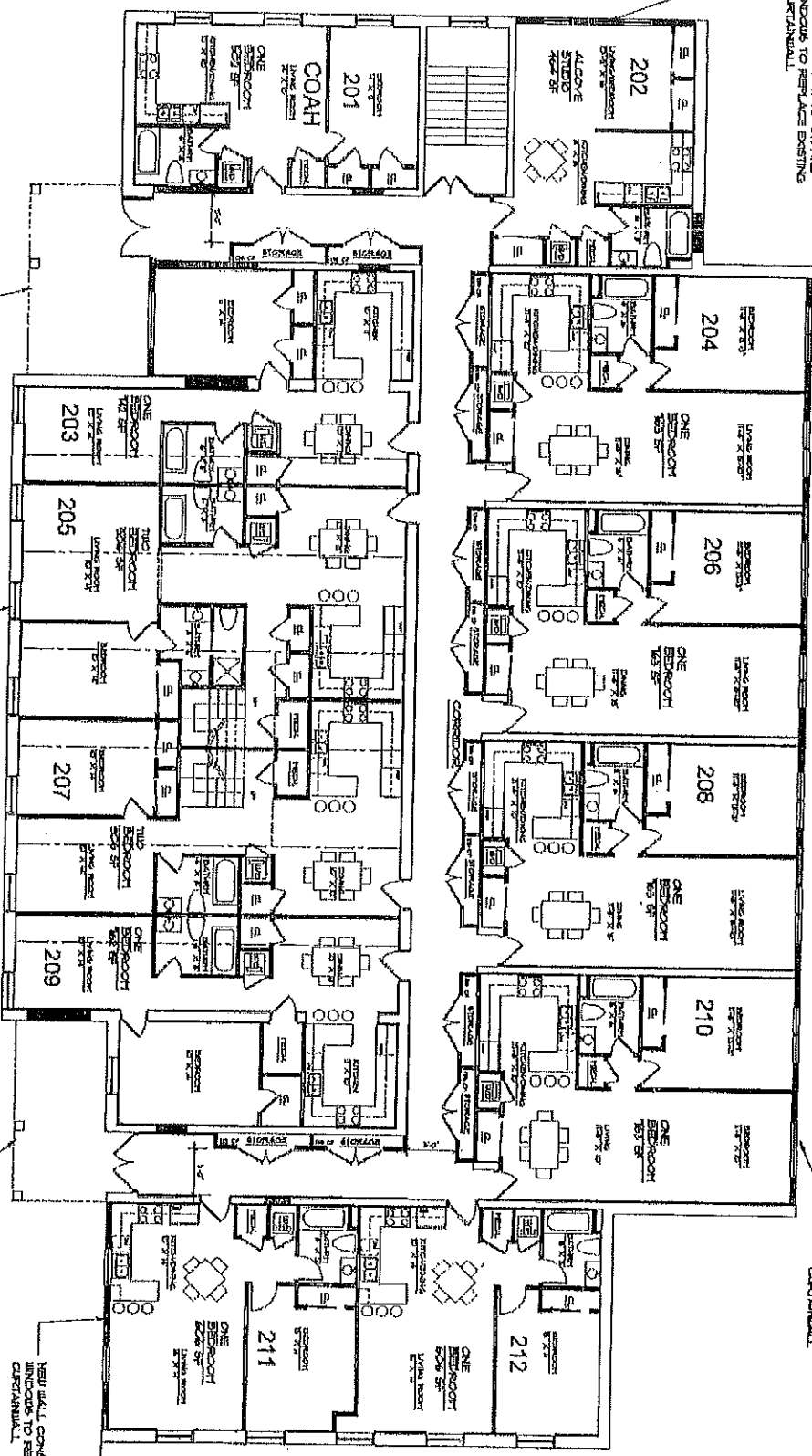
Colleen Reardon

Record and return to:

Alyse Landano Hubbard, Esq.
Law Office of Larry I. Wiener, Esq.
141 West Main Street
Rockaway, New Jersey 07866



NEW WALL CONSTRUCTION AND WINDOWS TO REPLACE EXISTING CURTAINWALL



NEW CANOPY AT ENTRANCE

NEW WALL BETWEEN WINDOWS

NEW CANOPY AT ENTRANCE

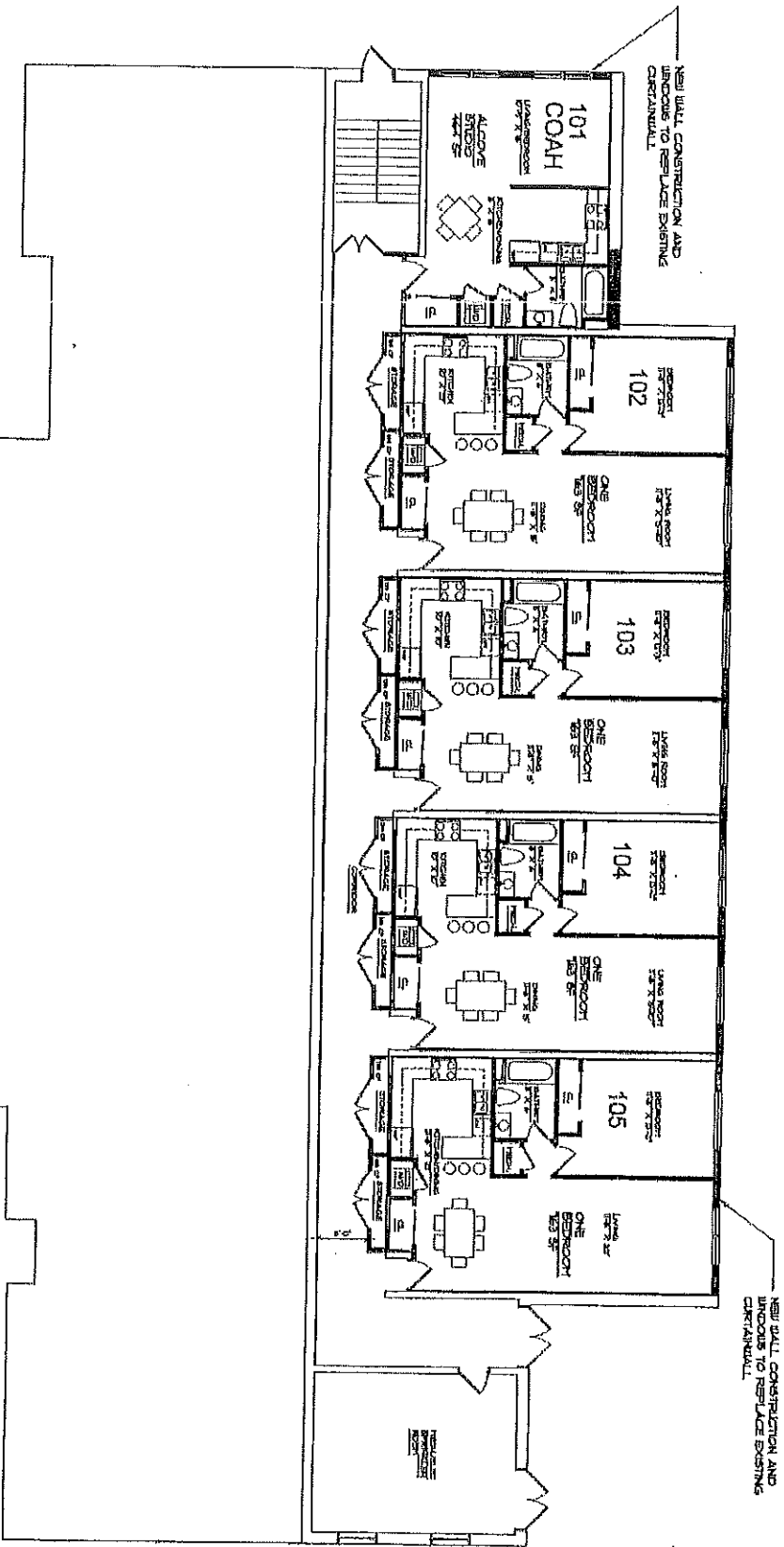
NEW WALL CONSTRUCTION AND WINDOWS TO REPLACE EXISTING CURTAINWALL

NEW WALL CONSTRUCTION AND WINDOWS TO REPLACE EXISTING CURTAINWALL

PRELIMINARY REVIEW NOT FOR CONSTRUCTION

UPPER LEVEL PROPOSED PRELIMINARY PLAN

<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION				<p>ARCHITECT</p> <p>RIVER EDGE APARTMENTS 40201 HANK STREET HOUSTON, TX 77057</p>	<p>CONTRACTOR</p> <p>CONSTRUCTION</p>
NO.	DATE	DESCRIPTION						



1 LOWER LEVEL PROPOSED PRELIMINARY PLAN

Exhibit B

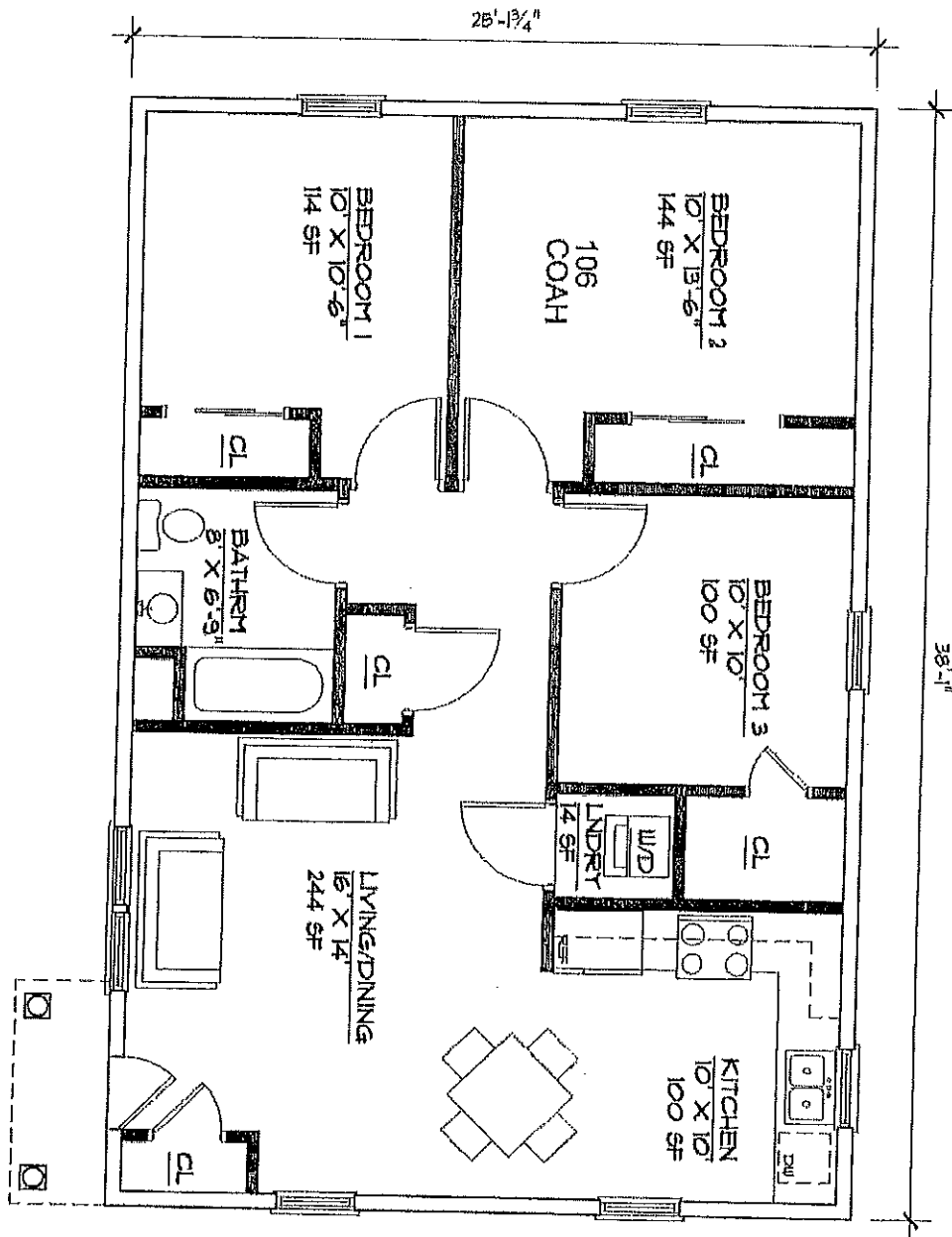
PRELIMINARY REVIEW
NOT FOR CONSTRUCTION

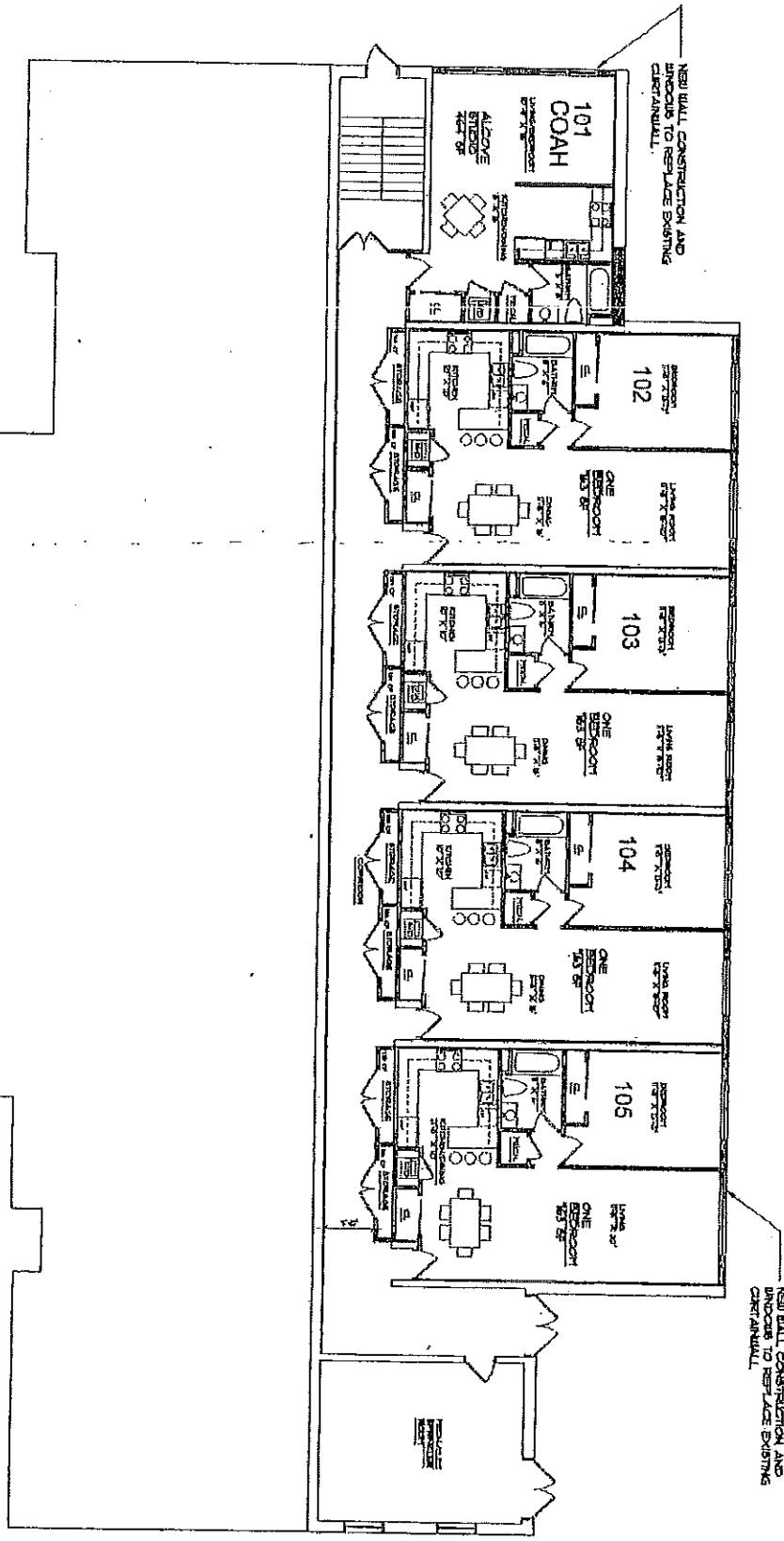
NO.	DATE	REVISIONS

"A" is submitted from York, S.C.
 ARCHITECTS
 1000 W. 10th Street
 York, S.C. 29731
 (803) 781-1111
 www.yorkarchitects.com

REAR EXTERIOR
 APARTMENTS
 ADAPTIVE RESURFACE
 40 EASTMAN STREET
 ROCKFORD, IL

PRELIMINARY PLAN
 A-5





1 LOWER LEVEL PROPOSED PRELIMINARY PLAN

Exhibit B

**PRELIMINARY REVIEW
NOT FOR CONSTRUCTION**

REVISIONS:

NO.	DATE	DESCRIPTION

ARCHITECT
REAR SOURCE ARCHITECTS
 49 EAST MAIN STREET
 ROCHESTER, NY

PLANNING
 STATE OF NEW YORK
 DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 DIVISION OF PLANNING

1. Statement and Map, Section 804 of the Environmental Conservation Law.
 2. Environmental Impact Statement, Section 801 of the Environmental Conservation Law.
 3. Final EIS, Section 801 of the Environmental Conservation Law.
 4. Final EIS, Section 801 of the Environmental Conservation Law.

DATE: 10/1/01

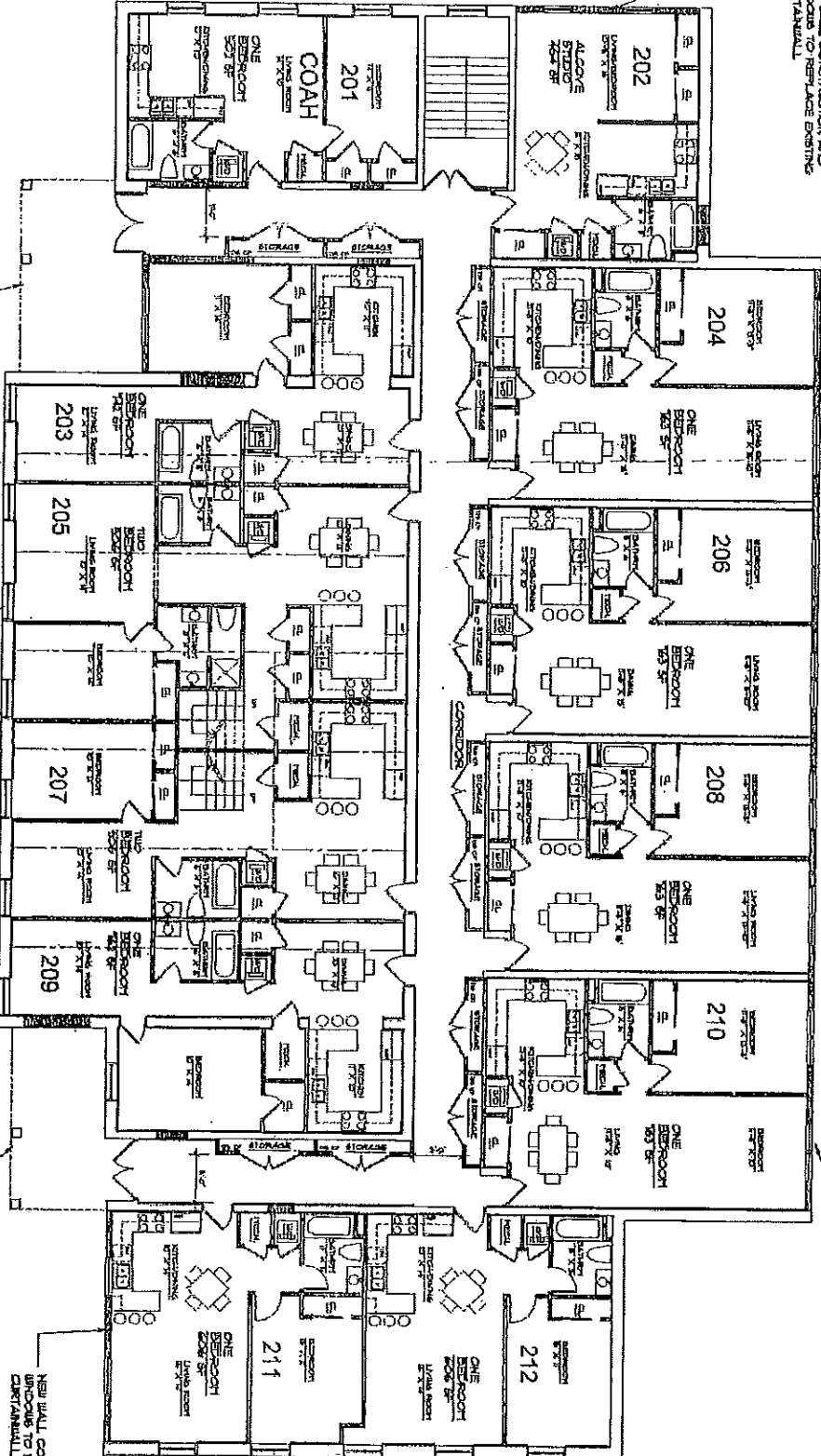
SCALE: AS SHOWN

PROJECT: 101-105

AS

NEW WALL CONSTRUCTION AND
WINDOWS TO REPLACE EXISTING
CURTAINWALL

NEW WALL CONSTRUCTION AND
WINDOWS TO REPLACE EXISTING
CURTAINWALL



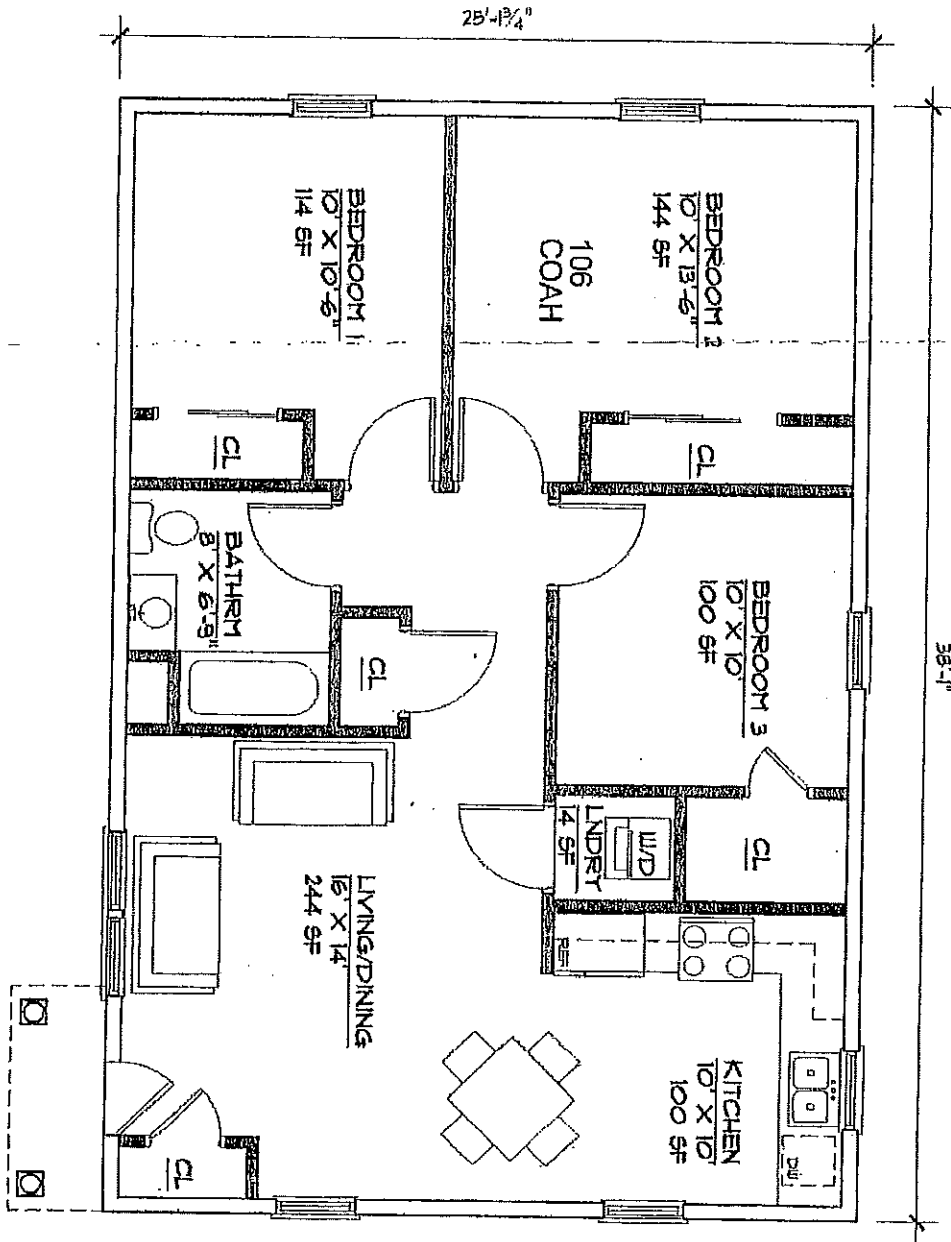
1 UPPER LEVEL REARPOD PRELIMINARY PLAN

PRELIMINARY REVIEW
NOT FOR CONSTRUCTION

NO.	DATE	REVISIONS

ARBHITEC
 1000 RIVER EDGE
 RIVER EDGE
 APARTMENTS
 ADAPTIVE HOUSING
 40 EAST PALM BLVD
 MIAMI, FL 33137
 (305) 575-1111
 www.arbhte.com

PROJECT NO. 1000 RIVER EDGE
 SHEET NO. A-6





Professional Engineer & Land Surveyor
28 Whippany Rd. Suite C
Whippany, New Jersey 07981-1508

Phone (973) 538-8863
Fax (973) 538-5715
fred@fcmeola.com

DESCRIPTION OF LAND LOCATED IN THE BOROUGH OF ROCKAWAY IN THE COUNTY OF MORRIS IN THE STATE OF NEW JERSEY LOT 23 BLOCK 17 ALSO KNOWN AS 60 EAST MAIN STREET

BEGINNING at a point in the easterly side line of East Main Street where the same is intersected by the southerly line of wagon route known as Mill Lane (21.78 foot R.O.W.) established between Cornelia V.W. Halsey et al and Liondale Bleach, Dye 7 Print Works recorded in Book O-21 of Deeds for Morris County at Page 130 and running thence:

1. South 40 degrees-55 minutes-00 seconds East 341.10 feet along the easterly line of East Main Street; thence
2. North 49 degrees-39 minutes-00 seconds East 181.48 feet; thence
3. North 04 degrees-19 minutes-00 seconds East 40.21 feet; thence
4. North 28 degrees-40 minutes-42 seconds West along the easterly line of lands herein described 237.16 feet to an angle in said side line; thence
5. North 25 degrees-52 minutes-00 seconds West 49.19 feet to the southerly line of the aforesaid Mill Lane; thence
6. South 62 degrees-28 minutes-00 seconds West along said southerly line of said Mill Lane 125.35 feet to an angle; thence
7. South 51 degrees-28 minutes-00 seconds west continuing along the southerly of said Mill Lane 151.25 feet to the point and place of **BEGINNING**.

Subject to easements and restrictions of record.

Description in accordance with a survey by Frederick C. Meola, Professional Engineer and Professional Land Surveyor dated May 7, 2019.

Frederick C. Meola
NJ Lic. # 22708
September 6, 2019

FM:i 171211DD F revised 3rd course

Exhibit A