

**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: 40 **Lot:** 37.02 **Zone:** HC-2 **Date of Purchase:** _____

Street Address of Property 209 Route 46

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

Applicant: Yum & Chill WEN Holdings LLC

Mailing Address: 103 Washington Valley Road, Suite 104, Warren, NJ 07059

Telephone Number: (732) 230-7571

Owner: Gill Petroleum, Inc.

Mailing Address: 935 Route 34, Matawan, NJ 07747

Telephone Number: _____ Fax No. _____ E-mail Address: _____

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

Engineer: Marc S. Leber, P.E.

Mailing Address: c/o East Point Engineering, LLC, 11 South Main Street, Marlboro, NJ 07746

Telephone Number: (732) 577-0180 Fax No. _____ E-mail Address: MLEBER@eastpointeng.com

Attorney: Jason Tuvel, Esq.

Mailing Address: c/o Prime & Tuvel, 1 University Plaza Drive, Suite 500, Hackensack, NJ 07601

Telephone Number: (201) 883-1010 Fax No. (856) 273-8383 E-mail Address: jason@primelaw.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 | |
| <input checked="" type="checkbox"/> "C" Hardship Variance under 40:55D-70c | Proposed Use () Residential () Non-Residential |
| _____ "D" Use Variance under 40:55D-70d | |
| _____ Conditional Use Variance | |
| _____ Sign – Free Standing per Ordinance | |
| _____ Sign – Non-Conforming | |

Request is hereby made for permission to erect, alter, convert, use: New freestanding Wendy's

Restaurant with drive-thru _____ contrary to the requirements of the Zoning Ordinance of the
Borough of Rockaway, as follows: Front yard setback, rear yard setback, total lot coverage,
freestanding signage area, signage height, total required off-street parking spaces.

Describe Request:
Applicant seeks variance relief as stated above. Testimony will be provided.

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 Gas Station

Proposed Use Freestanding Wendy's Restaurant with drive-thru

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 0.45 Acres **Area Disturbed** 0.45 Acres **Building Lot Coverage** 10.9%

Impervious Coverage 83.4% **FAR%** 0.11 **# of Parking Spaces** 17

Proposed Sign Dimensions 92 S.F. pylon, 70 S.F. wall mounted **Number of Signs Proposed** 4

TO: LAND USE BOARD

(FOR SUBDIVISION APPLICAITON)

- 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 19,379 square feet.

DIMENSIONS OF LOT:

FRONT YARD 40.42 feet

DEPTH 143 feet

WIDTH 150 feet

SIZE OF BUILDING AT STREET LEVEL:

FRONT 34 feet

DEPTH 67 feet

PERCENTAGE OF LOT OCCUPIED BY BUILDINGS 2,122 square feet

HEIGHT OF BUILDING 1 stories 18.25 feet

FRONT YARD DEPTH 40.42 feet REAR YARD DEPTH 30.34 feet

SIDE YARD WIDTHS 48.98 feet and N/A feet

SIDE YARD WIDTH ABUTTING A SIDE STREET ON CORNER LOT 56.01 feet

PREVAILING FRONT YARD SETBACKS OF ADJOINING LOTS WITHIN BLOCK

About 18' at adjacent lot along Franklin Avenue.

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.

Unknown.

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)

Property is an existing corner lot with two front yards. Proposed building arrangement has been designed to accommodate the proposed drive-thru lane and bypass lane.

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)

Project seeks to replace an existing gas station. The lot is presently fully developed and the proposed use is permitted in the zone district. Adjacent property along the highway is presently developed with a similar use. Reconfiguration of site access will improve ingress/egress flow along the highway and side street.

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 _____

State of New Jersey, County of _____

Sworn to before me, this _____ day of _____ Year _____

A Notary Public 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 Wendy's Rockaway, NJ , Block 40 Lot 37.02 .

Applicant's Signature: _____
Print Applicant's Name _____

Date: _____

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

A Notary Public of New Jersey

AFFIDAVIT OF OWNERSHIP

**STATE OF NEW JERSEY
COUNTY OF MORRIS**

_____ 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 _____

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: _____

(Owner's Signature)

(Print Owner's Name)

**SAMPLE OF NOTICE FOR NEWSPAPER
FOR LAND USE BOARD**

LEGAL NOTICE

PLEASE TAKE NOTICE THAT an application has been made to the Land Use Board of the Borough of Rockaway, Morris County, State of New Jersey, affecting the property known as Block _____, Lot _____ located at _____.

The purpose of the application is as follows: _____.

The Applicant seeks the following approval and/or relief from the requirements of the Borough of Rockaway Zoning Ordinance: _____.

If any additional variances or waivers, beyond those specified herein, are needed for approval of the Applicant's plans for development, as determined by the Board, the Applicant will apply for any and all such variances, and will present proofs in support of same, at the time of the public hearing.

A public hearing on this application will be held on _____, at 7:30 p.m. at the Rockaway Borough Community Center, 21-25 Union Street, Rockaway, New Jersey. All persons interested in the application may appear and be heard at the public hearing.

All plans and other documents pertaining to this application are on file and available for public inspection during normal business hours at the Building Department, Borough of Rockaway Municipal Building, 1 East Main Street, Rockaway, New Jersey.

Name of Applicant

Address of Applicant

Please forward a copy of the Affidavit of Publication, which you will receive from the newspaper, to the Board Secretary. Please see information on Municipal Land Use Notice in the general instructions.

NOTE

YOU SHOULD CHECK WITH THE NEWSPAPER'S LEGAL NOTICE DEPARTMENT TO CONFIRM PUBLICATION DEADLINES AND YOUR ARRANGEMENTS FOR PUBLICATION. PUBLISHING THE PROPER LEGAL NOTICE IN A TIMELY MANNER IS PART OF YOUR RESPONSIBILITY AS AN APPLICANT TO THE BOARD, JUST AS SERVING NOTICE TO ALL PROPERTY OWNERS WITHIN 200 FEET OF THE PROPERTY IS PART OF YOUR RESPONSIBILITY. NO PUBLIC HEARING CAN BE CONDUCTED IF THESE ITEMS, AND ANY ADDITIONAL REQUIREMENTS LISTED ON YOUR APPLICATION ARE NOT PROPERLY AND COMPLETELY ADDRESSED.

SAMPLE OF NOTICE TO OWNERS WITHIN 200 FEET FOR LAND USE BOARD

PLEASE TAKE NOTICE THAT an application has been made to the Land Use Board of the Borough of Rockaway, Morris County, State of New Jersey, affecting the property known as Block _____, Lot _____ located at _____ This notice is being sent to you as an owner of property within 200 feet of the subject property.

The purpose of the application is as follows: _____

The Applicant seeks the following approval and/or relief from the requirements of the Borough of Rockaway Zoning Ordinance: _____

You are hereby notified that if any additional variances or waivers, beyond those specified herein, are needed for approval of the Applicant's plans for development, as determined by the Board, the Applicant will apply for any and all such variances, and will present proofs in support of same, at the time of the public hearing.

A public hearing on this application will be held on _____, at 7:30 p.m. at the Rockaway Borough Community Center, 21-25 Union Street, Rockaway, New Jersey. All persons interested in the application may appear and be heard at the public hearing.

All plans and other documents pertaining to this application are on file and available for public inspection during normal business hours at the Building Department, Borough of Rockaway Municipal Building, 1 East Main Street, Rockaway, New Jersey.

Name of Applicant

Address of Applicant

PLEASE FILL IN THE AFFIDAVIT BELOW OR PROVIDE A SIMILAR AFFIDAVIT WHEN YOU BRING YOUR RETURN RECEIPTS TO THE SECRETARY OF THE LAND USE BOARD VERIFYING NOTICE HAS BEEN GIVEN TO PROPERTY OWNERS WITHIN 200 FEET. THE AFFIDAVIT OF PUBLICATION SHOULD ALSO BE SUBMITTED AT THE SAME TIME. THIS SHOULD BE DONE AT LEAST SEVERAL DAYS BEFORE THE SCHEDULED MEETING.

AFFIDAVIT OF PUBLIC NOTICE

**STATE OF NEW JERSEY
COUNTY OF MORRIS**

_____ of full age, being duly sworn according to law, deposes and says that he/she resides at _____ the Municipality of _____ and the State of _____ and that he/she is the applicant in a proceeding before the Land Use Board of the Borough of Rockaway, Morris County, New Jersey, being an application relating to the premises located at (Street) _____ Block _____, Lot _____ that notice was given of this proceeding to each and all of the owners of property affected by said application, in the required form, in the manner provided by law on _____ 20__, a true copy of the notice and the names and addresses of those so notified are attached to this affidavit.

Applicant's Signature

Sworn to before me this _____ Day of _____, 20_____

Notary Public of the State of _____

BOROUGH OF ROCKAWAY

1 East Main Street

Rockaway, NJ 07866

ADMINISTRATIVE CHECKLIST

NAME OF APPLICANT: Yum & Chill Restaurant Group, LLC

DATE SUBMITTED: _____

√ 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				
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)	X	County Planning Board, SCD, NJDOT Applications are presently pending.			
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				
15	Key Map showing subject property. (20 copies)	X				

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 Rupal Patel ADDRESS 163 Washington Valley Rd, Suite 104, Warren, NJ 07059

NAME Rooni Mehta ADDRESS 163 Washington Valley Rd, Suite 104, Warren, NJ 07059

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.