

# WILENTZ

— ATTORNEYS AT LAW —

**DONNA M. JENNINGS, ESQ.**

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Woodbridge, NJ 07095-0958  
732.636.8000

March 19, 2020

**VIA UPS OVERNIGHT**

Kristie Dickert, Administrative Officer  
Zoning Board of Adjustment Secretary  
Township of Neptune  
25 Neptune Boulevard  
Neptune, NJ 07753

**Re: Surya Realty, LLC  
Use Variance Application  
1800 Corlies Avenue  
Block 1122 Lot 3  
Neptune Township**

Dear Ms. Dickert:

This firm represents Surya Realty, LLC (the “Applicant”) in this matter. Enclosed, for initial filing, please find the following:

1. Two (2) checks made payable to “Township of Neptune” in the amounts of \$750.00 and \$1,000.00, representing the application fee and escrow, respectively.
2. Twenty-five (25) application packets, which include the following:
  - a) Application Checklist;
  - b) Application for Use and/ or Bulk Variances, with Rider attached;
  - c) Property Deed;
  - d) Corporate Disclosure for Surya Realty, LLC;
  - e) Letter requesting certification of taxes paid, dated March 5, 2020;
  - f) Open Public Records Act request for 200’ property list, dated March 5, 2020;
3. Executed W-9.

4. Twenty-five (25) copies of the Survey prepared by Charles Surmonte, P.E., P.L.S., dated September 21, 2011.

Checklist waivers are requested as to the Community Impact Statement and Tree Removal Application package, as the application involves an existing development and no changes or alterations to structures are proposed. Please see the Application Rider for further justification.

Please be advised that pursuant to N.J.S.A. 40:55D-76b, applicant is submitting a bifurcated application seeking use variance only at this time. If the Zoning Board grants applicant's use variance request, a site plan application will be filed, if deemed necessary.

If you need any further documentation prior to the May 6 public hearing, please advise.

Very truly yours,

  
DONNA M. JENNINGS

DMJ:mb

enc.

cc: Ashonk Nanda  
Andrew Janiw, P.P.  
Michael Tango, Jr.

**COMPLETENESS CHECKLIST FOR USE AND/OR BULK VARIANCES (Revised 5/13/13)**

**Section §802B. Completeness Checklist for Use Variance and Bulk Variance Request.**

Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following documents have been submitted:

<u>C</u>	<u>N</u>	<u>N/A*</u>	<u>W*</u>	<b><u>ONLY FOLDED PLANS WILL BE ACCEPTED</u></b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Twenty-five (25) copies of completed and signed application form which must include the following: <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Applicant's name, address, telephone number, facsimile number, and e-mail address (if applicable).</li> <li><input checked="" type="checkbox"/> Property Owner's name, address, telephone number, facsimile number, and e-mail address (if applicable).</li> <li><input checked="" type="checkbox"/> Applicant's interest in the property.</li> <li><input checked="" type="checkbox"/> Name, address, telephone number, facsimile number, and e-mail address (if applicable) of the Applicant's attorney (if represented) as well as any and all other professional representative(s).</li> <li><input checked="" type="checkbox"/> Street address of the property</li> <li><input checked="" type="checkbox"/> Tax lot and block numbers of the property</li> <li><input checked="" type="checkbox"/> Zoning District in which the property is located.</li> <li><input checked="" type="checkbox"/> Description of the property</li> <li><input checked="" type="checkbox"/> Description of the proposed development.</li> <li><input checked="" type="checkbox"/> Type of application</li> <li><input checked="" type="checkbox"/> Provide identification of subject property/properties' Special Flood Hazard Area Zone</li> <li><input checked="" type="checkbox"/> Executed copy of "Authorization &amp; Consent Form" Part "C"</li> <li>N/A <input type="checkbox"/> Executed copy of "Certificate of Ownership" Part "D", if applicable</li> <li><input checked="" type="checkbox"/> Executed copy of "Certificate of Corporation/Partnership", if applicable</li> <li>To be provided. <input type="checkbox"/> Applicant/Owner to provide verification of taxes paid (this will be further verified by the Administrative Officer).</li> <li><input checked="" type="checkbox"/> Executed copy of "Escrow Agreement" Part "E"</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Twenty-five (25) copies of the property deed(s).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Twenty-five (25) copies of the Zoning Permit Denial [not required for subdivisions]
			<input type="checkbox"/>	4. Required Plans folded, no larger than 30"x42":
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	a. Twenty-five (25) copies of current signed & sealed survey, prepared by a New Jersey Licensed Professional Land Surveyor.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	b. Five (5) copies with initial submission and each subsequent submission for completeness review.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	c. Once the application is deemed complete, twenty (20) additional full-sized paper sets of the plans plus one (1) reduced-size paper set of the plans no larger than 11"x17", and one (1) CD containing the plans in .pdf format must be submitted to the Board Office for distribution.
			To be provided	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Six (6) copies of Tree Removal Application package in accordance with Section §525 (if applicable).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Community Impact Statement (for Use Variance only)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Application Fee \$ <u>750.00</u> Escrow Deposit \$ <u>1,000.00</u>
				<b>In accordance with fee schedule.</b>

C = Complete

N = Incomplete N/A = Not Applicable

\* Any request for a "WAIVER" must include a written explanation for the request.

**Application for Use and/or Bulk Variances**

**Type of Variance Requested:**

- Bulk Variance [front, side/rear setback, other] Specify N/A
- Bulk Variance [Lot Coverage] N/A
- Use Variance [proposal not permitted in zone] Existing gasoline fueling service station not permitted; seeking expansion
- Appeal/Interpretation of Decision to permit accessory automobile repair. See Rider.
- Other, Specify \_\_\_\_\_

1. Property Address: 1800 Corlies Avenue
2. Block 1122 Lot 3
3. Property is located in B-1 Zoning District according to the Neptune Twp. Land Ordinance.
4. Name of applicant: Surya Realty, LLC  
Mailing address: 10 Booth Court, Edison, NJ 08820  
Phone # [REDACTED] Fax # \_\_\_\_\_ Cell # \_\_\_\_\_  
E-mail address: [REDACTED]
5. Name of owner: Surya Realty, LLC  
Mailing address: 10 Booth Court, Edison, NJ 08820  
Phone # [REDACTED] Fax # \_\_\_\_\_ Cell # \_\_\_\_\_  
E-mail address: [REDACTED]
6. Name of contact person: Donna M. Jennings, Esq., Wilentz, Goldman & Spitzer, P.A.  
Mailing address: 90 Woodbridge Center Drive, Suite 900, Box 10, Woodbridge, NJ 07095  
Phone # 732-855-6039 Fax # 732-726-6560 Cell # \_\_\_\_\_  
E-mail address: djennings@wilentz.com
7. Interest of applicant, if other than owner: N/A- owner.

**Detailed Information:**

- Existing use of property: Gasoline fueling station and automobile repair
- Proposed use of property: Seeking use variance to confirm existing automobile repair use. See Rider.
- Special Flood Hazard Area: To be provided

**Principal Use:** No change to existing structures proposed

	Required and/or Permitted	Existing	Proposed
Lot Size			
Lot Coverage			
Building Coverage			
Building Height			
Front Setback			
Rear Setback			
Side Setback			
Combined Side Setback			

(If multiple lots and/or buildings, please attach additional detailed listing)

**Accessory: (If Applicable)** No change to existing structures proposed

	Permitted	Existing	Proposed
Lot Size			
Lot Coverage			
Building Coverage			
Building Height			
Front Setback			
Rear Setback			
Side Setback			
Combined Side Setback			

(If multiple lots and/or buildings, please attach additional detailed listing)

8. Has there been any previous applications involving these premises Yes  No

If so when March 28, 1990; April 25, 1990; August 22, 1990 and April 2, 2014.

Result of decision The three (3) 1990 applications were all approved to renovate and modernize the existing gasoline fueling station and add building for automobile repair. In 2014, the prior owner was granted a use variance to convert the 1-story automobile repair building into a convenience store. See Rider for more information.

9. Justification/Reason(s) for variance(s) requested [be as specific as possible attach additional sheets as necessary]  
See Rider.

10. If a Zoning denial has been received as part of this application, please attach. N/A

The required submission for all applications to be complete is twenty-five (25) copies of completed application form inclusive of any supporting information; and twenty-five (25) copies and one (1) CD\* of survey and/or plan(s) with one (1) additional copy of survey and/or plan(s) on 11" x 17" sheet(s).

\* See Section 802B. Completeness Checklist for Use Variance and Bulk Variance Request for details on submission requirements.

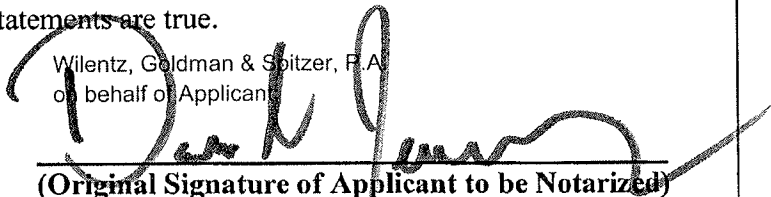
**AFFIDAVIT OF APPLICATION**

State of New Jersey  
County of Monmouth

Wilentz, Goldman & Spitzer, P.A. on behalf of Applicant Surya Realty, LLC being of full age, being duly sworn according to  
**(Insert Applicant's Name)**

Law, on oath depose and says that all the above statements are true.

Wilentz, Goldman & Spitzer, P.A.  
on behalf of Applicant

  
**(Original Signature of Applicant to be Notarized)**

By: Donna M. Jennings, attorney for applicant

**(Print Name of Applicant)**

Sworn and subscribed before me this

19<sup>th</sup> day of March, 20 20

**[NOTARY SEAL]**

Maureen Blair  
**Signature of Notary Public**

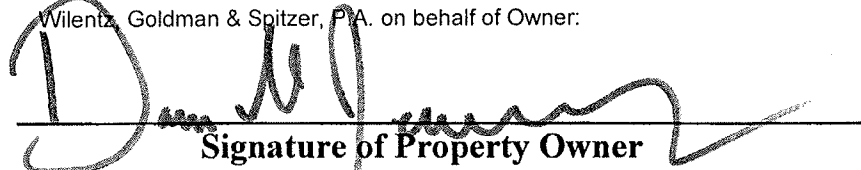
**MAUREEN BLAIR**  
A Notary Public of New Jersey  
My Commission Expires August 5, 2020

**SITE VISIT AUTHORIZATION OF PROPERTY OWNER**

I hereby authorize any member of the Township of Neptune Planning Board/Zoning Board of Adjustment, any of said of Board's professionals or reviewing agencies of the Board to enter upon the property which is the subject matter of this application, during daylight hours, for limited purpose of viewing same to report and comment to the Board as to the pending application.

Wilentz, Goldman & Spitzer, P.A. on behalf of Owner:

Date: 3/19/2020

  
Signature of Property Owner  
By: Donna M. Jennings, Esq.

**STATEMENT FROM TAX COLLECTOR**

Block \_\_\_\_\_ Lot \_\_\_\_\_

Property Location \_\_\_\_\_

Status of municipal taxes \_\_\_\_\_

Status of assessments for local improvements \_\_\_\_\_

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

\_\_\_\_\_  
Authorized Signature of Tax Collector

# Escrow Agreement

I/we fully understand an "Escrow Account" will be established to cover the costs of the professional services which will include engineering, legal, planning, architectural, and any other expenses incurred in connection with the review of this application before the Land Use Board.

The amount of the Escrow Deposit will be determined by the Neptune Township Land Development Ordinance, section 1000 Application and Escrow Fee, Table 10.02 Escrow Fees.

It is the policy of Neptune Township that once an Escrow Account falls below 24% of the original deposit amount, the account must be replenished to its original amount. The only exception would be when the application is nearing completion; applicant will be notified of any anticipated charges and the amount of the deposit required.

Payments shall be due within fifteen [15] days of receipt of the request for additional Escrow Funds. If payment is not received within that time, applicant will be considered to be in default, and such default may jeopardize appearance before the Board of hold up any and all pending approvals and building permits. Continued refusal will result in legal action against the property.

Also in accordance with N.J.S.A. 40:55D-53.1, all unused portion of the escrow account will be refunded upon written request from the applicant, and verification by the board's professionals who reviewed the application.

By signature below, I/we acknowledge receipt of Neptune Township's Section 1000, Application and Escrow Fees and agree to all conditions listed.

Name of Applicant: Surya Realty, LLC  
[please print]

Property Address: 1800 Corlies Avenue  
Block 1122 Lot 3

Applicant's Name: Surya Realty, LLC  
[Print Name]

Wilentz, Goldman & Spitzer P.A. on behalf of Applicant:  
[Signature of Applicant]  
By: Donna M. Jennings, Esq.  
Wilentz, Goldman & Spitzer P.A. on behalf of Owner:  
[Signature of Owner]  
By: Donna M. Jennings, Esq.

Owner's Name: Surya Realty, LLC  
[Print Name]

Date: 3/19/2020



**APPLICATION RIDER**  
**USE VARIANCE**  
***SURYA REALTY, LLC***

**A. Use Variance**

Applicant is seeking a use variance to permit the expansion of an existing, non-conforming gasoline fueling station to allow for an accessory automobile repair and service business on property located at 1800 Corlies Avenue, and also identified as Lot 3 in Block 1122 (the "Property"). The Property is located in the B-1, Town Commercial District, wherein gasoline fueling stations and automobile repair are not permitted uses. The Property currently operates as a gasoline fueling station. There is a vacant 1-story building located at the eastern portion of the Property that previously operated as an automobile repair and service facility. The Applicant seeks to again use this building for automobile repair. As the foregoing is not permitted in the B-1 District, the Applicant is seeking a use pursuant to N.J.S.A. 40:55D-70d(1) of the Municipal Land Use Law (the "MLUL") and §404.01(B) of the Neptune Ordinance.

**B. History of Property**

By way of background, the Property has operated as a gasoline fueling station since the 1950s or earlier. In 1990, a prior owner filed three (3) applications to renovate and modernize the existing gas station and add a 1-story repair garage. The resolutions are attached hereto as Exhibit A. These applications were approved. The Property is currently developed with fueling dispensers with canopy and a 1-story structure for the automobile service and repair. The existence of these structures and prior approvals evidences that both uses were, at one point, active and permitted. The gasoline service station use has continued at the Property and exists substantially the same as in 1990. With respect to automobile repair, in 1990 an automobile service and repair business operated out of the existing one story structure accessory to the

gasoline fueling station use as indicated in Exhibit A. However, in 2013, the prior owner submitted an application to convert the 1-story automobile service and repair station building into a convenience store. This application was approved in 2014 and was conditioned on obtaining site plan approval, which was never sought. The Resolution is attached hereto as Exhibit B. Based on the prior owner's intent to operate a convenience store inside the existing building, the Zoning Officer concluded that the auto repair use has been abandoned necessitating a use variance to operate same at the Site.

### **C. Checklist Waivers**

Applicant is seeking two (2) checklist waivers from §802B, Completeness Checklist for Use Variance and Bulk Variance Request, as follows:

- Item #5 Tree Removal Application Package; and
- Item #6 Community Impact Statement

The instant application proposes no change to existing structures or site. In that regard, no increase in building square footage or impervious coverage is requested. As a result, no trees will be removed and, therefore, it is submitted that a Tree Removal Package is not necessary. With respect to the Community Impact Statement, as the proposed uses have, at some point, legally existed on the Property, it is submitted that a Community Impact Statement is also not necessary and does not justify the analysis of a full report.

## **EXHIBIT A**

RESOLUTION NO. 90-15  
PLANNING BOARD MEETING DATE: MARCH 28, 1990  
APPLICATION NO. 90-4  
RESOLUTION DEEMING APPLICATION OF VIC FICUCIELLO OF THE SUNOCO  
STATION FOR SITE PLAN APPROVAL WITH WAIVERS COMPLETE  
IN FIXING THE DATE FOR PUBLIC HEARING

Mr. Mooij offered the following Resolution,  
and moved for its adoption, which was seconded by Mr. Kibbler,

WHEREAS, the applicant is the owner of Block 282 Lot 1-5, as shown on the Tax Map of the Township of Neptune, which property is commonly known as Highway 33, in Neptune Township, Monmouth County, New Jersey; and

WHEREAS, the applicant has filed an application for site plan approval with waivers with the Neptune Township Planning Board; and

WHEREAS, the application was submitted for completeness review to Alan P. Hilla, P.E., our Planning Board Engineer and Community Housing and Planning Associates, Inc., Planning Board Planner; and

WHEREAS, the Neptune Township Planning Board's experts have reviewed the application of Vic Ficuciello of the Sunoco Station and have determined the application to be complete; and

NOW, THEREFORE, BE IT RESOLVED, by the Neptune Township Planning Board, that the application of Vic Ficuciello of the Sunoco Station for site plan approval with waivers be and hereby is deemed complete; and

BE IT FURTHER RESOLVED that the public hearing be and hereby is scheduled for the regular meeting of the Planning Board of April 25, 1990 at 7:30 p.m. or as soon thereafter as the matter can be heard.

BE IT FURTHER RESOLVED that nothing herein shall excuse compliance by the applicant with any and all other requirements of this municipality or any other governmental regulation as set forth in any laws or regulations.

BE IT FURTHER RESOLVED that the Chairman and Secretary are hereby authorized to sign any and all documents necessary to effectuate the purpose of this Resolution, provided there is compliance by the applicant with the above conditions.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Secretary of the Planning Board to be a true copy of this Resolution, shall be forwarded to the Construction Code Official, Neptune Township Clerk, Neptune Township Planning Board Engineer, Neptune Township Assessor, Neptune Township Board of Health, and, within ten days of today's date, to the applicant herein.

YES: Bascom, Basket, Battle, Kibbler, Mancino, Mooij, Roberts, Sears, Chairman Jones.

NO: None

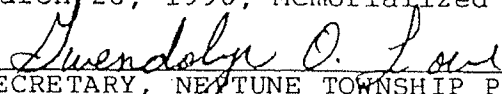
ABSENT: Manning, Jr.

ABSTAINED: None

DISQUALIFIED: None

DATED: April 25, 1990

I hereby certify that the within is a true copy of the Resolution adopted by the Neptune Township Planning Board at its meeting on March 28, 1990, Memorialized on April 25, 1990.

  
\_\_\_\_\_  
SECRETARY, NEPTUNE TOWNSHIP PLANNING BOARD

RESOLUTION NO. 90-21  
APPLICATION NO. 90-4  
PLANNING BOARD MEETING DATE: APRIL 25, 1990

RESOLUTION GRANTING SITE PLAN APPROVAL WITH WAIVERS  
TO VIC FICUCIELLO/SUNOCO STATION

Mrs. Battle offered the following Resolution, and moved its adoption, which was seconded by Mr. Basket,

WHEREAS, Vic Ficuciello/Sunoco Station is the applicant with respect to the premises known as Block 282, Lot 1-5, as shown on the Tax Map of the Township of Neptune, which property is located at State Highway #33, Neptune Township, Monmouth County, New Jersey; and

WHEREAS, the Applicant has applied to the Neptune Township Planning Board requesting site plan approval to renovate, modernize and add a one-story garage to the existing Sunoco service station at the site; and

WHEREAS, public notice was given by the applicant as required by the Statutes of the State of New Jersey and the Neptune Planning Land Use Ordinance pertaining to public hearing(s) to be held on said application; and

WHEREAS, the Planning Board conducted a hearing on April 25, 1990 to consider this application, whereupon the following exhibits of applicant were marked for identification and introduced into evidence:

A-1 Site Plan consisting of eleven sheets prepared by Frank W. Hahne, P.E. dated February 23, 1990.

WHEREAS, the applicant requested waivers for pre-existing non-conforming conditions; and

WHEREAS, the Planning Board introduced into evidence the

following reports, documents, and exhibits prepared by municipal and county experts, employees, agencies, boards, authorities, and others with respect to the application:

B-1 Consisting of engineering reports prepared by Alan P. Hilla, P.E. Planning Board Engineers, dated April 10, 1990.

B-2 Consisting of letter reports NBP-6-90 from Community Housing and Planning Associates dated April 5, 1990.

B-3 Consisting of report from the Neptune Township Public Works Department dated April 10, 1990.

B-4 Consisting of a report from the Neptune Township Shade Tree Commission dated April 16, 1990.

B-5 Consisting of report from the Neptune Township Environmental Commission dated April 16, 1990.

WHEREAS, based upon the testimony, reports, and exhibits offered by the applicant into evidence and based upon the record of proceedings before the Neptune Township Planning Board, which record is incorporated into this Resolution as if set forth at length herein, the following findings of fact and conclusions of law were made by the Township Planning Board:

1. Applicant intends to add a one-story masonry garage to the existing structure and to renovate and modernize the existing Sunoco Station.

2. The premises are located in the I.L. Zoning District as defined in the Neptune Township Land Ordinance and the proposed use is a continuation of a special use.

3. Applicant has demonstrated that due to the limited nature of the application literal enforcement of site plan requirements is impractical, unnecessary, and will exact undue hardship on the

applicant.

4. The Board is of the opinion that based upon the evidence submitted, the application will further promote development in the municipality and that the waivers sought can be granted without substantial detriment of the public good.

NOW, THEREFORE, BE IT RESOLVED by the Neptune Township Planning Board, based upon the foregoing findings of fact and conclusions of law, that the application of Vic Ficuciello/Sunoco Station for site plan approval with design waivers approval to the subject premises be granted, subject, however, to the following conditions:

1. Publication by the applicant of a Notice of this decision in one of the official newspapers in the municipality and the return of proof of said publication to the administrative officer of the Neptune Township Planning Board.

2. Payment of taxes and assessments due and owing the municipality to date.

3. Compliance with all requirements and conditions contained in the record of the proceedings in this matter, including the reports of agencies, commissions, staff, and planning board members which have not been satisfied or specifically waived by the Planning Board.

4. Revision by the applicant and approval by the Board Engineer of plane for lighting and the trash enclosure.

5. Approval of the Monmouth County Planning Board.

6. Obtaining an access permit from N.J.D.O.T.

BE IT FURTHER RESOLVED that the Chairman and Secretary are hereby authorized to sign any and all documents necessary to



effectuate the purpose of this Resolution, providing there is compliance by the applicant with the above conditions.

BE IT FURTHER RESOLVED that nothing herein shall excuse compliance by the applicant with any and all other requirements of this municipality or any other governmental subdivision as set forth in any laws or regulations.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Secretary of the Planning Board to be a true copy of this Resolution; certified by the Construction Code Official, Neptune Township Clerk, Neptune Township Planning Board Engineer, Neptune Township Assessor, Neptune Township Board of Health, and within ten days of today's date, to the applicant herein.

YES: Bascom, Basket, Battle, Mancino, Mooij, Roberts, Quimby, Manning,  
NO: None & Chairman Jones  
ABSENT: Kibbler and Sears  
ABSTAINED: None  
DISQUALIFIED: None  
DATED: April 25, 1990

I hereby certify that the within is a true copy of the Resolution adopted by the Neptune Township Planning Board at its meeting on April 25, 1990, Memorialized on May 23, 1990.

  
SECRETARY, NEPTUNE TOWNSHIP PLANNING BOARD

RESOLUTION NO. 90-35  
PLANNING BOARD MEETING DATE: AUGUST 22, 1990  
RESOLUTION AMENDING RESOLUTION NO. 90-21, WHICH GRANTED SITE PLAN  
APPROVAL WITH WAIVERS TO VIC FICUCIELLO/SUNOCO STATION

Mr. Mooij offered the following Resolution and moved its adoption, which was seconded by Mr. Roberts,

WHEREAS, Vic Ficuciello/Sunoco Station received site plan approval with waivers contained in Resolution No. 90-21 with respect to premises known as Block 282 Lots 1-5 which property is located on State Highway No. 33, Neptune Township, County of Monmouth and State of New Jersey; and

WHEREAS, a condition of the Resolution required the applicant to obtain an access permit from the State of New Jersey Department of Transportation; and

WHEREAS, on July 31, 1990 the applicant representative requested an amendment to the site plan in order to revise the easterly entrance potentially eliminating the need for New Jersey Department of Transportation approval; and

WHEREAS, on August 22, 1990 the Neptune Township Planning Board conducted a public hearing on the proposed amendment; and

WHEREAS, at the hearing the applicant offered the testimony of Wayne L. Hill, P.E.; and

WHEREAS, at the aforesaid hearing the Planning Board introduced into evidence Birdsall Engineering report dated August 20, 1990 which recommended that the applicant obtain a letter of no interest from the State of New Jersey Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the request for amendment to previous site plan approval be and hereby is granted subject to the applicant obtaining from the State of New Jersey Department of Transportation a letter of "no interest".

BE IT FURTHER RESOLVED, that Resolution No. 90-21 shall remain in full force and effect to the extent that this Resolution does not conflict therewith.

BE IT FURTHER RESOLVED, that the Chairman and Secretary are hereby authorized to sign any and all documents necessary to effectuate the purpose of this Resolution.

BE IT FURTHER RESOLVED, that a copy of this Resolution, certified by the Secretary of the Planning Board to be a true copy, be forwarded to the Township Construction Official, Neptune Township Clerk, Neptune Township Tax Assessor, Neptune Township Planning Board Engineer, and within ten (10) days of today's date to the applicant herein.

YES: Basket, Mooij, Roberts, Sears, Manning, Jones

NO: None

ABSTAINED: None

ABSENT: Bascom, Battle, Kibbler, Mancino, Quinby

DATED: August 22, 1990

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Neptune Township Planning Board on August 22, 1990, Memorialized on September 26, 1990.

*Aurelyne D. Love*  
SECRETARY, NEPTUNE TOWNSHIP PLANNING BOARD

## **EXHIBIT B**

APPLICANT: ATIFAQ CORPORATION  
APPLICATION NUMBER: ZB13/09  
BLOCK: 282  
LOTS: 1 - 5  
ADDRESS: 1800 STATE ROUTE 33 & TAYLOR AVENUE  
ATTORNEY FOR APPLICANT: JENNIFER S. KRIMKO, ESQ.  
RESOLUTION NUMBER: ZBA#14/12



**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT  
OF THE TOWNSHIP OF NEPTUNE  
BIFURCATED HEARING FOR USE VARIANCE**

---

**WHEREAS**, BOARD MEMBER **THOMAS HEALY**, offered the following Resolution moved and seconded by BOARD MEMBER **JOE L. SEARS**:

**WHEREAS**, **ATIFAQ CORPORATION** by and through their Attorney, **JENNIFER S. KRIMKO, ESQ.**, hereinafter referred to as the "applicant" filed an application with the Zoning Board of Adjustment of the Township of Neptune, (hereinafter referred to as the "Board") seeking the following relief:

APPLICANT SEEKS USE VARIANCE RELIEF PURSUANT TO N.J.S.A. 40:55D-70.d TO EXPAND THE NONCONFORMING USE AND OPERATE A DUAL USE (PRE-EXISTING, NON-CONFORMING) GASOLINE STATION AND CONVENIENCE STORE. APPLICANT IS SEEKING A WAIVER FROM THE TOWNSHIP'S FORMAL SITE PLAN SUBMISSION REQUIREMENTS.

IN THE EVENT THAT THE BOAD DOES NOT AGREE TO WAIVE SITE PLAN APPROVAL, THEN PURSUANT TO N.J.S.A. 40:55D-76.2.b, APPLICANT SHALL BIFURCATE ITS APPLICATION AND SEEK JUST THE USE VARIANCES AT THIS TIME.

IN CONJUNCTION WITH THE APPLICATION, APPLICANT SHALL SEEK BULK VARIANCE RELIEF PURSUANT TO N.J.S.A. 40:55d-70.c AS FOLLOWS:

1. LOCATION OF PARKING SPACES IN A FRONT YARD SETBACK AREA, WHEREAS SAME IS PROHIBITED.
2. AWNING SIGN FACE VERTICAL DIMENSION OF 32 INCHES, WHEREAS A MAXIMUM OF 10 INCHES IS PERMITTED.
3. AWNING SIGN LETTER/IMAGE HEIGHT OF 18 INCHES, WHEREAS THE MAXIMUM OF 10 INCHES IS PERMITTED.
4. HORIZONTAL DIMENSION OF AWNING SIGNS OF 46.5 AND 30 FEET, WHEREAS THE MAXIMUM PERMITTED IS 15 FEET OR 60% OF THE LENGTH OF THE AWNING.
5. FRONT YARD SETBACK (TAYLOR AVENUE) OF 8.3 FEET, WHEREAS A MINIMUM OF 15 FEET IS REQUIRED. (EXISTING CONDITION)

6. REAR YARD SETBACK OF 17.7 FEET, WHEREAS A MINIMUM OF 20 FEET IS REQUIRED. (EXISTING CONDITION)
7. FREESTANDING SIGN SETBACK OF 1 FOOT (ROUTE 33) AND 3 FEET (TAYLOR AVENUE), WHEREAS A MINIMUM SETBACK OF ¼ THE HEIGHT OF THE SIGN IS REQUIRED.

IN ADDITION TO THE VARIANCES OUTLINED ABOVE, APPLICANT SHALL SEEK DESIGN WAIVERS FOR MINIMUM BUFFER AREAS, MINIMUM SETBACK FOR BUILDINGS FROM DRIVEWAYS, PARKING SPACES AND PRIVATE STREETS; LACK OF BUFFERING FOR A REFUSE ENCLOSURE LOCATED ADJACENT TO A RESIDENTIAL ZONE; SETBACK OF THE REFUSE ENCLOSURE AND FAILURE TO BE WITHIN A CURBED AREA; DRIVEWAY LOCATION; ACCESS DRIVE WIDTH; AND, PARKING LOT SETBACKS.

**WHEREAS**, the application pertains to premises known and designated as **Block 282, Lots 1, 2, 3, 4 & 5**, on the Tax Map of the Township of Neptune, which premises are located at **1800 CORLIES AVENUE**;

**WHEREAS**, all notice requirements were satisfied by the applicant and the Board has jurisdiction to hear, consider and determine the application at issue; and

**WHEREAS**, the Board held a public hearing with regard to the referenced application on the following date: **APRIL 2, 2014**.

**WHEREAS**, the following items were entered as Exhibits at the hearing:

1. Exhibit A-1: Survey of property prepared by Charles Surmonte, PE, PLS dated September 21, 2011, consisting of one (1) sheet.
2. Exhibit A-2: Site plan prepared by Charles Surmonte, PE, PLS, dated January 21, 2013, consisting of three (3) sheets.
3. Exhibit A-3: Architectural plans prepared by Bashir A. Hamid, RA, dated March 22, 2013, consisting of one (1) sheet.
4. Exhibit A-4: Building sign plan prepared by Rex Signs consisting of one (1) sheet (Note: Attorney Krimko handed out; typographical error on original hand-out).
5. Exhibit A-5: Free-standing/canopy sign plan prepared by Rex Signs consisting of one (1) sheet. (new color – marked)
6. Exhibit A-6: Surrounding area signage prepared by Cofone Consulting Group, LLC
7. Exhibit A-7: Aerial photo of subject property prepared by Cofone Consulting Group, LLC
8. Exhibit A-8: Letter from Eikon Planning and Design, LLC dated September 4, 2013 (remediation company).

**WHEREAS**, The Board listened to the Testimony of the following:

1. **CHARLES SURMONTE, PE/PLS** – Engineer for Applicant
2. **ZENAB KAKAR (OWNER)**
3. **CHRISTINE NAZZARO-COFONE** – Professional Planner
4. **BASHIR HAMID** - Architect

**WHEREAS**, The Board took Questions from the following member of the Public as to the witnesses presented:

1. **NONE**

**WHEREAS**, The Board took Public Commentary on the Application upon conclusion of the witness testimony as follows:

1. **NONE**

**WHEREAS**, the Board, having given due consideration to the Exhibits moved into evidence and the Testimony presented at said hearing(s), does make the following findings of fact:

1. There are many existing non-conformities on site.
2. There are 3 curb cuts on Route 33 and 1 access on Taylor Avenue. Applicant is proposing to close Taylor Avenue site.
3. Stormwater management report: site is flat. Water sheet flows to northeast to catch basin on Route 33. Landscaped areas in front will capture some flow, but no other mitigation proposed.
4. Based on the commentary of the Board with regard to the proposal, Applicant **BIFURCATES** the hearing as to the **PROPOSED DUAL USE ONLY**. Applicant advises that site plan submission shall be delayed based on whether proposed Use is approved.
5. Jennifer Beahm, Township Planner advises there should be a jurisdictional determination from DOT on issue of closing a driveway per Applicant's request.
6. Applicant will submit a new landscaping plan.
7. There is a conditional use standard which is not met, hence the request for variance relief.
8. Street frontage, exceeds 200 feet on Route 33 but requirement is not met on Taylor Ave.
9. The fuel pumps and canopy, which are near multi-family residential housing to the rear of the site, is less than 50 feet from pumps to property lines. It would be difficult for this site to comply to conditional use standards.

10. Traffic study is not yet provided. A jurisdictional determination is necessary and the Board advises that upon determination, a traffic study is necessary because the Site cannot meet the conditional use standards.
11. Applicant wants to convert this to a convenience store, small grocery store and cook top/grill. Applicant intends to have prepared food and a deep fryer and grill, 6 a.m. to midnight; 7 days per week; placing orders, waiting for orders, etc.
12. There will be no tractor trailers for store deliveries. Smaller box trucks are utilized.
13. Gas deliveries can come at night and there are no conflicts for trucks on site. Diesel is sold onsite.
14. Planner Beahm requests a truck turning template on new proposed site as well as bicycle racks to be added. There will no longer be any auto service or repair on site. That area will be used for the convenience store. There will not be any tables or chairs proposed.
15. This is a d3 use variance.
16. The 2011 master plan recognized trends for convenience and gas.
17. Five prongs for the conditional use are violated with existing site; size, frontage, lot area, setback of fuel pumps, 4 season buffer. These are not changing. (buffering and landscaping will improve)
18. This repurposing is the trend and is not an inappropriate use.
19. Site here is .25 acres so cannot comply with acreage and are not expanding existing building. Absent compliance with conditions, this is still an appropriate use. This is a minimum convenience store size and there is no planning benefit in expanding the store.
20. The canopy height remains, there is no impact.
21. There is an intent to comply with the parking ratio under the conditional use standard.
22. This will create a more desirable visual environment. The property is going to look better after renovations.
23. There is no negative impact from the deviation of the conditional use standards. This is not a detriment to township zone plan or public good.
24. There is no detrimental impact to public good if there is a convenience store at this location.
25. Board Member Healy: Advises he is in favor of this proposal but has reservations. This would be an improvement over what is there now.
26. Board Member Frantz: This is an improvement but has some concerns for grill area. What is not favorable is that it is backed up to a residential area, near the high school. There is a parking lot and children who like to "hang out." Deterrents such as signage for loitering and garbage cans should be added to the plan for potential approval.



27. Board Member Keel: Is not opposed to convenience store concept but would offer alternative suggestions for food preparation. Ms. Keel feels it is worthwhile to propose the next step.

**WHEREAS**, In order to prevail on an application for a variance, the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D – 70, requires the applicant to establish that the variance can be granted without substantial detriment to the public good and that the granting of the variance does not substantially impair the intent and purpose of the master plan, zone plan and zoning ordinance.

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Adjustment of the Township of Neptune that it hereby adopts the aforesaid findings of fact and specifically makes the following conclusions:

1. Based upon the aforesaid findings of fact, the Board concludes that:
  - a. The applicant has demonstrated that the proposed use of the property in question is substantially the same kind of use as that to which the premises were devoted at the time of the passage of the zoning ordinance.
2. Based upon the aforesaid findings of fact, the Board further concludes that the granting of the approval set forth herein will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and the zoning plan of the Township of Neptune.
3. Special reasons have been demonstrated and the Board accepts the opinion of the Applicant's planner, with commentary from the Board Planner, as to these reasons as well as the enhanced proofs required.
4. **The Board specifically includes herein by reference, the Transcripts from the hearings, which provide the detailed basis and description of the decision as memorialized in this Resolution and do hereby rely upon same for further reference, as necessary.**

**BE IT FURTHER RESOLVED**, by the Board of Adjustment of the Township of Neptune that the following be and are hereby GRANTED:

**\*\*THE BIFURCATED PORTION FOR THE USE VARIANCE ONLY FOR A DUAL CONVENIENCE STORE/GAS FUELING STATION IS GRANTED.**

**THE GRANTING OF SUCH APPROVAL IS STRICTLY CONDITIONED UPON THE BOARD OF ADJUSTMENT'S PRELIMINARY AND FINAL SITE PLAN APROVAL, AS WELL AS REVIEW AND APPROVAL OF A TRAFFIC STUDY AND ANY AND ALL OTHER REQUESTS FOR WAIVERS OR REPORTS RELATING TO SITE PLAN PREPARATION AS REFRENCED ON THE TOWNSHIP CHECK LIST.**

(if applicable) **\*\*The Granting of these Variances are specifically conditioned upon the presentation and acceptance of a Final Site Plan to be provided to the Board of Adjustment at a later date with any and all other variance requests to be set forth in detail at that time with appropriate Notice, based on the Final Plans as submitted and/or later amended.**

**ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:**

- (1) The applicant shall comply with any requirements established by, and obtain any necessary approvals of the following, IF APPLICABLE, to the proposed construction herein:
  - a. All Plans must be approved by Township Engineer and Code and Construction Departments for the issuance of Permits;
  - b. MONMOUTH COUNTY PLANNING BOARD;
  - c. FIRE MARSHALL;
  - d. BOARD OF HEALTH;
  - e. SOIL CONSERVATION AND SEDIMENT CONTROL APPROVALS AND PERMITS;
  - f. AFFORDABLE HOUSING CONTRIBUTION (ORD. 04-22)
  - g. BOARD OF ADJUSTMENT PLANNER (Per Report dated....)
  - h. BOARD OF ADJUSTMENT ENGINEER (Per Report dated....);
  - i. POSTING OF PERFORMANCE GUARANTEES AND INSPECTION FEES;
  - j. FINAL SITE PLAN DRAWINGS INCORPORATING ALL CHANGES AND/OR AMENDMENTS MADE AT THE HEARING.
  - k. FINAL DESIGN SUBJECT TO APPROVAL OF THE BOARDS'S PROFESSIONALS.
  - l. SUBJECT TO THE APPLICANT COMPLYING WITH ANY AND ALL FEDERAL, STATE, COUNTY AND LOCAL LAWS, RULES AND REGULATIONS AFFECTING AND PERTAINING TO THE DEVELOPMENT OR USE OF THE SITE IN QUESTION.
  
- (2) SUBJECT TO ALL REPRESENTATIONS AND TESTIMONY OF THE APPLICANT BEING TRUTHFUL AND ACCURATE

ROLL CALL VOTE:

THOSE IN FAVOR: William Frantz, James Gilligan, Dianna Harris, Thomas Healy, Joe Sears, Frances Keel

THOSE OPPOSED: None.

ABSENT: Barbara Bascom and Paul Dunlap

ABSTAINED: Charles Moore

MEMORIALIZATION VOTE:

THOSE IN FAVOR: William Frantz, Dianna Harris, Frances Keel

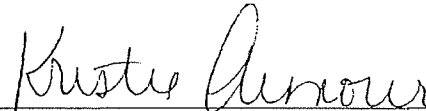
THOSE OPPOSED: None.

ABSENT: Barbara Bascom, James Gilligan, Thomas Healy, Joe Sears

ABSTAINED: None.

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Zoning Board of Adjustment of the Township of Neptune at its meeting on April 2, 2014 and memorialized at the meeting held on May 7, 2014.

Date: **May 7, 2014**



Kristie Armour, Administrative Officer of the  
Zoning Board of Adjustment  
Township of Neptune

\$5185.00

NOV 12 2014

4

Prepared by: (Print Signer's name below signature)

*Christopher D. Boyman*  
Christopher D. Boyman, Esq.

# DEED



This Deed is made on **October 31, 2014,**

**BETWEEN WEST RIVER, INC., a New Jersey corporation**

whose address is **care of Eden Ventures (Sunoco gas station), 75 Route 46 West, Palisades Park, New Jersey 07650**

referred to as the Grantor,

**AND SURYA REALTY, LLC, a New Jersey limited liability company**

whose address is **care of Ashok Nanda, 10 Booth Ct., Edison, New Jersey 08820**

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

**Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of **Six Hundred Thousand and 00/100 (\$600,000.00) Dollars.**

The Grantor acknowledges receipt of this money.

**Tax Map Reference.** (N.J.S.A. 46:15-1.1) Municipality of **Neptune Township**  
Block No. **282** Lot No. **1-5** Account No.

No property tax identification number is available on the date of this Deed. (Check box if applicable).

**Property.** The property consists of the land and all the buildings and structures on the land in the **Township** of **Neptune,** County of **Monmouth** and State of **New Jersey.** The legal description is:

*Not Certified Copy*

**SEE SCHEDULE "C" ATTACHED HERETO AND MADE A PART HEREOF.**

Title was conveyed to the Grantor herein by Deed from Catherine E. Youngman, Chapter 7 Trustee for Victor J. Ficuciello, Case No. 99-54730 (MS) and on behalf of Frank Scallo pursuant to order approving private sale of trustee's interest in commercial real property pursuant to Section 363(b) of the Bankruptcy Code entered February 7, 2002, dated April 4, 2002, recorded April 29, 2002 in the Monmouth County Clerk's/Register's Office in Deed Book 8103, Page 1641.

The street address of the property is **1800 State Route 33, Neptune, New Jersey 07753.**

M CLAIRE FRENCH,CTY CLK	REALTY TRANSFER FEES	\$5,185.00
MONMOUTH COUNTY,NJ	COUNTY RECORDING FEES	\$70.00
INSTRUMENT NUMBER	TOTAL PAID	\$5,255.00
2014091536		
RECORDED ON		
Nov 12, 2014		
2:50:10 PM		
BOOK:OR-9088		
PAGE:6987		
Total Pages: 4		

# STEWART TITLE GUARANTY COMPANY

File Number: 626-33254

## SCHEDULE C LEGAL DESCRIPTION

ALL that certain tract or parcel of land, situated, lying and being in the Township of Neptune, County of Monmouth, State of New Jersey, more particularly described as follows:

BEGINNING at the intersection of the westerly line of Taylor Avenue and the southerly line of N.J. State Highway Route 33, also known as 11 Corlies Avenue, thence

(1) Along the westerly line of Taylor Avenue on a course South 15 degrees 17 minutes 30 seconds West, a distance of 106.20 feet to a point; thence

(2) North 83 degrees 19 minutes 40 seconds West a distance of 210.15 feet to a point; thence

(3) North 06 degrees 40 minutes 30 seconds East a distance of 105 feet to a point on the southerly line of N.J. State Highway Route 33, (also known as Corlies Avenue); thence

(4) Continuing along the same on a course of South 83 degrees 19 minutes 40 seconds East a distance of 226.07 feet to a point on the westerly line of Taylor Avenue, said point being the point and place of BEGINNING.

**NOTE: Being Lot: 1, Block: 282; Lot: 2, Block: 282; Lot: 3, Block: 282; Lot: 4, Block: 282; Lot: 5, Block: 282; Tax Map of the Township of Neptune, County of Monmouth, State of New Jersey.**

**NOTE FOR INFORMATION ONLY: Mailing Address is 1800 State Route 33, Neptune, NJ 07753-4802**

**NOTE: Lot and Block shown for informational purposes only.**

Not Certified Copy

New Jersey Land Title  
Insurance Rating Bureau



*Something to build on.*

NJRB 3-07  
Effective 2/15/2007

File No. 626-33254



State of New Jersey  
**SELLER'S RESIDENCY CERTIFICATION/EXEMPTION**  
(C.55, P.L. 2004)

(Please Print or Type)

**SELLER(S) INFORMATION (See Instructions, Page 2)**

Names(s)

West River, Inc.

Current Resident Address:

Street: c/o Eden Ventures (Sunoco gas station), 75 West Route 46

City, Town, Post Office	State	Zip Code
Palisades Park	NJ	07650

**PROPERTY INFORMATION (Brief Property Description)**

Block(s)	Lot(s)	Qualifier
282	1-5	

Street Address:  
1800 State Route 33

City, Town, Post Office	State	Zip Code
Neptune Township	NJ	

Seller's Percentage of Ownership	Consideration	Closing Date
100%	\$600,000.00	10/31/2014

**SELLER ASSURANCES (Check the Appropriate Box) (Boxes 2 through 10 apply to Residents and Non-residents)**

1.  I am a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2.  The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 121.
3.  I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4.  Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5.  Seller is not an individual, estate or trust and as such not required to make an estimated payment pursuant to N.J.S.A.54A:1-1 et seq.
6.  The total consideration for the property is \$1,000 or less and as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
7.  The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale (see instructions).  
 No non-like kind property received.
8.  Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this state.
9.  The property being sold is subject to a short sale instituted by the mortgagee, whereby the seller has agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10.  The deed being recorded is a deed dated prior to the effective date of P.L. 2004, c. 55 (August 1, 2004), and was previously unrecorded.

**SELLER(S) DECLARATION**

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box  I certify that the Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

10-31-2014  
Date

10/31/2014  
Date

[Signature]  
Signature  
(Seller) Please indicate if Power of Attorney or Attorney In Fact


[Signature]  
Signature  
(Seller) Please indicate if Power of Attorney or Attorney In Fact


**Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

**Signatures.** The Grantor signs this Deed as of the date at the top of the first page.

Witnessed or Attested by:

WEST RIVER, INC.

By:   
Thomas Heim, Secretary

By:  (Seal)  
Mark Finkelstein, President

STATE OF NEW JERSEY, COUNTY OF MIDDLESEX SS.:

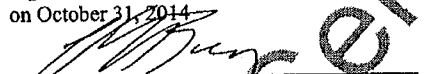
I CERTIFY that on **October 31, 2014**, **Thomas Heim**


personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the secretary of West River, Inc., the maker of this Deed;
- (b) this person is the attesting witness to the signing of this Deed by the proper corporate officer who is Mark Finkelstein, the President of the corporation;
- (c) this Deed was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (d) this person knows the proper seal of the corporation which was affixed to this Deed;
- (e) this person signed this proof to attest to the truth of these facts; and
- (f) the full and actual consideration paid or to be paid for the transfer of title is \$600,000.00. (Such consideration is defined in N.J.S.A. 46:13-5).

  
Thomas Heim

Signed and sworn to before me  
on ~~October 31, 2014~~

  
Christopher D. Boyman  
An Attorney at Law of the State of New Jersey

DEED	
	Dated: October 31, 2014
<p><b>WEST RIVER, INC.</b></p> <p style="text-align: right;">Grantor,</p> <p style="text-align: center;">TO</p> <p><b>SURYA REALTY, LLC</b></p> <p style="text-align: right;">Grantee.</p>	<p>Record and Return to:</p> <p style="text-align: right;"></p> <p>FOUNDATION TITLE, LLC 214 Highway 18, 3rd Floor East Brunswick, NJ 08816</p>

**CORPORATE DISCLOSURE**  
**Surya Realty, LLC**

The following individuals own ten percent (10%) or more of Surya Realty, LLC:

<b>Name &amp; Address</b>	<b>Percentage of Stock or Partnerships</b>
Ashok Nanda 10 Booth Court Edison, NJ 08820	50%
Navita Nanda 10 Booth Court Edison, NJ 08820	50%



# WILENTZ

—ATTORNEYS AT LAW—

**DONNA M. JENNINGS, ESQ.**

T: 732.855.6039  
F: 732.726.6560  
djennings@wilentz.com

90 Woodbridge Center Drive  
Suite 900 Box 10  
Woodbridge, NJ 07095-0958  
732.636.8000

March 5, 2020

Michele Narciso  
Deputy Tax Collector  
Township of Neptune  
24 Neptune Boulevard  
Neptune, NJ 07753

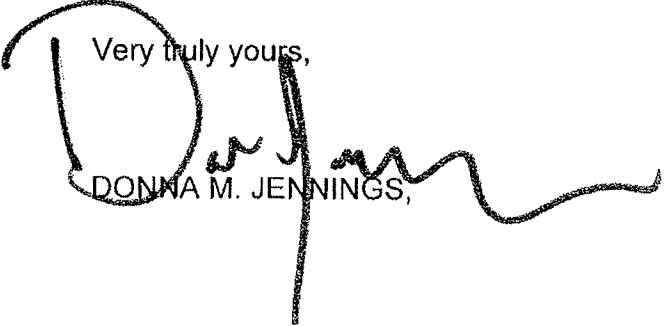
**Re: Surya Realty, LLC  
1729 Asbury Avenue  
Block 187, Lot 5  
Township of Neptune**

Dear Ms. Narciso:

This office represents Surya Realty, LLC in an application before the Neptune Township Zoning Board of Adjustment. Would you kindly provide me with a certification that taxes are paid on property located at 1800 State Route 33 and identified as Lots 1-5 in Block 282 on the tax maps of the Township of Neptune. Kindly return the certification in the envelope provided.

Thank you for your assistance in this matter.

Very truly yours,

  
DONNA M. JENNINGS,

DMJ:mb



**OPRA (Open Public Records Act) Form**  
REQUEST FOR ACCESS TO GOVERNMENT RECORDS

**NAME:** Donna M. Jennings, c/o Wilentz, Goldman & Spitzer, P.A.      **DATE:** March 5, 2020  
**ADDRESS:** 90 Woodbridge Center Drive  
Woodbridge, NJ 07095  
**PHONE:** 732-855-6039      **EMAIL:** DJennings@wilentz.com

**INFORMATION REQUESTED**

(General copy charge is \$.05 per letter size page and \$.07 per legal size page.):

**Copy of INFORMATION RELATING TO A SPECIFIC PROPERTY**

**ADDRESS:** 1800 State Route 33, Neptune, NJ 07753      **BLOCK** 282      **LOT** 1-5

*Specify type of information requested:*

- ASSESSING**     **TAX**     **CERTIFICATE OF INSPECTION**     **CODE VIOLATIONS**     **CONSTRUCTION PERMITS**  
 **ZONING PERMITS / VIOLATIONS**     **PROPERTY OWNER NAME**     **HPC – CERTIFICATE OF APPROPRIATENESS**  
 **OTHER:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Copy of ORDINANCE, RESOLUTION or MINUTES**

*Specify date, number, topic, or other identifying information:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SPECIALTY DOCUMENT:**

- (200 ft.) Property Owner's List (\$10.00)     Tax Map (\$.07/page)     Duplicate Tax Bill (\$5.00 if applicable)

**OTHER:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLEASE READ and SIGN BACK OF FORM**

***Completed forms may be submitted by:***

MAIL: Municipal Clerk P.O. Box 1125 Neptune, NJ 07754-1125  
EMAIL: [phoward@neptunetownship.org](mailto:phoward@neptunetownship.org) – OR – [rcuttrell@neptunetownship.org](mailto:rcuttrell@neptunetownship.org)  
FAX: 732-988-6433

A request for access to or for a copy of Government Records should be submitted on this form which has been adopted by the Municipal Clerk as the Custodian or Records. Some records will be immediately available during normal business hours. Some records will require time to compile and to make the copies requested, but will normally be available during normal business hours and within seven business days. If any document or copy which has been requested is not a public record or cannot be provided within the seven business days, you will be provided with a response with that information within seven business days. Some records requested have specific fees or other response times established by statute. There is no fee involved in simply inspecting a document during normal business hours. This request may be filed electronically. In general:

1. Immediate access is ordinarily available for budgets, bills, vouchers, contracts, including collective bargaining agreements and individual employment contracts, and public employee salary and overtime information. Minutes of public meetings will be generally available immediately after the minutes have been approved.
2. Records which are not readily available or which will require a search of records will be made available as soon as possible and the applicant will be provided with an interim report within seven business days indicating the time which will be required to provide the records.
3. Except as otherwise provided by law or regulation, the fee assessed for the duplication of a printed record shall be: \$.05 for each letter sized page and \$.07 for each legal sized page.
4. Where a request is for a copy in a format other than a photocopy, reasonable efforts will be made to provide the information in the format requested. The cost will be based on the costs of producing the format requested.
5. Where a legal determination must be made as to whether records are "public records" as provided by law, the request will be reviewed by the Municipal Attorney.

The term "public records" generally includes those records determined to be public in accordance with N.J.S.A. 47:1A- 1. The term does not include employee personnel files, police investigation records, public assistance files, or other matters in which there is a right to privacy or confidentiality or which is specifically exempted by law. Further, as stated in the statute, "the personnel or pension records of any individual in the possession of a public agency, including but not limited to records relating to any grievance filed by or against an individual, shall not be considered a government record and shall not be made available for public access, except that:

1. an individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefore, and the amount and type of any pension received shall be a government record;
2. personnel or pension records of any individual shall be accessible when required to be disclosed by another law, when disclosure is essential to the performance of official duties or a person duly authorized by this State or the United States, or when authorized by an individual in interest; and,
3. data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information, shall be a government record." N.J.S.A. 47:1A-10.

**By signing in either area below, the applicant hereby certifies that he or she has not been convicted of any indictable offense under the laws of this State, any other state or the United States and is not seeking government records containing personal information pertaining the victim or the victim's family as provided by N.J.S.A. 47:1A-**

1 et. seq.

*The Applicant hereby acknowledges that the information requested has been provided immediately at the time the request was made.*

APPLICANT SIGNATURE

MUNICIPAL OFFICIAL SIGNATURE

DATE

DATE

OR

*The Applicant hereby acknowledges receipt of a copy of this form with the date on which the information is expected to be available and the estimated cost.*

The information requested will be available on: \_\_\_\_\_

Estimated number of pages: \_\_\_\_\_ Estimated cost: \_\_\_\_\_ Deposit: \_\_\_\_\_

APPLICANT SIGNATURE

MUNICIPAL OFFICIAL SIGNATURE

DATE

DATE