

Question 3a.

HD Summerhill LLC is owned by the following:

1. Hampshire Summerhill LLC – 95%
2. DRA Summerhill LLC – 5%

None of the members of Hampshire Summerhill LLC own more than 10% interest in HD Summerhill LLC.

13. Applicant plans to develop property by:

() Selling Lots Only

() Constructing Houses to Sell At \$ _____

(X) Other Construction of residential apartment units, pharmacy, and retail bank _____

14. Does site adjoin any county road X state highway _____

15. Location of nearest sanitary sewer Summerhill Road (CR-613)

(Sewerage system must be approved by the East Brunswick Sewerage Authority and/or Director of Health before Planning Board will review application.)

16. Location of nearest water utility line Summerhill Road (CR-613) & Old Stage Road

17. Are exterior utility systems to be installed on this site?

Propane Tanks X Transformers Air Conditioning Units

18. Are there new streets, extension of municipal facilities or utilities involved in this development?

Yes X No

19. If any variances are required, circle those sections of municipal land use law the variance comes under - A, B C , or D.

20. Describe variance requested _____

See attached.

21. Section(s) of Zoning Ordinance from which variance(s) is requested

See attached.

22. Reasons for requesting variance(s) _____

See attached.

23. Have there been any previous Board of Adjustment or Planning Board hearings involving this property?

Yes X No

24. If the answer to #23 is the affirmative, state the date of the hearing, nature and disposition.

Please see attached.

25. Applicant's Attorney (All business entities other than a sole proprietorship must be represented by a licensed New Jersey attorney).

Name David B. Himelman, Esq. Phone# (732) 659-6130

Address 190 Route 18 North, Suite 205, East Brunswick, NJ Zip 08816

Firm David B. Himelman Attorney at Law

Questions 20-21. Variances Requested

"C" Variances requested:

1. (228-118.7E.3) Minimum setback for all structures from any street, public, or private, or any common parking area shall be ten (10) feet; 0' Proposed at garages only.
2. [228-118.7 E4] Building Density proposed 27 DU/Structure; Allowed 20 DU/ Structure.
3. [RSIS 5:21-4.14] RSIS parking requirements: 1 BED=1.8/UNIT; 2 BED=2.0/UNIT; 3 BED= 2.1/UNIT; 242 SPACES/ A7-A; 239 SPACES/ A7-B; 235 SPACES/A8 required; 204 spaces proposed.
4. (228-118.9C) No off-street parking lot shall contain more than 50 spaces; 308 spaces proposed.
5. (228-118.9D) Bike racks shall be provided outside public and commercial buildings; none proposed.
6. (228-118.7G1) Front setback to Arterial streets shall be 50 ft.; +/- 30 ft. spaces proposed.
7. (228-218.1B5) All parking areas shall be landscaped with a min of 1 canopy tree for every 5 parking spaces; 62 required; 40 proposed.
8. (228-15.1C.3.b) CVS parking requirement; Retail =1/200 sq. ft. gf.; 66 spaces allowed; 59 spaces proposed.
9. [228-255.1A] CVS façade sign requirement: 2 allowed; 5 proposed.
10. [228-255.1A] CVS façade sign requirement: drive-thru signs not permitted; west side, 4.6 sq. ft. drive-thru sign proposed.
11. [228-255.1A] Chase façade sign requirement: 1 allowed; 3 proposed.
12. [228-255.1A] Chase façade sign requirement: drive-thru signs not permitted; west side, east side, 17.7 sq. ft. drive-thru sign proposed.
13. [228-245II C] Max thickness: 18" between faces allowed; Chase +/-20" proposed.
14. [228-254C.2] Residential freestanding sign requirement; 1 freestanding sign, 15 sq. ft. allowed; 24 sq. ft. proposed.
15. [228-255.1.B.C] CVS/Chase freestanding sign requirement; 10 ft. in height allowed; 24 ft. proposed.
16. [228-255.1.B.C] CVS/Chase freestanding sign requirement; 24 sq. ft. per side allowed; +/- 126.6 sq. ft. proposed.

Waiver

1. [191.26.A.2] Driveway aprons; 8" thick allowed; 6" thick proposed.
2. [191.26.B.2] Driveway pavement; 2" surface and 5" base allowed; 2' surface and 3" base proposed.
3. [191.33.B] Lighting; LED allowed; metal halide existing; metal halide proposed.
4. [191.39.D] No building mounted lights; no mounted lights allowed; mounted lights proposed.
5. [191.43.E] No concrete stops are permitted; no concrete stops allowed; concrete stops proposed.
6. [191.43.J] Driveway pavement for trucks; 2" surface and 5" base allowed; 2' surface and 3" base proposed.
7. [192.45] Retaining walls over 4' require design calculations; design calculations allowed; None proposed.
8. [192.46A] Screening of equipment is required; screening of equipment allowed; transformer not screened.
9. [192.52.A.5] Refuse enclosure; Refuse to be separate allowed; no separation proposed.

Question 22- Justification for the requested “C” variance:

Pursuant to the NJ Municipal Land Use Law (“MLUL”), the relief sought by the Applicant is a C-2 Bulk variance. Under the MLUL at NJSA 40:55D-70 c (2) the statute provides in part, **“where in an application or appeal relating to a specific piece of property the purposes of this act or the purposes of the "Educational Facilities Construction and Financing Act," P.L.2000, c.72 (C.18A:7G-1 et al.), would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to article 8 of this act”;**

The c (2) variance, is also known as a “flexible C variance”. This application involves showing the board that granting the variance will benefit the community. In order to show this, one must demonstrate that:

1. The variance is needed for a specific piece of property;
2. The proposed variance advances the purposes of the Municipal Land Use Law (positive criteria); and
3. The benefits of the deviation from the local zoning ordinance resulting from granting the variance would substantially outweigh any detriment. The variance will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. (Negative criteria).

Justification for “C” Bulk Variance Relief

The applicant will testify that the Board has the authority to grant all bulk relief pursuant to the flexible c balancing test and the benefits of the application as a whole substantially outweigh the detriments.

Positive Criteria

The applicant will further testify that the benefits of the project as a whole carry forth and all bulk relief is necessary to effectuate this affordable housing beneficial project (Positive Criteria)

Negative Criteria

The applicant will testify that the benefits of the deviation from the zoning ordinance resulting from granting of the variances will substantially outweigh any detriment. As to the variance relief sought, the following rationale will be outlined in testimony:

- Off-street parking lot- Max Count (308 vs. 50) – legislative intent to “segment” parking substantially met.
- Off-street parking lot- Distance between Building and Parking (0’ vs 10’) - pertains to garages only.
- Landscape Buffer Composition (40 trees vs. 62 trees) - buffer is “maxed out”. More plants will choke out.

- Number of units per building (27 vs. 20) achieves efficiency, meets building codes, typical for building type.

Justifications for Signage Relief

The applicant will testify that the Board has the authority to grant all bulk relief pursuant to the flexible c balancing test and the benefits of the application as a whole substantially outweigh the detriments.

Positive Criteria

The applicant will further testify that the benefits of the project as a whole carry forth and all bulk relief is necessary to effectuate this affordable housing beneficial project (Positive Criteria)

Negative Criteria

The applicant will testify that the benefits of the deviation from the zoning ordinance resulting from granting of the variances will substantially outweigh any detriment. As to the variance relief sought, the following rationale will be outlined in testimony:

- Freestanding signs promote roadside recognition and are consistent with surrounding road signs.
- Building signs are tasteful, blend with the building, and do not constitute sign clutter or over branding.

Question 24

May 17, 2018- East Brunswick Zoning Board of Adjustment

- Board took jurisdiction over Application.

June 7, 2018- East Brunswick Zoning Board of Adjustment

- Meeting canceled due to overcapacity at venue.

July 16, 2018- East Brunswick Zoning Board of Adjustment

- Application was continued to August 7, 2018. Application extension granted until October 31, 2018.

August 7, 2018- East Brunswick Zoning Board of Adjustment

- Application continued without date.

26. A Tax and Assessment Payment Report indicating all taxes and/or assessments required to be paid attached to this application X
27. Are any easements or special covenants by deed involved in this site?
 Yes _____ No X (If yes, attach copy)
28. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to Punishment.

Sworn to and subscribed before me on
 this 13th day of September 20 18

[Signature]
 Signature of Applicant

Michelle Paranzine
MICHELLE PARANZINE
 NOTARY PUBLIC
 Notary Public **STATE OF NEW JERSEY**
ID # 50049260

[Signature]
 Signature of Owner

*******MY COMMISSION EXPIRES NOV. 17, 2021*******

AUTHORIZATION OF SIGNATURE (if Applicant is a Limited Liability Company (LLC) or Corporation)

This will certify that Nicholas W. Minoia Title Member
 of (Corporation or LLC name and address) HD Summerhill LLC
 350 Main Road, Suite 201 Montville, NJ 07045

who subscribed to the above application for development in the Township of East Brunswick has been authorized by this business entity to do so.

ATTEST Michelle Paranzine
 September 13, 20 18

29. Address all correspondence concerning this Application to:

() Applicant () Owner (X) Attorney

Name David B. Himelman, Esq.

Address 190 Route 18 North, Suite 205, East Brunswick, NJ 08816

Firm David B. Himelman Attorney at Law