

MANOS LAW FIRM, LLC

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Elias T. Manos, Esq.

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▪ Member of NJ & PA Bars

December 4, 2019

(Via Hand Delivery)

City of Pleasantville

Zoning Board of Adjustment

Attention: Patricia Racz, Zoning Board Secretary

132 W. Washington St., Pleasantville, NJ 08232

**Re: Application of Adams Pleasantville LLC
 Block 80, Lot 13
 18 Devins Lane
 Use Variance and Site Plan Waiver Application**

Dear Ms. Racz:

This firm represents Adams Pleasantville LLC in connection with the above referenced development application seeking use variance approval pursuant to N.J.S.A. 40:55D-70d(1) and a site plan waiver. The approvals sought are to allow a second use on the site (that being a baseball training facility) along with the current approved use of the Ken Adams Oil business. In that regard, enclosed please find the following:

1. (O + 14) Application Package for Land Use Approval (Forms 4, 5, 6, 7, 8, 10 and 11 and Checklists A and I)
2. (15) "d" Variance Justification Narrative;
3. (15) List of Waiver Requests and Justification;
4. (15) Remington & Vernick Review Letter (re: Administrative Approval) dated October 21, 1993;
5. (15) Site Plan prepared by Robert Bruce and Associates, dated October 8, 1993 (3 sheets);
6. (15) Google Earth aerial photographs of the site (3 separate photographs);
7. (15) Interior photographs of the site (5 separate photographs);
8. Application Fee of \$850.00 (site plan waiver and "d" variance);
9. Escrow Fee of \$1,600.00 (site plan waiver and "d" variance);
10. Proof of paid taxes (to be provided – has been requested); and
11. 200' List (to be provided – has been requested)



MANOS LAW FIRM, LLC

December 4, 2019

Page 2

Upon your receipt of this submission, it is my understanding that your office will perform its completeness review and, once deemed complete, schedule this matter for a public hearing.

With respect to notice, we will of course notice the application in accordance with the requirements of the Municipal Land Use Law.

Thank you very much for your attention to this matter. In the event you should have any questions, comments or concerns, please do not hesitate to contact me.

Very truly yours,

MANOS LAW FIRM, LLC

By: 

ELIAS T. MANOS

leo@manoslawfirm.com

Enclosures

Cc. Client (via email: mike@kenadamsoil.com) (w/partial enclosures)

Robert Watkins, PE, PP (via email: bobwatkins99@gmail.com) (w/ partial enclosures)

C:\Users\EManos\Documents\Client Directory\Adams Pleasantville\Mat 1 - Pleasantville Use Variance\Racz, Pat 12-4-19 filing application.doc



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

FORM 4: APPLICATION FOR LAND USE APPROVAL

TO BE COMPLETED BY MUNICIPAL STAFF

Application Filed: ___/___/___

Application No.: _____

Received By: _____

Application Fees: _____

Application Found Complete: ___/___/___

Escrow Number: _____

Application Found Incomplete: ___/___/___

Escrow Deposit: _____

TO BE COMPLETED BY THE APPLICANT

Applicant

Applicant's Name: Adams Pleasantville LLC

Address: 18 Devins Lane

Pleasantville, NJ 08232

Phone No.: (609) 926 8283

Fax No.: (609) 641-6561

Agent for Applicant (if applicable)

Agent's Name: Elias T. Manus, Esq

Address: 2408 New Road, Suite 2

Northfield NJ 08225

Phone No.: (609) 335-1813

Fax No.: (609) 257-6075

leo@manuslawfirm.com

Subject Property

Street Address: 18 Devins Lane

Pleasantville, NJ 08232

Block(s): 80 Lot(s): 13

Zoning Districts: Regional Commercial

Application is being made to:

() Zoning Officer

(X) Zoning Board of Adjustment

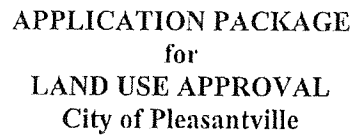
() Planning Board

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

Signature of Applicant

Date

(insert revision date)



- ☐ Zoning Permit under N.J.S.A. 40:55D-18
- ☐ Preapplication Conference under N.J.S.A. 40:55D-10.1
- ☐ Minor Site Plan Approval under N.J.S.A. 40:55D-46.1
- ☐ Preliminary Major Site Plan Approval under N.J.S.A. 40:55D-46
- ☐ Final Major Site Plan Approval under N.J.S.A. 40:55D-50
- ☒ Waiver of (under N.J.S.A. 40:55D-10.3):
 - ☐ Preliminary or
 - ☐ Final Major Site Plan Approval, or
 - ☒ Both
- ☐ Minor Subdivision Approval under N.J.S.A. 40:55D-47
- ☐ Major Subdivision Approval under N.J.S.A. 40:55D-48
- ☐ Variance Relief under N.J.S.A. 40:55D-70(c)
- ☐ Amendment or Revision to Existing Approval
- ☐ Extension of Prior Approval under N.J.S.A. 40:55D-52
- ☐ Certificate of Redevelopment Plan Conformance under N.J.S.A. 40A:12A-1 et seq.

- () Directing the issuance of a building permit for construction () in the bed of mapped street, public drainage-way, flood control basin or public area under N.J.S.A. 40:55D-60(b) or () on a lot not abutting an approved public street under N.J.S.A. 40:55D-60(c)
- () Appeal from action of the Administrative Officer under N.J.S.A. 40:5D-70(a)
- () Map or other Interpretation or Special Question under N.J.S.A. 40:55D-70(b)
- (X) Variance relief under N.J.S.A. 40:55D-70(d)
- () Certificate of Nonconformity under N.J.S.A. 40:55D-70(d)
- () Any of the foregoing where Application for Site Plan approval is to follow.

Date _____



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

FORM 5: OWNERSHIP INFORMATION & CORPORATE DISCLOSURE
(To be completed by the Owner of Record of the Subject Property)

Owner's Name: Adams Pleasantville LLC
Address: 18 Devins Lane
Pleasantville NJ 08232
Phone No.: (609) 926-8283 Fax No.: (609) 641-6561
Email Address: mike@kenadamsoil.com

Date Owner purchased the Subject Property: 1/16/96

Was Subject Property purchased from the City of Pleasantville: () Yes
(X) No

If not the Owner, Applicant's standing to bring Application: N/A
() Lessee () Contract Purchaser () Other

Attach Lease, Contract to Purchase or other proof of relationship as applicable.

Applicant is a(n) (check one):

() Individual () Corporation () Partnership
(X) Limited Liability Corporation (LLC) () Limited Liability Partnership (LLP)

If Applicant is not an individual,

Name of Corporation, Partnership, LLC or LLP: Adams Pleasantville LLC
Official empowered to complete this Disclosure on behalf of the Corporation, Partnership, LLC or
LLP: Ken Adams
Address: 18 Devins Lane
Pleasantville NJ 08232
Phone No.: (609) 926-8283 Fax No.: (609) 641-6561
Email Address: mike@kenadamsoil.com

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the
procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City
of Pleasantville and agree to be bound by same.

[Signature]
Signature of Applicant

12/7/19
Date

(insert revision date)



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

Pursuant to N.J.S.A. 40:55D-48.1, Applicants must disclose the names and addresses of all persons owning 10% or more of the stock in a corporate applicant or 10% or more interest in a partnership applicant. N.J.S.A. 40:55D-48.2 provides that such disclosure applies to any corporation or partnership which owns 10% or more interest in any entity subject to disclosure under N.J.S.A. 40:55D-48.1.

Where a corporation / partnership owns 10% or more of the stock / interest in the Applicant or in another corporation / partnership so reported, this requirement shall apply to all non-corporate stockholders / individuals / partners qualifying under the 10% ownership criterion.

NAME & ADDRESS OF QUALIFYING INDIVIDUAL / ENTITY		DATE OF BIRTH (as applicable)	TAX ID NUMBER (tin)	POSITION	% INTEREST
Ken Adams	18 Devins Ln. Pleasantville, NJ 08232	1 / 1		Member	50 %
Patricia Adams	18 Devins Ln. Pleasantville, NJ 08232	1 / 1		Member	50 %
		1 / 1			
		1 / 1			
		1 / 1			
		1 / 1			
		1 / 1			

(use additional sheets if necessary)

Signature of official empowered to complete the following Disclosure on behalf of the Corporation, Partnership, LLC or LLP (if additional sheets are necessary, such signature shall appear on each sheet):

Signature

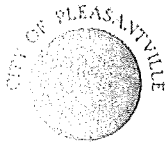
Date

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

Signature of Applicant

Date

(insert revision date)



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

FORM 6: PROJECT INFORMATION

Project Name: Baseball Performance Center and Adams Oil

Present Use of the Subject Property: Truck storage / office for fuel delivery service

Proposed Use of the Subject Property:

- ☐ Sale of Lot(s) (no construction proposed)
☐ Construction of owner-occupied residential dwelling
☐ Construction of ☐ rental or ☐ for-sale residential dwellings
☐ Construction of owner-occupied commercial or other use.

Specify: _____

- ☐ Construction of rental or for-sale commercial or other use.

Specify: _____

☒ Other. Specify: operation of sports training facility along with
to present use described above

For each category (as applicable), provide number and type of units. For residential projects, include number of bedrooms per unit. For commercial projects, include the s.f. per unit:

One main structure - approx 6400 s.f. _____

For residential projects, number of units to be deed restricted as "Affordable" under regulations established by the New Jersey Council on Affordable Housing (COAH): N/A

Estimated cost of construction of Proposed Project: \$ Already constructed

Have any of the lands within the Subject Property been classified by any State or Federal Agency as Environmentally Sensitive, Wetlands, Riparian Lands, Brownfield, Greyfields or other applicable designation?
☐ Yes ☒ No

If Yes, explain: _____

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

[Signature]
Signature of Applicant

12/7/11
Date

(insert revision date)



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

If No, is there any indication that the Subject Property might contain subsurface or groundwater contamination? () Yes (X) No

If Yes, explain: _____

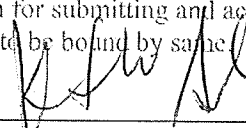
Other than what is required by the City of Pleasantville, are any other approvals required for the Proposed Project? () Yes (X) No

If yes, specify (as applicable)

Assuming Site
Plan Waiver is
granted

GOVERNMENTAL AGENCY OR PRIVATE ENTITY	YES	NO	DATE SUBMITTED	STATUS OF APPROVAL
City of Pleasantville Storm / Wastewater Division			__/__/__	
Atlantic County Board of Health			__/__/__	
Atlantic County Health Department			__/__/__	
Atlantic County Planning Board			__/__/__	
Cape Atlantic Soil Conservation District			__/__/__	
NJ Department of Environmental Protection			__/__/__	
NJ Department of Transportation			__/__/__	
NJ Council on Affordable Housing			__/__/__	
Other			__/__/__	
Other			__/__/__	
Other			__/__/__	

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.


Signature of Applicant


Date

(insert revision date)



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

FORM 7: ZONING CONFORMANCE
(if multiple Principal buildings, provide information for all buildings)

Zoning District in which Subject Property is located:

Residential Zoning Districts

- () Single-Family Residential 50 (SFR-50)
() Single-Family Residential 60 (SFR-60)
() Single-Family Residential 75 (SFR-75)
() Residential Duplex (R-D)
() Multi-Family (MF)

Commercial Zoning Districts

- () Central Business District (CBD)
() Neighborhood Commercial (NC)
() General Commercial (GC)
(X) Regional Commercial (RC)
() Regional Shopping Center (RSC)
() Light Industrial (LI)

Specialty Zoning Districts

- () Bayside Mixed-Use (BMU)
() Cemetery (CEM)
() Conservation (CONSERV)
() Waterfront Residential (WR)

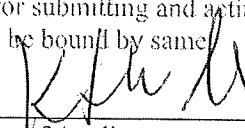
Overlay Zoning Districts

- () Bayside Mixed Use Overlay Zone
() City Center Support Overlay
() Franklin Boulevard Professional Office Overlay
() Main Street Neighborhood Commercial Overlay
() New Road Professional Office Overlay

Redevelopment Plans

- () Block 189 Rehabilitation Area
() California Avenue Rehabilitation Area
() CARA Cambria Avenue Redevelopment Area
() CCRA Center City Redevelopment Area
() LBRA Lakes Bay Waterfront Redevelopment Area
() NARA Narcissus Avenue Rehabilitation Area
() WTRA Woodland Terrace Rehabilitation Area

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



Signature of Applicant



Date

(insert revision date)



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

Lot Regulations for Zoning District in which Subject Property is located:

	<u>Existing</u>	<u>Required</u>	<u>Proposed</u>	
Lot Width (ft)	<u>188.43'</u>	<u>200'</u>	<u>188.43'</u>	(ENC)
Lot Depth (ft)	<u>irreg > 100'</u>	<u>100'</u>	<u>irreg > 100'</u>	
Lot Size (s.f.)	<u>.96 acre</u>	<u>1 acre</u>	<u>.96 acre</u>	(ENC)

Building Regulations for Zoning District in which Subject Property is located:

	<u>Existing</u>	<u>Required</u>	<u>Proposed</u>	
Front Yard Setback (ft)	<u>5' +/-</u>	<u>20'</u>	<u>5' +/-</u>	(ENC)
Side Yard Setback [L / R] (ft)	<u>27' / 79.8'</u>	<u>20' / 20'</u>	<u>27' / 79.8'</u>	
Rear Yard Setback (ft)	<u>67'</u>	<u>40'</u>	<u>67'</u>	
Impervious Coverage (%)	<u>< 80%</u>	<u>80%</u>	<u>< 80%</u>	

Height and number of stories for Principal Building (if multiple Principal buildings, provide information for tallest building): 16' +/- feet 2 stories

Does the Subject Project conform with all applicable requirements for the specific Zoning District in which the Subject Property is located as specified by the Pleasantville Land Management Code (Chapter 300)?
() Yes (X) No

If No, explain nonconformities: Existing nonconformities exist as detailed above.

Have any variances, waivers of zoning interpretations been obtained as relates to the existing or proposed use of the Subject Property? (X) Yes () No

If Yes, explain: Administrative Approval granted for the existing use in or around October 1993 - See attached.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

[Signature]
Signature of Applicant

12/7/08
Date



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

FORM 8: PROJECT PROFESSIONALS

(use additional sheets if necessary)

Project Attorney: ELIAS T. Manos, Esq
Address: 2408 New Road Suite 2
Pleasantville NJ 08232
Phone No.: (609) 335-1873 Fax No.: (609) 257-6075
Email Address: leo@manoslawfirm.com

Project Engineer: Robert A. Watkins, PE, PP, CME, CMF (Mott Associates, LLC)
Address: 3122 Fire Road
Egg Harbor Township, NJ 08234
Phone No.: (609) 569-1551 Fax No.: (609) 569-1521
Email Address: bob@mottassociates. bobwatkins99@gmail.com

Project Planner: same as Project Engineer above
Address: _____
Phone No.: _____ Fax No.: _____
Email Address: _____

Project Architect: _____
Address: _____
Phone No.: _____ Fax No.: _____
Email Address: _____

Project Surveyor: _____
Address: _____
Phone No.: _____ Fax No.: _____
Email Address: _____

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

[Signature]
Signature of Applicant

12/2/11
Date



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

FORM 10: CERTIFICATIONS

APPLICANT: I certify that the foregoing statements and the materials submitted are true. I further certify that I am that the individual Applicant or that I am an Officer of the Corporation who is the Applicant, and that I am authorized to sign the application for the Corporation, or that I am general partner of the partnership Applicant. If the Applicant is a Corporation, an authorized Corporate Officer must sign this Certification. If the Applicant is a Partnership, a General Partner must sign this Certification. If the Applicant is an LLC, the Managing Member must sign this Certification.

Applicant's Signature

Sworn to and subscribed before me this
3rd Day of December, 2019.

Notary Public of New Jersey
ELIAS T. MANOS, Attorney at Law
State of NJ

PROPERTY OWNER WHERE NOT APPLICANT: I certify that I am the Owner of the property which is the subject of this application, that I have authorized the Applicant to make this Application and that I agree to be bound by the Application, the representations made by the Applicant and the decision of the Board in the same manner as if I were the Applicant. If the owner is a Corporation, an authorized Corporate Officer must sign this Certification. If the owner is a Partnership, the General Partner must sign this Certification. If the owner is an LLC, the Managing Member must sign this Certification.

N/A - Applicant is owner
Applicant's Signature

Sworn to and subscribed before me this
____ Day of _____, 201____.

Notary Public of New Jersey



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

FORM 11: CONSENT TO AN EXTENSION
OF TIME FOR OFFICIAL ACTION
(as applicable)

APPLICATION IS BEING MADE TO:

() Zoning Officer

(X) Zoning Board of Adjustment

() Planning Board

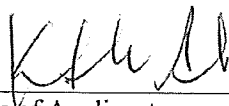
I, Ken Adams, being the undersigned Applicant or individual authorized to act for the Applicant, hereby consent to an extension of time within which the entity designated above shall be required to act on my Application.

I understand that such consent stops all time periods (deadlines) for the City to act on my application pursuant to the Municipal Land Use Law and the Pleasantville Land Management Code.

For Applications to the Planning Board or Zoning Board of Adjustment:

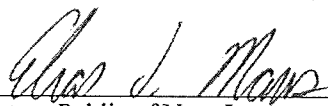
I understand that the City will make every effort to reschedule a hearing date on my application within a reasonable time period, but that it can not guarantee that my application will be heard at the next regularly-scheduled Board meeting.

I further understand that this request for extension will require me to issue or reissue a public notice to all property owners within 200' of my property once a new hearing date has been established.


Signature of Applicant
(or Authorized Representative)

12/2/19
Date

Sworn to and subscribed before me this
3rd Day of December, 2019.


Notary Public of New Jersey
Elias T. Manos,
Attorney at Law
State of NJ



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST A. General Requirements & Instructions

See §300-26 and 27 for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

The following series of Checklists were crafted to provide the City and its professionals with detailed information pertinent to each of the specific types of approvals or relief available to applicants. Applicants shall complete this Checklist A. for all applications except Applications for Zoning Permits, and shall complete Checklists C. through L. as applicable. Applicants requesting multiple approvals shall complete the appropriate Checklist for each approval requested.

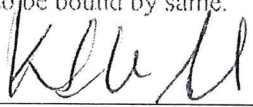
Applications for Zoning Permits need only complete Checklist B.

Site Plans which include design of drainage, pavement, curbing, walkways, embankments, horizontal and vertical geometrics, utilities and other pertinent structures shall be prepared, signed and sealed by a New Jersey licensed Professional Engineer. A New Jersey Registered Architect may prepare a Site Plan if limited to general locations.

Topographical and Boundary Survey information, including all subdivisions, shall be provided by or attributed to a New Jersey licensed Professional Land Surveyor.

- X 1. One (1) original and fourteen (14) copies of:
- X A. the completed Application Forms, all certifications and other components;
 - X B. all required checklist(s) in completed form; and
 - X C. all documents, reports, plats, plans, drawings and photographs relating to the Application.
- W 2. All plats, plans and drawings shall contain a Title Block, including:
- W A. The name and title of the Application / Project, City of Pleasantville, Atlantic County;
 - W B. The name, title, address, telephone and fax number of the Applicant;
 - X C. The name, title, address, telephone and fax number of the person who prepared the plat, plan or drawing, including the New Jersey License number and original embossed seal with signature if the preparer is a New Jersey Licensed Land Surveyor, Professional Engineer, Professional Planner or Architect;
 - W D. The name, address, telephone and fax number of the owner(s) of record of the Subject Property;

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.


Signature of Applicant

12/3/18
Date



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST A.

General Requirements & Instructions

See §300-26 and 27 for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

- X E. Written and graphic (bar) scale in inches to feet;
- X F. North Arrow
- X G. The original date that the plans were prepared, the date of each subsequent revision thereof and a list of specific revisions entered on each sheet.
- X 3. Unless otherwise specified in Checklists C. through L., no plat, plan or drawings shall be accepted unless:
- X A. drawn to a scale of 1"=10', 1"=20', 1"=30', 1"=40', 1"=50' or 1"=60' for engineering drawings or 1/8"=1', 3/8"=1', 1/4"=1', 1/2"=1', 3/4"=1' or 1"=1' for architectural drawings, as per standard scales commercially available at any office supply store. **Items drawn to such scales but subsequently reduced or enlarged shall be summarily rejected.**
- X B. submitted on 24"x36" or larger sheet sizes, folded into eighths, with title block revealed. If one sheet is not sufficient to depict the entire tract, the plat, plan or drawing may be divided into sections and shown on separate sheets of equal size, with reference on each sheet as to the location of all adjoining sheets.
- X C. fully dimensioned to confirm conformity with all requirements.
- X D. dimensions are expressed to the nearest tenth of an acre when describing acreage or 2 decimal places when describing square feet of area or linear feet of distance. Bearings shall be given to the nearest 10 seconds and the error of closure shall not exceed 1 to 10,000.
- X 4. A Key Map showing the entire parcel to be developed, the proposed development and the proposed street pattern, if any, within it, and the relationship of the tract to the surrounding area, with the proposed development shown in place, including all intersections and waterways within 300', at a scale not less than 1"=100', based on the City's official tax map. Where the scale of the map results in a street name not appearing, the Applicant shall legibly hand-print the missing street name.
- W 5. Existing tax sheet with existing block and lot number(s) of the Subject Property(ies) as they appear on the current City Tax Map as well as all properties within 200' of the subject. Existing Street names of all streets bounding the subject property shall be clearly visible. Where the scale of the map results in a street name not appearing, the Applicant shall legibly hand-print the missing street name.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

Signature of Applicant

Date

(insert revision date)



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST A. General Requirements & Instructions

See §300-26 and 27 for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

W

6. Existing Zoning Map with existing block and lot number(s) of the Subject Property(ies) as they appear on the current City Tax Map as well as all properties within 200' of the subject. Existing Street names of all streets bounding the subject property shall be clearly visible. Where the scale of the map results in a street name not appearing, the Applicant shall legibly hand-print the missing street name.

Matrix containing the requirements of the Zoning District(s) in which the Subject Property(ies) are located, including the use(s) proposed, the bulk requirements of such District(s), and whether or not the proposed project conform(s) to such regulations. Such information shall be indicated on the plot or plan as well as a separate table.

X

7. Recent Aerial photograph depicting the Subject Property and one (1) block in each direction from the Subject Property, dated and showing the location and size of structures and from other land uses as well as all access points to such uses.

2007 aerial photography is available at no charge from the NJGIN Information Warehouse (https://njgin.state.nj.us/NJ_NJGINExplorer/TW.jsp?DLayer=NJ%202007%20Orthophotography). Should an applicant not be able to download such information, aerial photography from Google Earth, Microsoft Virtual Earth, Bing or other commercially available sources is acceptable.

W

8. Neighborhood characteristic photographs depicting the Subject Property from the opposite side of the street as well as all properties fronting both sides of the street of the block on which the Subject Property is located.

Such photography shall be dated and keyed to a reproduction of the City's official tax map, at a scale of not less than 1"=60', with the Subject Property and all photographed properties indicated.

X

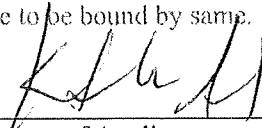
9. A certified list of all property owners whose property is located within 200' of the extreme limits of the Subject Property, as they appear on the most recent tax list prepared by the Tax Assessor. Such list must be certified as current within three (3) months prior to the date of submission of the Subject Application. Such list shall include Owner's Name and Mailing Address as well as the Block number, Lot number and Property Address of the property within 200' of the Subject. *To be submitted ; has been requested*

In addition to the Tax Assessor's (8 1/2"x11") printout, such list shall be depicted on the plans.

X

10. Certification that there are no outstanding uncollected fees or escrows resulting from past applications or prior submissions by the Applicant, or any entity now or previously related to the applicant, involving this property or any other properties connected with the Applicant within the City of Pleasantville. **No applications will be processed if the applicant owes the City or its professionals monies from previous applications.**

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.


Signature of Applicant


Date

(Insert revision date)



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST A. General Requirements & Instructions

See §300-26 and 27 for further details regarding submission requirements and procedures.

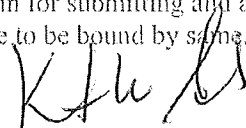
Each page of this Checklist must be signed and dated by the Applicant.

- X 11. Certification from the Zoning Officer and/or City Engineer that any conditions required as a result of any prior approval granted for the Subject Property have been fulfilled. *Z.O. or City Engineer to provide*
- X 12. Certification from the City Tax Collector that all taxes and assessments are paid and current as of the date the Application is submitted, or that adequate provision for payments has been made in a matter satisfactory to the City. *To be submitted - Has been requested*
- X 13. Statement regarding any prior Planning Board or Zoning Board of Adjustment appeal, approval or denial related to the Subject Property.
- N/A 14. Copies of protective covenants or deed restrictions affecting any portion of the Subject Property or any adjacent property (if obtainable).
- N/A 15. The location, width, legal (metes and bounds) description, use(s) for which they are intended, any limitations thereof and the manner of control or maintenance for all existing or proposed utility easements, right-of-way dedications and/or sight triangle dedication(s) affecting the Subject Property.

Items 14. and 15. are intended to address, but are not limited to, existing or proposed easements to telephone, electric, gas, water and sewer utilities; deed restrictions and covenants, master deeds and proposed by-laws of any homeowner's or community associations; proposed deeds to dedicate any portion of the affected property for public use or for ownership by any public body.

- X 16. **Detailed narrative** describing the existing use and condition of and the development proposed for the Subject property, addressing the individual lands and buildings therein, including a statement of the applicant's intent with respect to the ownership, sale and leasing of the project or the various components thereof.
- X 17. **Detailed narrative** justification for any requested waivers from any Checklist requirement. **Items which are not applicable shall be addressed as N/A.**
- X 18. **Detailed narrative** justification for any requested waiver(s) from any development standard and/or regulation where a variance is not required.
- N/A 19. Evidence that the Applicant has sufficient control over the Subject Property to effectuate the proposed development. Including, as appropriate: *Applicant is owner*
- N/A A. Property Owner's authorization to file the application when the Owner is not the Applicant.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.


Signature of Applicant

12/3/11
Date

(Insert revision date)



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST A. General Requirements & Instructions

See §300-26 and 27 for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

X B. Notarized signature of the Applicant or Agent for the Applicant.

X 20. All Application Fee(s) and Escrow Deposit(s), including Tax Map Update Fees for subdivisions or lot consolidations. **No application will be processed which does not include the appropriate Fees and Escrows.**

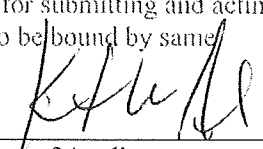
The Applicant shall be responsible to insure that Fees and Escrow Deposits are sufficient to address all approvals required, consistent with the Fee Schedule under §300-9. The City reserves the right to require additional Application Fees and Escrow Deposits should the review of the Application find that additional approvals are required.

Once such additional approvals have been identified, the City, and or its professionals shall immediately cease review of the subject application and issue a letter to the Board Secretary informing the Secretary of the situation. The Board Secretary shall immediately inform the Applicant of the necessity for additional funds. The review of the application shall not resume until the appropriate funds have been submitted.

X 21. The Zoning Officer, Planning & Redevelopment Advisory Committee, Planning Board or Zoning Board of Adjustment, through their respective professionals, reserves the right to require such additional information as may be deemed necessary and appropriate for a full consideration of the entirety of the Subject Application.

While no application shall be deemed Incomplete for the lack of such information, the entities so indicated reserve the right to delay the granting of approvals until such information has been submitted and appropriately reviewed.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.


Signature of Applicant

12/3/11
Date

(insert revision date)



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST I.

'd' Variances

Pursuant to N.J.S.A. 40:55d-70d

See §300-26, 27 & 37 D. for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

PLEASE READ THE FOLLOWING CAREFULLY BEFORE COMPLETING THE VARIANCE JUSTIFICATION NARRATIVE

Under N.J.S.A. 40:55D-70 (d), 'd' variance relief is required to permit (1) the use of lands or buildings in areas of the City (Zoning Districts) where such use is not permitted, (2) to expand an existing non-permitted use, (3) to deviate from a conditional use standard as defined in the City's Land Management Code, (4) to develop beyond the floor area ratio permitted in a Zoning District, (5) to develop beyond the density permitted in a Zoning District, and (6) to develop at a building height 10' or 10% beyond that which is permitted in a Zoning District.

Generally, in order for the Zoning Board of Adjustment⁶⁵ to grant a 'd' variance request, an Applicant must demonstrate, to the Board's satisfaction, that special reasons (broadly defined as relieving an undue hardship on the Applicant OR advancing the purposes of the Municipal Land Use Law) exist. This is known as the Positive Criteria. The Applicant must also demonstrate that granting such relief will not substantially impair the purpose and intent of the City's Zone Plan or Zoning Ordinance, and that the relief requested will not be a substantial detriment to the public good. This is known as the Negative Criteria.

Both the Positive Criteria and the Negative Criteria must be satisfied in order for the Board to grant a 'd' variance request.

The grant of a 'd' variance requires an affirmative vote by five (5) Board members, regardless of how many members may be attending the meeting.

In order to satisfy the Positive Criteria for 'd' variances, the applicant must prove that:

- (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and

⁶⁵ Only a Zoning Board may grant 'd' variance relief

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

Signature of Applicant

Date



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST I.

'd' Variances

Pursuant to N.J.S.A. 40:55d-70d

See §300-26, 27 & 37 D. for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation...would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property..."

OR, the applicant must prove that the proposed development will achieve at least one (1) of the following Purposes of the Municipal Land Use Law:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air and open space;
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey's citizens;
- h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

Signature of Applicant

Date



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST I.

'd' Variances

Pursuant to N.J.S.A. 40:55d-70d

See §300-26, 27 & 37 D. for further details regarding submission requirements and procedures.

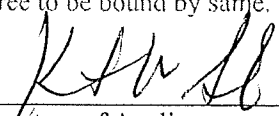
Each page of this Checklist must be signed and dated by the Applicant.

- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- l. To encourage senior citizen community housing construction;
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- n. To promote utilization of renewable energy resources;
- o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

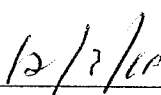
Applicants requesting 'd' variance relief must complete the following **Checklist H.**, along with the accompanying **Schedule of Requested 'd' Variance(s)** and **'d' Variance Justification Narrative** setting forth and describing the specific requirements of the Pleasantville Land Management Code from which relief is being sought. Applicants must also address the reasons why such relief is justified.

Applicants MUST submit variance justifications for all requested variances as part of this application process. Applications not containing the aforementioned detailed written narrative, addressing both the Positive Criteria and Negative Criteria required for 'd' variance relief, shall be deemed INCOMPLETE.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



Signature of Applicant



Date



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST I.

'd' Variances

Pursuant to N.J.S.A. 40:55d-70d

See §300-26, 27 & 37 D. for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

- X 1. All General Checklist Requirements in such number as indicated in Checklist A.
- X 2. Plats, plans drawings of the proposed project at a scale specified under Checklist A., item 3. A. Plats, plans or drawings prepared by a New Jersey Licensed Land Surveyor, Professional Engineer, Professional Planner or Architect shall be submitted on a paper size specified under Checklist A., item 3. B. Plats or plans prepared by the Applicant may be submitted on a sheet no smaller than 11"x17".
- W 3. Topographical Outbound Survey of the Subject Property, at a scale of not less than 1"=50', prepared by a New Jersey Licensed Land Surveyor. If Survey is dated more than 2 years prior to the date of submission of the Subject Application, an Affidavit of No Change, prepared by a New Jersey Licensed Land Surveyor, certifying that the submitted survey depicts the true existing conditions on the subject property, shall also be required. The Survey shall include the distances between the proposed building(s) and any other buildings on adjacent lots (on both sides and the rear of the Subject Property).
- X 4. Lot area expressed both in acreage and square feet, to the nearest tenth of an acre, both with and without any area(s) located within any existing or proposed public rights-of-way.
- X 5. Development boundary lines (heavy solid line).
- N/A 6. Variance requests under N.J.S.A. 40:55d-70d(3), (4) & (6) only:
- N/A A. detailed site drawings, drawn to scale and fully dimensioned, depicting the size and location of all existing and proposed structures, signs and lighting, with height noted, and indicating if existing structures and uses will be retained or removed.
- N/A B. detailed architectural and elevation drawings, drawn to scale and fully dimensioned, depicting all four (4) building elevations (labeled north, south, east and west, with street names as applicable), with colors and materials indicated on the plans.
- X 7. Completed **Schedule of Requested 'd' Variances** attached to this Checklist.
- X 8. Detailed justification for the relief requested, including statement addressing the Positive Criteria and Negative Criteria required for 'd' Variance relief.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

[Signature]
Signature of Applicant

12/3/11
Date

(insert revision date)



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST I.

'd' Variances

Pursuant to N.J.S.A. 40:55d-70d

See §300-26, 27 & 37 D. for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

APPLICANTS MAY UTILIZE THIS FORM OR MAY CREATE THEIR OWN SCHEDULE AS LONG AS THE REQUIRED INFORMATION IS INCLUDED.

SCHEDULE OF REQUESTED 'd' VARIANCES			
Variance Number	Ordinance Reference (§300-)	Regulation / Requirement	Existing / Proposed Condition
1.	300-23E(2)	Lists permitted uses in the Regional Commercial District	Two principal uses proposed on one property
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

(use additional pages if necessary)

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

Signature of Applicant

Date

(insert revision date)



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST I.

'd' Variances

Pursuant to N.J.S.A. 40:55d-70d

See §300-26, 27 & 37 D. for further details regarding submission requirements and procedures.

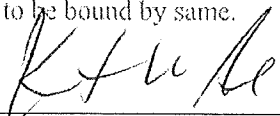
Each page of this Checklist must be signed and dated by the Applicant.

APPLICANTS MAY UTILIZE THIS FORM OR MAY CREATE THEIR OWN SCHEDULE AS LONG AS THE REQUIRED INFORMATION IS INCLUDED.

'd' VARIANCE JUSTIFICATION NARRATIVE	
Variance Number (from Schedule of Requested 'c' Variances)	Detailed Justification for Variance Request
1.	<i>See attached narrative submitted herewith</i>
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

(use additional pages if necessary)

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



Signature of Applicant

12/7/18

Date

(insert revision date)

"d" Variance Justification Narrative
Application of Adams Pleasantville LLC
Block 80, Lot 13
18 Devins Lane
Pleasantville, NJ

This application to the City of Pleasantville Zoning Board of Adjustment (the "Board") seeks a site plan waiver and use variance approval pursuant to N.J.S.A. 40:55D-70d(1) in order to allow the operation of a baseball training facility on the property along with the current and previously approved use of the property for an oil delivery service business.

The applicant, Adams Pleasantville LLC ("Applicant"), is the owner of Block 80, Lot 13 on the City of Pleasantville Tax Map located at 18 Devins Lane. The property is located in the Regional Commercial ("RC") Zoning District and currently serves as the business location of Ken Adams Oil Service, Inc., which delivers heating oil to residential and commercial customers. The property contains certain fuel storage tanks, an office for the business and a warehouse type structure for the storing of its trucks. There are typically two trucks for the business. The warehouse structure is approximately 6,400 square feet and is utilized for parking and storing the trucks for the business. This current use of the property was approved by the City of Pleasantville administratively in or around October 1993. A review letter from Remington & Vernick Engineers dated October 21, 1993 confirming the administrative approval has been submitted with this application. A site plan prepared in connection with the administrative approval, prepared by Robert Bruce and Associates, dated October 8, 1993 (3 sheets) has also been submitted with this application. The review letter and site plan submitted are the same as those in the files of the City of Pleasantville. In addition, several aerial photographs and photographs of the interior of the warehouse structure have been submitted to give the Board a better understanding of the property. It should also be noted, as shown on the site plan, that the adjacent residential uses are on a completely separate property that is not owned by the Applicant.

The Applicant is, as noted, now seeking a site plan waiver and use variance in order to permit a second use on the property. That proposed second use is a baseball training facility, which pitching mounds, a batting cage, weight training etc. The baseball training facility would operate in the warehouse structure. More than sufficient parking exists on the property for both uses. The site plan waiver is requested as the site plan submitted accurately depicts the existing conditions on the site.

In terms of the use variance, the RC Zoning District in which the property is located "was crafted to provide for an appropriate mix of retail-oriented commercial, office and other uses . . . designed to support the needs of the residents and businesses of the City of Pleasantville as well as those of eastern Atlantic County." City of Pleasantville Land Management Code, § 300-23E(1). Permitted uses in the RC Zoning District include, among others, "General commercial and service activities" and "Regionally oriented commercial and service activities." § 300-23E(2)(a) and (b). The uses proposed by the Applicant are compatible and consistent with, if not compliant with, those permitted general and regionally oriented commercial and service activities. In addition, multiple permitted uses are permitted on one lot in the RC Zoning District within "commercial centers," which the warehouse structure arguably constitutes. Thus, as a preliminary matter, the uses the Applicant is proposing are consistent with what the City of Pleasantville Land Management Code permits and contemplates.

As to the legal specifics for a use variance, the applicable law governing use variances is codified in the Municipal Law Use Law (“MLUL”), N.J.S.A. 40:55D-1, et seq. In relevant part, the MLUL provides a zoning board such as this Board with the power “[i]n particular cases for special reasons, [to] grant a variance to allow departure from regulations . . . to permit: (1) a use or principal structure in a district restricted against such use or principal structure” N.J.S.A. 40:55D-70d(1). This is the so-called positive criteria for the establishment of a use variance. In addition, under the so-called negative criteria, no variance relief may be granted “without a showing that such variance . . . can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.” N.J.S.A. 40:55D-70 (emphasis added).

With respect to the positive criteria, the Applicant’s proposed uses for the property advance several purposes of zoning to establish special reasons to grant the use variance. Those include:

a. Promote the General Welfare (N.J.S.A. 40:55D-2a) – The proposed uses on the site serve needs to the community of the City of Pleasantville. The existing Ken Adams Oil Service business delivers heating oil to residential and commercial customers. The baseball training facility provides both youth and adults in Pleasantville and surrounding communities with a facility to obtain high level training. Both of the uses serve needs to the City and its residents. It is submitted that allowing both uses on the property will promote the general welfare.

b. Appropriate location for a variety of uses (N.J.S.A. 40:55D-2g) – the property provides sufficient space in an appropriate location for the uses proposed in order to meet the needs of the community. The existing Ken Adams Oil Service business has been operating for years in the City of Pleasantville. The addition of the sports training facility will compliment that use.

In addition, the subject property is particularly suited for the proposed uses. The Ken Adams Oil Service business is an approved use (per the administrative approval noted above) and has been in business for decades. The warehouse structure on the property is the ideal location for a baseball training facility. The two uses on the property have little to no overlap in terms of the hours of operation. There are very few viable alternative sites for a sports training type facility such as that proposed by the Applicant. There is also ample parking on the property for the proposed uses.

In terms of the negative criteria, the two uses will, as noted, have little overlap in terms of the hours that they operate. The second use proposed on the site of the baseball training facility is also of low intensity and impact. It does not create excessive noise, traffic or other negative affects often associated with other commercial uses. As such, the additional use on the property will have little to no negative effect on the public good. In addition, as noted, the additional baseball training facility use that is proposed is compatible with the uses permitted in the RC Zoning District. The two uses proposed for the property are much akin to two permitted uses operating within a commercial center on one property, which is permitted in the RC Zoning District. Granting the use variance will not have a substantial impact on the zone plan or zoning ordinance of the City of Pleasantville.

Overall, the benefits of granting the use variance far outweigh any detriment.

The Applicant will supplement this “d” Variance Justification Narrative with additional testimony at the time of the hearing.

List of Waiver Requests and Justification
Application of Adams Pleasantville LLC
Block 80, Lot 13
18 Devins Lane
Pleasantville, NJ

The applicant, Adams Pleasantville LLC (“Applicant”), is requesting the following waivers:

Site Plan Waiver

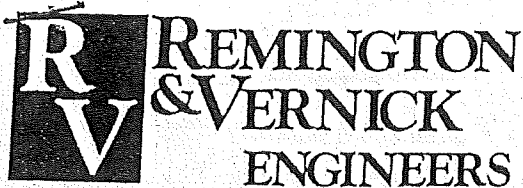
The Applicant is seeking a use variance in order to allow a second use on the subject property, that being a baseball training facility. The current use on the property, that of Ken Adams Oil Service, Inc., was previously approved administratively in 1993. A site plan in connection with that administrative approval has been submitted with the Applicant’s application. That site plan, which is the same as that on file with the City of Pleasantville, accurately depicts the existing conditions on the property. The Applicant is not proposing any major site work and seeks to utilize the existing warehouse structure on the property for the baseball training facility use. For these reasons, the Applicant is requesting a waiver from having to provide a new site plan.

Checklist Waivers from Checklist A (General Requirements)

1. Items 2A, 2B and 2D – as a site plan waiver has been requested and a site plan from 1993 has been submitted, these items are not accurately shown on that plan. In addition, some of the items requested are not shown on the 1993 site plan. A waiver is requested from these submission items.
2. Items 5 and 6 – A current tax map and zoning map has not been submitted and a waiver is requested. All property owners within 200 feet will be notified, as is required by law. The 1993 site plan shows the tax map and surrounding properties at that time.
3. Item 8 – A waiver is requested from providing neighborhood characteristic photographs. Several area photographs and photographs of the facility have been provided to provide the Board with familiarity with the property.

Checklist Waivers from Checklist I (“d” Variances)

1. Item 3 – A current survey has not been provided. A waiver is requested as the 1993 site plan accurately depicts the existing conditions on the property.



90 YEARS OF ENGINEERING EXCELLENCE

Reply to:

☐ 232 King's Highway East
Haddonfield, NJ 08033
(609) 795-9595
FAX (609) 795-1882

☐ 9 Allen Street
Toms River, NJ 08753
(908) 286-9220
FAX (908) 505-8416

☐ 95 Grove Street
Haddonfield, NJ 08033
(609) 795-9596
FAX (609) 795-3684
October 21, 1993

☒ 711 N. Main Street - Suite 5
Pleasantville, NJ 08232
(609) 645-7110
FAX (609) 645-7076

City of Pleasantville
Planning Board
18 North 1st Street
Pleasantville, NJ 08232

Attn: Nancy Parsons, Secretary

Re: Site Plan Application
Block 80, Lot 13
Ken Adams Oil Service
Our File #01-19-P-049

Dear Mrs. Parsons & Board Members:

On October 18, 1993, we received a copy of an application and plans prepared by Robert Bruce and Associates dated 10/8/93 for the above referenced project. We have reviewed the plans and based upon our review, we offer the following comments:

A. General:

Ken Adams Oil Service is applying for permission to construct three (3) vertical and one (1) horizontal home fuel storage tanks on property from which they are currently operating a home heating fuel delivery business. They had appeared before the Board at a work session and discussed various location options for the tanks. The Board at that time indicated that they were generally in favor of the proposal. The plans as presented show the location of the tanks as recommended at the work session.

B. Land Use:

The property in question is located in the PID zone and while the lot is non conforming because of frontage and acreage, the primary use on the site as a home fuel oil distribution business is a permitted use. The proposed storage tanks appear to be an accessory use to the primary permitted use on the site as per section 207-34 B(2) of the Pleasantville Land Use Ordinance. Therefore, no expansion of a non conforming use as per 50.55 D-70(d)(2) exists and the Planning Board has jurisdiction.

C. Administrative Review:

Section 207-48 A of the Pleasantville code permits the waiver of formal site plan and an administrative review by the Construction Official and the City Engineer when it qualifies as an exempt development. Based upon a review of the definition of Exempt Development (207-8 especially paragraph (D) under Exempt Development), we feel that this particular application does meet the requirements of an exempt development and therefore is eligible for a waiver of formal site plan review. We have discussed this with the Construction Official, who indicated that he had reached the same conclusion based upon his review of the application.

Utility Specialists, Waste Water Collection and Treatment, Water Supply and Treatment, Storm Water Management, Pumping Stations, Reports, Highways, Planning and Recreation, Inspection, Surveys, Mapping, Structural, Bridges, Mechanical and Electrical Systems.

D. Engineering Review:

1. We have reviewed the plans and met with the applicant and his engineer on site. We made the following suggestions:
 - a) That some form of oil and grit separation or filtration be provided for the pipe outlet from the diked area.
 - b) That some form of filtering be provided on the low side of the concrete loading pad so that any water runoff from the pad would not flow directly onto the grass surface.
2. The drainage plan as presented is acceptable with the above listed conditions.
3. To keep construction to a minimum, the applicant proposes to keep the parking lot gravel rather than to pave. We have no problem with this.
4. All other engineering issues are presented satisfactorily.

E. Recommendations:

Subject to agreement by the Construction Official and concurrence by the Board, we recommend that formal site plan approval be waived and that this project proceed under administrative review with the following conditions.

1. That the applicant agree to pay review fees.
2. That the applicant agrees to post a cash bond of \$500.00 to cover the cost of inspections by this office and agrees that should the actual cost of the inspections exceed \$500.00, pay any additional costs.
3. That the applicant obtain all necessary permits from the Construction Official, including any state or county permits.
4. That the plans are approved by the City Fire Sub-Code Official and Fire Chief.

Should you have any questions or require additional information, please do not hesitate to contact Mr. James Gulnac of my staff.

Very truly yours,

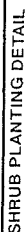
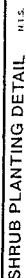
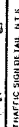
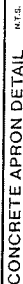
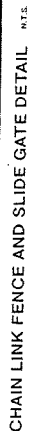
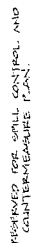
REMINGTON & VERNICK ENGINEERS

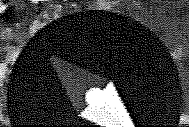
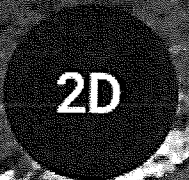
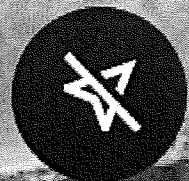


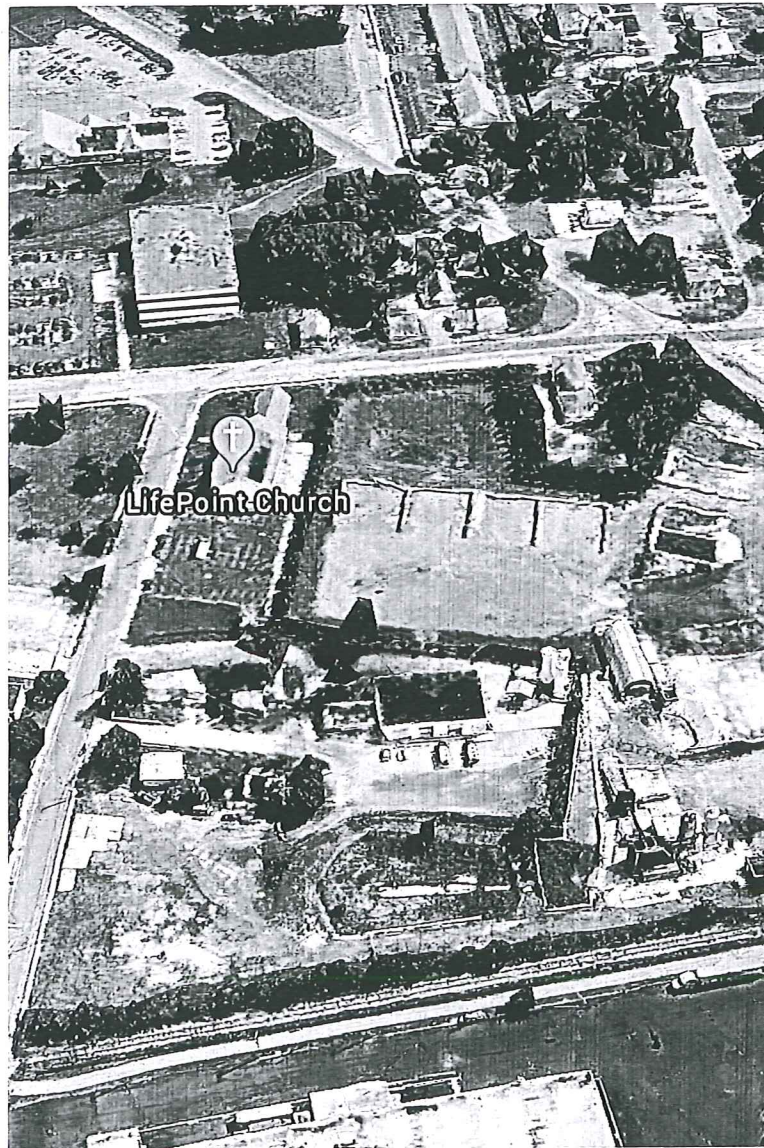
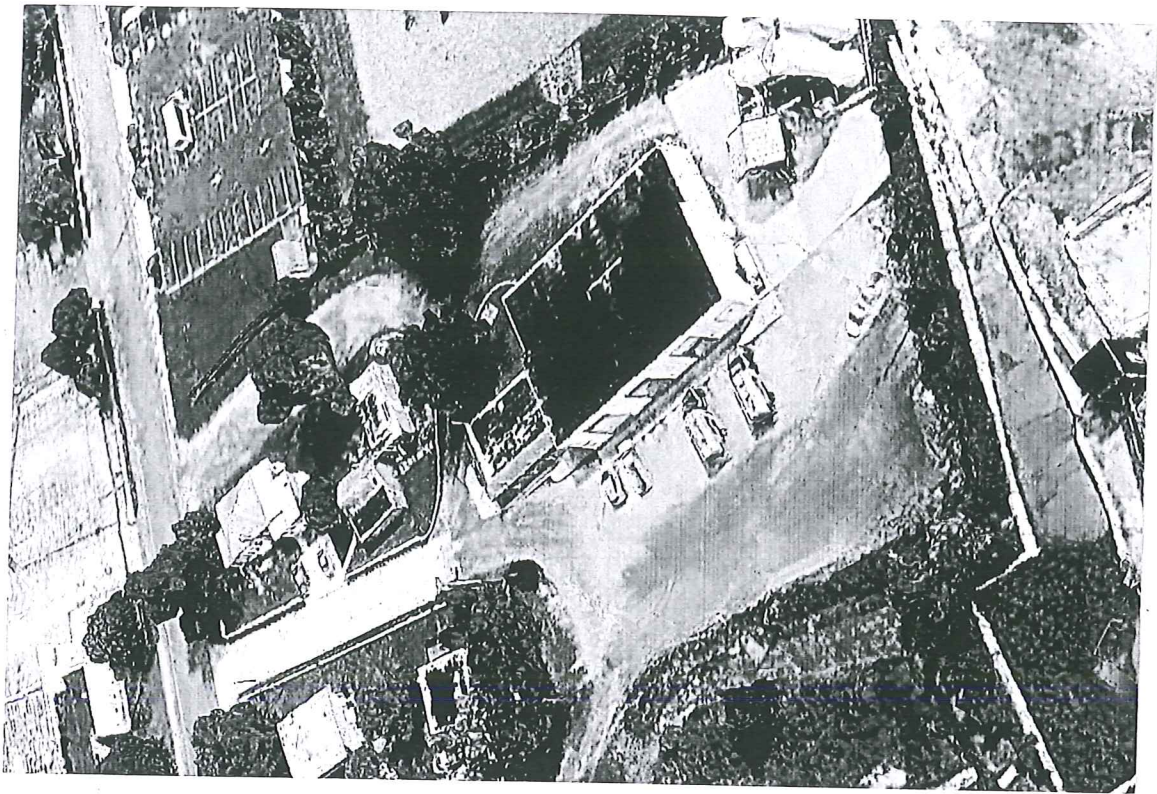
Edward J. Walberg, P.E., C.M.E.

EJW/gaf

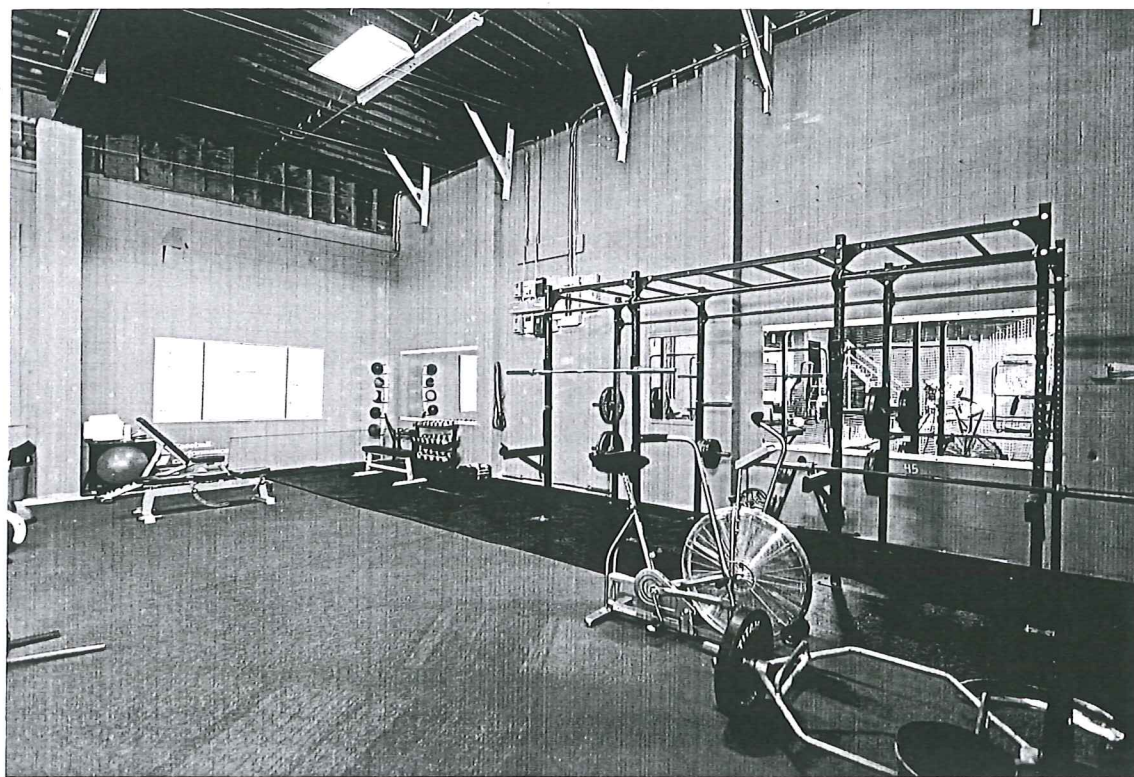
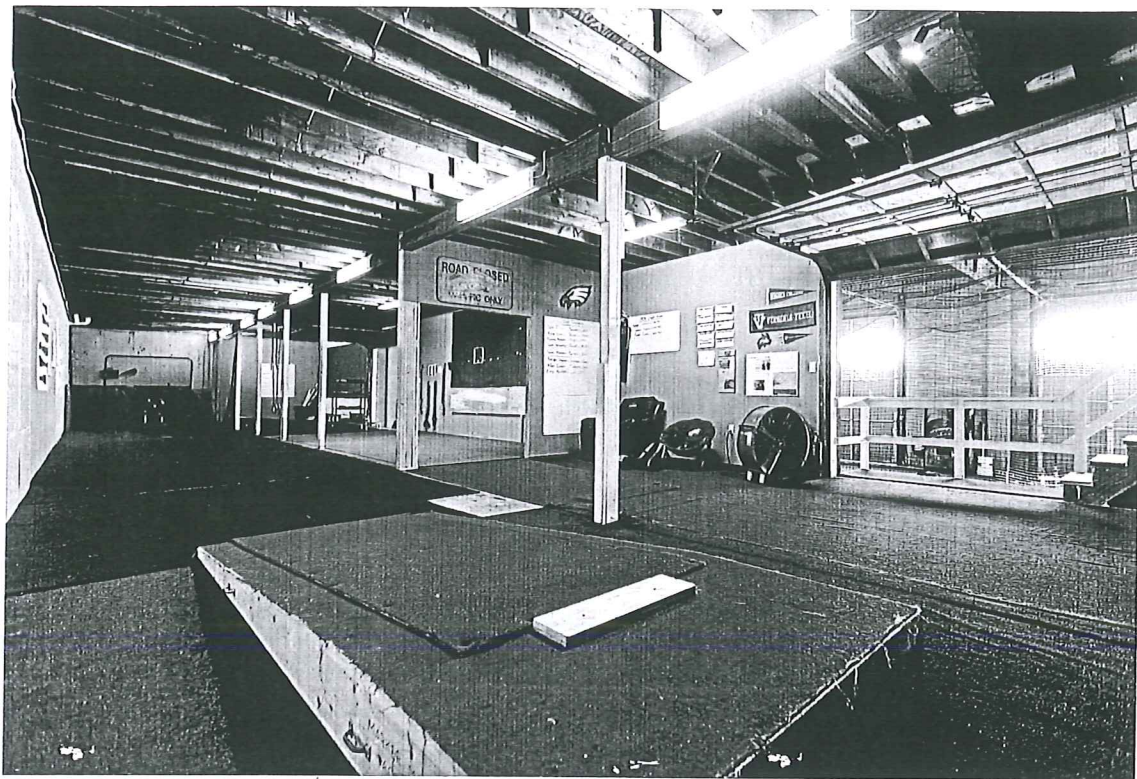
cc: Carl Mell, Construction Official
Norman L. Slotnick, Esq.
Ken Adams Oil
Robert Bruce & Associates
Craig Remington, Vice President
Donald J. Mauer, Jr., P.E., C.M.E.

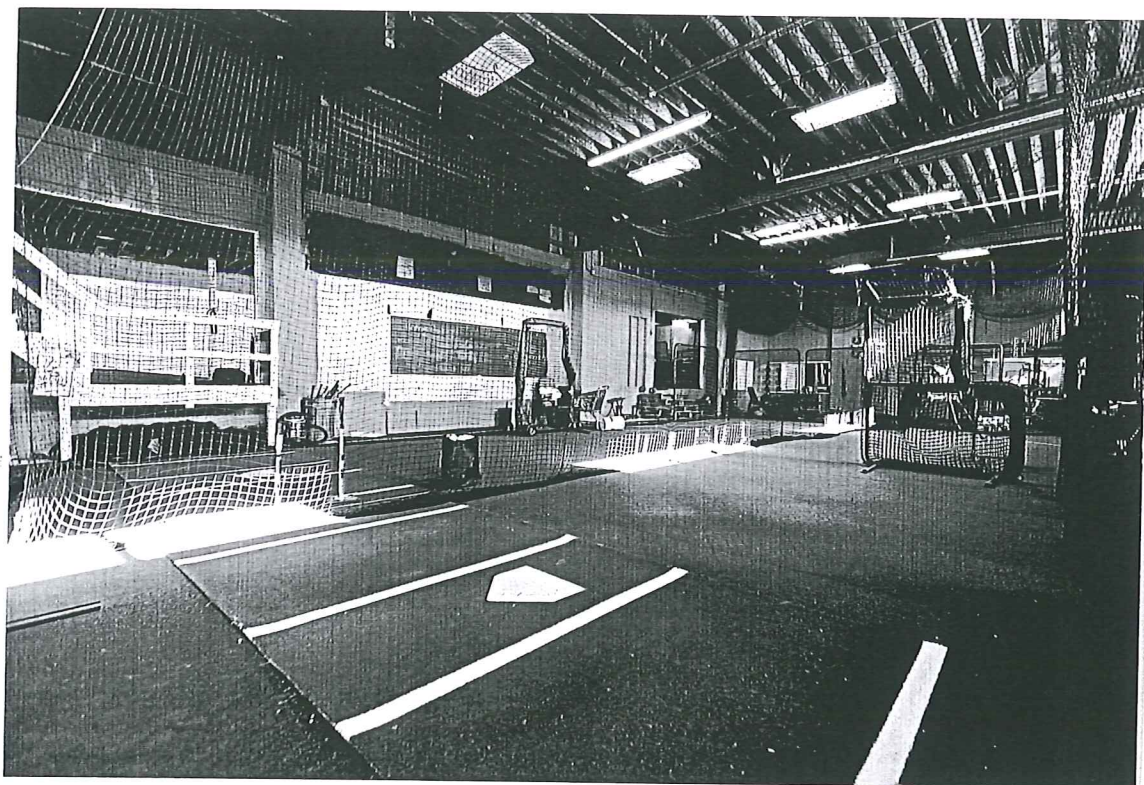
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MANOS LAW FIRM, LLC

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Northfield, New Jersey 08225
T: (609) 335-1873
F: (609) 257-6075

Elias T. Manos, Esq.

lco@manoslawfirm.com

▪ Member of NJ & PA Bars

June 29, 2020

City of Pleasantville
Zoning Board of Adjustment
Attention: Patricia Racz, Zoning Board Secretary
132 W. Washington St., Pleasantville, NJ 08232

**Re: Application of Adams Pleasantville LLC
Block 80, Lot 13
18 Devins Lane
Use Variances, Certificate of Nonconformity and Site Plan Waiver
Application
Supplement to Previous Application on File**

Dear Ms. Racz:

This firm represents Adams Pleasantville LLC in connection with the above referenced development application seeking use variance approval pursuant to N.J.S.A. 40:55D-70d(1), a site plan waiver and, to the extent necessary, an additional use variance for the expansion of a nonconforming use pursuant to N.J.S.A. 40:55D-70d(2) and a Certificate of Nonconformity for the residential use on the property. The approvals sought are to allow a third use on the site (that being a baseball training facility) along with the current approved uses of the Ken Adams Oil business and a residential use. The previous application on file did not make reference to the residential use and sought only a use variance pursuant to N.J.S.A. 40:55D-70d(1). Thus, **supplementing the application previously on file** from February 2020, enclosed please find the following:

1. (15) Amended "d" Variance Justification Narrative;
2. (15) Amended List of Waiver Requests and Justification;
3. (O + 14) Checklist J for Certificate of Nonconformity
4. (15) Detailed Narrative in support of Certificate of Nonconformity;
5. (15) Remington & Vernick Review Letter (re: Administrative Approval) dated October 21, 1993;
6. (15) Deed to subject property to Kenneth and Patricia Adams dated August 12, 1992;
7. (15) Deed to subject property to Adams Pleasantville LLC dated January 16, 1996;
8. Proof of paid taxes (updated);

MANOS LAW FIRM, LLC

June 26, 2020

Page 2

- 9. 200' List (updated); and
- 10. W-9 Form

It is my understanding that this matter is scheduled for public hearing for **Monday, July 27, 2020**. With respect to notice, we will of course notice the application in accordance with the requirements of the Municipal Land Use Law. **If the Application is to be heard remotely due to the Covid-19 situation, please advise me as soon as possible as to the appropriate login information so that I can appropriately provide notice. Also, if anything further is need from me, please let me know and I will promptly supply it.**

Thank you very much for your attention to this matter. In the event you should have any questions, comments or concerns, please do not hesitate to contact me.

Very truly yours,

MANOS LAW FIRM, LLC

By: 

ELIAS T. MANOS

leo@manoslawfirm.com

Enclosures

Cc. Client (via email: mike@kenadamsoil.com) (w/enclosures)

Robert Watkins, PE, PP (via email: bobwatkins99@gmail.com) (w/ enclosures)

C:\Users\EManos\Documents\Client Directory\Adams Pleasantville\Mat 1 - Pleasantville Use Variance\Racz, Pat 6-29-20 supplementing application.doc

“d” Variance Justification Narrative (Amended – June 26, 2020)

Application of Adams Pleasantville LLC

Block 80, Lot 13

18 Devins Lane

Pleasantville, NJ

The applicant, Adams Pleasantville LLC (“Applicant”), is the owner of Block 80, Lot 13 on the City of Pleasantville Tax Map, located at 18 Devins Lane. The property is located in the Regional Commercial (“RC”) Zoning District and currently serves as the business location of Ken Adams Oil Service, Inc., which delivers heating oil to residential and commercial customers, and has a small, one-story, one-bedroom residential dwelling on it as well. The property contains certain fuel storage tanks, an office for the business, a warehouse type structure for the storing of its trucks and the residential unit. There are typically two trucks for the business. The warehouse structure is approximately 6,400 square feet and is utilized for parking and storing the trucks for the business. This current use of the property was approved by the City of Pleasantville administratively in or around October 1993. A review letter from Remington & Vernick Engineers dated October 21, 1993 confirming the administrative approval has been submitted with this application. A site plan prepared in connection with the administrative approval, prepared by Robert Bruce and Associates, dated October 8, 1993 (3 sheets) has also been submitted with this application. The review letter and site plan submitted are the same as those in the files of the City of Pleasantville. In addition, several aerial photographs and photographs of the interior of the warehouse structure have been submitted to give the Board a better understanding of the property. It should also be noted, as shown on the site plan, that the adjacent residential uses (but for the one noted) are on a completely separate property that is not owned by the Applicant.

The Applicant is now seeking use variance approval pursuant to N.J.S.A. 40:55D-70d(1) and, if necessary, N.J.S.A. 40:55D-70d(2), in order to permit a new third use on the property, in addition to the existing uses of the oil delivery service business and residential use, as well as a site plan waiver. The proposed third use is a baseball training facility, with pitching mounds, a batting cage, weight training etc. The baseball training facility would operate in the warehouse structure. More than sufficient parking exists on the property for all uses. The site plan waiver is requested as the site plan submitted accurately depicts the existing conditions on the site. In addition, due to the expansion on the property, the Applicant, to the extent necessary, is also seeking use variance approval pursuant to N.J.S.A. 40:55D-70d(2) for the expansion of a nonconforming use. In addition, since the residential use on the property is not permitted in the RC Zoning District but currently exists, the Applicant is, to the extent necessary, also seeking a Certificate of Nonconformity for the residential use.

Separate Justification reports for the site plan waiver and the Certificate of Nonconformity have been submitted.

In terms of the use variance, the RC Zoning District in which the property is located “was crafted to provide for an appropriate mix of retail-oriented commercial, office and other uses . . . designed to support the needs of the residents and businesses of the City of Pleasantville as well as those of eastern Atlantic County.” City of Pleasantville Land Management Code, § 300-23E(1). Permitted uses in the RC Zoning District include, among others, “General commercial and service activities” and “Regionally oriented commercial and service activities.” § 300-23E(2)(a) and (b). The current oil business and the proposed baseball training facility proposed by the Applicant are consistent with those permitted general

and regionally oriented commercial and service activities. In addition, multiple permitted uses are permitted on one lot in the RC Zoning District within “commercial centers,” which the warehouse structure at least resembles. Thus, as a preliminary matter, the oil business and baseball training facility uses the Applicant is proposing are consistent with what the City of Pleasantville Land Management Code permits and contemplates. The residential unit is very small and has existed since at least 1993, and was previously approved by the City.

As to the legal specifics for a use variance, the applicable law governing use variances is codified in the Municipal Law Use Law (“MLUL”), N.J.S.A. 40:55D-1, et seq. In relevant part, the MLUL provides a zoning board such as this Board with the power “[i]n particular cases for special reasons, [to] grant a variance to allow departure from regulations . . . to permit: (1) a use or principal structure in a district restricted against such use or principal structure . . .” N.J.S.A. 40:55D-70d(1). This is the so-called positive criteria for the establishment of a use variance. In addition, under the so-called negative criteria, no variance relief may be granted “without a showing that such variance . . . can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.” N.J.S.A. 40:55D-70 (emphasis added).

With respect to the positive criteria, the Applicant’s proposed uses for the property advance several purposes of zoning to establish special reasons to grant the use variance. Those include:

a. Promote the General Welfare (N.J.S.A. 40:55D-2a) – The proposed uses on the site serve needs to the community of the City of Pleasantville. The existing Ken Adams Oil Service business delivers heating oil to residential and commercial customers. The baseball training facility provides both youth and adults in Pleasantville and surrounding communities with a facility to obtain high level training. Both of the uses serve needs to the City and its residents. It is submitted that allowing both uses on the property will promote the general welfare. The residential unit is very small and has existed since at least 1993, and was previously approved by the City.

b. Appropriate location for a variety of uses (N.J.S.A. 40:55D-2g) – the property provides sufficient space in an appropriate location for the uses proposed in order to meet the needs of the community. The existing Ken Adams Oil Service business has been operating for years in the City of Pleasantville. The addition of the sports training facility will compliment that use. The residential unit is completely separate and, again, was approved by the City and has existed since at least 1993.

In addition, the subject property is particularly suited for the proposed uses. The Ken Adams Oil Service business is an approved use (per the administrative approval noted above) and has been in business for decades. The warehouse structure on the property is the ideal location for a baseball training facility. These two uses on the property have little to no overlap in terms of the hours of operation. There are very few viable alternative sites for a sports training type facility such as that proposed by the Applicant. There is also ample parking on the property for the proposed uses. The residential use is very minor in nature.

In terms of the negative criteria, the uses will, as noted, have little overlap in terms of the hours that they operate. The proposed use of the baseball training facility is also of low intensity and impact. It does not create excessive noise, traffic or other negative affects often associated with other commercial uses. As such, the additional use on the property will have little to no negative effect on the public good.

In addition, as noted, the additional baseball training facility use that is proposed is compatible with the uses permitted in the RC Zoning District. Granting the use variance will not have a substantial impact on the zone plan or zoning ordinance of the City of Pleasantville.

Overall, the benefits of granting the use variance far outweigh any detriment.

The Applicant will supplement this “d” Variance Justification Narrative with additional testimony at the time of the hearing.

List of Waiver Requests and Justification (Amended – June 26, 2020)
Application of Adams Pleasantville LLC
Block 80, Lot 13
18 Devins Lane
Pleasantville, NJ

The applicant, Adams Pleasantville LLC (“Applicant”), is requesting the following waivers:

Site Plan Waiver

The Applicant is seeking a use variance in order to allow a second use on the subject property, that being a baseball training facility. The current use on the property, that of Ken Adams Oil Service, Inc., was previously approved administratively in 1993. A site plan in connection with that administrative approval has been submitted with the Applicant’s application. That site plan, which is the same as that on file with the City of Pleasantville, accurately depicts the existing conditions on the property. The Applicant is not proposing any major site work and seeks to utilize the existing warehouse structure on the property for the baseball training facility use. For these reasons, the Applicant is requesting a waiver from having to provide a new site plan.

Checklist Waivers from Checklist A (General Requirements)

1. Items 2A, 2B and 2D – as a site plan waiver has been requested and a site plan from 1993 has been submitted, these items are not accurately shown on that plan. In addition, some of the items requested are not shown on the 1993 site plan. A waiver is requested from these submission items.
2. Items 5 and 6 – A current tax map and zoning map has not been submitted and a waiver is requested. All property owners within 200 feet will be notified, as is required by law. The 1993 site plan shows the tax map and surrounding properties at that time.
3. Item 8 – A waiver is requested from providing neighborhood characteristic photographs. Several area photographs and photographs of the facility have been provided to provide the Board with familiarity with the property.

Checklist Waivers from Checklist I (“d” Variances)

1. Item 3 – A current survey has not been provided. A waiver is requested as the 1993 site plan accurately depicts the existing conditions on the property.

Checklist Waivers from Checklist J (Certificate of Nonconformity)

1. Item 2 – A current survey has not been provided. A waiver is requested as the 1993 site plan accurately depicts the existing conditions on the property.



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST J.

Certificate of Nonconformity
Pursuant to N.J.S.A. 40:55d-68.

See §300-20, 26 & 27 for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the person completing the Checklist.

APPLICATIONS FOR CERTIFICATE OF NONCONFORMITY

Pursuant to N.J.S.A. 40:55d-68:

any nonconforming use or structure existing at the time of the passage of the Land Management Code may be continued upon the lot or in the structure so occupied and any such structure may be restored or repaired in the event of partial destruction thereof.

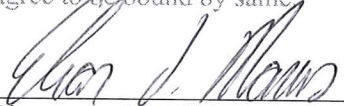
A prospective purchaser, prospective mortgagee or any other person interested in any land upon which a nonconforming use or structure exists may apply in writing for the issuance of a Certificate of Nonconformity, certifying that the use or structure existed before the adoption of the section of the Land Management Code which rendered the use or structure nonconforming.

The Applicant for a Certificate of Nonconformity shall have the burden of proof.

Application for a Certificate of Nonconformity may be made to the Zoning Officer within one (1) year of the adoption of the section of the Land Management Code which rendered the use or structure nonconforming, or at any time to the Zoning Board of Adjustment.

The Pleasantville Land Management Code was adopted on the date indicated under §300-1 therein. Until such time as the Land Management Code is amended, such date shall be the Test Date for any nonconformity. Upon any amendment to the Land Management Code, the date of adoption of an ordinance amending a specific section of the Land Management Code shall become the Test Date for such section.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



Signature of Applicant

6-26-20

Date



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST J. Certificate of Nonconformity Pursuant to N.J.S.A. 40:55d-68.

See §300-20, 26 & 27 for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the person completing the Checklist.

Certificate of Nonconformity is being sought for nonconforming:

() Use

() Building

(X) Both

Explain in detail the present nature of the nonconformity (use additional sheets if necessary):

There exists a one-story, one-bedroom residential structure on
the property. The residential use and location of the residential
structure currently do not conform.

List all submitted evidence supporting the claim of nonconformity (use additional sheets if necessary):

1. Administrative approval letter from Remington & Vernick dated 10-21-93
2. of site plan showing the residential use
3. Site Plan prepared by Robert Bruce and Associates dated 10-8-93 (3 sheets)
4. Deed to subject property dated 8-12-92 to Kenneth and Patricia Adams
5. Deed to subject property dated 1-16-96 to Adams Pleasantville LLC
6. Testimony by Applicant to be supplied at hearing
7. _____
8. _____
9. _____
10. _____

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

[Signature]
Signature of Applicant

6-26-20
Date



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST J.

Certificate of Nonconformity
Pursuant to N.J.S.A. 40:55d-68.

See §300-20, 26 & 27 for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the person completing the Checklist.

X

1. All General Checklist Requirements in such number as indicated in Checklist A.

W

2. Topographical Outbound Survey of the Subject Property, at a scale of not less than 1"=50', prepared by a New Jersey Licensed Land Surveyor. If Survey is dated more than 2 years prior to the date of submission of the Subject Application, an Affidavit of No Change, prepared by a New Jersey Licensed Land Surveyor, certifying that the submitted survey depicts the true existing conditions on the subject property, shall also be required. The Survey shall include the distances between the proposed building(s) and any other buildings on adjacent lots (on both sides and the rear of the Subject Property).

X

3. Lot area expressed both in acreage and square feet, to the nearest tenth of an acre.

X

4. **Test Date** for the portion of the Land Management Code which rendered the use or structure nonconforming. *2008 per Section 300-1*

X

5. **Detailed narrative** supporting the lawful use of the Subject Property or the lawful existence of the nonconforming nature of the structure prior to the Test Date.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

[Signature]
Signature of Applicant

6-26-20
Date

Narrative in support of Certificate of Nonconformity (June 26, 2020)

Application of Adams Pleasantville LLC

Block 80, Lot 13

18 Devins Lane

Pleasantville, NJ

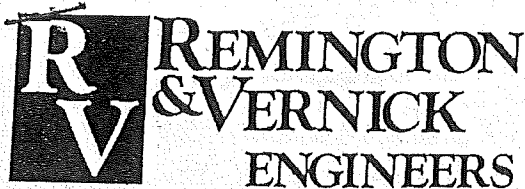
The applicant, Adams Pleasantville LLC ("Applicant"), is the owner of Block 80, Lot 13 on the City of Pleasantville Tax Map, located at 18 Devins Lane. The property is located in the Regional Commercial ("RC") Zoning District and currently serves as the business location of Ken Adams Oil Service, Inc., which delivers heating oil to residential and commercial customers, and has a small, one-story, one-bedroom residential dwelling on it as well. The property contains certain fuel storage tanks, an office for the business, a warehouse type structure for the storing of its trucks and the residential unit.

This current use of the property was approved by the City of Pleasantville administratively in or around October 1993. A review letter from Remington & Vernick Engineers dated October 21, 1993 confirming the administrative approval has been submitted with this application. A site plan, showing the residential use and structure, prepared in connection with the administrative approval by Robert Bruce and Associates, dated October 8, 1993 (3 sheets) has also been submitted with this application. The review letter and site plan submitted are the same as those in the files of the City of Pleasantville.

The RC Zoning District does not permit residential uses so the Applicant, to the extent deemed necessary by the Board, is seeking a Certificate of Nonconformity in order to establish that the residential use existed prior to the zoning change that prohibited such use and has not been abandoned. Preliminary, it is the Applicant's position that a Certificate of Nonconformity is not necessary if the use variance is granted as that would make the residential use allowed regardless. In addition, it is the Applicant's position that a Certificate of Nonconformity is not required since the residential use and structure were clearly shown on the approved 1993 site plan.

To the extent a Certificate of Nonconformity is required, it should clearly be granted. Pursuant to Section 300-1, the test year is 2008. The residential use is a one-story, one bedroom dwelling. The site plan, which is from 1993, shows the residential use existed at least since then. The Deeds submitted show that the Adams family purchased the property in 1992 and it was transferred to the Applicant in 1996. Thus, the Applicant has first hand knowledge of the property since 1992 and will testify that the residential use has always been on the property since that time and has not been abandoned. Accordingly, to the extent deemed necessary by the Board, the Certificate of Nonconformity should be granted.

The Applicant will supplement this Narrative with additional testimony at the time of the hearing.



90 YEARS OF ENGINEERING EXCELLENCE

Reply to:

☐ 232 King's Highway East
Haddonfield, NJ 08033
(609) 795-9595
FAX (609) 795-1882

☐ 9 Allen Street
Toms River, NJ 08753
(908) 286-9220
FAX (908) 505-8416

☐ 95 Grove Street
Haddonfield, NJ 08033
(609) 795-9596
FAX (609) 795-3684

☒ 711 N. Main Street - Suite 5
Pleasantville, NJ 08232
(609) 645-7110
FAX (609) 645-7076

October 21, 1993

City of Pleasantville
Planning Board
18 North 1st Street
Pleasantville, NJ 08232

Attn: Nancy Parsons, Secretary

Re: Site Plan Application
Block 80, Lot 13
Ken Adams Oil Service
Our File #01-19-P-049

Dear Mrs. Parsons & Board Members:

On October 18, 1993, we received a copy of an application and plans prepared by Robert Bruce and Associates dated 10/8/93 for the above referenced project. We have reviewed the plans and based upon our review, we offer the following comments:

A. General:

Ken Adams Oil Service is applying for permission to construct three (3) vertical and one (1) horizontal home fuel storage tanks on property from which they are currently operating a home heating fuel delivery business. They had appeared before the Board at a work session and discussed various location options for the tanks. The Board at that time indicated that they were generally in favor of the proposal. The plans as presented show the location of the tanks as recommended at the work session.

B. Land Use:

The property in question is located in the PID zone and while the lot is non conforming because of frontage and acreage, the primary use on the site as a home fuel oil distribution business is a permitted use. The proposed storage tanks appear to be an accessory use to the primary permitted use on the site as per section 207-34 B(2) of the Pleasantville Land Use Ordinance. Therefore, no expansion of a non conforming use as per 50.55 D-70(d)(2) exists and the Planning Board has jurisdiction.

C. Administrative Review:

Section 207-48 A of the Pleasantville code permits the waiver of formal site plan and an administrative review by the Construction Official and the City Engineer when it qualifies as an exempt development. Based upon a review of the definition of Exempt Development (207-8 especially paragraph (D) under Exempt Development), we feel that this particular application does meet the requirements of an exempt development and therefore is eligible for a waiver of formal site plan review. We have discussed this with the Construction Official, who indicated that he had reached the same conclusion based upon his review of the application.

Utility Specialists, Waste Water Collection and Treatment, Water Supply and Treatment, Storm Water Management, Pumping Stations
Reports, Highways, Planning and Recreation, Inspection, Surveys, Mapping, Structural, Bridges, Mechanical and Electrical Systems

D. Engineering Review:

1. We have reviewed the plans and met with the applicant and his engineer on site. We made the following suggestions:
 - a) That some form of oil and grit separation or filtration be provided for the pipe outlet from the diked area.
 - b) That some form of filtering be provided on the low side of the concrete loading pad so that any water runoff from the pad would not flow directly onto the grass surface.
2. The drainage plan as presented is acceptable with the above listed conditions.
3. To keep construction to a minimum, the applicant proposes to keep the parking lot gravel rather than to pave. We have no problem with this.
4. All other engineering issues are presented satisfactorily.

E. Recommendations:

Subject to agreement by the Construction Official and concurrence by the Board, we recommend that formal site plan approval be waived and that this project proceed under administrative review with the following conditions.

1. That the applicant agree to pay review fees.
2. That the applicant agrees to post a cash bond of \$500.00 to cover the cost of inspections by this office and agrees that should the actual cost of the inspections exceed \$500.00, pay any additional costs.
3. That the applicant obtain all necessary permits from the Construction Official, including any state or county permits.
4. That the plans are approved by the City Fire Sub-Code Official and Fire Chief.

Should you have any questions or require additional information, please do not hesitate to contact Mr. James Gulnac of my staff.

Very truly yours,

REMINGTON & VERNICK ENGINEERS


Edward J. Walberg, P.E., C.M.E.

EJW/gaf

cc: Carl Mell, Construction Official
Norman L. Slotnick, Esq.
Ken Adams Oil
Robert Bruce & Associates
Craig Remington, Vice President
Donald J. Mauer, Jr., P.E., C.M.E.

006995
CONSIDERATION: \$ 30000.00
EQUITY CODE: 1-7-A-L-E
STATE 915.53
COUNTY 348.37
DATE 8/12/92

103--DEED - BARGAIN AND SALE (Covenants as to Grantor's Acts)
IND. TO IND. OR CORP. - Plain Language ADD RVB --2

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One Commerce Drive, Cranford, N.J. 07016

DEED

Prepared by: (Print signor's name below signature)
Anthony M. Bongiovanni
Anthony M. Bongiovanni, Esq.

This Deed is made on August 12, 19 92
BETWEEN WARREN W. STEELMAN and ANNA J. STEELMAN,
husband and wife

whose address is 25 Juniper Drive, Northfield, New Jersey 08225
referred to as the Grantor.

AND KENNETH ADAMS and PATRICIA ADAMS,
husband and wife

whose post office address is 600 West Oakcrest Ave., Linwood, NJ
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
THREE HUNDRED SIXTY EIGHT THOUSAND (\$368,000.00) DOLLARS
The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Municipality of Pleasantville
Block No. 80 Lot No. 13 and 15 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 City of Pleasantville
County of Atlantic and State of New Jersey. The legal description is:

TRACT 1:
BEGINNING at a point marked by an iron bolt in the Southeasterly line of Divens Lane (now 60 feet wide) and being South 51 degrees West, a distance of 403 feet from a point in the center line of Washington Avenue where the same would be intersected by the said Southeasterly line of Divens Lane, if extended, said beginning point being also the Southwesterly corner to lands now or formerly of Samuel B. Brown, et ux, and extending; thence
1) South 51 degrees West, in and along the Southeasterly line of Divens Lane, a distance of 71.55 feet to a point being the Northwestern corner to lands now or formerly of Frank Carty; thence
2) South 39 degrees East, in and along lands now or formerly of Frank Carty and continuing on and binding on lands of Warren W. Steelman, a distance of 150 feet to a point marked by an iron pipe; thence
3) North 51 degrees East, still binding on Warren W. Steelman, a distance of 55 feet to a point marked by an iron pipe; thence
4) South 55 degrees 28 minutes East, still binding on said Steelman's land, a distance of 36.5 feet to a point marked by an iron pipe; thence
5) North 51 degrees East, still by same, a distance of 71.4 feet to a point marked by an iron pipe in the Southwesterly line of lands of the City of Pleasantville; thence
6) North 39 degrees West, binding on said lands of the City of Pleasantville, a distance of 49.57 feet to a point in the Southeasterly line of lands now or formerly of Samuel B. Brown, et ux; thence
7) South 51 degrees West, binding on lands now or formerly of said Brown, et ux, a distance of 34.33 feet to a point marked by a stake; thence

DB5397P298

8) North 39 degrees West, still binding on same, a distance of 31 feet to a point marked by a stake; thence

9) North 55 degrees 28 minutes West, still binding on same, a distance of 108.90 feet to the point and place of beginning.

SUBJECT to such rights as others may have in a certain 15 feet wide ingress and egress right-of-way easement across above described parcel, adjoining the second course thereon on the Northeast and extending from the Southeasterly line of Divens Lane Southeastwardly for a distance of 150 feet to the line of lands of Warren W. Steelman.

TRACT 2:

BEGINNING at a point marked by an iron pipe in the Northeasterly line of land of the Vineland Transit Mix Concrete Company, Inc., said point being South 39 degrees East a distance of 100 feet from a point marked by an iron bolt set in the Southeasterly line of Divens Lane (now 60 feet wide) and marking a corner common to land of said Vineland Transit Mix Concrete Company, Inc., and lands of Frank Carty, the said beginning corner being also the Southwesterly corner to lands of Frank Carty and extending thence

1) North 51 degrees East, binding on lands of Frank Carty, a distance of 50 feet to a point marked by an iron pipe in the line of reserved lands of the present grantor; thence

2) South 39 degrees East, binding on reserved lands of said present grantor, a distance of 50 feet to a point marked by an iron pipe; thence

3) North 51 degrees East, still binding on same, a distance of 55 feet to a point marked by an iron pipe; thence

4) South 55 degrees 28 minutes East, still binding on same, a distance of 36.5 feet to point marked by an iron pipe; thence

5) North 51 degrees East, still binding on same, a distance of 71.4 feet to a point marked by an iron pipe in the Southwesterly line of lands of the City of Pleasantville; thence

6) South 39 degrees East, binding on lands of the City of Pleasantville and passing over an iron pipe set 3 feet Northwestwardly from the end of this course, a total distance of 204.64 feet to a point in the line of lands of the Vineland Transit Mix Concrete Company, Inc., marked by a chain-link galvanized wire fence; thence

7) South 58 degrees 40 minutes West, binding on said Vineland Transit Mix Concrete Company's land and in and along said chain-link fence, a distance of 188.43 feet to a point marked by a P-K nail and a corner to other lands of the Vineland Transit Concrete Company, Inc.; thence

8) North 39 degrees West, binding on lands of said company and passing over an iron pipe set 3 feet Northwestwardly from the beginning of this course, a total distance of 264.5 feet to the point and place of beginning.

TOGETHER with rights to a certain right-of-way easement described as follows:

BEGINNING at a point in the Southeasterly line of Divens Lane (now 60 feet wide), said point being 50 feet Northeastwardly from the Northeasterly corner to lands of the Vineland Transit Mix Concrete Company, Inc., being also a corner common to lands of Frank Carty and lands of the present grantor herein and extending thence.

1) South 39 degrees East, in and along the Southwesterly line of reserved lands of said grantor herein, a distance of 150 feet to an iron pipe corner; thence

2) North 51 degrees East, parallel with Divens Lane and still binding on reserved lands of the grantor herein, a distance of 15 feet to a point; thence

DB5397P299

3) North 39 degrees West, parallel with the first course and through and across reserved lands of the said grantor, a distance of 150 feet to a point in the Southeasterly line of Divens Lane; thence

4) South 51 degrees West, in and along said line of Divens Lane, a distance of 15 feet to the point and place of beginning.

THE above describes a certain 15 feet wide right-of-way easement adjoining the Southwesterly line of lands of the grantor herein and extending through and across his reserved lands from the third course of the hereinbefore described 0.969 acre parcel of land to the Southeasterly line of Divens Lane for the purpose of ingress and egress therefrom and thereto.

ALL as shown by a map of survey made by Charles F. Scheids, Licensed Land Surveyor, dated November 9, 1968.

BEING Lots 13 and 15, in Block 80, City of Pleasantville, New Jersey Tax Maps.

BEING the same lands and premises conveyed to Warren W. Steelman and Anna J. Steelman, husband and wife, by Deed from Florence A. Wertz, widow, dated February 2, 1979, recorded February 5, 1979, in deed book 3315, page 18. (As to Tract 1)

- and to -

Warren W. Steelman and Anna Jean Steelman, his wife, by Deed from Wilbur Adams, widower, dated January 10, 1969, recorded January 31, 1969 in deed book 2461 page 20. (As to Tract 2).

Subject to the rights, restrictions and easements of record.

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 by:

Anthony M. Pappalardo

Warren W. Steelman (Seal)
Warren W. Steelman

Anna J. Steelman (Seal)
Anna J. Steelman

STATE OF NEW JERSEY, COUNTY OF ATLANTIC

SS.:

I CERTIFY that on August 12, 1992

Warren W. Steelman and Anna J. Steelman

personally came before me

and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this Deed;
- (b) signed, sealed and delivered this Deed as his or her act and deed; and
- (c) made this Deed for \$368,000.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

Anthony M. Pappalardo
(Print name and title below signature)
Attorney-at-Law
State of New Jersey

DB5397P300

RECEIVED
ATLANTIC COUNTY
92 AUG 19 AM 11:21
John Henry

DEED

Warren W. Steelman and
Anna J. Steelman

Grantor,

Kenneth Adams and
Patricia Adams

Grantee.

Dated: August 12, 1992

Record and return to:

COOPER ABSTRACT COMPANY
P O Box 5459
Suite 6-401 Cooper Landing Road
Cherry Hill, NJ 08002

In compliance with statute I have presented
an abstract of the within to all assessors of
the taxing district therein mentioned.

LORI MOONEY, Clerk

DB5397P301

DEED

0001911

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

Raymond G. Console
Raymond G. Console, Esq.

This Deed is made on January 16, 1996

BETWEEN KENNETH ADAMS and PATRICIA ADAMS,
husband and wife

whose address is 600 West Oakcrest Avenue, Linwood, NJ 08221

referred to as the Grantor,

AND ADAMS PLEASANTVILLE, L.L.C., a
New Jersey limited liability company

whose post office address is 15 Devins Lane, Pleasantville, NJ 08232

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 Ten Dollars (\$10.00)

The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Municipality of Pleasantville
Block No. 80 Lot No. 13 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 City of Pleasantville and State of New Jersey. The legal description is:

BEGINNING at a point marked by an iron pipe in the Northeastly line of land of the Vineland Transit Mix Concrete Company, Inc., said point being South 39 degrees East a distance of 100 feet from a point marked by an iron bolt set in the Southeastly line of Devins Lane (now 60 feet wide) and marking a corner common to land of said Vineland Transit Mix Concrete Company, Inc., and lands of Frank Carty, the said beginning corner being also the Southwestly corner to lands of Frank Carty and extending thence

- 1) North 51 degrees East, binding on lands of Frank Carty, a distance of 50 feet to a point marked by an iron pipe in the line of reserved lands of a former grantor; thence
- 2) South 39 degrees East, binding on reserved lands of said former grantor, a distance of 50 feet to a point marked by an iron pipe; thence
- 3) North 51 degrees East, still binding on same, a distance of 55 feet to a point marked by an iron pipe; thence
- 4) South 55 degrees 28 minutes East, still binding on same, a distance of 36.5 feet to a point marked by an iron pipe; thence
- 5) North 51 degrees East, still binding on same, a distance of 71.4 feet to a point marked by an iron pipe in the Southwestly line of lands of the City of Pleasantville; thence
- 6) South 39 degrees East, binding on lands of the City of Pleasantville and passing over an iron pipe set 3 feet Northwestwardly from the end of this course, a total distance of 204.64 feet to a point in the line of lands of the Vineland Transit Mix Concrete Company, Inc., marked by a chain-link galvanized wire fence; thence
- 7) South 58 degrees 40 minutes West, binding on said Vineland Transit Mix Concrete Company's land and along said chain-link fence, a distance of 188.43 feet to a point marked by a P-K nail and a corner to other lands of the Vineland Transit Concrete Company, Inc.; thence
- 8) North degrees West, binding on lands of said company and passing over an iron pipe set 3 feet Northwestwardly from the beginning of this course, a total distance of 264.5 feet to the point and place of beginning.

TOGETHER with rights to a certain right-of-way easement described as follows:

BEGINNING at a point in the Southeastly line of Devins Lane (now 60 feet wide), said point being 50 feet Northeastwardly from the Northeastly corner to lands of the Vineland Transit Mix Concrete Company, Inc., being also a corner to lands of Frank Carty and lands of a former grantor and extending thence.

DB5916P140

- 1) South 39 degrees East, in and along the Southwesterly line of reserved lands of a former grantor, a distance of 150 feet to an iron pipe corner; thence
- 2) North 51 degrees East, parallel with Devins Lane and still binding on reserved lands of a former grantor, a distance of 15 feet to a point; thence
- 3) North 39 degrees West, parallel with the first course and through and across reserved lands of a former grantor, a distance of 150 feet to a point in the Southeasterly line of Devins Lane; thence
- 4) South 51 degrees West, in and along said line of Devins Lane, a distance of 15 feet to a point and place of beginning.

THE above describes a certain 15 feet wide right-of-way easement adjoining the Southwesterly line of lands of a former grantor and extending through and across his reserved lands from the third course of the hereinbefore described 0.969 acre parcel of land to the Southeasterly line of Devins Lane for the purpose of ingress and egress therefrom and thereto.

ALL as shown by a map of survey made by Charles F. Scheids, Licenced Land Surveyor, dated November 9, 1968.

BEING THE SAME LANDS AND PREMISES acquired by Grantor by Deed from Warren W. Steelman and Anna J. Steelman, husband and wife, dated August 12, 1982, recorded August 19, 1992 in Deed Book 5397, Page 298.

DB5916P141

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 by:

Raymond D. Conrad

Kenneth Adams

(Seal)

Patricia Adams

PATRICIA ADAMS

(Seal)

STATE OF NEW JERSEY, COUNTY OF ATLANTIC

SS.:

I CERTIFY that on January 19 96
Kenneth Adams and Patricia Adams

and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person): personally came before me

- (a) is named in and personally signed this Deed;
- (b) signed, sealed and delivered this Deed as his or her act and deed; and
- (c) made this Deed for \$ 10.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

Robin C. Bowie
(Print name and title below signature)

ROBIN C. BOWIE
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires June 10, 1997

DB5916P142



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

FORM 9: CERTIFICATION OF PAYMENT OF TAXES

Date: 5-20-2020

Applicant's Name: Adams Pleasantville LLC

Subject Property

Address: 18 Devins Lane

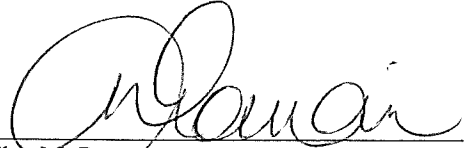
Block: 80 Lot(s): 13

Qualification Code(s):

TO BE COMPLETED BY THE PLEASANTVILLE TAX COLLECTOR

Taxes are paid and current through and including:	1Q	<u>(2Q)</u>	3Q	4Q	20 <u>20</u>
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The following taxes are unpaid and delinquent: \$ 0 with interest
calculated until: N/A, 201 .


Flor M. Roman
Pleasantville Tax Collector

NO APPLICATION FOR LAND USE APPROVAL SHALL BE DEEMED COMPLETE WHERE
TAXES ARE DUE



City of Pleasantville
Pleasantville, N. J. 08232

Office of: Assessor

5/24/2020

609-484-3600
Fax 609-641-8642

200 Foot List Request

Property requested Block/Lot(s) 80/13

Property Address 18 DEVINS LANE

Owner ADAMS PLEASANTVILLE LLC

Requested by ELIAS T. MANISO ESQ

Phone # (609) 335-1823 ext.

Address 2408 NOW ROAD
NORTHFIELD, NJ 08225

Date needed / /

Pick Up Mail

The fee for a 200 foot list is \$10.00, payable in advance. If there are over 40 names, an additional fee of \$.25/name will be charged (as per NJSA 40:05D-12c).

(For Assessor's use only)

Fee Pd X Date 5/20/2020

Completed X Date 5/27/2020

Pick Up Mail X

Total names 92 Additional fee \$

Additional Fee Pd Date / /



Wesley Briscoe, Jr. CTA
Assessor
taxassessor@pleasantvillenj.us
Phone 609.484.3634
Fax 609.641.8642

Subject Property 18 DEVILS LANE
Block/Lot 80/13
Owner ADAMS PLEASANTVILLE LLC

In accordance with NJSA 40:55D-12c the attached list of property owners must be notified. In addition to the listed property owners the list of public utilities and government entities below must also be notified. Only the owners marked with an "X" are to be notified.

<input checked="" type="checkbox"/>	South Jersey Gas Co. 1 South Jersey Plaza, Folsom NJ 08037	Gas
<input checked="" type="checkbox"/>	Atlantic City Electric Co, Real Estate 5100 Harding Hwy #339, Mays Landing, NJ 08330-9902	Electric
<input checked="" type="checkbox"/>	Comcast Cable 901 W Leeds Ave, Absecon, NJ 08201	Cable
<input checked="" type="checkbox"/>	Verizon—NJ 540 Broad St., Newark, NJ 07102	Telephone
<input checked="" type="checkbox"/>	New Jersey Transit 1 Penn Plaza East, Newark, NJ 07105	Public Transit
<input type="checkbox"/>	New Jersey DOT Rte 70 & NJ Tpk, Cherry Hill, NJ 08034	
<input checked="" type="checkbox"/>	Atlantic County Engineering Dept. P O Box 719, Northfield, NJ 08225	
<input type="checkbox"/>	Commissioner, NJ DEP P O Box 412, Trenton, NJ 08625-0412	Lakes Bay and/or Tunnis Basin
<input checked="" type="checkbox"/>	City of Pleasantville, Davinna King-Ali, City Clerk 18 N First St, Pleasantville, NJ 08232	
<input type="checkbox"/>	Northfield City Clerk 1600 Shore Rd., Northfield NJ 08225	City of Northfield
<input type="checkbox"/>	Egg Harbor Twp. Clerk 3515 Bargintown Rd., Egg Harbor Twp., NJ 08234	Egg Harbor Township
<input type="checkbox"/>	Absecon City Clerk 500 Mill Rd., Absecon, NJ 08201	City of Absecon

Wesley W. Briscoe Jr. CTA 5/27/20
Wesley W. Briscoe Jr. CTA, Assessor

Properties Near Mun 0119 Block 80 Lot 13 In PLEASANTVILLE CITY

Property	Location	Class	Owner
00046 00001	600-800 W BLACK HORSE 2 200000 SF	4A	APPLE FARM LLC & LEJO CORP 3003 ENGLISH CREEK D-13A EHT, NJ 08234
00080 00003	923 W WASHINGTON AVE	15D	APOSTOLIC TABERNACLE 923 W WASHINGTON AVE PLEASANTVILLE, NJ 08232
00080 00004	907 W WASHINGTON AVE	2	BOYER, JOSETTE 907 W WASHINGTON AVE PLEASANTVILLE, NJ 08232
00080 00005	803 DOUGHTY RD 10	4B	CLAYTON'S MASONRY UNIT LLC PO BOX 3015 LAKEWOOD, NJ 08701
00080 00013	18 DEVINS LANE	4B	ADAMS PLEASANTVILLE LLC 18 DEVINS LANE PLEASANTVILLE, NJ 08232
00080 00015	16 DEVINS LANE	2	ADAMS, KENNETH & PATRICIA 18 DEVINS LANE PLEASANTVILLE, NJ 08232
00080 00016	12 DEVINS LANE	1	ADAMS PLEASANTVILLE LLC 18 DEVINS LANE PLEASANTVILLE, NJ 08232
00080 00020	901 W WASHINGTON AVE	1	STILL, GILBERT 93 S SPRING RD VINELAND, NJ 08360
00080 00021	20 DEVINS LANE	2	ADAMS, KENNETH W & PATRICIA A 18 DEVINS LANE PLEASANTVILLE, NJ 08232
00432 00001	11 DEVINS LANE	4B	RGC3 LLC 6626 DELILAH RD EHT, NJ 08234
00700 00002	DOUGHTY RD TO DEVINS LANE	5A	JP RAIL INC 212 SPRING RD HAMMONTON, NJ 08037

Properties Near Mun 0119 Block 80 Lot 13 In PLEASANTVILLE CITY

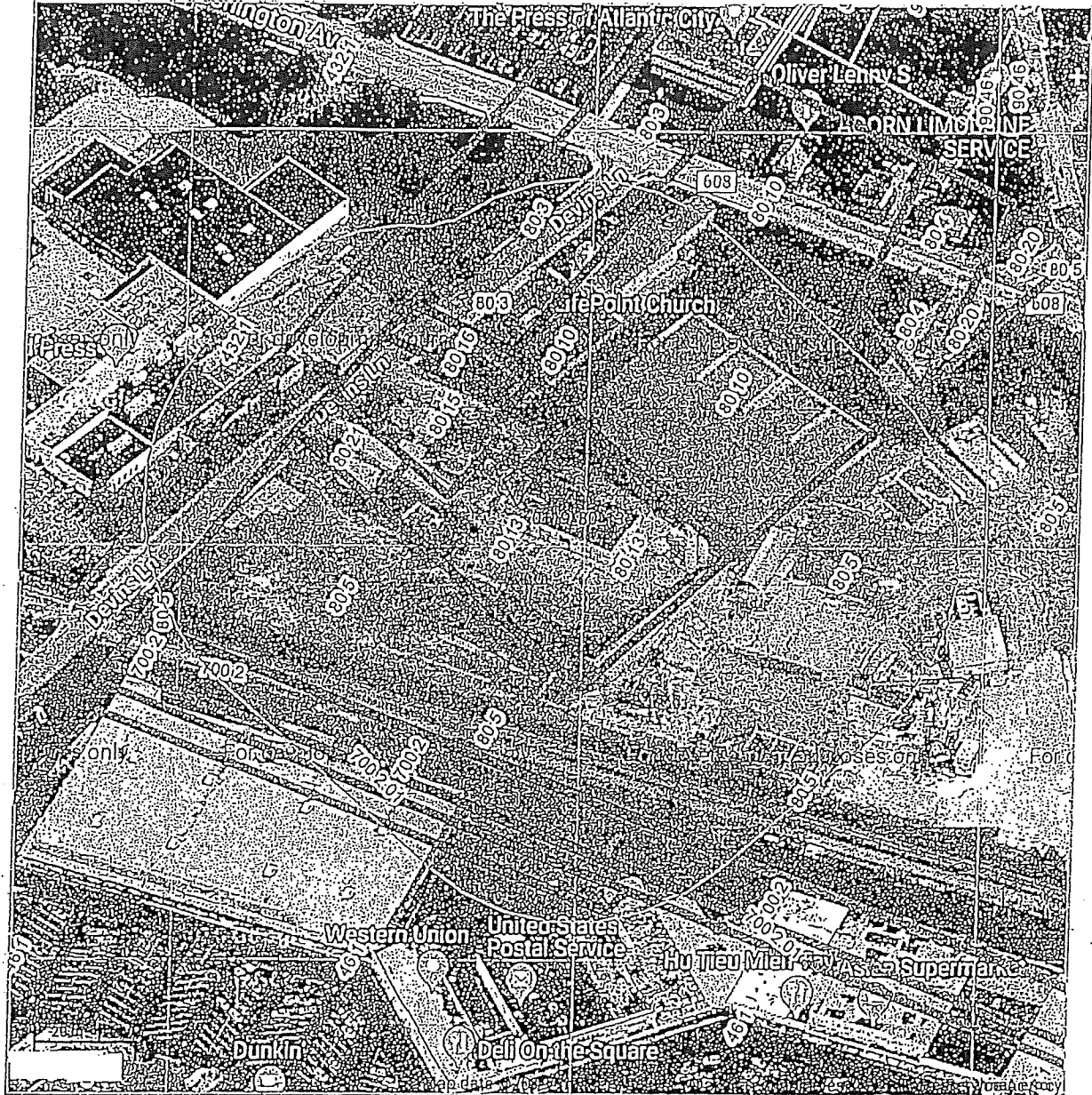
00700
00002 01

DEVINS LANE TO
DOUGHTY RD

15C

CITY OF PLEASANTVILLE
CITY HALL
PLEASANTVILLE, NJ 08232

Map Of Properties Near Mun 0119 Block 80 Lot 13



Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

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

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. ADAMS Pleasantville LLC	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ► _____	
4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small>	
5 Address (number, street, and apt. or suite no.) See instructions. 18 WEVINS LANE	Requester's name and address (optional)
6 City, state, and ZIP code Pleasantville, NJ 08232	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number	
or	
Employer identification number	
22	3418456

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ► 	Date ► 5-19-20
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General Instructions

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

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.