



BOROUGH OF METUCHEN

MIDDLESEX COUNTY

Tel. (732) 632-8540 • Fax (732) 632-8100 • 500 Main Street • Metuchen, N.J. 08840

APPLICATION FOR DEVELOPMENT

Control Information (Office Use Only)

Application Number	Applicant Name	Date Received	Date Deemed Complete

1. Application

A. Location

Street Address 70 Leonard Street
 Block 48.01 Lot 2.01 Zone LI
 Situated on easterly side of Leonard Street
 distant _____ feet from _____

B. The Site is Located:

- Within 200' of Edison Township Adjacent to County Road Adjacent to State Highway

C. Status:

- New Revision or Resubmission of Prior Application No. Amend App. No. 05-691

D. Type (Check all that Apply):

- Concept Preliminary Final Conditional Use Approval
 Minor Site Plan Major Site Plan Minor Subdivision Major Subdivision
 (a) – Appeal (b) – Interpretation (c) – Variance (Bulk) (d) – Variance (Use)
 Request for Waiver of Submission Requirements Other waiver of condition of approval in App. 05-691

E. Nature of Relief or Variance Request (List Ordinance Reference Sections)

See narrative of proposal attached.

F. Date and Disposition of any previous Board Hearings involving this Site

Application 05-691 (6/8/06) and Application 05-691 (1/17/07)

G. Plat Submission (List maps and other exhibits accompanying this application)

Survey by DPK Consulting dated 2/22/21, Exhibits 1, 2 and 3 by DPK Consulting dated 2/22/21 and Minor Subdivision Plan by DPK dated 7/30/21.

2. Applicant Information

A. Applicant

First Name BKM Leonard St., LLC Phone _____
Last Name _____ Phone _____
Street Address 70 Leonard Street Fax _____
City / State Metuchen, NJ Zip 08840 Email dsc7778@gmail.com

B. Applicant is a/an:

Individual Partnership Corporation Other NJ LLC

C. Applicant's Relationship to Owner:

Owner Lessee Purchaser Under Contract Other _____

D. Owner (If other than Applicant; requires Owner's Consent on Page 6)

First Name Tree Top Partners Phone _____
Last Name _____ Phone _____
Street Address 60 Leonard Street Fax _____
City / State Metuchen, NJ Zip _____ Email _____

3. Applicant's Experts

A. Attorney (Required if Applicant is a Corporation; must be a licensed in the State of New Jersey)

Name Richard Mongelli, Esq. Phone _____
Street Address 441 Main Street Fax _____
City / State Metuchen, NJ Zip 08840 Email rich@mongellilaw.com

B. Engineer

Name _____ Phone _____
Street Address _____ Fax _____
City / State _____ Zip _____ Email _____

C. Architect

Name _____ Phone _____
Street Address _____ Fax _____
City / State _____ Zip _____ Email _____

D. Other Professional Consultants

Name DPK Consulting Phone _____
Street Address 220 Old New Brunswick Rd. Ste 201 Fax _____
City / State Piscataway, NJ Zip 08854 Email jheiser@dpkconsulting.net

SEE SCHEDULE "A" ATTACHED HERETO

5. Request for Bulk Variance

A. Bulk Regulations

	District Requirements	Present	Proposed	Variance
Min. Lot Area	_____	_____	_____	<input type="checkbox"/>
Min. Lot Width	_____	_____	_____	<input type="checkbox"/>
Min. Lot Depth (Average)	_____	_____	_____	<input type="checkbox"/>
Min. Front Yard Setback	_____	_____	_____	<input type="checkbox"/>
Min. Side Yard Setback (Left)	_____	_____	_____	<input type="checkbox"/>
Min. Side Yard Setback (Right)	_____	_____	_____	<input type="checkbox"/>
Min. Side Yard Setback (Combined)	_____	_____	_____	<input type="checkbox"/>
Min. Rear Yard Setback	_____	_____	_____	<input type="checkbox"/>
Max. Building Coverage	_____	_____	_____	<input type="checkbox"/>
Max. Impervious Coverage	_____	_____	_____	<input type="checkbox"/>
Max. Height	_____	_____	_____	<input type="checkbox"/>

B. Describe below the nature of the constraints imposed by the physical characteristics of the property.

_____ testimony to be provided at hearing

C. Describe below any other exceptional conditions of the property that prevent the applicant from complying with the Zoning Ordinance.

_____ testimony to be provided at hearing

D. Describe below how not granting this variance request would impose difficulties or undue hardship upon you.

_____ testimony to be provided at hearing

E. Describe below how the granting of the variance request will not result in substantial detriment to the public good nor substantially impair the intent and purpose of the Zone Plan and the Zoning Ordinance.

_____ testimony to be provided at hearing

SCHEDULE "A"

ZONE : LIGHT INDUSTRIAL-LI

<u>MINIMUMS:</u>	<u>REQUIRED:</u>
LOT AREA	44,000 S.F.
LOT WIDTH	200 FT.
LOT DEPTH	200 FT.
PRINCIPAL BUILDING	
FRONT SETBACK	40 FT.
REAR SETBACK	50 FT.
SIDE SETBACK (EACH)	20 FT.
SIDE SETBACK (COMBINED)	40 FT.

<u>NEW LOT A</u>	<u>NEW LOT B</u>
301,377 S.F.	37,072 S.F. * **
642.1 FT.	52.1 FT. **
494.4 FT.	239.1 FT.
44.4 FT. *	N/A
65.1 FT.	N/A
15.0 FT. *	N/A
90.00 FT.	N/A
105.0 FT.	N/A

MAXIMUMS:

BUILDING HEIGHT 3 STORIES

1 STORY

N/A

- * EXISTING NON-CONFORMITY
- ** VARIANCE REQUIRED

6. Request for Conditional Use Approval / Use Variance

A. Describe below the specifics of the request.

n/a

B. Describe below the special reasons which exist that support the granting of the request.

n/a

C. Describe below how the public interest will be served by the granting of the request.

n/a

D. Describe below what circumstances exist or what measures will be taken to ensure that, if the request is granted, the surrounding property owners will experience no adverse impact or undue burden.

n/a

E. Describe below how the granting of the request will not result in substantial detriment to the public good nor substantially impair the intent and purpose of the Zone Plan and the Zoning Ordinance.

n/a

7. Correspondence

A. Person to be contacted in regard to all matters pertaining to this Application (if other than Applicant)

First Name Richard Mongelli, Esq. Phone 732-261-0884
Last Name _____ Phone _____
Street Address 441 Main Street Fax _____
City / State Metuchen NJ Zip 08840 Email rich@mongellilaw.com

8. Verification and Authorization

I, THE UNDERSIGNED, HEREBY MAKE APPLICATION FOR AN APPLICATION FOR DEVELOPMENT ONLY FOR THE LOCATION AND THE WORK DESCRIBED HEREIN AND CERTIFY TO THE ACCURACY OF THAT INFORMATION. I ACKNOWLEDGE THAT IT IS MY RESPONSIBILITY TO BE AWARE OF AND COMPLY WITH ALL ZONING REQUIREMENTS OF THE BOROUGH OF METUCHEN RELATING TO THIS APPLICATION. I UNDERSTAND THAT FAILURE TO PROVIDE ACCURATE INFORMATION OR TO COMPLY WITH ANY PROVISIONS OF THE APPLICATION RENDERS IT NULL AND VOID AND MAY RESULT IN AN ENFORCEMENT ACTION.

CONSTRUCTION OF IMPROVEMENTS WILL NOT BE COMMENCED AT THE ABOVE LOCATION UNTIL THE APPLICANT/OWNER IS IN COMPLIANCE WITH ALL APPLICABLE REGULATIONS REGARDING ZONING AND PROPERTY MAINTENANCE AS DEFINED BY THE CODE OF THE BOROUGH OF METUCHEN. THIS APPLICATION AND ASSOCIATED APPROVALS DO NOT WAIVE ANY OTHER RESTRICTIONS OR REGULATIONS IMPOSED PRIVATELY OR BY LAW.

A. Applicant's Verification

I HEREBY CERTIFY THE STATEMENTS CONTAINED IN THIS APPLICATION ARE TRUE.

Name Michael Defalco Date 8/12/21
Signature *Mike Defalco*

B. Owner's Authorization

I HEREBY CERTIFY THAT I AM THE OWNER OF RECORD OF THE PROPERTY DESCRIBED HEREON AND THAT I CONCUR WITH THE DOCUMENTS PRESENTED TO THE PLANNING BOARD / ZONING BOARD OF ADJUSTMENT. I HEREBY AUTHORIZE THE APPLICANT TO SUBMIT THIS APPLICATION FOR DEVELOPMENT.

Name Joseph Torrisi Date 8/12/2021
Signature *Joseph Torrisi*
Telephone & Fax Number: _____

NARRATIVE OF PROPOSAL

This is an application by BKM Leonard Street, LLC, owner of 70 Leonard Street, Block 48.10, Lot 2.11, in the LI Zone, to amend a condition of approval mandated by the ZBA in 2006, Application No. 05-691 (the "Application") and to approve a minor subdivision of Lot 2.012, Block 48.01. The business on the property known as 70 Leonard Street is Defalco's.

The Application in 2006 was made by DCR Landscaping and Construction, Inc. to permit a minor subdivision of Block 48.04, Lot 2.01, a vacant two-plus acre lot which was owned by Tree Top Partners. Once approved, DCR would purchase one of the two lots created to construct an office/garage/storage building together with storage areas, driveway and parking lot. In the Application, this lot was referred to as "proposed tract two". The remaining lands, of approximately 1.31 acres, referred to as "proposed tract one", would remain with Tree Top Partners.

One condition of approval in the resolution of approval of the Application was that "proposed tract one" would be merged into Block 48.1, Lot 64, then and currently owned by P and C Warehouse and Distribution, Inc. The owners of P and C Warehouse are the same owners of Tree Top Partners. The reason for the condition of approval requiring the merger of the lands remaining was to prevent a vacant lot that was "landlocked." Although the recorded subdivision deed recited the merger of the lands remaining into Block 48.1, Lot 64, a subsequent deed of merger was never filed. The subject vacant lot, Block 48.1, Lot 2.012, remains a separate lot on the Borough tax map.

Following approval of the Application, DCR constructed the approved building and subsequently sold the land and building to BKM Leonard St. LLC in or about 2014. BKM obtained a zoning permit in 2014 to operate Defalco's. In or about 2018, BKM had discussions with Tree Top to purchase the vacant lot that was created by the subdivision in 2006. It was applicant's intention to file for a minor subdivision of this lot due to the merger, but our title search revealed that the subject lot was still a separate parcel.

BKM Leonard Street and Tree Top Partners have entered into an agreement, subject to this Board's approval, which would provide for the subdivision of Block 48.1, Lot 2.012 into two lots, with one lot going to BKM and the other lot going to P and C Warehouse. The lot for P and C would allow P and C to have access to its warehouse and additional parking. The lot going to BKM would be used by them for future expansion of its business.

Applicant is asking the Board to amend its 2006 approval to remove the requirement that Block 48.1, Lot 2.12 be merged with and into Block 48.1, Lot 64. If the Board removes this

condition, Applicant requests that the Board approve the proposed minor subdivision of Block 48.1, Lot 2.12. Proposed "Lot B", as shown on the Minor Subdivision Plan, would then be acquired by Applicant, and the lands remaining would be merged with and into Block 48.1, Lot 64, owned by P and C Warehouse and Distribution, Inc. This would resolve the Board's initial concerns of having a vacant lot that was "landlocked."