

STARK & STARK

ATTORNEYS AT LAW

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June 9, 2023

Hand Delivery

Katie Ronollo, Land Use Administrator
Borough of Pennington
30 North Main Street
Pennington, New Jersey 08534

**Re: The Pennington School – Preliminary and Final Amended Site Plan Approval
Block 701, Lot 4; Block 502, Lot 4; Block 206, Lot 10; and Block 205, Lot 1**

Dear Katie:

Enclosed is one (1) digital copy and six (6) hard copies of the Application, Checklist, Stormwater Management Report, Traffic Impact Assessment and Plans. Also enclosed is one (1) copy of the Escrow Agreement, W-9, Proof of Payment of Taxes Request, and Consent to Entry for a completeness review regarding the above referenced matter. A check in the amount of \$300 for the application fee will be hand delivered under separate cover by The Pennington School.

The plan is set to be heard by Historic Commission on June 20th. The applicant wishes to get heard on the July agenda of the Planning Board. If any additional information is needed to get heard in July, please let me know as soon as possible.

If you have any questions, please contact me.

Very truly yours,

STARK & STARK
A Professional Corporation

By: Eric S. Goldberg
ERIC S. GOLDBERG

ESG/bmc
Enclosure

App# _____

Date Received _____

PENNINGTON BOROUGH

30 North Main Street
Pennington, NJ 08534

PLANNING & ZONING BOARD APPLICATION

To be completed by all applicants

Date: <u>6/8/23</u>	Block: 701	Lot: 4*
Address:		Zone:
Property Owner Name: The Pennington School		
Property Owner Address: 112 West Delaware Avenue, Pennington, NJ 08534		
Property Owner Phone # and Email: 609-737-6120 kkf@zubatkin.com		
<i>I have reviewed this application and supporting documentation and consent to the filing if the same with the Pennington Borough Planning/Zoning Board.</i>		
Property Owner Signature: <u>Brenda R. Cole</u>		
Applicant Name: The Pennington School		
Applicant Address: 112 West Delaware Avenue, Pennington, NJ 08534		
Applicant Phone Number & Email: 609-737-6120 kkf@zubatkin.com		
Contact or Agent's Name (primary point of contact for application) Eric S. Goldberg, Esquire		
Contact or Agent's Address: Stark & Stark, 100 American Metro Blvd., Hamilton, NJ 08619		
Contact or Agent's Phone Number & Email: 609-791-7013; egoldberg@stark-stark.com		
<i>I do hereby consent to the filing of this application and appoint <u>Eric S. Goldberg, Esquire</u> to perform all duties as may be required to present this application before the Pennington Borough Planning/Zoning Board. I do further acknowledge my agent will be the sole recipient of all documentation (reports, agendas, etc.) produced by Pennington Borough with regard to this application.</i>		
Applicant's Signature: <u>Brenda R. Cole</u>		
<i>I do hereby accept the responsibilities as agent for this application.</i>		
Contact or Agent's signature: <u>Eric S. Goldberg/Es</u>		
Name of Preparer of Plans: James Bash, PE, Van Cleef Engineering		
Preparer Address: 4 AAA Drive, Suite 103, Hamilton, NJ 08691		
Preparer Phone Number & Email: 609-689-1100 jbash@vancleefengineering.com		
Architect's Name:		
Architect's Address:		
Architect's Phone Number & Email:		
Attorney's Name Eric S. Goldberg, Esquire, Stark & Stark		
Attorney's Address: 100 American Metro Boulevard, Hamilton, NJ 08619		
Attorney's Phone Number & Email: 609-791-7013 egoldberg@stark-stark.com		

*Block 502, Lot 4; Block 206, Lot 10 and Block 205, Lot 1

Application Type-Check all that apply:

- Appeal of Zoning Officer Decision
- Request for Interpretation of Zoning Ordinance
- Sketch Site Plan Review (see Sketch Site Plan form and Borough Code 169.9 for details)
- Technical Review with Professionals
- Resubmittal Due to Incompleteness
- Extension of Time
- Conditional Use Permit
- Variance –Bulk or “C”
- Variance-Use or other “D” (please specify) _____
- General Development Plan
- Major Sub-Division
- Minor Sub-Division
- Preliminary Site Plan
- Site Plan Amendment
- Site Plan Waiver
- Final Site Plan
- Other (specify) _____

Has there been a prior application to the Planning and Zoning Board regarding this property? YES or NO If yes, please indicate date, nature and disposition of application. Yes, multiple times _____

Please provide a description of the current project or the reason for an appeal. Attach additional sheets if necessary.

See Rider

Provide a description of any requested variances. Attach additional sheets if necessary.

Ordinance Section Cited	Description of variance requested with justification for request
	N/A - See Rider

General Building/Project Information Zone: E-1

	Existing	Proposed	Allowed in Zone*
Lot Size	29.282 acres	29.282 acres	10 acres
Lot Width	809'	809'	100'
Lot Length			N/A
Building Height	3 story	3 story	3 story
Front Setback	7.5'	7.5'	50'
Rear Setback	136.5'	136.5'	50'
Distance from: Right property line Left property line	35'	35'	20'
% of lot coverage	26.09	29.52	30
Height side yard ratio			N/A
Floor area ratio			N/A
Gross floor area			N/A

*Refer to Pennington Code, Section 215, Attachment 2, "Schedule of Area, Yard and Building Regulations" or Attachment 3, "Schedule of Area and Bulk Regulations for MU-3 Mixed Use Zone."

ALSO COMPLETE AND SUBMIT THE APPLICATION CHECKLIST AND ALL SUPPORTING DOCUMENTS

Rider for The Pennington School Application

This is the Rider to the application for The Pennington School (the "Applicant"). The subject property consists of multiple parcels and is known as Block 701, Lot 4; Block 502, Lot 4; Block 206, Lot 10; and Block 205, Lot 1, with a street address of 112 West Delaware Ave (the "Property").

The Applicant is seeking preliminary and final amended site plan approval. The Applicant is seeking preliminary approval for the buildings that are part of this application and preliminary and final approval for the various site improvements to the Property. The Applicant has been before this Board numerous times over the years for the Property, and is looking to make improvements which include some of the following:

1. Building a gymnasium that will be two stories and has a footprint of approximately 20,016 sq. ft. The gymnasium was previously approved as part of the site plan approval from 2008.
2. Pavement, sidewalks, crosswalks and drop off areas designed to improve the safety and functionality of vehicular and pedestrian traffic.
3. Outdoor class space and seating.
4. Signage.

As the Board probably recalls, the Applicant was before the Board with a prior iteration of this site plan. After receiving feedback, the Applicant has revised the proposed layout. As part of the application, it is submitting a revised traffic report corresponding to the changes made in the site plan.

To the extent a design waiver is needed, one is requested from the requirement of providing architectural drawings for the gym building and they will be provided at the time of final approval. This particular building was approved by this Board as part of the 2008 site plan approval. Additionally, it will not be visible from any public right-of-way and will be architecturally compatible with the existing buildings.

The Applicant believes the plan does not require any use or bulk variances. It should be noted that there is a pre-existing nonconformity regarding front yard setback, as 50' is required and 7.5' is existing and side yard setback for an accessory use is 10' and 5.6' is existing. Neither non-conformity is being exacerbated. To the extent any bulk relief is needed, that is hereby requested by the Applicant.

In addition to the potential bulk relief set forth above, the Applicant is requesting any additional variances, waivers or any other relief determined to be applicable to this application by Pennington Borough, its staff or consultants.

**PENNINGTON BOROUGH
PLANNING/ZONING BOARD
APPLICATION CHECKLIST**

Name of Applicant: The Pennington School Application # _____

Block: 701 Lot: 4 Date Filed 6-9-2023
Block 502, Lot 4; Block 206, Lot 10; and Block 205, Lot 1

An Application shall not be considered complete until all of the materials and information specified below have been submitted, unless a waiver is requested. The waiver request shall be granted or denied within 45 days of receipt of said request. If an item is considered by the applicant to be "Not Applicable", a waiver request (W) should be made.

ALL APPLICATIONS	X=Provided W=Waiver Request	ARC Recommendation
1. Applicable fees and escrow (2 separate checks), Escrow Agreement Form, W-9 Form, Consent to Entry Form and Checklist (1 copy of each)	x	
2. Applications for certified list of property owners within 200 feet and taxes paid statement from tax collector. (\$10.00 fee, may be included in check with fees) (1 Copy)	x	
3. If the applicant is a corporation or partnership, a list of the names and address of all persons having a 10% or more interest, in accordance with NJ Statute. (1 digital and 6 hard copies for initial submission)	x	
4. Fully completed application form (1 digital and 6 hard copies for initial submission)	x	
5. Original sealed survey showing present status of property, prepared by a NJ licensed land surveyor (1 original & 6 copies for initial submission)	x	
6. Copies of all easements, covenants & deed restrictions with metes & bounds descriptions, including right of way dedications, on or affecting the property in question. (1 digital and 6 hard copies for initial submission)	x	
7. Plans showing the following information: (1 digital and 6 hard copies for initial submission)		
A. Dimensions & lot area of existing lot and lot areas if new lot is proposed	A <u>x</u>	A _____
B. Zoning district of subject property & surrounding lots; bulk requirements applying to subject property in table form & displayed graphically	B <u>x</u>	B _____
C. The location & purpose of all easements or rights-of-way on the subject property & adjoining lots	C <u>x</u>	C _____
D. Location of adjacent streets, existing & proposed buildings, structures, driveways & parking areas on the subject property, indicating setbacks from all lot and road lines	D <u>x</u>	D _____

- E. Location & details of all existing & proposed stormwater control measures, including, but not limited to, roof drains, down spouts, dry wells, storm water inlets, manholes, piping, stormwater basins, outfalls, ditches, streams or other water courses
- F. Where a basement or cellar is proposed for any building, including single family and multi-family dwellings, the supplicant shall provide information regarding the depth to seasonal high water table, based on soil borings taken at the locations of the proposed structure. (n/a if no basement)
- G. Title block containing the name of the applicant, the name address & telephone number of the plat preparer, license number, signature & seal, existing lot and block numbers, the date prepared & the date and substance of each revision.
- H. IF COMMERCIAL, parking requirement calculations & the location of parking, including dimensions from parking spaces to the property lines, street & structures. Existing parking areas with designated spaces should be shown
- I. Plans and elevations should be accurate, true to scale and readable.

E x E _____

F x F _____

G x G _____

H x H _____

I x I _____

8. Copies of the following: (1 digital and 6 hard copies for initial submission)

- a. A current key map with north arrow showing the subject & adjacent properties & structures thereon. An aerial or Google map could be used.
- b. Architectural elevations
- c. Floor plans
- d. Photograph(s) of the subject premises that may prove useful in helping the Board make an informed decision
- e. Lot area if new lot is proposed

A x A _____

B N/A B _____

C N/A C _____

D N/A D _____

E N/A E _____

SKETCH PLAN

Plans should be preliminary in form but should be true to scale. The plans should indicate the size, shape and location of existing and proposed buildings, parking areas and drives, the location of proposed plantings, utilities, fences, signs and other important features, and a key map showing the entire project, and its relation to the surrounding properties and the existing buildings thereon. Basic bulk information should be provided indicating requirements of the zone district and what is proposed.

N/A

SITE PLAN/SUBDIVISION

See Site Plan Review, Chapter 163 or Subdivision, Chapter 181 in the Pennington Code Book for specific submission details that are required. You can find the Code Book at penningtonboro.org or request a copy from the Land Use Administrator In addition to requirements above for ALL applications the plans MUST include:

- a. Names of adjoining owners
- b. Zone district and adjoining zones

a. x a. _____

b. x b. _____

- c. Location of site structures, outside dimensions and architectural elevations
- d. Location of structures and streets surrounding site
- e. Existing natural features; existing & proposed contours
- f. Setbacks, yards and lot line dimensions
- g. Location and design of all utilities
- h. Road cross sections; design details
- i. Location and design of storm water, sewer system refuse disposal, fire prevention, etc.
- j. Landscape plan
- k. Lighting details
- l. Sign details; locations and dimensions
- m. Soil erosion and sediment control plans
- n. Names of owner and applicant
- o. Name of person or firm responsible for plan preparation
- p. Signature block

c.	<u> X </u>	c.	<u> </u>
d.	<u> X </u>	d.	<u> </u>
e.	<u> X </u>	e.	<u> </u>
f.	<u> X </u>	f.	<u> </u>
g.	<u> X </u>	g.	<u> </u>
h.	<u> X </u>	h.	<u> </u>
i.	<u> X </u>	i.	<u> </u>
j.	<u> X </u>	j.	<u> </u>
k.	<u> X </u>	k.	<u> </u>
l.	<u> X </u>	l.	<u> </u>
m.	<u> X </u>	m.	<u> </u>
n.	<u> X </u>	n.	<u> </u>
o.	<u> X </u>	o.	<u> </u>
p.	<u> X </u>	p.	<u> </u>

Applicant: Please explain why you believe each requested waiver should be granted. Refer to each specific checklist item for which you are requesting a waiver. Use a separate sheet if necessary

Legend for ARC Recommendations:

A-ARC recommends waiver be approved

D-ARC recommends the waiver be denied

E-Sent to Engineer

P-Sent to Planner

I-ARC finds application incomplete and recommends it not be heard

1 COPY

**PLANNING/ZONING BOARD
PENNINGTON BOROUGH**

ESCROW AGREEMENT

Application #: _____

Applicant's name: The Pennington School
(property owner)

Applicant's address: 112 West Delaware Avenue
Pennington, NJ 08534

Application for the following property:

Block: 701 Lot(s): 4;
Block 502, Lot 4; Block 206, Lot 10; and Block 205, Lot 1

Street address: - 112 West Delaware Avenue

Pursuant to Chapter 98-12 of the Pennington Borough Code, the undersigned hereby agrees to pay for the cost of professional services, including, but not limited to engineering, professional planning and legal services, necessary to review the developer's (property owner's) application as captioned above.

The Pennington School

Name (print or type legibly) _____

Shirley R. Cole
Property owner's signature

6/5/23
Date

**Request for Taxpayer
 Identification Number and Certification**

1 COPY

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

Print or type
 See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
 The Pennington School

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification; check only one of the following seven boxes:
 Individual/sole proprietor or single-member LLC
 Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____
 Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
 Other (see instructions) ▶ 501(c)3
 C Corporation
 S Corporation
 Partnership
 Trust/estate

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) _____
(Applies to backup withholding outside the U.S.)

5 Address (number, street, and apt. or suite no.)
 112 West Delaware Avenue

6 City, state, and ZIP code
 Pennington, NJ 08534

7 List account number(s) here (optional)

Requester's name and address (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 Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number

			-			-				
--	--	--	---	--	--	---	--	--	--	--

or

Employer identification number

2	1	-	0	6	3	5	0	0	4
---	---	---	---	---	---	---	---	---	---

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 on page 3.

Sign Here Signature of U.S. person ▶ *Brenda R. Cole* Date ▶ 6/8/23

General Instructions

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

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

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 (cancelled 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?* on page 2.

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

1 COPY

TO: Tax Collector

DATE: June 7, 2023

Please send proof of payment of all taxes and assessments on the property known as:

Block 701, Lot 4; Block 502, Lot 4; Block 206, Lot 10; and Block 205, Lot 1

Block _____ Lot(s) _____

Address 112 West Delaware Avenue

FROM: Eric S. Goldberg, Esquire _____

Stark & Stark, 993 Lenox Drive _____

Lawrenceville, NJ 08648 _____

Please email results to my assistant, Beverly Clay, at bclay@stark-stark.com.

Eric S. Goldberg
(Signature)

**PENNINGTON BOROUGH
PLANNING/ZONING BOARD**

PENNINGTON BOROUGH CONSENT TO ENTRY

Date: 6/8/23

The undersigned property owner hereby gives consent to entry onto the property known as

The Pennington School and also known as Block(s) 701, Lot(s) 4*, on the
*Block 502, Lot 4; Block 206, Lot 10; and Block 205, Lot 1

Tax Map of Pennington Borough by members of the Borough Joint Zoning/Planning Board, the Environmental Commission, the Historic Preservation Commission, or any Borough employees, appointed agents or appointed consultants to perform inspections / observations of the property, at reasonable times, in connection with the development application submitted. This consent permits entry onto the property only by the above-mentioned Representatives for the purpose of conducting visual inspections / observations while the application is active with the Borough. This right of entry onto the subject property is limited only to those persons listed above.

The Pennington School

609-737-6120

Property Owner (Print)

Property Owner Phone #

Branda R. Cole

Property Owner (Signature)

Tracy Rodriguez

Witness (Print)

Tracy Rodriguez

Witness (Signature)