

**1 TOWNSHIP OF EWING
LAND DEVELOPMENT APPLICATION**

PLANNING BOARD
ZONING BOARD

APPLICATION NO. PBA-23-013
DATE OF SUBMISSION 8/14/2023

Filing Fee \$ 1,900.00

Receipt or Check NO. 136

Received by: kb

DO NOT WRITE ABOVE THIS LINE

1. **TYPE OF APPLICATION:** (Check as many boxes as applicable)
- | | | |
|---|--|---|
| 1. Minor Subdivision <input type="checkbox"/> | 4. Site plan Prelim. <input checked="" type="checkbox"/> | 7. C.40:55D-70A <input type="checkbox"/> |
| 2. Major Sub-Prelim. <input type="checkbox"/> | 5. Site Plan Final <input checked="" type="checkbox"/> | 8. C.40:55D-70B <input type="checkbox"/> |
| 3. Major Sub-Final <input type="checkbox"/> | 6. Conditional Use <input type="checkbox"/> | 9. C.40:55D-70C <input type="checkbox"/> |
| | | 10. C.40:55D-70D <input type="checkbox"/> |

2. **APPLICANT'S NAME:** PARKWAY REDEVELOPMENT, LLC
 STREET ADDRESS: 83 Beekman Road TELEPHONE: (973) 989-1616
 CITY & STATE Monmouth Junction, New Jersey ZIP CODE: 08852

3. **OWNER'S NAME:** Same as Applicant
 STREET ADDRESS: _____ TELEPHONE: _____
 CITY & STATE _____ ZIP CODE: _____

4. **LOCATION:**
 STREET ADDRESS: 1235-1241 Parkway Avenue
 SECTION NO. Block 344, Lots 31.012 and 37.01 - TAX MAP 56 - ZONE DIST. TC (Town Center)

5. **DESCRIPTION OF PROPOSED USE:**
 Brief Description of Application Proposed project is a multi-family development consisting of 152 dwelling units (129 market rate/23 affordable units), distributed amongst one five-story building and three three-story buildings. In addition, there is a two-story maintenance building which contains a manager's residence.

6. **ZONE REQUIREMENTS:**

	Lot #	Lot #	Lot #	Lot #	Required	Variance Requested
Front	20'				25'	*
One Side	15.5'				N/A	
Both Sides	38'				N/A	
Rear	85.5'				N/A	
Other						
Height (Max.)	68.72'				75'	
Bldg. Coverage					N/A	
Total Coverage					N/A	
Parking	264				217	
Other						

*Existing condition variation not required.

7. **DEED RESTRICTIONS OR COVENANTS:**
 No Yes Attach copy if yes. ARE TAXES PAID TO DATE: YES NO

8. **ARGUMENTS FOR VARIANCES (IF REQUESTED) TO BE COMPLETED BY APPLICANT:**
 Undue Hardship Consideration: N/A

9. SPECIAL REASONS AND NEGATIVE CRITERIA: (To be completed for "D" variances):
 N/A
10. REQUESTS FOR DESIGN WAIVERS: (Reasons)
 N/A
11. PREVIOUS APPEALS OR ACTIVITY:
 No Yes If yes, Date: _____ Type: _____ Zoning Board Approved
 Planning Board Disapproved
12. LIST OF INDIVIDUALS WHO PREPARED PLANS:
 Engineer: Michael F. Gallagher, P.E. Phone: (732) 383-1950
 Address: Colliers Engineering & Design, 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701
 Architect: Avelino Martinez, AIA, Blackbird Group Architects, LLC Phone: (973) 954-4650
 Address: P.O. Box 5943, Newark, New Jersey 07105
 Planner: _____ Phone: _____
 Address: _____
 Lawyer: Frank J. Petrino, Esq., Eckert Seamans Cherin & Mellott, LLC Phone: (609) 989-5029
 Address: 2000 Lenox Drive, Suite 203, Lawrenceville, New Jersey 08648
13. LIST OF MAPS, REPORTS, TAX AFFIDAVITS AND OTHER MATERIAL ACCOMPANYING APPLICATION
SEE ATTACHMENT A
14. ADDITIONAL INFORMATION:
Property proposed will be included in Town Center Redevelopment Area.

IMPORTANT NOTICE TO APPLICANT

Before filing this application or serving notices, inquiry should be made as to the next meeting of the Board. This application must be filed at least 10 days prior to the date set for hearing. At least 10 days prior to the time set for said hearing, applicant shall give personal notice to all owners of property situate within or without the municipality, as shown by the most recent tax lists of the municipality or municipalities whose property or properties shown by said lists are located within 200 feet of the said property to be affected by said appeal. Such notice shall be given by sending written notice thereof by registered or certified mail to the last known address of the property owner of owners, as shown by the most recent tax lists of said municipality or by hand delivering a copy thereof to the said property owners.

Where the owners are partnerships, service upon any partner as above outlined shall be sufficient, and where the owners are corporations, service upon any officer, as above set forth, shall be sufficient.


Applicant agrees to pay all costs related to review and processing of this application. A set of drawings to scale showing all details, adjoining properties affected, and all features involved in the appeal should accompany application of appeal.

Applicant must provide satisfactory evidence of payment of taxes on the property under consideration.

Said applicant shall by AFFIDAVIT present satisfactory proof to the said Board at the time of the hearing that said notices have been duly served as aforesaid.

Corporations appearing before the Ewing Township Planning or Zoning Board must be represented by an attorney at law of the State of New Jersey.

PARKWAY REDEVELOPMENT, LLC

By:  8/10/23
 Victor Bolkovskiy

**Parkway Redevelopment LLC
Preliminary and Final Major Site Plan
Block 344, Lots 31.012 and 37.01
1235-1241 Parkway Avenue, Ewing Township**

Attachment A to Application

13. List of Maps, Reports, Tax Affidavits and Other Material Accompanying Application.

1. Land Development Application with attached Deed Restriction;
2. Application Procedures;
3. Consent to Entry;
4. Preliminary Site Plan Checklist;
5. Final Site Plan Checklist;
6. Contribution Disclosure Statement;
7. "Boundary and Topographic Survey", prepared by Colliers Engineering & Design, dated September 22, 2023 (1 sheet);
8. "Preliminary and Final Major Site Plan for Parkway Redevelopment LLC, Block 344, Lots 31.012 and 37.01, Township of Ewing, Mercer County, New Jersey," prepared by Colliers Engineering & Design, dated August 19, 2022, last revised August 7, 2023 (22 sheets);
9. Architectural Drawings, prepared by Blackbird Group Architects LLC, dated August 3, 2023 (18 sheets);
10. Environmental Impact Statement, prepared by Colliers Engineering & Design, dated May 25, 2023;
11. Stormwater Management Report, Colliers Engineering & Design, dated August 19, 2022, last revised May 25, 2023;
12. Stormwater Management Operations & Maintenance Manual, Colliers Engineering & Design, dated June 2023;
13. Mercer County Planning Board Conditional Approval, DRCC Staff Report and Mercer County Soil Conservation District Approval;
14. Proof that Taxes are Current;
15. W-9 Form;
16. Thumb Drive containing copies of Items 1-14 above.

EXHIBIT C: DEED RESTRICTION

THIS DEED RESTRICTION, of even date with the Deed to which it is attached and expressly made a part thereof, by EWING PARKWAY LLC, hereinafter referred to as “Grantor”.

WITNESSETH:

WHEREAS, Grantor is the owner of certain lands known as Block 344, Lots 1.01 and 3.01, previously consolidated as Block 344 Lot 31, in the Township of Ewing, County of Mercer and State of New Jersey; and

WHEREAS, a Wawa convenience store with fueling station and canopy is presently constructed on the site, together with existing driveways on Parkway Avenue and Silvia Street, together with landscaping, lighting, and related site improvements, including a bio-retention drainage basin, pipes and appurtenances for drainage and stormwater management for all existing and proposed improvements on the site.

WHEREAS, Grantor has received approval from the Planning Board of Ewing Township (“Board”) for approval of an additional 12,000 square feet building for future retail uses, with the existing site improvements.

WHEREAS, the Board has approved Grantor’s application for a minor subdivision of the property to create two (2) Lots, being Block 344, Lot 31.011 (the “Wawa Lot”) and Block 344, Lot 31.012, (the “Remainder Lot”); as an economic subdivision to facilitate the sale of the Wawa Lot, with Grantor retaining ownership of the Remainder Lot; and

WHEREAS, as a condition of said minor subdivision approval, Grantor has been required to impose the following deed restriction and include same in each of the two deeds creating the

two Lots, in order that the site continues to function as originally designed and approved by the Board as a single Lot, while being subdivided in to two Lots and owned by two separate owners.

NOW, THEREFORE, in consideration of the approvals aforesaid and the further consideration of ONE (\$1.00) DOLLAR, Grantor does hereby agree as follows:

1. Cross Easements: Grantor and each of the record owners of the Lots created by this minor subdivision, being Block 344, Lot 31.011 (the "Wawa Lot") and Block 344, Lot 31.012, (the "Remainder Lot") do hereby grant, convey and establish for the benefit of the each Lot, a cross easement, right, privilege and authority for the record owner of each Lot, including its successors, business owners, tenants, and invitees, expressly including members of the public, to cross each of the Lots herein created, including its drive aisles and parking lots, to allow the owners, business invitees, customers, tenants and other members of the public, to cross to and from each Lot and to and from Silvia Street and Parkway Avenue, for full access, ingress and egress from and to said public streets. This cross easement shall also include a drainage easement, right, privilege and authority for the record owner of each Lot, to use the existing bio-retention drainage basin and the pipes and improvements appurtenant hereto, to be located on the Remainder Lot, for the discharge and flow of stormwater from each of the Lots herein created in accordance with the approved stormwater management and maintenance plan.

The granting of this cross easement shall include the existing access easements providing access from Silvia Street and Parkway Avenue to the existing building and improvements on the adjacent lot 37.01, currently or previously used for a childrens day care center, to be located on both the Wawa lot and Remainder lot as shown on the minor subdivision plan, Exhibit B, attached hereto (the "Existing Access Easement"), together with a blanket easement to provide access

through the Existing Access easements to the Silvia Street and Parkway Avenue driveways for the existing two story office building currently constructed on Lot 37.01.

The granting of this cross easement shall not be deemed or construed to prevent or impair, or be deemed to have revoked or waived, by implication or by express permission, now or in the future, each property owner's full rights, and the rights of the existing buildings on the adjacent lot 37.01, currently or previously used for a childrens day care center and a two story office building, of access, ingress and egress from and to Silvia Street and Parkway Avenue to and from the driveways previously approved and in existence as of the date of the minor subdivision plan and this Deed. Nothing herein shall be deemed or interpreted to prevent the record owners of each Lot from utilizing its own parking aisles and parking lots and other site improvements for its own customers, tenants and business invitees.

2. Maintenance, Taxes and Insurance: The record owner of each Lot shall pay the property taxes, the cost of insurance, and the expenses of maintaining, repairing and, if and when necessary, replacing any and all site improvements on its own Lot, except that the cost of maintaining, repairing and, if and when necessary, replacing the bio-retention drainage basin and the pipes and improvements appurtenant hereto, to be located on the Remainder Lot, shall be shared jointly by the owners of both lots, thirty five per cent (35%) by the owner of the Wawa lot and sixty five per cent (65%) by the owner of the Remainder lot Maintenance shall include all items required by the approved stormwater management plan, and normal, routine maintenance, including periodic removal of debris, leaves, and keeping the bio-retention basin free from obstruction and blockage. The maintenance responsibilities of the parties is further subject to the terms, conditions and covenants of the Reciprocal Easement Agreement of even date herewith and intended to be recorded at the same time as this Deed Restriction and the Deeds perfecting the minor subdivision.

3. Term: This Deed Restriction shall exist in perpetuity or until altered, changed, or abolished by an agreement executed by Grantor, its respective successors or assigns, including the record owners of each Lot. Any authorization or change in this Deed Restriction is subject to the approval of each Lot owner, and the approval by the Ewing Township Planning Board and any other State, County or local agency or board having jurisdiction or authority over the matters set forth herein, it being the express intent of this Deed Restriction that the land comprising both Lots, and the improvements constructed or to be constructed thereon, shall continue to function as a single, unified, planned site in accordance with the original site plan approvals for the property when it was a single Lot, while now being subdivided to create two Lots, owned by two separate owners.

4. Future Development: Grantor intends to construct the additional 12,000 square feet retail building on the Remainder Lot but reserves the right to amend the prior approval to construct an alternate building or buildings depending on the ultimate user or users, subject to Board approval, but without the need to amend this Deed Restriction or to obtain the approval of the owner of the Wawa Lot, provided that the construction of said alternate building or buildings does not materially alter the operation or maintenance of the existing site improvements, including the bio-retention drainage basin and provided further that there is no change to the existing driveways or access to the site. Similarly, the owner of the Wawa Lot reserves the right to make modifications to the existing improvements on the Wawa Lot, subject to Board approval, if otherwise required, but without the need to amend this Deed Restriction or obtain the approval of the owner of the Remainder Lot, provided that said modifications do not materially alter the operation or maintenance of the existing site improvements, including the bio-retention drainage basin and provided further that there is no change to the existing driveways or access to the site.



State of New Jersey
SELLER'S RESIDENCY CERTIFICATION/EXEMPTION

GIT/REP-3
 (9-2015)

(Please Print or Type)

SELLER'S INFORMATION

Name(s)
 Ewing Parkway, LLC, a Delaware limited liability company

Current Street Address
 1401 Broad Street

City, Town, Post Office Box State Zip Code
 Clifton NJ 07013

PROPERTY INFORMATION

Block(s) Lot(s) Qualifier
 344 31.012

Street Address
 Parkway Road

City, Town, Post Office Box State Zip Code
 Ewing Township NJ 08618

Seller's Percentage of Ownership	Total Consideration	Owner's Share of Consideration	Closing Date
100%	1.00	100%	2/15/2018

SELLER'S ASSURANCES (Check the Appropriate Box) (Boxes 2 through 14 apply to Residents and Nonresidents)

1. Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident gross income tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2. The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3. Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. Seller is not an individual, estate, or trust and is not required to make an estimated gross income tax payment.
6. The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated income tax payment.
7. The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale and report the recognized gain.
 Seller did not receive non-like kind property.
8. The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9. The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10. The deed is dated prior to August 1, 2004, and was not previously recorded.
11. The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
12. The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
13. The property transferred is a cemetery plot.
14. The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.

SELLER'S DECLARATION

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

2/15/2018

 Date

 Date

Ewing Parkway, LLC
 By: Ewing Parkway ARCT, LLC, as Manager

By:
 Marc A. Perel, Authorized Representative

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

(Chapter 49, P.L.1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY

COUNTY

Mercer

1102

SS. County Municipal Code

FOR RECORDER'S USE ONLY
Consideration \$ _____
RTF paid by seller \$ _____
Date _____ By _____

MUNICIPALITY OF PROPERTY LOCATION Ewing Township

*Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4 on reverse side)

Deponent, Marc A. Perel, being duly sworn according to law upon his/her oath,

(Name)

deposes and says that he/she is the Authorized Representative in a deed dated February 15, 2018 transferring
(Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.)

real property identified as Block number 344 Lot number 31.012 located at

Parkway Road, Ewing Twp and annexed thereto.
(Street Address, Town)

(2) CONSIDERATION \$ 1.00 (Instructions #1 and #5 on reverse side) No prior mortgage to which property is subject.

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS:
(See Instructions #5A and #7 on reverse side)

Total Assessed Valuation + Director's Ratio = Equalized Assessed Valuation

\$ 795,800.00 + 70.53% = \$ 1,128,314.14

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE (See Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.
Consideration less than \$100.00

(5) PARTIAL EXEMPTION FROM FEE (Instruction #9 on reverse side)

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental, and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN Grantor(s) 62 years of age or over. * (Instruction #9 on reverse side for A or B)
- B. BLIND PERSON Grantor(s) legally blind or;
- DISABLED PERSON Grantor(s) permanently and totally disabled receiving disability payments not gainfully employed*

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:

- Owned and occupied by grantor(s) at time of sale. Resident of State of New Jersey.
- One or two-family residential premises. Owners as joint tenants must all qualify.

*IN CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

C. LOW AND MODERATE INCOME HOUSING (Instruction #9 on reverse side)

- Affordable according to H.U.D. standards. Reserved for occupancy.
- Meets income requirements of region. Subject to resale controls.

(6) NEW CONSTRUCTION (Instructions #2, #10 and #12 on reverse side)

- Entirely new improvement. Not previously occupied.
- Not previously used for any purpose. "NEW CONSTRUCTION" printed clearly at top of first page of the deed.

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions #5, #12, #14 on reverse side)

- No prior mortgage assumed or to which property is subject at time of sale.
- No contributions to capital by either grantor or grantee legal entity.
- No stock or money exchanged by or between grantor or grantee legal entities.

(8) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me
this 15 day of February, 2018

Andrea J. Bulvid

Signature of Deponent
1401 Broad Street
Clifton, NJ 07013

Ewing Parkway, LLC
Grantor Name
1401 Broad Street
Clifton, New Jersey 07013

Deponent Address

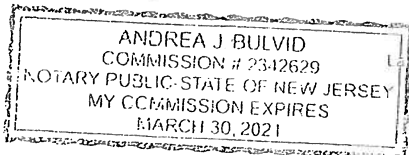
Grantor Address at Time of Sale

XXX-XXX- 549

Banner Title Agency

Use digits in Grantor's Social Security Number

Name/Company of Settlement Officer



FOR OFFICIAL USE ONLY
Instrument Number _____ County _____
Deed Number _____ Book _____ Page _____
Deed Dated _____ Date Recorded _____

County recording officers shall forward one copy of each RTF-1 form when Section 3A is completed to

STATE OF NEW JERSEY

PO BOX 251

TRENTON, NJ 08646-0251

ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit visit the Division of Taxation website at www.state.nj.us/treasury/taxation/rtf/blocaltax.htm