

LAWRENCE D. KANTOR, ESQ.
ATTORNEY AT LAW

Benjamin I. Kantor (1931-1982)

Lawrence D. Kantor*+

- * Fellow, American Academy
of Matrimonial Lawyers
- + Certified Matrimonial Mediator

58 West Front Street
PO Box 42
Keyport, New Jersey 07735
Tel. 732.264.9300
Fax 732.888.1471
E-Fax 732-355-8100
kllaw@optimum.net

December 28, 2022

Denise Nellis

Keyport Borough Planning Board

70 West Front Street

Keyport, NJ 07735

Re: 105 Route 35, Keyport, NJ 07735
Block 110 Lot 24 Keyport

Dear Ms. Nellis:

Enclosed please find an original and 19 copies of an Application for variance, together with my client's check in the sum of \$700.00..

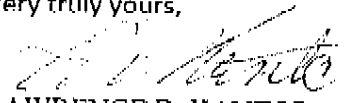
Also enclosed are the following:

- 20 copies of the denied Zoning Permit
- A copy of the 200 foot radius list from Keyport and Hazlet Township
- 20 copies of the Site Plan
- 20 copies of the Architecture Plan
- A copy of the Tax Payment Certification (Form #5)
- Original Escrow Agreement, together with a check in the sum of \$225
- Original W9

Pursuant to your request, these documents are also being submitted on the provided CD.

Thanking you for your cooperation and courtesies in this matter, I am,

Very truly yours,


LAWRENCE D. KANTOR

LDK/dl

Enc.

cc: Filipe Agostinho

APPLICATION TO THE KEYPORT UNIFIED PLANNING BOARD

1. SUBJECT PROPERTY

Location: 105 Route 35, North, Keyport, NJ 07735

Tax Map: Block 110 Lot(s) 24

Dimensions: Frontage 190ft. Depth irregular Total Area 14,608ft.

Zone District: HC

Location of the property is approximately _____ feet from the intersection of
Route 35 and Clark Street

The property is located within 200 feet of another municipality: _____ NO ☒ YES
If yes, name of municipality Hazlet

The property fronts on a County Road or State Hwy: _____ NO ☒ YES

COUNTY ROUTE NO. _____ STATE HWY NO. 35

2. APPLICANT INFORMATION

Full Legal Name: Nickay Construction, Inc.

Address: 1600 East Edgar Road, Highway 1, Linden, NJ 07036
(Street) (City) (State) (Zip)

Telephone Numbers: DAY 908-486-0033 EVENING _____

Applicant is a: ☒ Corporation _____ Partnership _____ Sole Proprietor _____ Resident

3. OWNER IF DIFFERENT FROM APPLICANT

If the owner of the property is someone different from the Applicant, then please complete the following:

Owner's Name: NVWI, LLC

Address: 135 Monroe Street, Apt. 506 Newark NJ 07105
(Street) (City) (State) (Zip)

Telephone Numbers: DAY 917-273-7740 EVENING _____

4. After you have notified all parties listed above, the following items must be submitted to the Board Secretary at least two (2) business days prior to the meeting:
 1. Affidavit of Publication of Notice of meeting as published in the newspaper.
 2. Certified mail receipts
 3. A copy of the notice you served on all property owners.
 4. Both notice to the property owners and the notice in the newspaper must be legally correct and published at least 10 days before the hearing in order for the hearing to occur.

After the Board hears the case, and adopts a Resolution, notice of the decision of the Board must be advertised in the Asbury Park Press not more than 10 days after decision. Unless you advise the Board to the contrary, the Board will publish the decision at your expense.

4. ADDITIONAL PROPERTY INFORMATION

Restrictions, covenants, easements, homeowners/condo association by-laws, existing or proposed on the property:

☐ YES (attach copies and/or copy of deed) ☐ PROPOSED (attach description) ☒ NONE

NOTE: All Deeds Restrictions, covenants, easements, association by-laws, either existing or proposed, must be submitted for review, and must be written in easily understandable English in order to be approved.

Present use of the premises and proposed use (describe in detail):
Vacant Lot, proposed new 1 story commercial building

5. APPLICANT'S EXPERTS / REPRESENTATIVES

Applicant Attorney: Lawrence D. Kantor, Esq.
(Name and Firm if Applicable)

Address: 58 West Front Street, PO Box 42, Keyport, NJ 07735
(Street) (City) (State) (Zip)

Telephone: 732-264-9300 Fax 732-355-8100

Applicant Engineer: Thomas J. Quinn
(Name and Firm if Applicable)

Address: 328 Park Avenue, Scotch Plains, NJ 07076
(Street) (City) (State) (Zip)

Telephone: 908-322-2050 Fax _____

Applicant Planning Consultant: _____
(Name and Firm if Applicable)

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____ Fax _____

Applicant Traffic Engineer: _____
(Name and Firm if Applicable)

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____ Fax: _____

6. OTHER EXPERTS

List any other expert(s) who will submit a report and/or testify on behalf of the Applicant.

Name: Zen Architecture Field of Expertise: _____

Address: 215 Jefferson Avenue, Elizabeth, NJ 07201
(Street) (City) (State) (Zip)

Telephone: 908-965-1900 Fax: 908-965-1977

7. RELIEF BEING REQUESTED

SUBDIVISION APPROVAL

____ Minor Subdivision

____ Major Subdivision

____ Major Subdivision – Final

____ Number of Lots to be Created

____ Number of Proposed Dwelling Units

Note: A "Plan of Subdivision" must be submitted in accordance with the submission requirements set forth in the Submission Checklist and the Borough of Keyport Ordinance.

SITE PLAN APPROVAL

____ Major Site Plan Approval

____ Minor Site Plan Approval

✓ Preliminary Site Plan Approval (phases – if applicable) _____

✓ Final Site Plan Approval (phases – if applicable) _____

____ Amendment or Revision to an Approval Site Plan (Area to be disturbed – square feet)

____ Request for a Waiver from Site Plan Review and Approval. Reason for Request: _____

OTHER

Informal Review of _____

Appeal Decision of the Zoning Officer (N.J.S.A. 40:55D-70.a.) Describe nature of appeal: _____

Interpretation of Map or Ordinance, or Decisions upon Special Questions (N.J.S.A. 40:55D-70.b.) Explain: _____

Variance Relief-Hardship (N.J.S.A. 40:55D-70c (1)) Provide Reasons: _____
Yard setback of 11.13ft. instead of 50ft. which was an existing condition, parking space setback of 2ft. instead of 5ft. which is de minimis.

Variance Relief-Substantial Benefit (N.J.S.A. 40:55D-70c (2)) Provide Reasons: _____

Variance Relief-Use (N.J.S.A. 40:55D-70cd) Provide Reasons: _____

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED</u>
Minimum lot area:*	14,608 ft.	14,608 ft.	10,000 ft.
Building coverage limit:*	0	18.9%	35%
Front yard setback:*	0	11.2 ft.	
Side yard setback:*	0	22.9 ft.	6 ft.
Rear yard setback:*	0	32.4 ft.	20 ft.
Roadway setback:	0	40 ft.	
Impervious coverage limit:	0	80%	90%
Parking spaces:*	0	14	14 ft.
Building height:*	0	20 ft.	40 ft.

*DENOTES ITEMS REQUIRED ON THE SITE PLAN.

7. SUBMISSION REQUIREMENTS

The Applicant is required to submit each of the following, unless otherwise noted:

- A. Application: An Original and nineteen (19) copies to the Board Secretary (Total 20) must be submitted (with attached site plan, plot plan, survey and/or other pertinent documents).
- B. Escrow Agreement (Form #1): Sign and submit with original copy of application
- C. Notice of Public Hearing (Form #2): DO NOT MAIL TO PROPERTY OWNERS UNTIL AUTHORIZED TO DO SO BY THE BOARD'S SECRETARY. Submit a draft copy (leaving date of hearing blank) and submit with original application. *(Not required for minor subdivision where no variances are requested)*
- C. Affidavit of Publication - Asbury Park Press: Evidencing that the Notice of Public Hearing (Form #3) was published at least ten (10) days prior to the hearing date: (DO NOT PUBLISH NOTICE IN NEWSPAPER UNTIL AUTHORIZED TO DO SO BY THE BOARD'S SECRETARY). Submit to the Board's Secretary as soon as received by the newspaper. *(Not required for minor subdivision where no variances are requested)*
- D. Affidavit of Service - with attachments (Form #4). Submit to the Board's Secretary along with Original copies of Certified Mail Receipts stamped by the US Post Office as to the date of mailing, and a copy of the Notice of Public Hearing (Form #2) with hearing date.
- E. Tax Payment Certification (Form #5). Submit with Original copy of Application.

8. OTHER APPROVALS, WHICH MAY BE REQUIRED, AND THE DATES THAT PLANS/APPLICATIONS WERE SUBMITTED:

AGENCY OR PERMIT	YES	NO	DATE PLANS SUBMITTED
Borough of Keyport Health Dept	_____	_____	_____
Borough of Keyport Planning Board	_____	_____	_____
Freehold Soil Conservation District	_____	_____	_____
NJ Dept. of Transportation	_____	_____	_____
JCP&L	_____	_____	_____
Other: _____	_____	_____	_____

*NJ Dept of Environmental Protection

*Check nature of approval(s) needed on next page:

____ Sewer Extension Permit; ____ Sanitary Sewer Connection Permit; ____ Potable Water Construction Permit;
 ____ Stream Encroachment Permit; ____ Wetlands Permit; ____ Tidal Wetlands Permit; ____ Other _____

List of Maps, Reports and other materials accompanying this application (attach additional pages as required for complete listing):

1. Preliminary and final site plan with attachments dated March 31, 2021
2. Architectural plans dated March 29, 2021

9. OTHER INFORMATION ATTACHED IN SUPPORT OF YOUR APPLICATION.
(List specific information attached and its importance/significance to your application):

10. CERTIFICATIONS

APPLICANT

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant that I am authorized to sign the application for the Corporation, or that I am a general partner of the partnership applicant. (If the Applicant is a corporation, this application must be signed by an authorized corporate officer as indicated in a resolution of the corporation which must be attached hereto. If the applicant is a partnership, this must be signed by a general partner).

Sworn to and subscribed before me this

19 day of December, 2022

[Signature]
NOTARY PUBLIC

X [Signature]
SIGNATURE OF APPLICANT

Filipe Agostinho

Applicant's Name (Print)

OWNER (IF DIFFERENT FROM 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 this matter.

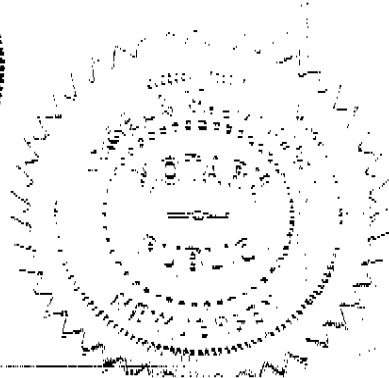
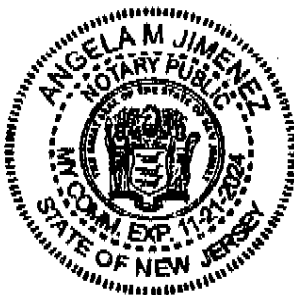
Sworn to and subscribed before me this

19 Day of December, 2022

[Signature]
NOTARY PUBLIC

X [Signature]
SIGNATURE OF OWNER

NVWI LLC, by PEDRO BELO
Owner's Name (Print)



**FORM #2 – NOTICE SERVED ON PROPERTY OWNERS WITHIN 200 FEET OF
SUBJECT PROPERTY:**

**BOROUGH OF KEYPORT, COUNTY OF MONMOUTH
STATE OF NEW JERSEY
NOTICE OF PUBLIC HEARING**

TO: _____ OWNER OF PREMISES LOCATED AT: _____

Also known as Block 110 Lot 24 in the Borough of Keyport

PLEASE TAKE NOTICE, that the undersigned has filed an application with the Unified Planning/Zoning Board of the Borough of Keyport for the following appeal or form of relief: Yard setback of 11,13ft. instead of 50ft. which was an existing condition, parking space setback of 2ft. instead of 5ft. which is de minimis.

On the premises at 105 Route 35 North in the Borough of Keyport, also known as Block 110 Lot 24 on the tax maps of the Borough. This notice is being sent to you because you are a property owner within 200 feet of the property that is the subject of this application. A public hearing has been set for this application on , 20 at 7:00 PM in the Keyport Borough Municipal Building, 70 West Front Street, Keyport, NJ 07735. You may appear either in person, or by agent, or by attorney, and present any objections to the granting of the relief being sought. Copies of the application and all documents, maps or other papers filed in connection with this application are on file in the Office of the Board Secretary in the Borough's Municipal Building and are available for inspection during the Borough's regular business hours.

**BY ORDER OF THE KEYPORT BOROUGH
UNIFIED PLANNING BOARD**

Filipe Agostinho

(Name of Applicant)

**FORM #3 - NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE
BOROUGH OF KEYPORT**

NOTE: Publication of this notice must appear at least ten (10) days prior to the scheduled hearing date.

**NOTICE OF PUBLIC HEARING
Borough of Keyport Unified Planning Board**

TAKE NOTICE that on the _____ day of _____, 20____, at 7:00 PM, a hearing will be held before the Keyport Unified Planning Board ("the Board") in the Council Chambers at Keyport Borough Hall, 70 West Front Street, Keyport, NJ 07735 on the application of the undersigned for the following form of relief: _____
Yard setback of 11.13ft. instead of 50ft. which was an existing condition. parking space setback of 2ft. instead of 5ft. which is de minimis.

Regarding premises known as _____ 105 Route 35 North _____ in the Borough of Keyport, also known as Block _____ 110 _____ Lot _____ 24 _____ on the tax maps of the Borough. This application, along with all maps, papers and supporting documents filed with the application are on file in the Office of the Board Secretary in the Borough Municipal Building and are available for public inspection during the Borough's regular business hours. Any interested party may appear at the hearing in this matter and participate therein, either in person, by attorney, in accordance with the Rules and Regulations of the Board.

**By Order of the Borough of Keyport
Unified Planning Board**

Filipe Agostinho

(Applicant-Print Name)

FORM #7

**NOTICE OF ACTIONS TAKEN BY THE BOARD
BOROUGH OF KEYPORT**

Take notice that on the _____ day of _____, 200____ the Keyport
Unified Planning Board in the County of Monmouth took the following actions:

(Granted / Denied) to (Name) _____ for the property located at

(Address) 105 Route 35 North, Keyport, NJ

Block 110, Lot 24

Approval to (a variance, site plan, preliminary subdivision, minor site plan, etc.) describe
development

**COMPLETION CHECKLIST
UNIFIED PLANNING BOARD**

Application Number: _____ Date Received: _____

Applicant: _____

Property: Block 110 Lot(s) 24

Street Address: 105 Route 35 North, Keyport, NJ 07735

RECEIVED:

_____ Application Fee in Amount of \$ _____ Paid by: _____

_____ Escrow Deposit in Amount of \$ _____ Paid by: _____

_____ Certification of Taxes Paid

_____ Proposed "Notice of Public Hearing"

_____ Signed Escrow Agreement

_____ Certified List of Property Owners Within 200 Feet

ACTION TAKEN:

_____ Copy of Application to Board Attorney on: _____

_____ Copy of Application to Board Engineer on: _____

_____ Letter _____ "Completeness" _____ "Incompleteness" sent on: _____

_____ Hearing Date Set for: _____

NOTES: _____

From: lgraham@keyportonline.com <lgraham@keyportonline.com>
To: INFO@NICKAY99.COM, kllaw@optimum.net, LGRAHAM@KEYPORTONLINE.COM,
lgraham@keyportonline.com
Date: Apr 11, 2022 12:56:42 PM
Subject: Zoning Application ZA-22-059



Zoning Application: ZA-22-059
Address: 105 HWY 35
B/L/Q: 110/24

Work Description: BUILD NEW FREE STANDING COMMERCIAL SPACE 2700SF. WILL LANDSCAPE AND PROVIDE PARKING.

Use: (None)

Decision Denied

Decision Comments REQUIRES PLANNING BOARD APPROVAL

SITE PLAN REVIEW AND APPROVAL PROCEDURE AND REQUIREMENTS:

A.When Site Plan Approval is Required:

Site Plan approval shall be required [in the following cases:] for all major and minor development, as defined in 25:1-3.a.

1. Whenever there is any new construction, regardless of cost, of a commercial, industrial, multi-family or professional building or structure.
2. Whenever there is alteration of any existing commercial, industrial, multi-family or professional building, structure or site which alteration extends the physical site of the buildings, structure or other site improvement, and exceeds in cost the sum of \$7,500.00.
3. Whenever there is a change in use, regardless of cost, of any site, building, or structure from any of the following zoning uses to any other of said uses, namely industrial, commercial, professional or residential.
4. Whenever there is alteration of any existing commercial, industrial, multi-family, or professional building structure or site, the cost of which is \$7,500.00 or less, but which results in one or more of the following:
 - a. The installation of additional exterior lighting exceeding 500 watts.
 - b. The creation of 5 or more additional parking area spaces (six 10' x 20') or the paving for any purpose of an area equivalent to five (5) or more parking spaces.]

The following types of development shall be exempt from Site Plan approval:

- (i) Permitted Single family or two family dwellings and structures and uses accessory thereto.
- (ii) Repairs to the interior of a building which do not result in a change in the number of dwelling units on site.
- (iii) The construction of any building or other structure of less than five hundred (500) square feet which does not create or exacerbate a nonconformity.
- (iv) Changes of use where no additional nonconformities are created and/or existing nonconformities are not exacerbated.

TOWNSHIP OF HAZLET

DEPARTMENT OF TAX ASSESSMENT

MICHAEL C. SACHS
MAYOR

1766 UNION AVENUE
POST OFFICE BOX 371
HAZLET, NEW JERSEY 07730
TEL: 732-217-8655
FAX: 732-739-6830
gscaglione@hazletnj.org

ROBERT BENGIVENGA
MUNICIPAL ADMINISTRATOR

GAIL A. SCAGLIONE, CTA
TAX ASSESSOR

MICHAEL GLACKIN
DEPUTY MAYOR

JAMES "SKIP" MCKAY
PETER TERRANOVA
ROBERT PRESTON
Township Committee

December 20, 2022

kllaw@optimum.net

Lawrence D. Kantor, Esq.
58 West Front Street
P.O. Box 42
Keyport, NJ 07735

Certified 200 foot list for properties in Hazlet near
Block 110 Lot 24 in Keyport

Gail A. Scaglione, being duly sworn, says that she is the Tax Assessor of the Township of Hazlet, NJ, and that to the best of her knowledge and belief, the foregoing is a true and correct copy of all the property owners within Hazlet Township along with their mailing addresses as taken from the Official Tax Map of the Township of Hazlet and the Tax Assessor's Field Book, and pursuant to Chapter 245, Public Law 1991, an addendum of public utilities and/or cable companies that may have easements on all properties within 200 feet of the subject property.

Very truly yours,

Gail A. Scaglione

Gail A. Scaglione, CTA
Tax Assessor

cc: Hazlet Township Land Use Board

OWNER & ADDRESS REPORT

HAZLET

BLOCK 110 LOT 24
KEYPORT

12/20/22 Page 1 of 1

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
164	1		4A	3445 ROUTE 35 INVESTORS TIC I LLC 116 ROUTE 22 EAST N. PLAINFIELD, NJ 07060	3445 HIGHWAY 35	
210	2		4A	MD DEVELOP. OF MD % PROP. TAX DEPT. P.O. BOX 105842 RE# 0926 ATLANTA, GA 30348	3600-3700 HIGHWAY 35	

OF**BLOCK****LOT**

Pursuant to Chapter 245, Public Law 1991, and N.J.S.A 40-55D-12, applicant must notify the following public utilities and cable company that may have easements within 200 feet of the subject property.

**Bayshore Regional Sewerage Authority
100 Oak Street
Union Beach, NJ 07735**

**Bayshore Outfall Authority
P.O. Box 184
Belford, NJ 07718**

**NJ American Water
1709 Union Avenue
P.O. Box 158
Hazlet, NJ 07730**

**William Brandow, Maintenance Supervisor
Comcast Cablevision of Monmouth County
403 South Street
Eatontown, NJ 07724**

**Jersey Central Power and Light Co.
c/o FE Service Tax Dept.
300 Madison Avenue
P.O. Box 1911
Morristown, NJ 07962-1911**

**Hazlet Township Sewer Utility Dept.
1766 Union Avenue
P.O. Box 66
Hazlet, NJ 07730**

**A T & T Company
900 US Highway 202/206
Bedminster, NJ 07921**

**Jeff Bowlby, Manager
NJ American Water co.
661 Shrewsbury Avenue
Shrewsbury, NJ 07702**

**Verizon- New Jersey
P.O. Box 152206
Irving, TX. 75015-2206**

**Rick Albanese, Right of Way Claim
New Jersey Natural Gas Co.
1415 Wyckoff Road
P.O. Box 1464
Wall, NJ 07719**

****** IF THIS APPLICATION BORDERS ANOTHER MUNICIPALITY,
NOTIFICATION TO THAT TOWNSHIP CLERK IS REQUIRED AS IS THE
200 FOOT CERTIFIED LIST FROM THE TAX ASSESSOR OF SUCH
MUNICIPALITY.**

OWNER AND ADDRESS REPORT

PAGE OF

HAZLET

RE: BLOCK LOT

ALSO: Township of Hazlet
 c/o Township Clerk
 1766 Union Avenue
 P.O. Box 371
 Hazlet, NJ 07730

County of Monmouth
c/o Monmouth County Planning Board
Hall of Records Annex
1 East Main Street
Freehold, NJ 07728

Department of Transportation
DOT Maintenance
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 08625

!R!PSRC100;EXIT;!R!MTYP99;EXIT;!R!spsz6;stm0;exit;

DEC 20 2022

Borough of Keyport

December 13, 2022

Lawrence Kantor

58 West Front St

Keyport, NJ 07735

Re: Block 110 lot 24

Dear Mr. Kantor,

Attached please find a list of owners with mailing addresses located within 200 ft of the above referenced block and lots located in the Borough of Keyport, as it appears in the 2022 year tax list.

Please note that the Keyport Borough Planning Board also requires that you notify all appropriate utility companies as well. A list of those companies and their addresses are enclosed.

This property is on the Hazlet Township border; therefor you will need to contact Hazlet Township as well.

If this office can be of further assistance, do not hesitate to call.

Yours Truly,



Michael Delre, CTA

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OWNER & ADDRESS REPORT

KEYPORT

12/13/22 Page 1 of 1

110
24

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
110	23		4C	TEANECK ROAD PARTNERS, LLC 190 MAIN ST, STE 201 HACKENSACK, NJ 07601	36 CENTER STREET	
110	27.01		4A	BIDG KEYPORT LLC & WREN KEYPORT C/O 107&109 HWY 35 417 5TH ST 4TH FLOOR NEW YORK, NY 10016		
110	27.01	B01	4A	BLDG KEYPORT LLC & WREN KEYPORT C/O 107&109 HWY 35 417 5TH ST 4TH FLOOR NEW YORK, NY 10016		
111	3.01		4A	MD LIQUOR & WINE HOLDING LLC 117 HWY 35 S KEYPORT, NJ 07735	117 HWY 35/BUY RITE	
111	4		4A	ONE HUNDRED SEVENTEEN SHG REALTY LL 1 HWY 35 & CLARK/DENTAL O 1820 ROUTE 33 NEPTUNE, NJ 07753		

MONMOUTH COUNTY DEPT. OF
TRANSPORTATION
ROUTE 79 & DANIELS WAY
FREEHOLD, NJ 07728

MONMOUTH COUNTY PLANNING BOARD
HALL OF RECORDS ANNEX
1 EAST MAIN ST.
FREEHOLD, NJ 07728

LIST OF UTILITIES WHICH SERVICE THE BOROUGH OF KEYPORT, NJ
WITH MAILING ADDRESSES AS OF JULY 1, 2013

BELL ATLANTIC/ VERIZON
1095 AVE OF THE AMERICAS
ROOM 3137
NEW YORK, NY 10036

JCP&L Real Estate Department
P.O. Box 1911
Morristown, NJ 07962

NEW JERSEY NATURAL GAS COMPANY
1415 WYCKOFF ROAD
WALL, NJ 07719

CABLEVISION
275 CENTENNIAL AVENUE/ CN 6805
PISCATAWAY, NJ 08855-6805

BOROUGH OF KEYPORT
WATER/SEWER DEPARTMENT
70 WEST FRONT STREET
KEYPORT, NJ 07735
ATTN: SCOTT HICKS

FORM #5

TAX PAYMENT CERTIFICATION

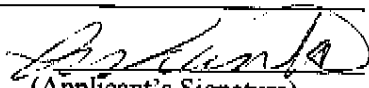
Pursuant to the New Jersey State Law, Chapter 174 of 1987, N.J.S.A. 40:55D-39e and N.J.S. 40:55D 65h, an applicant may be required to furnish proof that no taxes or assessments of local improvements are due or delinquent on the property for which any relief is being sought through the Unified Planning Board of the Borough of Keyport. An applicant must complete Section I of this form and request the Keyport Borough Tax Office to complete Section II which verifies that no taxes or assessments are due. When completed, the applicant should attach this form to the originally signed application that is to be submitted to the Board secretary.

SECTION I (To be completed by applicant):

I Nickay Construction, Inc. residing at 1600 East Edgar Road, Highway 1
Linden, NJ 07036 and making an application for
the following relief before the Unified Planning Board of the Borough of Keyport:
Vacant lot, proposed new 1 story commercial building

Regarding property known as Block 110 Lot(s) 24 on the
Tax Map of the Borough of Keyport, located at: 105 Route 35 North, Keyport, NJ 07735,
whose owner of the record is NVWI, LLC, who resides at
11 Loriann Road, Warren, NJ 07059. I request the Tax Collector of the Borough of
Keyport to determine if all taxes and/or assessments are paid on the property that is the subject of
my application.

DATE OF REQUEST: _____


(Applicant's Signature)
Lawrence D. Kantor, Esq., Attorney for Applicant

SECTION II (To be completed by the Keyport Borough Tax Collector)

I certify that: ☒ All taxes are paid up-to-date on the above referenced property
☒ All assessments due have been paid
☐ The following are delinquent and past due: _____

Date: 12/14/22

(Tax Collector) 

ESCROW AGREEMENT

THIS AGREEMENT (the "Agreement") is entered into this 20th day of December 2022 by and between the KEYPORT UNIFIED PLANNING BOARD (the "Board") and Nickay Construction, LLC (the "Applicant").

1. **PURPOSE.** The Board authorizes its professional staff to review, inspect, report to the Board, and study all plans, documents, statements, improvements and provisions submitted by the Applicant to the Board or pursuant to relief granted to the Applicant by the Board. The Board is entitled to reimbursement from an Applicant for all reasonable costs/fees incurred by the Applicants in accordance with N.J.S.A 40:55D-8, and N.J.S.A 40:55D-53 et seq. of the New Jersey Municipal Land Use Law ("MLUL").
2. **ESCROW ESTABLISHED.** The Board, Borough and Applicant, in accordance with the provisions of this Agreement, hereby create an escrow deposit account to be established with the finance office of the Borough of Keyport.
3. **ESCROW FUNDED.** The Applicant, by execution of this Agreement, shall pay to the Borough to be deposited in the account referred to in paragraph 2 above.
4. **INCREASE IN ESCROW AMOUNT DEPOSITED.** If, during the existence of this escrow agreement, the funds deposited into said escrow account are insufficient to cover any voucher or bill submitted by the Board's professional staff, the applicant shall, within fourteen (14) days of receipt of a notice from the Board or the Borough that a deficiency in the escrow exists, provide such funding as required to fund the existing deficit as well as to pay for projected costs and fees associated with the ongoing professional reviews, inspections, etc., pursuant to applicable Borough ordinances governing the same, as well as the MLUL.
5. **DISPUTES AND APPEALS.** Should any disputes arise by and between the applicant and the Borough and/or the Board with respect to either the funding of, or payment from, the escrow account established herein, then the settlement of any and all disputes, including appeals from any decisions made by the Borough and/or the Board regarding such escrow account shall be made as called for by the applicable ordinance of the Borough of Keyport and the provisions of the MLUL.
6. **COLLECTION OF DELINQUENT ESCROW BALANCES.** Should the Applicant fail to adequately and on a timely basis fail to fund its escrow account so that the payment of necessary fees of the Board's professionals can be made in accordance with the law, then the Borough and/or Board shall be entitled to pursue all remedies available at either law of inequity, including but not limited to all amounts due, and simple interest at a rate of 18% per annum on all sums unpaid, beginning from 30 days after the applicant received notice of such deficiencies, if permitted by law. The Borough and/or Board shall be permitted to place a lien against any and

all properties within the Borough owned by the Applicant until such time as all sums due and owed have been paid. The Borough shall also have the right to withhold and/or suspend any building permits, the conduct of construction inspections, the issuance of certificates of occupancy, and other actions, unless and until all escrow deficiencies have been satisfied by the Applicant.

Date: 12/20/2022

X 
SIGNATURE OF APPLICANT

Filipe Agostinho

Owner's Name (Print)

Sworn to and subscribed before me this

20th day of December, 2022


NOTARY PUBLIC

DEBORAH A. LARA
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES DECEMBER 19, 2026

Date: _____

BOROUGH OF KEYPORT

Date: _____

BOROUGH OF KEYPORT
UNIFIED PLANNING BOARD

Request for Taxpayer Identification Number and Certification

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

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

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.

Nickay Construction, Inc.

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.

☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ 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.

☐ 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) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

1600 East Edgar Road Highway 1

Requester's name and address (optional)

6 City, state, and ZIP code

Linden, New Jersey 07036

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

45 - 43 46 30 9

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 ▶ *Nickay Construction*

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.



1600 East Edgar Rd.
Linden, NJ 07036
PH: 908-486-0033

1245

55-760/0312
144

DATE 12-18-22



Y THE
DER OF BOURBOUGH of KEYPORT

\$ 225.00

the Bank Trusty for

DOLLARS



Photo
Bank
Deposits
Online



PNC Bank, N.A. 060

R 105 ROUT 35 APPLICATION

[Handwritten Signature]

⑈001245⑈ ⑆031207607⑆ 8133227184⑈

FORM #5

TAX PAYMENT CERTIFICATION

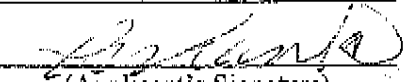
Pursuant to the New Jersey State Law, Chapter 174 of 1987, N.J.S.A. 40:55D-39c and N.J.S. 40:55D 65h, an applicant may be required to furnish proof that no taxes or assessments of local improvements are due or delinquent on the property for which any relief is being sought through the Unified Planning Board of the Borough of Keyport. An applicant must complete Section I of this form and request the Keyport Borough Tax Office to complete Section II which verifies that no taxes or assessments are due. When completed, the applicant should attach this form to the originally signed application that is to be submitted to the Board secretary.

SECTION I (To be completed by applicant):

I Nickay Construction, Inc. residing at 1600 East Edger Road, Highway 1
Linden, NJ 07036 and making an application for
the following relief before the Unified Planning Board of the Borough of Keyport:
Vacant lot, proposed new 1 story commercial building

Regarding property known as Block 110 Lot(s) 24 on the
Tax Map of the Borough of Keyport, located at: 105 Route 35 North, Keyport, NJ 07735,
whose owner of the record is NVWI, LLC, who resides at
11 Lorian Road, Warren, NJ 07059. I request the Tax Collector of the Borough of
Keyport to determine if all taxes and/or assessments are paid on the property that is the subject of
my application.

DATE OF REQUEST: _____


(Applicant's Signature)
Lawrence D. Kantor, Esq., Attorney for Applicant

SECTION II (To be completed by the Keyport Borough Tax Collector)

I certify that: ☒ All taxes are paid up-to-date on the above referenced property
☒ All assessments due have been paid
☐ The following are delinquent and past due: _____

Date: 12/14/22

(Tax Collector) 