

ANDOVER TOWNSHIP LAND USE BOARD

11/30/23
 A23-11

LAND USE APPLICATION

Property Address: 714 Route 206 Block: 161 Lot: 5.02

Project Name: _____

1. APPLICANT **2. PROPERTY OWNER**

Name: <u>Priority Compactor Repair LLC</u> Address: <u>54 Montesano Road</u> <u>Fairfield, NJ 07004</u> Phone: <u>973-445-5056</u> Fax: _____ Email: <u>loultrinc@aol.com</u> Interest in Property: _____	Name: <u>Andover Real Estate Holdings LLC</u> Address: <u>54 Montesano Road</u> <u>Fairfield, NJ 07004</u> Phone: <u>973-445-5056</u> Fax: _____ Email: <u>loultrinc@aol.com</u>
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3. TYPE OF APPLICATION (CHECK ALL THAT APPLY)

- | | |
|----------------------------------------------------------|----------------------------------------------------------------------------------------|
| <input type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Use (d) Variance * |
| <input type="checkbox"/> Preliminary Major Subdivision * | <input type="checkbox"/> Bulk (c) Variance * |
| <input type="checkbox"/> Final Major Subdivision | <input type="checkbox"/> Appeal (a) |
| <input checked="" type="checkbox"/> Minor Site Plan | <input type="checkbox"/> Interpretation (b) * |
| <input type="checkbox"/> Preliminary Major Site Plan * | <input type="checkbox"/> Other (Informal, Planning Variance,
Extension of Approval) |
| <input type="checkbox"/> Final Major Site Plan | <input type="checkbox"/> Conditional Use * |

* Legal advertisement and notice is required to all property owners within 200 feet.

4. ATTORNEY (A CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY OR PARTNERSHIP MUST BE REPRESENTED BY A NEW JERSEY ATTORNEY)

Name: Michael S. Selvaggi, Esq., Lavery, Selvaggi, Abromitis & Cohen, P.C.

Address: 1001 Route 517, Hackettstown, NJ 07840

Phone: 908-852-2600 Fax: 908-852-8225

Email: mselfaggi@lsaclaw.com

5. APPLICANT'S PROFESSIONALS (ENGINEER, PLANNER, SURVEYOR, ARCHITECT ETC...)

Name: <u>Jeffrey Allen, PE</u> Profession: <u>Engineer</u> Address: <u>53 Frontage Road, Suite 110</u> <u>Hampton, NJ 08827</u> Phone: <u>908-238-0900</u> Fax: _____ Email: <u>jeffrey.allen@collierseng.com</u>	Name: _____ Profession: _____ Address: _____ _____ Phone: _____ Fax: _____ Email: _____
Name: _____ Profession: _____ Address: _____ _____ Phone: _____ Fax: _____ Email: _____	Name: _____ Profession: _____ Address: _____ _____ Phone: _____ Fax: _____ Email: _____

6. LOCATION OF PROPERTY

Street Address: 714 Route 206 Block(s): 161

Tract Area: 5.72 acres Lot(s): 5.02

Zone: C/I (Commercial Industiral District)

Tax Map Sheet # 13 Nearest Cross Street _____

7. LAND USE

Existing Land Use: Commercial/Industrial

Proposed Land Use: Please describe in detail the project you are proposing and why you may need a particular variance.
The Applicant operates a disposal facility business. It is proposing to use this site for empty dumpster storage and repairs to dumpsters. The property will not be used to storage trash or debris or to park vehicles or dumpsters that have trash or debris in them.

Describe the current condition of the property and any features that affect the property. (e.g., septic/ well location, rock outcrop, wetlands, mature trees, lake shore, steep slopes, flood plains, ridge lines etc....) Applicant must be prepared to explain hardship reason to the Board. _____

8. PROPERTY

Number of Existing Lots: 1 Are there existing deed restrictions or easements? None.

Number of proposed lots: _____ Are there proposed deed restrictions or easements?: None.

List all existing and proposed non-conforming conditions or uses: _____

9. APPLICATION SUBMISSION MATERIALS

List all plans, reports, photos etc. (use additional sheets if necessary): _____

Minor Site Plan prepared by Colliers Engineering & Design

10. PREVIOUS OR PENDING APPLICATIONS

List all previous or pending applications for this parcel (use additional sheets if necessary): _____

See attached Resolution.

11. ZONING SCHEDULE (COMPLETE ALL THAT APPLY)

	REQUIRED	EXISTING	PROPOSED
Lot Area	130,000 sf	248,978 sf	no change
Lot Depth			
Frontage			
Front Yard Setback (Principal/Accessory)	20 ft.	524.5 ft. / 524 ft.	no change
Left Side Setback (Principal/Accessory side yard setback)	10 ft. / 5 ft.	0 / 0.14	no change (ENC/V)
Right Side Setback			
Rear Yard Setback (Principal/Accessory)	20 ft. / 10 ft.	231.83 ft. / 104.72 ft.	no change
Building Height	35 ft	<35	no change
Maximum Lot Disturbance			
Critical Lot Disturbance			
Open Space			
Parking Setbacks			
Parking Spaces	1 space/employee	5	no change
Loading Spaces			

12. OWNER'S AUTHORIZATION FOR SITE INSPECTION

I hereby give permission for Andover Township Municipal agencies and their agents to come upon and inspect these premises with respect to the land use application for premises known as Block(s): 161, Lot(s): 5.02 in Andover Township, New Jersey.

[Signature]
Applicant Signature

10-24-23
Date

13. RELIEF REQUESTED (CHECK ALL THAT APPLY)

Zoning Variances

"A" Administrative Appeal

"D" Use Variance

"B" Interpretation

Planning Variance

"C" Bulk Variance

Other _____

Individual Variance Applications:

Height variance – The maximum allowable height in the zone is _____ feet. The proposed structure will stand _____ feet.

Use Variance – The structure will be designed for use as a _____ a non-permitted use in the _____ zone.

Planning Variance (N.J.S.A. 40:55D-35 & 36)

Conditional Use variance

Expansion of a non-conforming use.

Other: _____

Substandard Lot Case:

Notice to all applications regarding vacant substandard lots: The Andover Township Land Use Board strongly recommends the Buy/Sell (see addendum) letter be followed in corresponding with abutting property owners. Applicants are not required to use the exact wording on the form (the wording may be modified for individual applicants is appropriate); the substance of the form must be followed. The Buy/Sell letter must be sent at least twenty (20) days in advance of your scheduled hearing date for completeness by both certified and regular mail. Failure to comply will delay a hearing on this matter. You must be prepared at the hearing date to offer into evidence the Buy/Sell letter and any response. Responses must be in writing. The Buy/Sell letter is in addition to the required statutory notice you must give to all property owners within 200 feet as well as those other entities entitled to notice by law.

Exceptions from Municipal requirements (N.J.S.A. 40:55D-51)


Exceptions from New Jersey Residential Site Improvement Standards (R.S.I.S.) (N.J.A.C. 5:21-3.1)

Waivers from New Jersey Residential Site Improvement Standards (R.S.I.S.) (N.J.A.C. 5:21-3.2) requires application to and approval of the New Jersey Site Improvement Advisory Board.

For any type of the above relief requested, a separate exhibit should be attached stating the factual basis, legal theory, and/or previous granted relief.

14. SIGNATURE OF 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 and authorized to sign the application for the Corporation, or a general partner of the partnership application.

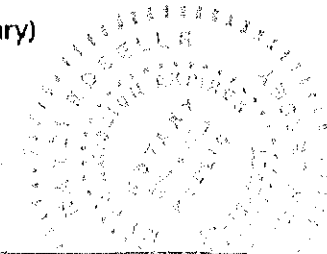
 10-24-23
Signature (Applicant) Date

Michael Roselle
Print Name

Sworn & Subscribed to before me this
24th day of October, 2023 (year)


 (notary)

RANDI ROSELLE
Notary Public, State of New Jersey
My Commission Expires
February 18, 2027



15. CONSENT OF OWNER

I certify that I am the Owner of the property which is the subject of this application, herby consent to the making of this application and the approval of the plans submitted here w thln. I further consent to the inspection of this property in connection with this application as deemed necessary by the Land Use Board and its professionals. I further consent that all fees must be paid in accordance the Land Use Board application, and in the event the applicant does not pay all appropriate fees, including application and escrow fees, the landowner consents to have any unpaid balance placed as an added assessment against the property at issue, to be collected by the Township Tax Collector's Office.

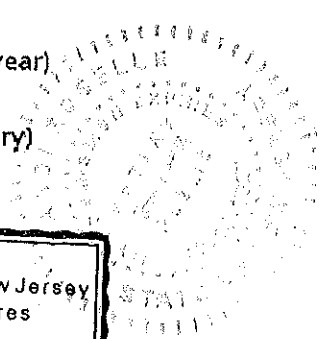
 10-24-23
Signature (Applicant) Date

Michael Roselle
Print Name

Sworn & Subscribed to before me this
24th day of October, 2023 (year)

 (notary)

RANDI ROSELLE
Notary Public, State of New Jersey
My Commission Expires
February 18, 2027



16. DISCLOSURE STATEMENT

Pursuant to N.J.S.A. 40:55D-48.1 & 48.2, please answer the following questions:

- Is this application to subdivide a parcel of land into six (6) or more lots? Yes No
- Is this application for a variance to construct a multiple dwelling of twenty-five (25) or more units? Yes No
- Is this application for approval of a site (or sites) for non-residential purposes? Yes No
- Is the applicant a corporation? Yes No
- Is the applicant a limited liability corporation? Yes No
- Is the applicant a partnership? Yes No

Pursuant to N.J.S.A. 40:55D-48.1 a corporation or partnership applying to a planning board or board of adjustment or to the governing body of a municipality for permission to subdivide a parcel of land into six or more lots, or applying for a variance to construct a multiple dwelling of 25 or more family units or for approval of a site to be used for commercial purposes shall list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as the case may be.

List the names and addresses of all stockholders or individual partners owning at least 10% in stock of any class or at least 10% of the interest in partnership (whichever is applicable) on Appendix attached.

10-24-23

Applicant signature

Date

17. SURVEY WAIVER CERTIFICATION

As of the date of this application, I hereby certify that the survey submitted with this application, under the date of October, 20 23 shows and discloses the premises in its entirety, described as Block(s) 161 Lot(s) 5.02; and I further certify that no buildings, fences, or other facilities have been constructed, installed, or otherwise located on the premises after the date of the survey with the exception of the structures shown.

10-24-23

Signature (Applicant)

Date

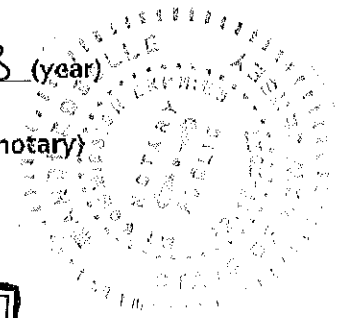
Michael Roselle

Print Name

Sworn & Subscribed to before me this

24th day of October, 2023 (year)

Randi Roselle (notary)



RANDI ROSELLE
Notary Public, State of New Jersey
My Commission Expires
February 18, 2027

18 ESCROW AGREEMENT

As Applicant, I understand that monies associated with this application have been deposited in an escrow account in accordance with Andover Township's Ordinances. I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of the submitted materials, any communications with the Board's or Township's Professionals as chargeable time. Sums not expended in the review process will be refunded. If additional sums are necessary, I understand that I will be notified of any additional amount and shall replenish the escrow account within 20 days of notification. Additionally, until such funds are fully replenished, no further consideration, review, processing of any pending application shall be permitted by the Land Use Board, nor shall any further inspections be performed by or on behalf of the Township until such additional escrow has been deposited. Failure to post sufficient escrow funds to cover costs incurred or anticipated shall toll the period for action by the approving authority, as required by N.J.S.A. 40:55D.1 et. seq. and particularly N.J.S.A. 40:55D.51 and N.J.S.A. 40:55D.73 thereby barring an applicant from seeking a default approval under N.J.S.A. 40:55D-10.4.


The written notice referred to in this paragraph shall be sent to:

Name: MICHAEL ROUELLE

Address: 54 MONTESANO ROAD, FAIRFIELD, NJ 07004

Unless otherwise shown, receipt shall be presumed to have occurred three (3) days after mailing. The notice required under this paragraph shall be in the form of a letter requesting the additional sums.

After a period of forty-five (45) days from the notice from the Township, the applicant's failure to deposit the additional funds shall be grounds for denial of the application or for the dismissal of the application without prejudice. In the event the Board approves the application, the obligation to pay for professional plan reviews by depositing the funds in escrow shall be a condition of the approval granted by the Board. If the escrow funds are depleted, after the application is filed or granted, the applicant, shall pay additional funds upon demand within the aforementioned (20) day period. The failure to pay, the demanded funds may also result in a voiding of any prior approvals upon due notice to the applicant by the Board. In addition to the foregoing, the applicant hereby agrees that in the event the reasonable and necessary amounts charged by the professionals for review of the application are not paid, the outstanding fees shall be placed as an added assessment against the property at issue, to be collected by the Township Tax Collector's office.

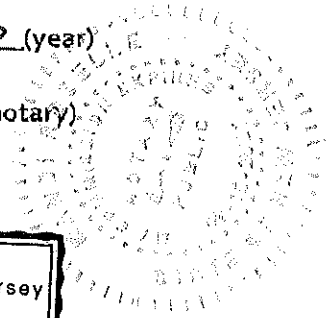
 10-24-23
Signature (Applicant) Date

Michael Roselle
Print Name

Sworn & Subscribed to before me this

24th day of October, 2023 (year)
Randi Roselle (notary)

RANDI ROSELLE
Notary Public, State of New Jersey
My Commission Expires
February 18, 2027



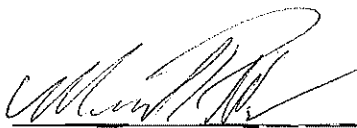
19 OWNERSHIP DISCLOSURE STATEMENT (APPENDIX I)

Name of Corporation, Partnership, LLC or LLP: Andover Real Estate Holdings LLC

Listed below are the names and addresses of all owner of 10% or more of the stock/interest* in the above referenced corporation, partnership, limited liability corporation (LLC) or limited liability partnership (LLP):

	NAME	ADDRESS
1	Michael Roselle	11 Ella Rd Sparta, N.J. 07871
2	Chris Roselle	3227 Abbey Lane Lavallette, N.J. 08735
3	Daniel Roselle	15 Midvale Ave West Caldwell, N.J. 07006
4	Robert Roselle	4 Cambridge Ct. Randolph, N.J. 07869
5	Kerry Roselle	16 Chestnut Way Flanders, N.J. 07863
6	John Roselle	305 Ridgeway Rd St. Augustine, Fl. 32080
7		
8		
9		
10		

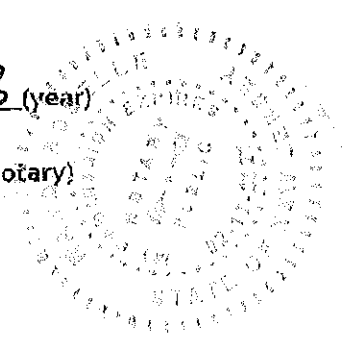
*If a corporation or a partnership owns 10% or more of the stock of a corporation, or 10% or greater interest in a partnership, that corporation or partnership shall list the names and addresses of its stockholders holding 10% or more of its stock or of 10% or greater interest in the partnership, and this requirement shall be followed until the names and addresses of the non-corporate stockholders and individual partners, exceeding the 10% ownership criterion established have been listed.

 10-24-23
 Signature (Applicant) Date

Mike Roselle
 Print Name

Sworn & Subscribed to before me this

24th day of October, 2023 (year)
Randi Roselle (notary)



RANDI ROSELLE
 Notary Public, State of New Jersey
 My Commission Expires
 February 18, 2027

25. AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY

SS

COUNTY OF SUSSEX

C/O Andover Real Estate
Holdngs LLC

Michael Roselle of full age, being duly sworn according to law on oath
deposes and says, that the deponent resides at 54 Montesano Road, in the municipality
of Fairfield, in the County of
Essex and the State of New Jersey; that
Andover Real Estate Holdings LLC is the owner in fee of all that certain lot, piece of land
situated, lying, and being in the municipality aforesaid, and known and designated as
number Block 161 Lot 5.02.

Owner Signature

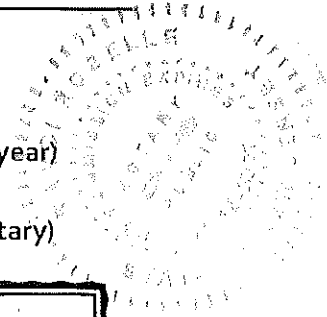
Owners Address: 11 Ella Rd, Sparta N.J. 07871

Sworn & Subscribed to before me this

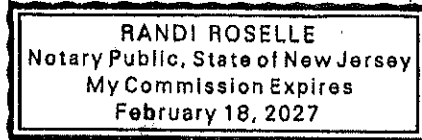
24th day of October, 20 23 (year)

Randi Roselle (notary)

[Signature] 10-24-23
Signature (Applicant) Date
Michael Roselle
Print Name



Authorization



(If anyone other than above owner is making this application, the following authorization must be executed)

To: The Land Use Board:

_____ is hereby authorized to make the within application.

Owner's Signature

Date


ANDOVER TOWNSHIP LAND USE BOARD

CHECK LIST #1 -- GENERAL REQUIREMENTS

Applicant: Priority Compactor Repair LLC **File No.** _____
Block 161 **Lot** 5.02

This checklist is for general reference only. Further information may be required by the reviewing authority. The following designations are to be used when completing the checklist:
 ✓ -- provided; NA -- not applicable; W -- waiver requested

Item No.	Application Requirements	Applicant	Board
1.	Sixteen (16) copies of completed application form, signed and notarized, inclusive of items in this checklist	✓ NA ATTACHED	
2.	Sixteen (16) copies of plans, maps, and construction details as required (see appropriate checklist) All plats shall be certified, signed and sealed.	✓ NA ATTACHED	
3.	Fees and escrow deposit in two separate checks made payable to Andover Township. A W-9 form is required if escrow amount is \$5,000 or more	✓ NA ATTACHED	
4.	Itemized calculation of fees and escrow	✓ W NA ATTACHED	
5.	Certification of Township Tax Collector that all taxes and assessments have been paid to date	✓ NA ATTACHED	
6.	Site Inspection Form	✓ NA ATTACHED	
7.	Affidavit of Ownership	✓ NA ATTACHED	
8.	Corporate Form – If Applicant is a corporation or a partnership, list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class as required by N.J.S.A. 40:55D-48.1 et seq.	✓ NA ATTACHED	
9.	County and State agency applications for approval - proof of submission	W NA ATTACHED	
10.	Copy of deed to the current owner including any easements or restrictions to use of property	✓ NA ATTACHED	
11.	Narrative of application and a list of all variance and waiver requests including statement of reasons why variance/waivers should be granted	W NA ATTACHED	
12.	CD containing PDF files of plans, maps, and details	W NA ATTACHED	
13.	Completed check list for the following: (Check one or more as necessary) <input type="checkbox"/> Checklist #2: Minor Subdivision <input type="checkbox"/> Checklist #3: Preliminary Major Subdivision <input type="checkbox"/> Checklist #4: Final Major Subdivision <input checked="" type="checkbox"/> Checklist #5: Site Plan and Conditional Use (Minor) <input type="checkbox"/> Checklist #6: Final Site Plan <input type="checkbox"/> Checklist #7: Variance <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Ordinance Interpretation <input type="checkbox"/> Bulk or other "C" variance <input type="checkbox"/> Use Variance <input type="checkbox"/> Checklist #8: Lot Line Adjustment <input type="checkbox"/> Checklist #9: Site Plan Waiver Note: Applications for amended plans require submission of the checklist associated with the original application.		

<p>SUSSEX COUNTY RECORDING COVER PAGE Honorable Jeffrey M. Parrott Sussex County Clerk</p>  <p>This cover page is required to be part of any document affecting land title being recorded in Sussex County, New Jersey. It is part of the recorded instrument and permanent record and should not be detached from the original document.</p>	<p><i>Official Use Only - Barcode</i></p> <p>20220708010211170 1/7 07/08/2022 12:29:39 PM DEED Bk:3642 Pg:238 Jeffrey M. Parrott, County Clerk Sussex County, NJ</p>
<p>Record and Return To:</p> <p>Green Hill Title, LLC 39B Kennedy Road Tranquility, NJ 07879</p>	<p><i>Official Use Only - Realty Transfer Fee</i></p> <p>20220708010211170 7/8/2022 12:29:39 PM Consideration: \$450,000.00 Exempt.Code: Regular County:\$450.00 State:\$1,125.00 NJAHTF : \$450.00 PHPF: \$225.00 State E.A.A:\$635.00 General:\$810.00 Buyers Fee: \$.00</p>

<p>Date of Document: 2022-06-30</p>	<p>Type of Document: DEED</p> <p>Total RTF: \$3,695.00</p>
<p>First Party Name: Fischer & Son Sawmills, L.L.C.</p>	<p>Second Party Name: Andover Real Estate Holdings LLC</p>
<p>Additional Parties To Be Indexed:</p>	

PROPERTY INFORMATION (MANDATORY FOR DEEDS)	
<p>Block: 161</p>	<p>Lot: 5.02</p>
<p>Municipality Andover Borough</p>	
<p>Consideration: 450000.00</p>	
<p>Mailing Address of Grantee: 54 Montesano Road Fairfield, NJ 07004</p>	

THIS SECTION PERTAINS TO ASSIGNMENTS, RELEASES, SATISFACTIONS, DISCHARGES, ETC. WHICH REQUIRE YOU PROVIDE THE ORIGINAL INSTRUMENT'S BOOK & PAGE RECORDING INFORMATION.	
<p>Original Book:</p>	<p>Original Page:</p>

<p>SUSSEX COUNTY RECORDING COVER PAGE</p> <p>Do not detach this page from the original document as it contains important recording information and is part of the permanent record.</p>

Prepared By: Hunain Sarwar, Esq.

DEED

This Deed is made on this 30th day of June, 2022

BETWEEN

FISCHER & SON SAWMILLS, L.L.C., a New Jersey limited liability company, having a mailing address at P.O. Box 1033, Andover, New Jersey 07821, referred to as GRANTOR,

AND

ANDOVER REAL ESTATE HOLDINGS LLC, a New Jersey limited liability company, having a mailing address at 54 Montesano Road, Fairfield, New Jersey 07004, referred to as GRANTEE,

TRANSFER OF OWNERSHIP. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of FOUR HUNDRED FIFTY THOUSAND AND 00/100 (\$450,000.00) DOLLARS. The Grantor acknowledges receipt of this money.

TAX MAP REFERENCE. (N.J.S.A. 46:15-2.1) Municipality of the Township of Andover, Block No. 161, Lot No. 5.02, Account No.: _____

PROPERTY. The property conveyed consists of any and all of Grantor's interest in and to the land, buildings and structures located in the Township of Andover, County of Sussex and State of New Jersey. The legal description of the property is described in **Schedule A** attached hereto and made a part hereof.

Subject to restrictions, easements, covenants, agreements of record or municipal zoning ordinances, if any, and such state of facts as an accurate survey might disclose.

BEING the same premises conveyed to Grantor by Deed from James A. Valenza, dated December 24, 1997 and recorded on February 17, 1998, in the Sussex County Clerk's Office in Deed Book 2270, Page 155.

PROMISES BY GRANTOR. The Grantor promises that the Grantor has done no act to encumber the Property, other than as set forth herein. This promise is called a "covenant as to Grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against Grantor).

[Signature page follows]

**EXHIBIT A
LEGAL DESCRIPTION**

ALL that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Township of Andover, County of Sussex, State of New Jersey:

BEGINNING at a point in a pond in the westerly line of U.S. Highway Route 206, 80 feet wide, where the same is intersected by the southeasterly line of lands of Werner and Rolf Meyer, said point being southeasterly, measured along the westerly line of said U.S. Highway Route 206, distant 288.05 feet from its intersection with the southerly line of Budd Street, 33 feet wide, now vacated; and runs thence

- 1) Southeasterly along the westerly line of U.S. Highway Route 206, on a curve to the left with a radius of 2904.03 feet an arc distance of 134.36 feet to a point of tangency; thence
- 2) South 26 degrees 05 minutes 00 seconds East, still along said westerly line, distant 121.18 feet to a point in a line of lands of Harvey and Tamara Applebaum; thence
- 3) South 49 degrees 56 minutes 04 seconds West, along said lines of Harvey and Tamara Applebaum, distant 806.66 feet to a point in a line of lands of Format Corp.; thence
- 4) North 39 degrees 10 minutes 30 seconds West, along said lands, distant 258.41 feet to a concrete monument found set into the ground in the southerly line of Budd Road, now vacated; thence
- 5) North 37 degrees 59 minutes 00 seconds East, along said southerly line, distant 189.90 feet to a railroad spike found driven into the ground; thence
- 6) North 40 degrees 37 minutes 00 seconds East, still along said southerly line, distant 245.30 feet to a railroad spike found driven into the ground; thence
- 7) North 52 degrees 04 minutes 00 seconds East, still along said southerly line, distant 98.70 feet to a railroad spike found driven into the ground; thence
- 8) North 44 degrees 17 minutes 00 seconds East, still along said southerly line, distant 50.10 feet to a concrete monument found set into the ground in the westerly line of lands of Werner and Rolf Meyer; thence
- 9) South 55 degrees 00 minutes 00 seconds East, along said lands, distant 113.74 feet to a point in a pond; thence
- 10) North 45 degrees 55 minutes 00 seconds East, in said pond and still along said lands, distant 262.39 feet to the point and place of BEGINNING.

Being more particularly described as follows:

BEGINNING at a point in the southwesterly line of New Jersey State Highway U.S. Route 206 (f.k.a. Route 31, 80-foot-wide per tax map) where it is intersected by the line dividing Lot 5.02 and Lot 6, Block 161, and from beginning point running thence; along said the southwesterly line of New Jersey State Highway U.S. Route 206, the following two (2) courses:

1. Along an arc having a radius of 2904.00 feet and curving to the left, an arc distance of 134.36 feet (central angle of 2° 39' 03"), said arc being connected by a chord bearing of S 33° 09' 29" E and a chord distance of 134.34 feet to a point of tangency; thence—
2. S 34° 29' 01" E, 121.18 feet to a point, thence —
3. S 41° 32' 03" W, 806.66 feet along the line dividing Lot 5.02 and Lot 5.01, Block 161, to a point, thence —
4. N 47° 34' 31" W, 269.00 feet along line dividing Lot 5.02 and Lot 3, Block 161, to a point, thence; along line centerline of former Budd road, now vacated and courses sixteen (16) through twenty three (23) as described in vacation book A, document no. 75069, recorded on October 16, 1969, the following eight (8) courses:

Exhibit A – Continued

Sussex County Clerk Instrument 20220708010211170 Book:3642 Page:241 Page:4 of 7

5. N 32° 46' 23" E, 43.54 feet to a point, thence –
6. N 21° 16' 51" E, 84.08 feet to a point, thence –
7. N 32° 05' 34" E, 69.35 feet to a point, thence –
8. N 36° 30' 53" E, 138.78 feet to a point, thence –
9. N 25° 38' 47" E, 82.43 feet to a point, thence –
10. N 39° 40' 47" E, 39.88 feet to a point, thence –
11. N 46° 23' 31" E, 85.29 feet to a point, thence –
12. N 30° 01' 52" E, 40.49 feet to a point, thence –
13. S 63° 24' 01" E, 128.49 feet through bed of said former Budd road and the line dividing Lot 5.02 and Lot 6, Block 161, to a point, thence –
14. N 37° 30' 59" E, 262.39 feet along the aforesaid line dividing Lot 5.02 and Lot 6, Block 161, to the point and place of BEGINNING.

The foregoing description was prepared by Colliers Engineering & Design and is based on the aforementioned ALTA/NSPS Land Title Survey, dated June 16, 2022.

FOR INFORMATION PURPOSES ONLY: BEING known as Tax Lot 5.02 in Tax Block 161 on the Official Tax Map of the Township of Andover, Sussex County, State of NJ.

FOR INFORMATION PURPOSES ONLY: The mailing address is: 714 Rt 206, Andover, NJ 07821.

GIT/REP-3
(2-21)
(Print or Type)

State of New Jersey
Seller's Residency Certification/Exemption

Seller's Information

Name(s)
Fischer & Son Sawmills, L.L.C., a New Jersey limited liability company

Current Street Address
c/o Ag Choice, 93 Stickles Pond Road

City, Town, Post Office Newton	State NJ	ZIP Code 07860
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Property Information

Block(s) 161	Lot(s) 5.02	Qualifier
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Street Address
714 U.S. Highway 206

City, Town, Post Office Andover	State NJ	ZIP Code 07821
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Seller's Percentage of Ownership 100	Total Consideration \$450,000.00	Owner's Share of Consideration 450,000.00	Closing Date 7/11/22
-----------------------------------------	-------------------------------------	----------------------------------------------	-------------------------

Seller's Assurances (Check the Appropriate Box) (Boxes 2 through 16 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.
8. Seller did not receive non-like kind property.
9. 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.
10. 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.
11. The deed is dated prior to August 1, 2004, and was not previously recorded.
12. 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.
13. 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.
14. The property transferred is a cemetery plot.
15. 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.
16. The seller is a retirement trust that received an acknowledgment letter from the Internal Revenue Service that the seller is a retirement trust, and is therefore not required to make the estimated Gross Income Tax payment.
17. The seller (and/or spouse/civil union partner) originally purchased the property while a resident of New Jersey as a member of the U.S. Armed Forces and is now selling the property as a result of being deployed on active duty outside of New Jersey. (Only check this box if applicable and neither boxes 1 nor 2 apply.)

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.

<p>6/30/22</p> <hr/> <p>Date</p>	<p><i>Jill Fischer</i></p> <hr/> <p>By: Jill Fischer, Member</p>	<p>Indicate if Power of Attorney or Attorney in Fact</p>
<hr/> <p>Date</p>	<hr/> <p>Signature (Seller)</p>	<hr/> <p>Indicate if Power of Attorney or Attorney in Fact</p>

RTF-1 (Rev. 3/2/22)
MUST SUBMIT IN DUPLICATE

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

(Chapter 49, P.L. 1988, 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

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

COUNTY Sussex } SS. County Municipal Code
1902

MUNICIPALITY OF PROPERTY LOCATION Twp. of Andover

*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, Jill Fischer being duly sworn according to law upon his/her oath,
(Name)
deposes and says that he/she is the a Member in a deed dated 6/30/22 transferring
(Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.)
real property identified as Block number 161 Lot number 5.02 located at
714 U.S. Highway 206, Andover, NJ and annexed thereto.
(Street Address, Town)

(2) CONSIDERATION \$ 450,000.00 (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

\$ 148,400.00 + 82.96 % = \$ 178,881.39

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. 1988, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

(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) IF APPLIES ALL BOXES MUST BE CHECKED.

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

(6) NEW CONSTRUCTION (Instructions #2, #10 and #12 on reverse side) IF APPLIES ALL BOXES MUST BE CHECKED.

- 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) IF APPLIES ALL BOXES MUST BE CHECKED.

- 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) INTERCOMPANY TRANSFER IF APPLIES ALL BOXES MUST BE CHECKED. (Instruction #15 on reverse side)

- Intercompany transfer between combined group members as part of the unitary business
 Combined group NU ID number (Required) _____

(9) 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. 1988, as amended through Chapter 33, P.L. 2006

Subscribed and sworn to before me
this 30 day of June, 2022

Jill Fischer
Signature of Deponent

Fischer & Son Sawmills, L.L.C.
Grantor Name

714 U.S. Highway 206, Andover NJ 07821
Deponent Address

714 U.S. Hwy 206 Andover NJ 07821
Grantor Address at Time of Sale

xxx-xx-x139

Last three digits in Grantor's Social Security Number

Name/Company of Settlement Officer

ALLYSON PULLIS
NOTARY PUBLIC OF NEW JERSEY
Commission # 60134938
My Commission Expires 8/26/2025

[Signature]

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 08693-0251
ATTENTION: REALTY TRANSFER FEE UNIT

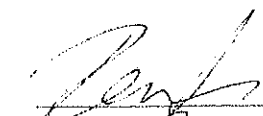
The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation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

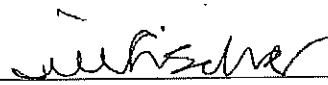
IN WITNESS WHEREOF, Grantor has signed this Deed the day and year first above written.

WITNESS:

GRANTOR:

FISCHER & SON SAWMILLS, L.L.C.,
a New Jersey limited liability company


Name: JENE E GRANADOS

By: 
Name: Jill Fischer
Title: Member

ACKNOWLEDGMENT

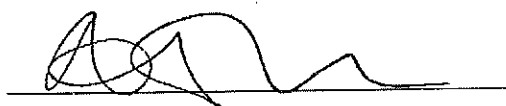
STATE OF NEW JERSEY, COUNTY OF Sussex SS.:

I certify that on June 30, 2022, Jill Fischer personally came before me and this person acknowledged under oath, to my satisfaction, that:

(a) this person signed, sealed and delivered the attached document as a Member of Fischer & Sons Sawmills, L.L.C., a New Jersey limited liability company, which is the limited liability company named in this document;

(b) this Deed was signed and delivered by the limited liability company as its voluntary act and deed by virtue of authority from its members.

(c) made this deed for \$450,000.00 as the full and actual consideration paid or to be paid for the transfer of title.



RECORD & RETURN TO:
RIKER DANZIG LLP
ONE SPEEDWELL AVENUE
MORRISTOWN, NEW JERSEY 07962
ATTENTION: JOSHUA M. GREENFIELD, ESQ.

ALLYSON PULLIS
NOTARY PUBLIC OF NEW JERSEY
Commission # 50134938
My Commission Expires 8/26/2025

20220708010211170 7/7
07/08/2022 12:29:39 PM
DEED
Recording Fee: \$100.00



Date
Township of Andover

Municipal Offices

July 15, 1997

Mr. Jason Fischer
PO Box 351
Newton, N. J. 07860

RE: Block 161, Lot 5.02, preliminary and final site plan
and "c-2" sign variance.

Dear Mr. Fischer:

Enclosed please find the Applicant's copy of the stamped and
signed maps and the resolution adopted by the Andover
Township Planning Board on June 2, memorialized July 14,

Yours truly,

ANDOVER TOWNSHIP PLANNING BOARD

Estelle Campbell, Secretary

C: Sussex County Planning Board
Building Inspector
Zoning Officer
Board of Health
Fire Department

LET-RES095

ANDOVER TOWNSHIP PLANNING BOARD

97-19

RESOLUTION

DECIDED: JUNE 2, 1997

MEMORIALIZED: JULY 14, 1997

MEMORIALIZING RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF ANDOVER APPROVING THE PRELIMINARY AND FINAL SITE PLAN AND SIGN VARIANCE APPLICATION OF JASON FISCHER FOR A SAW MILL AT BLOCK 161, LOT 5.02, ON THE TAX MAPS OF THE TOWNSHIP OF ANDOVER AND LOCATED IN THE INDUSTRIAL ZONE.

WHEREAS, Jason Fischer, with the address of P.O. Box 351, Newton, New Jersey 07860 (hereinafter the "Applicant") applied to the Andover Township Planning Board (hereinafter the "Board") for preliminary and final site plan approval and a variance for a sign in excess of the 32 square foot size requirement relating to Block 161, Lot 5.02, on the Tax Maps of the Township of Andover in accordance with a preliminary and final site plan prepared by Truepower Engineering Corp. of New Jersey, 37 Rainbow Trail, Sparta, New Jersey 07871, Bill Truran, P.E., dated May 6, 1997, and bearing the last revision date of June 1, 1997, (hereinafter "preliminary and final site plan") and in accordance with a sign drawing marked into evidence as Exhibit A-5; and

WHEREAS, the matter was discussed at a public hearing of the Board on June 2, 1997; and

WHEREAS, the Board finds that the Applicant has complied with all of the procedural requirements, rules and regulations of the Planning Board of the Township of Andover and that all required provisions of procedural compliance have been filed with the Board; and

WHEREAS, the Planning Board of the Township of Andover makes the following findings of fact based upon the evidence submitted to the Board at the meeting:

1. The Applicant explained that he is seeking to utilize the property substantially in its existing condition as a sawmill and shaving auger dryer and bagger and a moveable steel supported tent structure. He explained, by means of various exhibits, including A-1, a copy of a videotape, and A-2, a photograph of the moveable tent structure, the type of use that he would make of the property. He further elaborated that the sawmill equipment is mobile and that it utilizes modern technology to cut logs into boards and to utilize the shavings for mulch and other products, such as fuel pellets. He explained that it would be carefully controlled as to noise and that, if necessary, he would add additional noise protection materials on the site to comply with the New Jersey Department of Environmental Protection noise standards at the property line. He explained that he is seeking to do the project in phases and that its success will determine if additional phases will be completed. He further explained that the property is particularly useful for this proposed use and that the existing rock outcrops on the property will provide a visual and noise buffer for the use. Mr. Fischer explained that he will be producing specially hardwood boards for woodworkers and hobbyists alike. He stated that he did not expect to have large trucks entering and leaving the site all day but will own one truck similar to that shown on one of his exhibits. He will not be operating 24 hours a day, only during normal business hours. He further stated that the shavings mill will be designed to produce quality soft wood shavings that will be dried, packaged into 3.5 cubic foot paper bales and sold on-site to pet and farm owners as bedding material. He explained that the sawmill is a timber harvester portable band sawmill. The mill will be used to saw hardwood logs into boards and will be dried in a small kiln. He stated that the raw materials being brought to the site would be stored at the rear of the property. He stated that the logs will be recovered from tree services, shade tree commissions, public utilities and towns around the tri-state area so as to reduce the amount of logging and help recycle the natural resource.

2. He stated that in the future he plans to install various woodworking machinery, such as a planer, table saws and a wood lathe, and to give

demonstrations to people who want to know how to use these tools to produce wooden bowls, plates, goblets and learn how to carve. He explained that he intends to invite craftsmen and demonstrate their talents, such as wood carvers and chain saw artists. He explained that Phase II would consist of the installation of the loading area, the purchase of a portable saw mill, the setup of the shavings mill and the bagging plant and the erection of the 20' by 30' wood frame building to house the bagging plant. Also, this phase would include the beginning stages of outdoor lighting around the parking area and loading area and the shavings equipment. He stated that Phase III would consist of the construction of the main building and permanent office, the installation of freshwater wells, septic system and the remainder of the outdoor lighting. In the interim, he would utilize bottled water and a portable toilet.

3. The Applicant agreed to comply with the requirements of the report of the Township Engineer dated May 21, 1997, which is attached hereto and incorporated herein by reference.

4. The Board waived the items necessary for completeness, including the soil erosion and sediment control plan approval, which will be waived until the Applicant seeks to go forward with the project. The Board deemed the application to be complete and started the public hearing. The Board finds and concludes that the proposed use for an industrial sawmill is a use permitted in the Industrial Zone. The Board further finds that the proposed activities will comply with the ordinances of the Township of Andover. The Board finds that the location on Route 206 is an appropriate location in the zone for the proposed use, provided that the Applicant complies with the noise performance standards of the State of New Jersey with respect to noise at the property limits. If necessary, the Applicant shall install additional sound absorbing or abatement techniques so as to help reduce the noise at the property lines to noise within the New Jersey DEP daytime and nighttime noise standards. The Applicant explained that he will be operating only between 8:00 a.m. and 5:00 p.m. and would thereby be able to easily comply with the DEP noise standards.

5. The Board further finds that the Applicant's request for a sign consistent with Exhibit A-5 is an appropriate matter for a "c"2 variance. The Board further notes that the benefits to the purposes of zoning will include the identification of an appropriate industrial site in an industrial zone. The Board further finds that the nature of this sign, being based upon a cutting blade, is an appropriate sign for the particular business. The Board further finds that the size of the sign will be in character with the signs in the neighborhood and will be helpful for identification of the site location. Therefore, the Board finds that the grant of the variance will benefit the purposes of zoning and that the benefits to the purposes of zoning will outweigh the detriments. In this regard, the Board finds and concludes that the grant of the variance, pursuant to N.J.S.A. 40:55D-70(c)(2), will not cause a substantial detriment to the public good and will not cause a substantial impairment of the zone plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Andover, County of Sussex, State of New Jersey, that the preliminary and final site plan and variance application of Jason Fischer relating to Block 161, Lot 5.02 is hereby granted subject to the following terms and conditions:

1. The Applicant shall comply with the report of the Township Engineer dated May 21, 1997, which is attached hereto and incorporated herein by reference.
2. The Applicant shall comply with the approved preliminary and final site plans.
3. The Applicant shall obtain soil erosion and sediment control plan approval from the Township of Andover before starting the work on the site.
4. The Applicant may construct a sign in excess of the size limitations of the zone, provided that the sign is in compliance with the document submitted into evidence as Exhibit A-5.
5. The Applicant shall construct the driveway of at least four to six inches of dense graded aggregate stone.

6. The equipment on the site shall be key operated and locked when not in use.

7. The Applicant shall obtain approval from any other governmental agencies with jurisdiction relating to the property.

8. The Applicant shall comply with all rules, regulations, statutes and ordinances of the United States of America, State of New Jersey, County of Sussex and Township of Andover.

9. All fees, taxes, escrows, and other monies due to the Township of Andover shall be paid in full.

IN FAVOR OF THE BOARD ACTION ON JUNE 2, 1997:

Thomas Williams, Robert Hadden, Dawn Lemoncelli, David Mosner, Patrick Petrone, John Carafello, Michael Salerno.

OPPOSED: None.

ABSTAINED: None. ABSENT: Richard Stewart, Vincent Alonge, Paul Altenburg.

IN FAVOR OF THE BOARD ACTION ON THIS MEMORIALIZING RESOLUTION PURSUANT TO N.J.S.A. 40:55D-10(g):

Thomas Williams, Dawn Lemoncelli, David Mosner, Patrick Petrone, Michael Salerno.

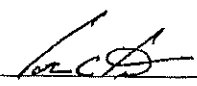
OPPOSED: None.

ABSTAINED None. ABSENT: Richard Stewart, Robert Hadden.

I certify the within resolution was passed by the Andover Township Planning Board at its meeting on Monday, July 14, 1997.

ANDOVER TOWNSHIP PLANNING BOARD


ESTELLE CAMPBELL, SECRETARY


PATRICK PETRONE, CHAIRMAN