

**Zoning Department**  
**(908)769-2900 Ext. 2915**  
**Board of Adjustment/Planning Board Application**

**Address of Property:** 68 Pearl Street and 54 Watchung Avenue

**Block:** 43      **Lot:** 7 and 10      **Zone:** B-1

**Name of Applicant or Project:** Site Plan and Minor Subdivision Lots 7 & 10, Block 43

**Applicant's Name:** 70 Pearl Street, LLC, Luis Penalzoa & is owner - leasee - purchaser  
under contract      L. Penalzoa LLC

**Applicant's Address:** 54 Watchung Avenue, North Plainfield, NJ 07060

**Daytime Phone Contact:** ( 908 ) 917 - 7957

**Attorney (if any):**

**Name/Firm:** John J. Sullivan, Jr., Esq. / Vastola & Sullivan

**Address:** 495 Union Avenue, Middlesex, NJ 08846

**Daytime Phone Contact:** ( 732 ) 560 - 0888      **Fax:** ( 732 ) 302 - 1207

**Where do you want correspondence regarding this application sent?**

Attorney       Applicant       Pickup       Other

**Type of Application:**

1. One and two family "C" bulk variance
- ② Use variance "D" with/without site plan
- ③ Minor Sub Division
- ④ Sub Division with "C" variance
- ⑤ Site Plan Review with/without "C" variances - Amended Site Plans
6. "A" appeal of Zoning Officer's Decision
7. "A" appeal of Historic Preservation Commission Decision
8. Other \_\_\_\_\_

**Documents Submitted:**

Application	Date: <u>1/4/21</u>	Number of Copies <u>16</u>
Survey	Date: <u>2/20/20 rev. 11/23/20</u>	Number of Copies <u>16</u>
Site Plan	Date: <u>2/20/20 rev. 11/23/20</u>	Number of Copies <u>16</u>
Checklist	Date: <u>1/4/21</u>	Number of Copies <u>16</u> *

**For Board of Adjustment/Planning Board use only;**

**Date of Final Application:** \_\_\_\_\_ *Going to Board of Adjustment/Planning Board*

**Date of Hearing:** \_\_\_\_\_ **File #:** \_\_\_\_\_

**Brief Description of Project/Relief Requested**

Project Name: Site Plan and Minor Subdivision, Lots 7 & 10, Block 43

Address: 68 Pearl Street and 54 Watchung Avenue

Block: 43 Lot: 7 & 10 Zone: B-1  
 Lot 10 - tavern Lot 10 - tavern

Proposed Use: Lot 7 - mixed use Permitted Use: Lot 7 - mixed use not permitted

Site Information: Lot 10 (Watchung Avenue)

Bulk Requirements	Required	Proposed	Ord. Section
Lot Area	N/A	6,658 sf	-
Front Yard	5'	.56 sf (Ex)	22-108.2 (b) *
Rear Yard	20'	47.9'	22-108.2 (c)
Side Yard	10'	0' (Ex)	22-108.2 (d) *
Combined Side Yard	N/A	N/A	N/A
Accessory Buildings	N/A	N/A	N/A
Pool Set Backs	N/A	N/A	N/A
Buffer Area	N/A	N/A	N/A
Building Coverage	N/A	N/A	N/A
Landscaping Coverage	N/A	N/A	N/A
Paving Coverage Floor Area	N/A	N/A	N/A
Height	5 stories/50'	1 story/15'	22-108.2 (a)
Parking Required	12	0	22-117.2 **
Lighting	Yes	Yes	22-56(c)(26)
Dumpster Shielding	Yes	Yes	22-82.8
Fencing	N/A	N/A	N/A
Other Requirements	N/A	N/A	N/A

\* Variance requested

\*\* Tavern:  $2345/200 = 11.72$  spaces

  
 \_\_\_\_\_  
 Applicants Signature

2-25-2021  
 \_\_\_\_\_  
 Date

**Brief Description of Project/Relief Requested**

Project Name: Site Plan and Minor Subdivision, Lots 7 & 10, Block 43

Address: 68 Pearl Street and 54 Watchung Avenue

Block: 43 Lot: 7 & 10 Zone: B-1  
 Lot 10 - tavern Lot 10 - tavern

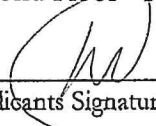
Proposed Use: Lot 7 - mixed use Permitted Use: Lot 7 - mixed use not permitted

Site Information: Lot 7 (Pearl Street)

Bulk Requirements	Required	Proposed	Ord. Section
Lot Area	N/A	14,362 sf	-
Front Yard	5'	8.6'	22-108.2 (b)
Rear Yard	20'	84.6'	22-108.2 (c)
Side Yard	10'	10.6'	22-108.2 (d)
Combined Side Yard	N/A	N/A	N/A
Accessory Buildings	N/A	N/A	N/A
Pool Set Backs	N/A	N/A	N/A
Buffer Area	N/A	N/A	N/A
Building Coverage	N/A	N/A	N/A
Landscaping Coverage	N/A	N/A	N/A
Paving Coverage Floor Area	N/A	N/A	N/A
Height	5 stories/50'	2 story/30'	22-108.2 (a)
Parking Required	* 6	6	22-117.2
Lighting	Yes	Yes	22-56(c)(26)
Dumpster Shielding	Yes	Yes	22-82.8
Fencing	N/A	N/A	N/A
Other Requirements	N/A	N/A	N/A

\* First Floor - Office/Retail -  $916 / 250 = 4$

Second Floor - Residential - 2 per unit = 2

  
 \_\_\_\_\_  
 Applicants Signature

2-25-2021  
 \_\_\_\_\_  
 Date

## PROJECT DESCRIPTION

The application involves two (2) parcels of property. The first property is designated at Lot 7 in Block 43 and is commonly known as 68 Pearl Street, North Plainfield, New Jersey (hereinafter "68 Pearl") and the second property is designated as Lot 10 in Block 43 and is commonly known as 54 Watchung Avenue, North Plainfield, New Jersey (hereinafter "54 Watchung").

The two properties have frontage on Pearl Street and Watchung Avenue respectively and they share a common rear lot line.

68 Pearl currently has a lot area of 18,371 square feet and is improved with a two (2) story mixed use building. The first floor is currently vacant and is appropriate for an office or retail use. The second floor is used as a residential apartment.

54 Watchung currently has a lot area of 2,649 square feet and is improved with a one (1) story building used as a tavern.

The applicant proposes to subdivide 68 Pearl Street as shown on the plans submitted in order to take a 4,009 square foot area from the rear of 68 Pearl and add it to the rear portion of 54 Watchung resulting in 68 Pearl having an area of 14,362 square feet and 54 Watchung having an area of 6,658 square feet.

The applicant proposes to use 68 Pearl as a mixed use property with an office or retail use on the first floor and a residential apartment on the second floor. The applicant intends to remove gravel areas on site and replace them with lawn and to remove certain non-conforming accessory structures and improve the lot with delineated parking spaces including an ADA parking space. Any signage will comply with municipal ordinance requirements.

The applicant proposes to continue to use 54 Watchung as a tavern, convert the existing garage into a kitchen and install a patio for outdoor dining. The existing signage will remain.

The applicant requests minor subdivision, preliminary and final site plan, a D(1) use variance and/or a D(2) variance as relates to the mixed use of 68 Pearl, bulk variance approval for certain pre-existing conditions as relates to 54 Watchung and a parking variance.

The plans submitted with this application are a) site plan and minor subdivision plan prepared by Parker Engineering and Surveying PC dated February 20, 2020 last revised 11/23/20 consisting of four (4) sheets and b) two (2) sets of architectural floor plans and elevations prepared by Taylor Architecture and Design dated December 4, 2020 and last revised January 26, 2021 consisting of two sheets.

NORTH PLAINFIELD, NJ 07060

REQUEST FOR CERTIFIED LIST APPLICATION FORM

I request a CERTIFIED LIST of the utility companies that require notification and, from the current tax duplicate, the names and addresses of property owners within two hundred (200) feet of:

Address: 68 Pearl Street and 54 Watchung Avenue

Block: 43 Lot: 7 & 10

Attached is a check for \$10.00 made payable to the "Borough of North Plainfield". A copy of this completed form will be my receipt.

Processing may take up to 10 days, based on workload.

REQUESTED BY:

Firm Name: Vastola & Sullivan

Individuals Name: John J. Sullivan, Jr., Esq.

Address: 495 Union Avenue, Middlesex, NJ 08846

Phone (days only) (732) 560-0888

Hold for pickup by: \_\_\_\_\_


Mail to:

Firm Name: Vastola & Sullivan

Name: John J. Sullivan, Jr., Esq.

Address: 495 Union Avenue, Middlesex, NJ 08846

Phone (days only) (732) 560-0888

Applicant's signature: 

Date: 2/25/21

Received by: \_\_\_\_\_

Date: \_\_\_\_\_



**BOROUGH OF NORTH PLAINFIELD  
MUNICIPAL BUILDING  
263 Somerset Street  
North Plainfield, NJ 07060**

**CERTIFICATE OF OWNERSHIP**

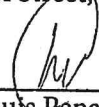
**TO THE NORTH PLAINFIELD PLANNING BOARD/BOARD OF ADJUSTMENT**

I, hereby certify that I am the owner of land at  
68 Pearl Street, North Plainfield, NJ

and the proposed (Site Plan Review) (Subdivision) (Variance) of this land  
is made with my free consent and in accordance with my desire.

70 Pearl Street, LLC

Signed: By:

  
Luis Penaloza, Managing Member

Dated:

2/25/21



**BOROUGH OF NORTH PLAINFIELD  
MUNICIPAL BUILDING  
263 Somerset Street  
North Plainfield, NJ 07060**

**CERTIFICATE OF OWNERSHIP**

**TO THE NORTH PLAINFIELD PLANNING BOARD/BOARD OF ADJUSTMENT**

I, hereby certify that I am the owner of land at \_\_\_\_\_  
54 Watchung Avenue, North Plainfield, NJ

and the proposed (Site Plan Review) (Subdivision) (Variance) of this land  
is made with my free consent and in accordance with my desire.

L. Penazola, LLC

Signed: By: \_\_\_\_\_

Luis Penaloza, Managing Member

Dated: \_\_\_\_\_

2/23/21

C-1

\_\_\_\_\_  
Luis Penaloza, Individually









- 17. Existing and proposed contours of site as 2 foot intervals for areas less than 5 percent grade
- 18. Existing and proposed spot elevations Based upon the U.S. Coastal Geodetic datum at all building corners, all floor levels, center lines of abutting roads, top and bottom curbs, property corners, gutters and other pertinent locations   *partial*
- 19. Locatin of all existing trees, or tree masses, indicating general sizes and species of trees
- 20. Significant existing physical features including streams, water courses, rock outcrops, swampy soil, etc.
- 21. All existing and proposed utility lines within and adjacent to the subject property
- 22. Existing and proposed sanitary sewage disposal system
- 23. Storm drainage plan showing location of inlets, pipes, swales, berms and other storm drainage facilities including roof leaders, indicating existing and proposed runoff calculations
- 24. The outside dimensions of existing and/or proposed principal building(s) and all accessory structures
- 25. Typical floor plans and elevations
- 26. Location, dimensions and details of all signs
- 27. Exterior lighting plan including type of standards, radius of light and intensity in foot candles
- 28. Landscaping and buffering plan showing what will remain and what will be planted including names of plants and trees and dimensions, approximate times of planting, and method of planting (base rooted, ball and burlap, etc.)
- 29. Method of solid waste disposal
- 30. Plan of off-street parking area layout and off-street loading facilities showing location and dimensions of individual parking spaces, loading areas, aisles, traffic patterns and driveways for ingress and egress
- 31. Rights of way, easements and all land to be dedicated to the municipality or reserved for specific uses  N/A

Signature of person preparing plans *Stephen E. Parker*

*Stephen E. Parker*  
NJ Engineer/Architect

NJPE No. 36187  
Registration Number



ENGINEERING & SURVEYING P.C.  
370 EAST MAIN STREET, SOMERVILLE, N.J. 08876  
(908) 725 - 4400 - FAX (908) 722 - 4401

### STORMWATER RUNOFF CALCULATIONS

Site: 68 Pearl Street and 54 Watchung Avenue  
Block 43, Lots 7 & 10 – Borough of North Plainfield, Somerset County

Date: March 18, 2021

Prepared by: Stephen E. Parker  
Stephen E. Parker, N.J.P.E. No. 36187

The site consists of 2 separate tax lots which are both developed properties. Lot 7 contains an existing commercial/residential building and Lot 10 contains a restaurant. Most of Lot 7 is covered with impervious coverage including a large gravel parking/storage area. Lot 10 is also significantly developed with impervious coverage because it is an existing business.

The applicant is proposing a lot line change between the two properties that will increase the size of Lot 10 and decrease the size of Lot 7 by an equal amount. The restaurant is proposing to construct an outdoor seating area behind the building in the newly acquired area and the commercial/residential building will pave the parking area and remove most of the remaining gravel from the property. As a result, significant portions of the site will transition from impervious coverage to pervious coverage (i.e. gravel to lawn) and there will be a decrease in stormwater runoff as a result. Overall, the project will result in a decrease in impervious coverage of 6,561 s.f.

As a result of the decrease in impervious coverage, there will be a reduction in the rate and volume of stormwater runoff leaving the site after development. In the present condition, stormwater runoff from the property generally flows towards the Green Brook (which borders the site to the South) or into the storm drainage systems in Pearl Street and Watchung Avenue. There will be no changes to the existing drainage patterns for this site as a result of the project and runoff will continue flowing in the same pattern after completion. (although there will be a slight decrease in the overall rate and volume of stormwater runoff )

The Rational Formula ( $Q = C I A$ ) will be used to calculate the change in the rate of runoff from the pre- to the postdeveloped condition.

where:         $Q$  = Change in peak runoff rate (cfs)  
                   $C$  = Change in Runoff Coefficient from pre- to postdevelopment condition  
                   $I$  = Rainfall Intensity (in./hr.)  
                   $A$  = Area (acres)

The soil type on this property is mapped as RbA (Raritan silt loam) in the Somerset County Soil Survey and is within hydrologic soil group 'C'. Therefore, the runoff coefficients for impervious cover and grass cover, respectively, are:

$$C_{\text{imp}} = 0.99$$
$$C_{\text{grass}} = 0.63$$

The 100 yr. rainfall intensity is:  $I_{100} = 9.0$  in./hr.

The existing cover type on the property consists of impervious surfaces and lawn and as a result of the proposed development, the amount of impervious surface will be decreasing. The change in cover type will result in slightly less impervious coverage and more lawn area. Therefore, the change in the peak rate of runoff can be calculated by using as the value for  $C$ , the difference in the runoff coefficients for the area involved. (6,561 s.f.)

$$\text{Total area of lot changing from grass to impervious cover} = 6,561 \text{ s.f.} = 0.15 \text{ Ac.}$$
$$C_{\text{imp.}} - C_{\text{grass}} = 0.99 - 0.63 = 0.36$$

$$100 \text{ Year Rainfall Intensity} = 9.0 \text{ in./hr.}$$

$$\text{Change in 100 year storm peak runoff rate} = (0.15 \text{ Ac.})(0.36)(9.0 \text{ in./hr.}) = \mathbf{0.49 \text{ cfs (decrease)}}$$

### **Conclusion**

Development of this project will result in a decrease in the both the rate and volume of stormwater runoff from the site as a result of the decrease in impervious coverage.

Furthermore, runoff will continue to flow in the same manner as it presently does from the site and there will be no changes to the established drainage patterns after development.

January 5, 2021  
10:25 AM

North Plainfield Borough  
Tax Account Detail Inquiry

Page No: 1

BLQ: 43. 10. Tax Year: 2020 to 2021  
Owner Name: PENALOZA, LUIS & L. PENALOZA, LLC Property Location: 54 WATCHUNG AVENUE

Tax Year: 2020	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total
Original Billed:	3,187.30	3,187.29	3,361.40	3,361.39	13,097.38
Payments:	3,187.30	3,187.29	3,361.40	3,361.39	13,097.38
Balance:	0.00	0.00	0.00	0.00	0.00

Date	Qtr	Type	Code	Check No	Mthd	Reference	Batch Id	Principal	Interest	2020 Prin Balance
										Original Billed
								13,097.38		13,097.38
03/04/20	1	Payment	001	1250	CK	19814	41 665	0.00	52.59	13,097.38
		HO								
10/07/20	1	Payment	001	1253	CK	20930	13 980	2,911.39	339.45	10,185.99
		L PENALOZA								
10/07/20	2	Payment	001	1253	CK	20930	14 980	0.00	248.61	10,185.99
		L PENALOZA								
10/07/20	3	Payment	001	1253	CK	20930	15 980	0.00	110.93	10,185.99
		L PENALOZA								
10/13/20	1	Payment	001	1264	CK	20953	36 987	275.91	0.83	9,910.08
		HO								
10/13/20	2	Payment	001	1264	CK	20953	37 987	3,187.29	9.56	6,722.79
		HO								
10/13/20	3	Payment	001	1264	CK	20953	38 987	3,016.33	10.08	3,706.46
		HO								
11/09/20	3	Payment	001	1275	CK	21126	49 1035	345.07	4.49	3,361.39
		HO								
11/09/20	4	Payment	001	1275	CK	21126	50 1035	3,361.39	0.00	0.00
		HO								

Tax Year: 2021	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total
Original Billed:	3,274.35	3,274.34	0.00	0.00	6,548.69
Payments:	0.00	0.00	0.00	0.00	0.00
Balance:	3,274.35	3,274.34	0.00	0.00	6,548.69

Date	Qtr	Type	Code	Check No	Mthd	Reference	Batch Id	Principal	Interest	2021 Prin Balance
										Original Billed
								6,548.69		6,548.69

Total Principal Balance for Tax Years in Range: 6,548.69

Taxes are Current  
Next payment is due 2/1/21

1/4



BLQ: 43. 7.  
Owner Name: 70 PEARL STREET, LLC

Tax Year: 2020 to 2021  
Property Location: 68 PEARL STREET

Tax Year: 2020	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total
Original Billed:	3,421.49	3,421.49	3,608.38	3,608.37	14,059.73
Payments:	3,421.49	3,421.49	3,608.38	3,608.37	14,059.73
Balance:	0.00	0.00	0.00	0.00	0.00

Date	Qtr	Type	Code	Check No	Mthd	Reference	Batch Id	Principal	Interest	2020 Prin Balance
								14,059.73		14,059.73
								0.00		14,059.73
02/13/20	1	Payment	001		CS	19724	42 639		20.53	14,059.73
		HO								
03/04/20	1	Payment	001	201	CK	19814	36 665	3,421.49	35.93	10,638.24
		HO								
10/14/20	2	Payment	001		CS	20966	5 989	3,421.49	210.93	7,216.75
		HOMEOWNER								
10/14/20	3	Payment	001		CS	20966	6 989	1,235.87	131.71	5,980.88
		HOMEOWNER								
12/08/20	3	Payment	001		CS	21254	12 1072	2,372.51	64.06	3,608.37
		ho								
12/08/20	4	Payment	001		CS	21254	13 1072	3,608.37	66.75	0.00
		ho								

Tax Year: 2021	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total
Original Billed:	3,514.94	3,514.93	0.00	0.00	7,029.87
Payments:	0.00	0.00	0.00	0.00	0.00
Balance:	3,514.94	3,514.93	0.00	0.00	7,029.87

Date	Qtr	Type	Code	Check No	Mthd	Reference	Batch Id	Principal	Interest	2021 Prin Balance
								7,029.87		7,029.87

Total Principal Balance for Tax Years in Range: 7,029.87

*Taxes are current.  
Next payment due 2/1/21*





DEPARTMENT OF HOMELAND SECURITY  
Federal Emergency Management Agency  
**STANDARD FLOOD HAZARD DETERMINATION FORM (SFHDF)**

OMB Control No. 1660-0040  
Expires: 10/31/18

**SECTION I - LOAN INFORMATION**

1. LENDER/SERVICER NAME AND ADDRESS THE PROPOSED LENDER		2. COLLATERAL DESCRIPTION (Building/Mobile Home/Property) Owner: 70 PEARL STREET, LLC Address Supplied: 68 PEARL STREET NORTH PLAINFIELD, NJ 07060 BLOCK: 43 LOT: 7		Address Found: 68 PEARL STREET NORTH PLAINFIELD, NJ 07060 BLOCK: 43 LOT: 7	
3. LENDER/SERVICER ID #	4. LOAN IDENTIFIER	5. AMOUNT OF FLOOD INSURANCE REQUIRED \$			

**SECTION II**

**A. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) COMMUNITY JURISDICTION**

1. NFIP Community Name NORTH PLAINFIELD BOROUGH	2. County(ies) SOMERSET	3. State NJ	4. NFIP Community Number 345307
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**B. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) DATA AFFECTING BUILDING/MOBILE HOME**

1. NFIP Map Number or Community-Panel Number (Community name, if not the same as "A") 34035C 0181 E	2. NFIP Map Panel Effective / Revised Date 28-SEP-2007	3. Is there a Letter of Map Change (LOMC)? <input checked="" type="radio"/> NO <input type="radio"/> YES (If yes, and LOMC date/no. is available, enter date and case no. below). Date Case No.	
4. Flood Zone X [C]	5. No NFIP Map		

**C. FEDERAL FLOOD INSURANCE AVAILABILITY (Check all that apply.)**

- 1.  Federal Flood Insurance is available (community participates in the NFIP).  Regular Program  Emergency Program of NFIP
- 2.  Federal Flood Insurance is not available (community does not participate in the NFIP).
- 3.  Building/Mobile Home is in a Coastal Barrier Resources Area (CBRA) or Otherwise Protected Area (OPA). Federal Flood Insurance may not be available.  
CBRA/OPA Designation Date: \_\_\_\_\_

**D. DETERMINATION**

**IS BUILDING/MOBILE HOME IN SPECIAL FLOOD HAZARD AREA (ZONES CONTAINING THE LETTERS "A" OR "V")?**  Yes  No

If yes, flood insurance is required by the Flood Disaster Protection Act of 1973.  
If no, flood insurance is not required by the Flood Disaster Protection Act of 1973. Please note, the risk of flooding in this area is only reduced, not removed.

This determination is based on examining the NFIP map, any Federal Emergency Management Agency revisions to it, and any other information needed to locate the building /mobile home on the NFIP map.


**E. COMMENTS (Optional)**

Note: FLOOD HAZARD ZONE AE ON PROPERTY, BUT DOES NOT AFFECT STRUCTURE

THIS CHARLES JONES DETERMINATION IS CERTIFIED BY CHARLES JONES LLC TO THE PROPOSED LENDER FOR THE SOLE PURPOSE OF ITS COMPLYING WITH THE FLOOD DISASTER PROTECTION ACT OF 1973. CHARLES JONES LLC HAS PROVIDED THIS FLOOD DETERMINATION TO BE USED BY THE ENTITY NAMED IN SECTION 1, BOX 1 FOR COMPLIANCE WITH THE 1994 REFORM ACT. IT MAY NOT BE UTILIZED FOR ANY OTHER PURPOSE, INCLUDING, BUT NOT LIMITED TO, PROPERTY PURCHASE CONSIDERATION OR PROPERTY VALUE DETERMINATION.

Requested By: Customer Name: SUBURBAN TITLE EXAMINERS Account: 232211620 Customer Reference: J. SULLIVAN  
Attention:  
Address: 2253 SOUTH AVENUE STE 7 PO BOX 249 Scotch Plains, NJ 07076

**F. PREPARER'S INFORMATION**

NAME, ADDRESS, TELEPHONE NUMBER (If other than Lender)  Charles Jones LLC P.O. Box 8488 Trenton, NJ 08650 - 0488 www.charlesjones.com	Date of Determination 04-AUG-2020 Search Number FL2020-217-1581
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DEPARTMENT OF HOMELAND SECURITY  
Federal Emergency Management Agency  
**STANDARD FLOOD HAZARD DETERMINATION FORM (SFHDF)**

OMB Control No. 1660-0040  
Expires: 10/31/18

**SECTION I - LOAN INFORMATION**

1. LENDER/SERVICER NAME AND ADDRESS THE PROPOSED LENDER		2. COLLATERAL DESCRIPTION (Building/Mobile Home/Property) Owner: PENALOZA, LUIS & L. PENALOZA, LLC Address Supplied: 54 WATCHUNG AVENUE NORTH PLAINFIELD, NJ 07060 BLOCK: 43 LOT: 10		Address Found: 54 WATCHUNG AVENUE NORTH PLAINFIELD, NJ 07060 BLOCK: 43 LOT: 10	
3. LENDER/SERVICER ID #	4. LOAN IDENTIFIER	5. AMOUNT OF FLOOD INSURANCE REQUIRED \$			

**SECTION II**

**A. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) COMMUNITY JURISDICTION**

1. NFIP Community Name NORTH PLAINFIELD BOROUGH	2. County(ies) SOMERSET	3. State NJ	4. NFIP Community Number 345307
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**B. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) DATA AFFECTING BUILDING/MOBILE HOME**

1. NFIP Map Number or Community-Panel Number (Community name, if not the same as "A") 34035C 0181 E	2. NFIP Map Panel Effective / Revised Date 28-SEP-2007	3. Is there a Letter of Map Change (LOMC)? <input checked="" type="radio"/> NO <input type="radio"/> YES (If yes, and LOMC date/no. is available, enter date and case no. below).	
4. Flood Zone AE	5. No NFIP Map	Date	Case No.

**C. FEDERAL FLOOD INSURANCE AVAILABILITY (Check all that apply.)**

1.  Federal Flood Insurance is available (community participates in the NFIP).  Regular Program  Emergency Program of NFIP  
 2.  Federal Flood Insurance is not available (community does not participate in the NFIP).  
 3.  Building/Mobile Home is in a Coastal Barrier Resources Area(CBRA) or Otherwise Protected Area(OPA). Federal Flood Insurance may not be available.  
 CBRA/OPA Designation Date: \_\_\_\_\_

**D. DETERMINATION**

**IS BUILDING/MOBILE HOME IN SPECIAL FLOOD HAZARD AREA (ZONES CONTAINING THE LETTERS "A" OR "V")?**  Yes  No

If yes, flood insurance is required by the Flood Disaster Protection Act of 1973.  
 If no, flood insurance is not required by the Flood Disaster Protection Act of 1973. Please note,  
 the risk of flooding in this area is only reduced, not removed.


This determination is based on examining the NFIP map, any Federal Emergency Management Agency revisions to it, and any other information needed to locate the building /mobile home on the NFIP map.

**E. COMMENTS (Optional)**

Base Flood Elevation: 93-94 FEET  
 THIS CHARLES JONES DETERMINATION IS CERTIFIED BY CHARLES JONES LLC TO THE PROPOSED LENDER FOR THE SOLE PURPOSE OF ITS COMPLYING WITH THE FLOOD DISASTER PROTECTION ACT OF 1973. CHARLES JONES LLC HAS PROVIDED THIS FLOOD DETERMINATION TO BE USED BY THE ENTITY NAMED IN SECTION 1, BOX 1 FOR COMPLIANCE WITH THE 1994 REFORM ACT. IT MAY NOT BE UTILIZED FOR ANY OTHER PURPOSE, INCLUDING, BUT NOT LIMITED TO, PROPERTY PURCHASE CONSIDERATION OR PROPERTY VALUE DETERMINATION.

Requested By: Customer Name: SUBURBAN TITLE EXAMINERS Account: 232211620 Customer Reference: J. SULLIVAN  
 Attention:  
 Address: 2253 SOUTH AVENUE STE 7 PO BOX 249 Scotch Plains, NJ 07076

**F. PREPARER'S INFORMATION**

NAME, ADDRESS, TELEPHONE NUMBER (If other than Lender)  Charles Jones LLC P.O. Box 8488 Trenton, NJ 08650 - 0488 www.charlesjones.com	Date of Determination 04-AUG-2020 Search Number FL2020-217-1582
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If you want information about coverage or need assistance to resolve complaints, please call our toll free number: 1-800-729-1902. If you make a claim under your policy, you must furnish written notice in accordance with Section 3 of the Conditions.

Visit our World-Wide Web site at <http://www.stewart.com>

ALTA Owner's Policy

ALTA Owner's Policy (6-17-06)

OWNER'S POLICY OF TITLE INSURANCE  
ISSUED BY



Any notice of claim and any other notice or statement in writing required to be given the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, STEWART TITLE GUARANTY COMPANY, a Texas corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from:
  - (a) A defect in the Title caused by:
    - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
    - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
    - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
    - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
    - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
    - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
    - (vii) a defective judicial or administrative proceeding.
  - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
  - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to:
  - (a) the occupancy, use, or enjoyment of the Land;
  - (b) the character, dimensions, or location of any improvement erected on the Land;
  - (c) the subdivision of land; or
  - (d) environmental protection
 if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.

*Scott Jones Jr.*  
Chairman of the Board  
Countersigned:



*Malcolm S. Morris*  
President

Scott Title Services, LLC  
268 Broad Street  
Red Bank, NJ 07701

Part 1 of  
Policy  
Serial No.

0-9401- 26015

# STEWART TITLE GUARANTY COMPANY

1980 Post Oak Boulevard

Houston, Texas 77056

## ALTA 2006 TITLE INSURANCE POLICY

**Title No. ST-13924-11**

**Policy No. O-9401-26015**

**Address Reference:** 68 Pearl Street  
North Plainfield, New Jersey 07060

**Issued by: Scott Title Services, LLC**

### SCHEDULE A

Date of Policy: April 14, 2011

Amount of Insurance: \$285,000.00

1. Name of Insured:

70 Pearl Street, LLC

2. The estate or interest in the land that is insured by this policy is:

Fee Simple

3. Title to is vested in:

70 Pearl Street, LLC, by deed from Ernestine Curtis, unmarried, dated March 11, 2011 and recorded April 14, 2011 in Deed Book 6415, page 2887-2892 of the records of Somerset County.

4. The land referred to in this policy is situated in Borough of North Plainfield, County of Somerset and State of New Jersey and is more particularly described in the attached Schedule A - Description.

SCOTT TITLE SERVICES, LLC

268 BROAD STREET - RED BANK, NEW JERSEY 07701

PHONE: 732.842.9900 FAX: 732.842.9911

Page 1 of 4

Document in AIM - ST-13924-11 Commercial Policy - 9401 Effective 2/15/07

# STEWART TITLE GUARANTY COMPANY

1980 Post Oak Boulevard  
Houston, Texas 77056  
ALTA 2006 TITLE INSURANCE POLICY

**Title No. ST-13924-11**

**Policy No. O-9401-26015**

**Address Reference:** 68 Pearl Street  
North Plainfield, New Jersey 07060

## SCHEDULE A - DESCRIPTION

**All that certain plot, piece or parcel of land, with the building and improvements thereon erected, situate, lying and being in the North Plainfield, County of Somerset, State of New Jersey, bounded and described as follows:**

BEGINNING at a point in the Southeasterly sideline of Pearl Street (41.25 foot ROW), said point being distant 132.69 feet on a course of North 45 degrees 33 minutes East, along the same, from its intersection with the Northeasterly sideline of Watchung Avenue (60 foot ROW) running; thence

1. Along the Southeasterly sideline of Pearl Street, North 45 degrees 33 minutes East, 90.15 feet to a point; thence
2. South 44 degrees 15 minutes East, 110.00 feet, more or less, to a point in the middle of Green Brook; thence
3. Southerly, along the same, 65.00 feet, more or less, to a point; thence
4. South 45 degrees 56 minutes West, 132.00 feet, more or less, to a point; thence
5. North 43 degrees 45 minutes West, 55.28 feet to a point; thence
6. North 45 degrees 33 minutes East, 75.00 feet to a point ;thence
7. North 38 degrees 03 minutes West, 100.62 feet to the point and place of BEGINNING.

The above description was drawn in accordance with Titus Surveying & Engineering, P.C., dated March 8, 2011.

### NOTE FOR INFORMATION ONLY:

Commonly know as: 68 Pearl Street, North Plainfield, New Jersey

Also know as Block 43, Lot(s) 7 on the Tax Map of the Borough of North Plainfield.

SCOTT TITLE SERVICES, LLC  
268 BROAD STREET - RED BANK, NEW JERSEY 07701  
PHONE: 732.842.9900 FAX: 732.842.9911

Page 2 of 4

Document in AIM - ST-13924-11 Commercial Policy - 9401 Effective 2/15/07

# STEWART TITLE GUARANTY COMPANY

1980 Post Oak Boulevard  
Houston, Texas 77056  
ALTA 2006 TITLE INSURANCE POLICY

**Title No. ST-13924-11**

**Policy No. O-9401-26015**

**Address Reference:** 68 Pearl Street  
North Plainfield, New Jersey 07060

## SCHEDULE B

### Exceptions from Coverage

**This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:**

1. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
2. Taxes are paid through the First Quarter of 2011.
3. Subject to possible added or omitted assessments as provided by N.J.S.A. 54:4-63.1 et seq.
4. Mortgage made by 70 Pearl Street, LLC and Luis R. Penaloza, individually, to Ernestine Curtis, dated March 11, 2011 and recorded April 14, 2011 in Mortgage Book 6415, page 2893-2898 of the records of Somerset County, securing \$60,000.00.
5. Easements and/or Restrictions as set forth in Deed Book H11, page 95; Deed Book 516, page 272.

SCOTT TITLE SERVICES, LLC  
268 BROAD STREET - RED BANK, NEW JERSEY 07701  
PHONE: 732.842.9900 FAX: 732.842.9911

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Document in AIM - ST-13924-11 Commercial Policy - 9401 Effective 2/15/07

# STEWART TITLE GUARANTY COMPANY

1980 Post Oak Boulevard

Houston, Texas 77056

## ALTA 2006 TITLE INSURANCE POLICY

**Title No. ST-13924-11**

**Policy No. O-9401-26015**

**Address Reference:** 68 Pearl Street  
North Plainfield, New Jersey 07060

### Stewart Title Guaranty Company And Scott Title Services, LLC

#### PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of **Stewart Title Guaranty Company and Scott Title Services, LLC**.

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you, such as on applications or other forms.
- Information about your transactions we secure from our files, or from our affiliates or others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

**WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.**

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

SCOTT TITLE SERVICES, LLC

268 BROAD STREET - RED BANK, NEW JERSEY 07701

PHONE: 732.842.9900 FAX: 732.842.9911

Page 4 of 4

Document in AIM - ST-13924-11 Commercial Policy - 9401 Effective 2/15/07



ENDORSEMENT ATTACHED TO AND MADE A PART OF POLICY OF TITLE INSURANCE  
SERIAL NUMBER: O-9401-26015 ISSUED BY

**STEWART TITLE**  
GUARANTY COMPANY

File No. ST-13924-11

Exception number 1 in Schedule B of this policy is hereby removed. Unless an exception is taken in Schedule B, the policy insures against loss arising from easements, encroachments, overlaps and boundary line disputes. The following matters shown on a survey made by Titus Surveying & Engineering dated March 8, 2011, are hereby added to Schedule B:

- a. Mislocated fences along the Northerly, Southerly, Easterly and Westerly title lines;
- b. 1-Story Masonry Building from adjoining premises along the Southerly title line;
- c. Rights, public and private, in and to Green Brook; and
- d. Overhead wires as shown.

This policy does not insure against errors or inaccuracies in the survey with respect to matters which do not affect title.

This endorsement is made a part of the policy and is subject to all of the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and any prior endorsements, nor does it extend the effective date of the policy and any prior endorsements, nor does it increase the face amount thereof.

Signed under seal for the Company, but this Endorsement is to be valid only when it bears an authorized countersignature.

Dated: April 14, 2011

Countersigned by:



Richard R. Scott, Title Officer  
SCOTT TITLE SERVICES, LLC  
268 Broad Street  
Red Bank, New Jersey 07701

**stewart**  
title guaranty company

  
Senior Chairman of the Board  
Chairman of the Board  
President

0102

ISSUED BY  
COMMONWEALTH LAND TITLE INSURANCE COMPANY  
OF NEW JERSEY

RESIDENTIAL TITLE INSURANCE POLICY  
ONE-TO-FOUR FAMILY RESIDENCES



**Commonwealth**  
A LANDAMERICA COMPANY

**COVERED TITLE RISKS**

This Policy covers the following title risks, if they affect your title on the Policy Date.

1. Someone else owns an interest in your title.
2. A document is not properly signed, sealed, acknowledged, or delivered.
3. Forgery, fraud, duress, incompetency, incapacity or impersonation.
4. Defective recording of any document.
5. You do not have any legal right of access to and from the land.
6. There are restrictive covenants limiting your use of the land.
7. There is a lien on your title because of:
  - a mortgage or deed of trust
  - a judgment, tax, or special assessment
  - a charge by a homeowner's or condominium association
8. There are liens on your title, arising now or later, for labor and material furnished before the Policy Date — unless you agreed to pay for the labor and material.
9. Others have rights arising out of leases, contracts, or options.
10. Someone else has an easement on your land.
11. Your title is unmarketable, which allows another person to refuse to perform a contract to purchase, to lease or to make a mortgage loan.
12. You are forced to remove your existing structure — other than a boundary wall or fence — because:
  - it extends on to adjoining land or on to any easement
  - it violates a restriction shown in Schedule B
  - it violates an existing zoning law
13. You cannot use the land because use as a single-family residence violates a restriction shown in Schedule B or an existing zoning law.
14. Other defects, liens, or encumbrances.

COMMONWEALTH LAND TITLE INSURANCE COMPANY OF NEW JERSEY

Attest:

*William Pennell*

Secretary



By:

*Janet A. Alpert*

President



**Commonwealth**  
A LANDAMERICA COMPANY

POLICY NUMBER  
A16-0023157

This policy insures your title to the land described in Schedule A - if that land is a one-to-four family residential lot or condominium unit.

Your insurance, as described in this Coverage Statement, is effective on the Policy Date shown in Schedule A.

Your insurance is limited by the following:

- Exclusions on page 2
- Exceptions in Schedule B
- Conditions on page 6

We insure you against actual loss resulting from:

- any title risks covered by this Policy - up to the Policy Amount and
- any costs, attorneys' fees and expenses we have to pay under this Policy

**COMPANY'S DUTY TO DEFEND AGAINST COURT CASES**

We will defend your title in any court case as to that part of the case that is based on a Covered Title Risk insured against by this Policy. We will pay the costs, attorneys' fees, and expenses we incur in that defense.

We can end this duty to defend your title by exercising any of our options listed in Item 4 of the Conditions.

**COMMONWEALTH LAND TITLE INSURANCE COMPANY OF NEW JERSEY**

Dated: June 27, 2002

PARK AVENUE TITLE AGENCY  
Countersigned:

By: \_\_\_\_\_  
Authorized Officer or Agent  
R. Michael Wilson, President



By: *Janet A. Alpert*  
President

Attest: *William Penell*  
Secretary

This Policy is not complete without Schedules A and B.

# SCHEDULE A

POLICY NO.: A16-0023157  
AGENT NO.: 55769  
COMMITMENT NO.: PA-11971

Date of Policy: **June 27, 2002**

Amount of Insurance: **\$152,200.00**

The policy will automatically increase by 10% of the amount shown above on each of the first five anniversaries of the Policy Date.

1. Name of Insured:

LUIS PENALOZA, INDIVIDUALLY, AND L. PENALOZA, LLC, by deed from Joseph J. Cecere, dated June 27, 2002 and recorded in the Somerset County Clerk's Office on July 23, 2002 in Deed Book 5179, Page 281.

2. Your interest in the land covered by this Policy is a fee.

3. The land referred to in this Policy is located in the County of Somerset, State of New Jersey and is described in Schedule C attached hereto and made a part hereof.



**PARK AVENUE TITLE AGENCY**  
**326 Route 22 West, Suite 16B**  
**Green Brook, NJ 08812**  
**(732) 752-7005**  
**(732) 752-7115 Fax**

ALTA Residential Title Insurance Policy (6-1-87)  
NJRB 1-06 (Form 1086-70)  
Commonwealth Land Title Insurance Company of New Jersey

# SCHEDULE B

POLICY NO.: A16-0023157

AGENT NO.: 55769

COMMITMENT NO.: PA-11971

In addition to the Exclusions, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Any facts about the land which a correct survey would disclose, and which are not shown by the public record.
2. Possible liability for added or omitted tax assessments pursuant to N.J.S.A. 54:4-63.1 et seq.
3. Lien of unpaid taxes for the year 2002. 3<sup>rd</sup> quarter paid.
4. Subject to subsurface conditions or encroachments not disclosed by an instrument of record.

SURVEY ENDORSEMENT

COMMONWEALTH LAND TITLE INSURANCE COMPANY OF NEW JERSEY

File No.: PA-11971

Attached to Policy No.: A16-0023157

Exception number 1 in Schedule B of this policy is deleted and the following is substituted:

Based upon a survey made Dominick J. Venditto, III, L.S. dated June 25, 2002, the Company hereby insures you against any loss or damage that you may suffer by reason of any encroachments, overlaps, boundary line disputes or easements, except as follows

Improvements encroach over southwesterly line onto right of way

Apparent Common Driveway encroaches over southeasterly line

A/C Unit encroaches over northeasterly line

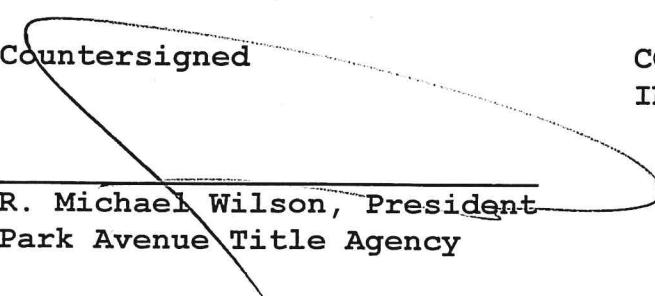
Fence mislocations along northeasterly line

This endorsement is a part of your policy. Nothing else in your policy changes.

DATED: June 27, 2002

Countersigned

COMMONWEALTH LAND TITLE  
INSURANCE CO. OF NEW JERSEY

  
R. Michael Wilson, President  
Park Avenue Title Agency

BY: /s/ Robert J. Hauser  
President

/s/ James J.D. Lynch, Jr.  
Secretary

Form 1107-4

# SCHEDULE C

## LAND DESCRIPTION

POLICY NO.: A16-0023157  
AGENT NO.: 55769  
COMMITMENT NO: PA-11971

**BOROUGH OF NORTH PLAINFIELD  
COUNTY OF SOMERSET  
STATE OF NEW JERSEY**

**BEGINNING** at a point where the northeasterly sideline of Watchung Avenue, said beginning point being distant 101.16 feet on a course of South 48 degrees 28 minutes East along said sideline of Watchung Avenue from its intersection with the southeasterly sideline of Pearl Street; thence running from said beginning point

- 1) Along said northeasterly sideline of Watchung Avenue, South 48 degrees 28 minutes East, a distance of 10.28 feet to an angle point in the said sideline of Watchung Avenue; thence running
- 2) Along said northeasterly sideline of Watchung Avenue, South 46 degrees 11 minutes East, a distance of 54.72 feet to a point; thence running
- 3) North 40 degrees 44 minutes East, a distance of 109.36 feet; thence running
- 4) South 45 degrees 49 minutes West, a distance of 72.2 feet; thence running
- 5) North 43 degrees 52 minutes West, a distance of 55.65 feet to a point; thence running
- 6) South 45 degrees 16 minutes West, parallel to the aforesaid line of Pearl Street, a distance of 39.70 feet to the place of **BEGINNING**.

Being also known and designated as Lot 10 in Block 43 on the official tax map of the Borough of North Plainfield.