

ORIGINAL

RECEIVED

Form 01/Board Application

TOWNSHIP OF CRANFORD - ZONING DEPARTMENT
8 Springfield Avenue - Cranford, NJ 07016
Phone: (908) 709-7216 • Fax: (908) 276-7664

NOV 01 2022

PLANNING & ZONING OFFICE
TOWNSHIP OF CRANFORD



Form Updated 10-12

The application, with supporting documentation, must be filed with the Planning and Zoning Department of the Township, and will be reviewed by Township professionals prior to scheduling the meeting at which the application is to be considered.

To Be Completed by Township Staff Only

Dated Received: 11/01/22

Application No.: ZBA-22-012

To Be Completed by Applicant

1. Subject Property

Location/Address: 333 North Avenue East (NJ Route 28) Cranford
Tax Map: Block: 318, Lot(s): 22
Dimensions: Frontage: 120' Depth: 150' Total Area: 17,904 sf.
Zoning District: ORC

2. Applicant Information

Name: NATC Donuts, Inc.
Address: 777 Walnut Avenue, Suite E, Cranford, NJ 07016
Phone: 908-324-4956 Email: adamore@natcdonuts.com

Applicant is a: Corporation Partnership Individual

Limited Liability Company Other (Specify) _____

3. Disclosure Statement

Pursuant to N.J.S.A. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S.A. 40:55d-48.2 that disclosure requirement applies to any corporation, limited liability company or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate

stockholders and partners exceeding the 10% ownership criterion have been disclosed.
[Attach pages as necessary to fully comply.]

| <u>Name(s)</u> | <u>Address(es)</u> |
|------------------------|--|
| <u>Anthony D'Amore</u> | <u>777 Walnut Avenue, Suite E, Cranford, NJ 07016 100%</u> |
| | |
| | |

**4. If Owner is other than the Applicant -
Please provide the following information on the Owner(s):**

Owner's Name: Robert Phillips, Jr.
Address: 608 Marlboro Avenue, Cherry Hill, NJ 08002
Telephone Number: _____

5. Property Information:

Present use of the premises: Dunkin fast-food restaurant
Restrictions, covenants, easements, association by-laws, existing or proposed on the property:
Yes [attach copies]: See Attached Application Rider No: _____
Proposed use of the premises: Dunkin fast-food restaurant with drive-thru

| |
|---|
| NOTE: All deed restrictions covenants, easements, and association by-laws, existing and proposed. must be submitted for review |
|---|

6. Licensed professionals representing the Applicant before the Board (if any):

A. Attorney's Name: Joseph Paparo, Esq.
Address: Porzio Bromberg & Newman, PC – 100 Southgate Parkway
City/State/ZIP: PO Box 1997, Morristown, NJ 07962
Phone Number: 973-889-4042
E-mail: japaparo@pbnlaw.com

B. Planner's Name: TBD
Address: _____
City/State/ZIP: _____
Phone Number: _____
E-mail: _____

C. Engineer's Name: Anthony Gallerano
Address: Harbor Consultants Inc. – 320 North Avenue East
City/State/ZIP: Cranford, NJ 07016
Phone Number: 908-276-2715

E-mail: tonyg@hcicg.net

D. List any other Expert who will submit a report or will testify for the Applicant:
[Attach Additional sheets as may be necessary.]

Name: Elizabeth Dolan, PE
Area of Expertise: traffic engineering
Address: Dolan & Dean-181 West High Street
City/State/ZIP: Somerville NJ 08876
Phone Number: 908-927-0100
E-mail: betsy@dolandean.com

Name: Frank Truilo, RA
Area of Expertise: architecture
Address: Frank Truilo Architect LLC – 8 Martin Place
City/State/ZIP: Chatham, NJ 07928
Phone Number: 973-701-9218
E-mail: fta@optonline.net

7. Application represents a request for the following:

SUBDIVISION

- Minor Subdivision Approval
 Subdivision Approval [Preliminary]
 Subdivision Approval [Final]
 Number of lots to be created (including remainder lot)
 Number of proposed dwelling units (if applicable)

SITE PLAN

- Minor Site Plan Approval
 Preliminary Site Plan Approval [Phases (if applicable)]
 Final Site Plan Approval [Phases (if applicable)]
 Amendment or Revision to an Approved Site Plan
 Area to be disturbed (square feet)
 Total number of proposed dwelling units
 Request for waiver from Site Plan review and approval

Reason requesting waiver of site plan approval (use additional pages if necessary):

INFORMAL REVIEW: Subdivision Site Plan

CONDITIONAL USE APPROVAL: _____ N.J.S.A. 40:55D-67

DIRECT ISSUANCE OF A PERMIT:

- _____ N.J.S.A. 40:55D-34 (permit building or structure in the bed of a mapped Street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32)
- _____ N.J.S.A. 40:55D-36 (permit building or structure not related to an official suitably improved street pursuant to N.J.S.A. 40:55D-35).

VARIANCES PURSUANT TO N.J.S.A. 40:55D-70.C

- _____ (C1) "Hardship" Variance
- _____ (C2) "Flexible" Variance (benefits v. detriments)

VARIANCES PURSUANT TO N.J.S.A. 40:55D-70.D

- X (D1) A use or principal structure in a district restricted against such use or principal structure
- _____ (D2) An expansion of a nonconforming use
- _____ (D3) Deviation from a specification or standard pursuant to Section 54 of P.L. 1975, c.291 (C.40:55D-67) pertaining solely to a conditional use
- _____ (D4) An increase in the permitted floor area ratio as defined in Section 3.1 of P.L. 1975, c.291 (C.40:55D-4)
- _____ (D5) An increase in the permitted density as defined in Section 3.1 of P.L. 1975, c.291 (C:40:55D-4) except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision.
- _____ (D6) A height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.

APPEAL/INTERPRETATION PURSUANT TO N.J.S.A. 40:55D-70, (a) & (b):

- _____ (a) Appeal to Board of Adjustment of Order, Requirement, Decision or Refusal by an administrative officer based on or made in the enforcement of the zoning ordinance.

_____ (b) Request for Interpretation of the zoning map or ordinance or for Decisions upon other special questions upon which the Board of Adjustment is authorized to pass by any zoning or offered map or ordinance.

8. **Explain in detail** the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises: [attach additional pages if needed]

* see attached Application Rider

9. **Is a public water line available?** Yes

10. **Is public sanitary sewer available?** Yes

11. **Does the application propose a well and septic system?** No

12. **Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block numbers?** N/A

13. **Are any off-tract improvements required or proposed?** No

14. **Is the subdivision to be filed by Deed or Plat?** N/A

15. **What form of security does the applicant propose to provide as performance and maintenance guarantees?** Per Ordinance & MLUL

16. **Other approvals which may be required and date plans submitted:**

Yes X No _____ Date Plans Submitted _____ * post-approval

- * Any Utilities Authority
- * County Health Department
- County Planning Board
- * County Soil Conservation District
- NJ Dept. of Environmental Protection
- Sewer Extension Permit
- Sanitary Sewer Connection Permit
- Stream Encroachment Permit

- _____ Waterfront Development Permit
- _____ Wetlands Permit
- * _____ NJ Department of Transportation
- * _____ Public Service Electric & Gas Company
- _____ Other _____

17. List of maps, reports and other materials accompanying the application (attach additional pages as required for complete listing.)

| Quantity | Description of Item |
|-----------|--|
| <u>18</u> | <u>Use Variance Application Plan for NATC Donuts, Inc.</u> |
| <u>18</u> | <u>Architectural floor plan & elevations for Dunkin</u> |
| <u>18</u> | <u>Traffic Impact Analysis for Proposed Dunkin' Renovation</u> |
| <u>18</u> | <u>Boundary and Topographic Survey</u> |

18. The Applicant hereby requests that copies of the reports of the professional staff reviewing the application be provided to the following of the applicant's professionals.

Specify which reports are requested for each of the applicant's professionals or whether all reports should be submitted to the professional listed.

Reports Requested:

Send reports to:

all

Name/Address Joseph Paparo, Esq.

Porzio Bromberg & Newman, PC

100 Southgate Parkway, PO Box 1997

Morristown, NJ 07962

Name/Address _____

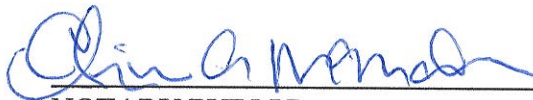
Certifications

Complete #19 *or* #20 a and b as indicated:

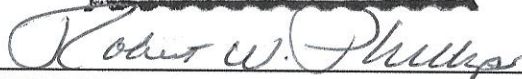
19. Applicant is Property Owner: I certify that I am the Owner of the property which is the subject of this application, for which I am also the Applicant, and that the foregoing statements and the materials submitted are true. As such, I further certify that I am authorized to sign this application, and that I agree to be bound by the application and the decision. [If the Owner who is also the Applicant is a corporation this must be signed by an authorized corporate officer. If the Owner who is also the Applicant is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this
19 day of September, 2022

CHRISTINA A MCMAHON
Notary Public, State of New Jersey
My Commission Expires Jul 18, 2027



NOTARY PUBLIC



SIGNATURE OF APPLICANT and OWNER

20. a) Applicant Who is Not the Property Owner: I certify that the foregoing statements and materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant. [If the Applicant is a corporation this must be signed by an authorized corporate officer. If the Applicant is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this
14 day of September, 2022

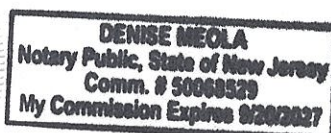


NOTARY PUBLIC



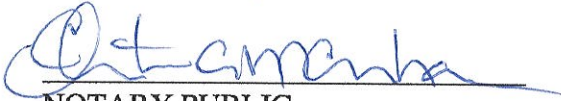
SIGNATURE OF APPLICANT

b) Owner Who is Not the Applicant: I certify that I am the Owner of the property which is the subject of this application, that I have authorized the Applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the Applicant. [If the Owner is a corporation this must be signed by an authorized corporate officer. If the Owner is a partnership, this must be signed by a general partner.]



CHRISTINA A MCMAHON
Notary Public, State of New Jersey
My Commission Expires Jul 18, 2027

Sworn to and subscribed before me this
19 day of September, 2022



NOTARY PUBLIC



SIGNATURE OF OWNER

Escrow Certification

21. Escrow Certification I (*please print name*) _____
understand that I have provided the non-refundable sum of \$ _____ to be deposited in a
Township of Cranford escrow account. In accordance with the Ordinances of the Township of
Cranford, I further understand that the escrow account is established to cover the cost of
professional services including but not limited to engineering, planning, legal and other expenses
associated with the review of submitted materials and the publication of the decision by the
Board. Sums not utilized in the review process shall be returned upon my written request to the
Zoning Department for same. If additional sums are deemed necessary, I understand that I will
be notified of the required additional amount and shall add that sum to the escrow account within
fifteen (15) days.



SIGNATURE OF APPLICANT

09/14/2022

DATE

TAX STATEMENT

22. Applicant is to complete and sign form, and bring it to the Cranford Township Tax Collector for signature. If you would like the signed form returned to you by mail, please provide a self-addressed, stamped envelope for same. One copy of the signed Tax Statement should be included in each of the *eighteen completed sets* of Form 01.

I, Anthony D'Amore of 777 Walnut Avenue, Suite A, Cranford, New Jersey 07016
Name Address

am submitting an application to the

PLANNING BOARD ZONING BOARD OF ADJUSTMENT

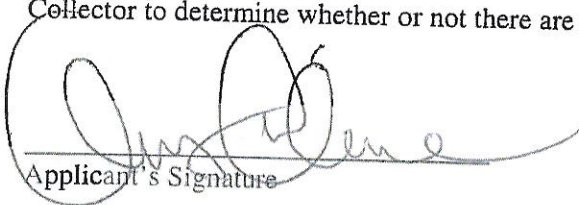
for the development of Block 318 Lot 22 in Zone ORC

located at 333 North Avenue
Address

The owner of record is Robert Phillips of 608 Marlboro Avenue, Cherry Hill, NJ 08002
Name Address

I acquired interest in this property on January 16, 2019 and request the Tax
Date

Collector to determine whether or not there are any delinquent taxes or other assessments due.


Applicant's Signature

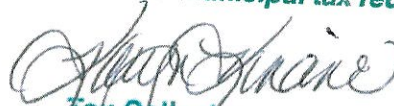
01/14/2022
Date

TO BE COMPLETED BY TAX COLLECTOR

- All taxes due have been paid.
- All assessments due have been paid.
- The following are delinquent and past due:



I verify that this information accurately reflects municipal tax records.


Tax Collector
Cranford Township
Union County



Form 05/Use Variance Application

TOWNSHIP OF CRANFORD - ZONING DEPARTMENT

8 Springfield Avenue - Cranford, NJ 07016

Phone: (908) 709-7216 • Fax: (908) 276-7664



Form Updated 8-12

To be completed by Township Staff Only

Application No.: ZBA-22-012 Date received: 11/01/22

Request is hereby made pursuant to Section 40:55D-70(d) of the New Jersey Municipal Land Use Law to the Board for permission to permit a drive-thru restaurant as a use in the ORC Zone which is specifically prohibited by the Municipal Land Use Ordinance of the Township of Cranford.

1. Arguments must be submitted in support of the requested "Use Variance."

On a separate sheet, describe reasons why the requested use variance should be granted by the Board. * see attached rider

2. Public Hearing Notification Information

Notice shall be given by the applicant at least ten (10) days prior to the date of the hearing to the following parties where applicable. Notice shall be by personal service or certified mail. An affidavit of proof of service demonstrating compliance with this requirement shall be filed with the Board Administrator in the Planning/Zoning Department at least four (4) business days prior to the date of the hearing.

Please circle responses:

- a) Is the subject property located within two hundred feet (200') of any municipal boundary? If yes, City Clerk of adjacent municipality and County Planning Board shall be notified of hearing by applicant. (Note 1) **YES** **NO**
- b) Is the subject property adjacent to an existing or proposed county road or adjoining other County Land? **YES** **NO** If yes, County Planning Board shall be notified of hearing by applicant. (Note 1)
- c) Is the subject property adjacent to a State highway? **YES** **NO** If yes, applicant shall notify the Commissioner of Transportation of the hearing. (Note 2, Form No. 13)
- d) Is the subject property greater than one hundred fifty (150) acres or involve more than 500 dwelling units? **YES** **NO** If yes, applicant shall notify the Director of New Jersey State Planning Commission of the hearing. Notice shall include a copy of any

maps or documents required to be on file with the Municipal Clerk. (Note 3)

THE APPLICANT SHALL NOTIFY ALL OWNERS OF PROPERTY LOCATED WITHIN TWO HUNDRED FEET (200') IN ALL DIRECTIONS OF THE PROPERTY IN QUESTION AND OTHERS AS REQUIRED.

3. Disclosure Information

Is applicant and/or owner a corporation, limited liability company or partnership and does the application involve variances to construct a multiple dwelling of twenty-five (25) or more family units or approval of a site to be used for commercial purposes? **YES NO**
If yes, submit disclosure of all stockholders holding ten percent (10%) or greater interest in the partnership pursuant to N.J.S.A. 40:55D-48.1 et. seq.

NOTES:

- “1” Union County Planning Board
Attn: Union County Department of Engineering and Planning
Union County Administration Building, Elizabethtown Plaza
Elizabeth, New Jersey 07207
- “2” New Jersey Department of Transportation
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 08625
- “3” New Jersey State Planning Commission
150 West State Street
P.O. Box 204
Trenton, New Jersey 08625

Hold Harmless And Indemnification Agreement

FORM 15/Updated 4/09

This agreement made this ___ day of September, 2022, witnesses:

WHEREAS, NATC Donuts, Inc., Applicant, has submitted an application to the Zoning Board of Adjustment (Board) of the Township of Cranford with said application designated as Application No. _____; and

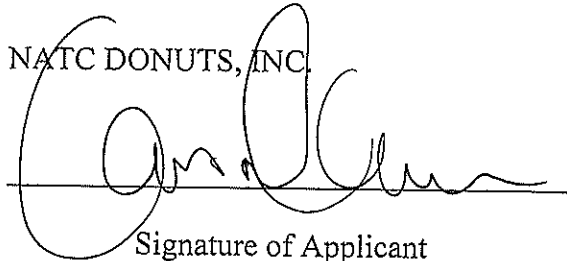
WHEREAS, it may be necessary for the members of the Zoning Board of Adjustment (Board) to inspect and walk the subject property known as 333 North Avenue East Block 318, Lot 22; and

WHEREAS, the Zoning Board of Adjustment (Board) deems it advisable and fiscally prudent to obtain permission from the individual applicants for the members inspection of said property and to preclude claims for alleged damage in connection with the inspection;

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual promises and covenants made by and between the parties, and is hereby agreed as follows:

I, Anthony D'Amore, President of NATC Donuts, Inc., Applicant, shall indemnify and hold harmless the Zoning Board of Adjustment (Board) with regard to claims for damages associated with the inspection and shall preclude claims for alleged damage in connection with the inspection and give my permission for members of said Board to walk the property listed above.

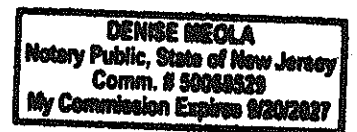
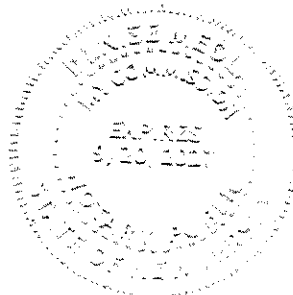
NATC DONUTS, INC.


Signature of Applicant

Sworn and subscribed to before me this 14 day of September, 2022

Denise Meola

Notary Public of the State of New Jersey
My Commission Expires on 9/20/2027



APPLICATION RIDER

EASEMENT/DEED RESTRICTION DISCLOSURE

Right-of-Way easement for ingress/egress across adjacent property located at 337 North Avenue, East, Block 318 Lot 21, as contained in Deed Book 2675 Page 30

(title documents attached)

PROPOSAL & REASONS FOR RELIEF

The within Application involves a request for use variance approval in connection with property located at 333 North Avenue East (NJ Route 28) Cranford, Block 318, Lot 22, on the Tax Map of the Township of Cranford ("Property"). The Applicant is proposing to utilize the Property, which is presently being utilized as a Dunkin fast-food restaurant, as a Dunkin drive-thru fast-food restaurant. The Property is located in the ORC (Office Residential Character) District and according to Section 255-36(c)(1) of the Township of Cranford Code, the use of the Property as a fast-food restaurant with a drive-thru is not a permitted use, therefore, a use variance is required in accordance with N.J.S.A. 40:55D-70d(1).

Pursuant to N.J.S.A. 40:55D-76b, the Applicant is electing to bifurcate the required use variance and site plan application, proceeding first, with the use variance request and, if successful, returning to the Board for the associated site plan approval and any related variances or design waivers.

As shown on the plans and described in the traffic statement submitted with this Application and as will be discussed in greater detail at the hearing, the Property which is presently used as a Dunkin' fast-food restaurant is proposed to be converted into a Dunkin' with a drive-thru.

Planning testimony will be offered at the hearing in support of the requested use variance and this testimony will address the positive and negative statutory criteria. More specifically, the planning testimony will demonstrate that this Property is particularly suited for the proposed use due to its location, neighboring uses, property characteristics and historical use as a Dunkin'. The current proposal involves changing the existing Dunkin' restaurant to a strictly drive-thru operation in order to be in line with industry standards and more efficiently serve Dunkin' customers. If this use variance is approved, the Property will continue to serve the community without negatively impacting any surrounding property owners or the Township. As addressed in the attached Traffic Impact Analysis performed by Dolan & Dean Consulting Engineers, LLC dated May 19, 2022, there will be little to no change in the traffic flow in the area caused by this minor modification of the present use of the property.

For the reasons noted above, the Applicant respectfully requests that the use variance be granted subject to the Applicant securing site plan approval and any related variances or design waivers as part of a subsequent site plan application.

195-N. J. DEED—EXECUTOR'S CONVEYANCE AGAINST GRANITOR
ING. OR CO. OF

ALL STATE OFFICE SUPPLY CO.
NEWARK, N. J.

3617

BOOK 2675

1365

This Indenture,

Made the 30th day of December in the year of our Lord
One Thousand Nine Hundred and Sixty-three

Between

ELIZABETH TOMASULO, individually and as the Executrix
and Trustee under the Last Will and Testament of Nicholas A.
Tomasulo, deceased.

~~BOOK~~ ~~MANHOBROUCK HIGHLAND CONVEYANCE~~

late of the Township of Cranford in the County of
Union and State of New Jersey parts of the first part;

And

ROBERT W. PHILLIPS and CONSTANCE V. PHILLIPS,
residing at 247 Madison Avenue,

In the Borough of Manabrouck Heights in the County of
Bergen and State of New Jersey parts of the second part;

Witnesseth, that the said party of the first part, by virtue of the power and authority to
me given in and by said Last Will and Testament, and for and in consideration of
Twenty-five Thousand and 00/100 (\$25,000.00) Dollars
lawful money of the United States of America, to her in hand paid by the said party of
the second part, at, or before the encasing and delivery of these presents, the receipt whereof is
herby acknowledged, has granted, bargained, sold and conveyed, and by these presents do
grant, bargain, sell and convey unto the said party of the second part, and to their heirs
and assigns, forever,

All those
tracts or parcels of land and premises, hereinafter particularly described, situate, lying and being
in the Township of Cranford in the County of
Union and State of New Jersey
FIRST TRACT:

BEGINNING at a point in the northerly side line of North
Avenue distant 195.0 feet easterly from the intersection of same
with the westerly side line of John Street, thence (1) North 88
degrees 0 seconds East along the said northerly side line of North
Avenue-130.0 feet to a point in the westerly line of lands conveyed
to the Shell Oil Co.; thence (2) along said lands North 2 degrees
0 seconds West 125.0 feet to a point; thence (3) South 88 degrees
0 seconds West 130.0 feet to a point; thence (4) South 2 degrees
0 seconds East 125.0 feet to the said northerly side line of North
Avenue and the point or place of Beginning.

BEING part of lots No. 6, 7, 8 and 9 as shown and designated
on a map entitled "Plan of Building Plots at North Avenue and
Elizabeth Avenue, Cranford, N. J., July 11, 1905", made by J. L.
Bauer, Civil Engineer, Elizabeth, N. J., and filed July 20, 1905
as Map No. 108-C.

BEING part of premises conveyed to the said Nicholas A.
Tomasulo by deeds dated November 16, 1950 from Alfred A. Stein, Jr.,
single, and recorded in Book 1880 of Deeds for Union County at
Page 125; deed dated March 7, 1952 from Ralph V. Della Serra,
widower, to the said Nicholas A. Tomasulo, and recorded in Book
1964 of Deeds for Union County at Page 229; and deed dated February
28, 1952 from Margaret L. Mettam, widow, to the said Nicholas A.
Tomasulo, and recorded in Book 1964 of Deeds for Union County at
Page 238.

LOT
ADJOINING
PO ON
EASTERLY
SIDE
(PART OF
LOT 21
BLOCK 318)

SECOND TRACT:

BEGINNING at a point in the southwesterly side line of Elizabeth Avenue distant 158.63 feet northwesterly from the intersection of the same with the northerly side line of North Avenue if both were extended, said beginning point being the northeasterly corner of lands conveyed to the Shell Oil Co.; thence (1) North 40 degrees 0 seconds West along the said southwesterly side line of Elizabeth Avenue 11.72 feet to a point; thence (2) South 88 degrees 0 seconds West 126.80 feet to a point; thence (3) South 2 degrees 0 seconds East 16.0 feet to a point; thence (4) South 88 degrees 0 seconds West 40.0 feet to a point; thence (5) South 2 degrees 0 seconds East 9.0 feet to a point distant 125.0 feet from the northerly side line of North Avenue measured at right angles thereto; thence (6) North 88 degrees 0 seconds East 186.33 feet to the said southwesterly side line of Elizabeth Avenue and the point or place of Beginning.

BEING part of lots No. 6, 7, 8, 9, and 10 as shown and designated on a map entitled "Plan of Building Plots at North Avenue and Elizabeth Avenue, Cranford, N. J., July 11, 1905", made by J. L. Baur, Civil Engineer, Elizabeth, N. J., and filed July 20, 1905 as Map No. 10A-C.

RESERVING, however, to the party of the first part, her successors, personal representatives, heirs and assigns, an easement of right of way, over the second tract hereinbefore described, as and for driveway purposes and for ingress and egress. The said parties of the second part, their heirs and assigns, shall maintain the said easement in reasonably good condition for use as a driveway at their sole expense.

The above premises (tract 2) were conveyed to the said Nicholas A. Tomasulo by deeds as part of the premises hereinabove recited and by a certain deed made by Alfred A. Stein, Jr., single, et al, dated November 16, 1950, and recorded in Book 1880 of Deeds for Union County at Page 122.

SUBJECT to the terms, conditions and covenants of a certain lease entered into between the said Nicholas A. Tomasulo and Elizabeth Tomasulo, his wife, and the said Robert W. Phillips under date of June 20, 1952, and any and all extensions, renewals and options therein.



DBK
1989-28



Together with all and singular the tenements, hereditaments, and appurtenances therunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

And Also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, and of the said Testator, of, in, and to the above described premises, and every part and parcel thereof, with the appurtenances.

To have and to hold, all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, their heirs and assigns, to the only proper use, benefit and behoof of the said party of the second part, their heirs and assigns forever:

And the said party of the first part does hereby covenant, promise and agree to and with the said party of the second part, their heirs, executors, administrators and assigns that she has not, as such executed as aforesaid, done or caused, suffered or procured to be done, any act, matter or thing, whereby the said premises or any part thereof, with the appurtenances, are or may be charged or encumbered in estate, title or otherwise.

In Witness Whereof, the said party of the first part has hereunto set her hand and seal, or caused these presents to be signed by its proper corporate officers and caused its proper corporate seal to be hereto affixed, the day and year first above written.

Elizabeth Tomasulo, Ind. and as Executrix & Trustee under the L.W. & T. of Nicholas A. Tomasulo, deceased.

State of New Jersey, County of Union

Be it Remembered, that on this day of 1903, in the year of our Lord One Thousand Nine Hundred and Sixty-three, the subscriber, an Attorney at Law of New Jersey personally appeared Elizabeth Tomasulo, individually and as Executrix and Trustee under the Last Will and Testament of Nicholas A. Tomasulo, deceased, who, I am satisfied, is the person mentioned in the within Instrument, and thereupon she acknowledged that she signed, sealed and delivered the same as her act and deed, for the uses and purposes therein expressed.

State of New Jersey, County of

Be it Remembered, that on this day of 1903, in the year of our Lord One Thousand Nine Hundred and Sixty-three, the subscriber, personally appeared who, in my presence and in my hearing, being by me duly sworn on his oath, does depose and make proof to my satisfaction, that he is the Secretary of the the party mentioned in the within Instrument, that President of said Corporation; that the execution, as well as the making of this Instrument, has been duly authorized by a proper resolution of the Board of Directors of the said Corporation; that he personal seal bears the corporate seal of said Corporation; and the seal affixed to said Instrument is such corporate seal and was therein affixed, and said Instrument signed and delivered by said President, as and for his voluntary act and deed and as and for the voluntary act and deed of said Corporation, in presence of deponent, who thereupon subscribed his name thereto as witness.

Seen to and subscribed before me, at the state aforesaid.