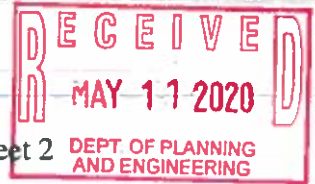


ORIGINAL



Sheet 2 DEPT. OF PLANNING AND ENGINEERING

DEPARTMENT OF PLANNING AND ENGINEERING
EAST BRUNSWICK DEVELOPMENT APPLICATION

TYPE OF APPLICATION (If additional space is required, attach a rider)

FEES \$ 20-06

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- 1. Applicant's Full Name Advocare Midjersey Pediatrics, LLC Phone # 732-257-4330
2. Applicant's Mailing Address 33 Brunswick Woods Drive, East Brunswick, NJ 08816
3. Is Applicant a Corporation X Partnership Individual?
3a. If Applicant is a Corporation or a Partnership, set forth the names and addresses of all stockholders having a 10% interest or more:
(name) Boram Sung Larnie Booker Neil Cederbaum & Amy Jaroslow
(address) 33 Brunswick Woods Drive East Brunswick, NJ 08816
4. Does Applicant own all this property? Yes No X (Consent attached)
5. If not, set forth names and addresses of owners of any property covered by this Application which are not owned by Applicant:
Dennis Moeller-Power of attorney for all owners-see attached list of owners
6. As to all property described in answer to question #5, set forth, in detail, the nature and source of the local or beneficial right by which you claim right to prosecute this application.
Applicant is the contract Purchaser of the referenced property.
7. Location (street address) 610 Cranbury Road, East Brunswick, NJ 08816
Block(s) 322.10 Lot(s) 21.02 Zone(s) OP-1 Size 1.398 acre
8. Present Use of Property Childcare Facility
9. Proposed Use of Property Commercial Use- Medical/Professional Office

10. Description of proposed structures or changes in existing structures

No external changes are proposed to the existing structure

11. Was this tract formerly subdivided? No  Yes \_\_\_\_\_ When \_\_\_\_\_

12. Area of entire tract 1.398 acres, or \_\_\_\_\_ square feet

13. Applicant plans to develop property by:

Selling Lots Only

Constructing Houses to Sell At \$ \_\_\_\_\_

Other \_\_\_\_\_

14. Does site adjoin any county road  state highway \_\_\_\_\_

15. Location of nearest sanitary sewer Cranbury Road

(Sewerage system must be approved by the East Brunswick Sewerage Authority and/or Director of Health before Planning Board will review application.)

16. Location of nearest water utility line Cranbury Road

17. Are exterior utility systems to be installed on this site? N/A

\_\_\_\_\_ Propane Tanks \_\_\_\_\_ Transformers \_\_\_\_\_ Air Conditioning Units

18. Are there new streets, extension of municipal facilities or utilities involved in this development?  
Yes \_\_\_\_\_ No

19. If any variances are required, circle those sections of municipal land use law the variance comes under -  
A, B,  C, or D.

20. Describe variance requested C-2 variance is requested for off street parking.  
In addition, there is pre-existing bulk variance for minimum setback for parking and lot coverage.  
Please see attached Resolution of Approval.

21. Section(s) of Zoning Ordinance from which variance(s) is requested  
Ordinance Section 228-218.10 and 228- 115

22. Reasons for requesting variance(s) See attached justification.

23. Have there been any previous Board of Adjustment or Planning Board hearings involving this property?

Yes  No

24. If the answer to #23 is the affirmative, state the date of the hearing, nature and disposition.

I Application # 94-50 (Kinder Care)-Planning Board- 3/29/95

25. Applicant's Attorney (Corporation must be represented by a NJ Attorney)

Name David B. Himelman Phone # 732-659-6130

Address 190 Route 18, Suite 205, East Brunswick, NJ Zip 08816

Firm David B. Himelman, Attorney at Law, LLC

26. Are any easements or special covenants by deed involved in this site?  
Yes  No \_\_\_\_\_ (If yes, attach copy)

27. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to Punishment for contempt of court.

Sworn to and subscribed before me on this 29 day of April 19 2020 \_\_\_\_\_  
Signature of Applicant

Jean M. Stelicos \_\_\_\_\_  
Notary Public Signature of Owner  
**JEAN M STELICOS**

\*\*\*\*\*  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
ID # 50041345  
MY COMMISSION EXPIRES JULY 18, 2021  
\*\*\*\*\*

THIS WILL CERTIFY THAT \_\_\_\_\_ SIGNATURE (If Applicant is a Corporation)  
This will certify that Boram Sung Title Vice President  
of (Corporation name and address) Advocare Mid-Jersey Pediatrics

who subscribed to the above application for development in the Township of East Brunswick has been authorized by this Corporation to do so.

ATTEST \_\_\_\_\_

\*\*\*\*\*

28. Address all correspondence concerning this Application to:  
( ) Applicant ( ) Owner  Attorney  
Name David B. Himelman  
Address 190 Route 18, Suite 205, East Brunswick, NJ 08816  
Firm David B. Himelman, Attorney at Law, LLC

26. Are any easements or special covenants by deed involved in this site?  
Yes  No \_\_\_\_\_ (If yes, attach copy)

27. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to Punishment for contempt of court.

Sworn to and subscribed before me on  
this 29<sup>th</sup> day of APRIL 2020 by  
DENNIS MOELLER

\_\_\_\_\_  
Signature of Applicant

Wendy A. Gallone  
Notary Public Wendy A. Gallone  
Notary Public of New Jersey  
My Commission Expires on 12/17/22

Dennis Moeller  
Signature of Owner  
DENNIS MOELLER

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**AUTHORIZATION OF SIGNATURE (If Applicant is a Corporation)**

This will certify that \_\_\_\_\_ Title \_\_\_\_\_  
of (Corporation name and address) \_\_\_\_\_

\_\_\_\_\_ who subscribed to the above application for development in the Township of East Brunswick has been authorized by this Corporation to do so.

ATTEST \_\_\_\_\_  
\_\_\_\_\_ 19

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28. Address all correspondence concerning this Application to:

( ) Applicant ( ) Owner  Attorney

Name David B. Himelman

Address 190 Route 18, Suite 205, East Brunswick, NJ 08816

Firm David B. Himelman, Attorney at Law, LLC

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Question 22- Justification for the requested “C” variance:

Pursuant to the NJ Municipal Land Use Law (“MLUL”), the relief sought by the Applicant is a C-2 Bulk variance. Under the MLUL at NJSA 40:55D-70 c (2) the statute provides in part, **“where in an application or appeal relating to a specific piece of property the purposes of this act or the purposes of the "Educational Facilities Construction and Financing Act," P.L.2000, c.72 (C.18A:7G-1 et al.), would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to article 8 of this act”**;

The c (2) variance, is also known as a “flexible C variance”. This application involves showing the board that granting the variance will benefit the community. In order to show this, one must demonstrate that:

1. The variance is needed for a specific piece of property;
2. The proposed variance advances the purposes of the Municipal Land Use Law (positive criteria); and
3. The benefits of the deviation from the local zoning ordinance resulting from granting the variance would substantially outweigh any detriment. The variance will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. (Negative criteria).

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Justification for “C” Bulk Variance Relief

The applicant will testify that the Board has the authority to grant all bulk relief pursuant to the flexible c balancing test and the benefits of the application as a whole substantially outweigh the detriments.

Positive Criteria

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The applicant will further testify that the benefits of the project as a whole carry forth and all bulk relief is necessary to effectuate this project. (Positive Criteria)

Negative Criteria

The applicant will testify that the benefits of the deviation from the zoning ordinance resulting from granting of the variance will substantially outweigh any detriment. As to the variance relief sought, the following rationale will be outlined in testimony:

- o Off-street parking Lot-. Sufficient parking is provided for the proposed medical use as the Applicant intends on occupying approximately 8000 square feet of the total 10,331 square feet of the entire building. Applicant is only 1 space short of the total spaces required (52) based on all medical use. The remaining space will be occupied by another tenant. Moreover, at present there are only 40 spaces at the Property which was utilized by the prior child care facility.

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**Exhibit A**

**List of Sellers and Addresses:**

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## List of Owners

	<u>PERCENTAGE</u>
Arnulfo Vidal [VIDAL-ARNU] 1622 Porter Lakes Drive Jacksonville FL 32218	4.33%
Barlow, Kingsley & Mable Trust [BARLOW-KIT] Trustee: Mable Barlow 204 West 200 South Lindon UT 84042	6.69%
Cohn, Richard [COHN-RICHA] 863 Hope St. Providence RI 02906	4.30%
Colburn Trust [COLBURN-T] c/o Thomas E. Colburn PO 994 Paso Robles CA 93447	2.66%
Corinne B. Anderson Trust [ANDERS-DT] Trustee: Corinne Anderson 13620 Edgewood St. Becker MN 55308	3.20%
Corwin, Frederic or Elizabeth [CORWIN-F] 4850 Osprey Dr. S. Unit G-201 St. Petersburg FL 33711	7.97%



Da Vault, Glenn [DAVAULTGL] P.O. Box 811 Lamar CO 81052	0.67%
Davis Family Trust [DAVIS-FAMT] c/o Tony Davis 2193 Karan Way Clearwater FL 33763	2.31%
Devlin, Dolores [DEVLIN-P] 365 Southport Dr Edgewater MD 21037	3.90%
Dorenkamp, Amanda J. [DORENKAMP] 1345 20 Road Fruita CO 81521	0.67%
Eggers Family Trust [EGGERS-LE] Trustee: Karen Weaver 9133 Meadowrun Way San Diego CA 92129	2.89%
Estate of Jo Ann Dodd [DODD-JOANN] Trustee: Kari Crowley 251 Wood Nymph Ln. Glenwood Springs CO 81601	4.17%
Ficken, James [FICKEN-JAM] 1608 North Oscola Ave. Clearwater FL 33755	2.00%
Fortin, Robert [FORTIN-ROB] 2215 Lauderdale Ct.	2.24%

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Orlando  
FL  
32805

Frischknecht, Eugen [FRISCHK-EU] 2.89%  
1154 Clannont Dr.  
Springville  
UT  
84663

Harms Family Trust (William Harms) [HARMS-FAMT] 2.86%  
9003 N. Leham Rd.  
Spokane  
WA  
99217

Ivin Holt [BOLT] 1.44%  
TRUSTEES for The Holt Family Trust  
1360 W. 900 N.  
Provo  
UT  
84604

James and Connie Wilcox [WILCOXJA] 2.11%  
3019 W. 5685 South  
Taylorsville  
UT  
84129

James G. Winder Family Trust [WINDER-FAM] 1.44%  
Trustee: Carol R. Winder  
762 N 380 W  
Provo  
UT  
84601

Koenig, Ralph A. or Jan E. [KOENIG-RT] 1.94%  
395 Ridgeview Lane  
Boulder  
CO  
80302

Krausse, Max G. [KRAUSSE-MG] 1.73%  
356 El Portal Way  
San Jose  
CA  
95123

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Larry T Allen [FLETCHERVI] 0124 E. Blarney stone RD Howard CO 81233	0.67%
Levy, Charles or Adele F. [LEVY-CHARL] 2849 County Rd. 271 Westcliffe CO 81252	3.16%
Lowell Hamilton Properties, LLC [HAMILTON-L] 6523 W 13400 South Herriman UT 84096	2.89%
Moeller, Dennis [MOELLER-1] 118 Long Pond Rd. Hewitt NJ 07421	4.02%
Oda & Burman, LLC [ODA-BURMAN] PO Box 824 Clearfield UT 84089-0824	5.28%
Penny Farms [FARMS] 221 S Adams Road #A101 Spokane Valley WA 99216	1.44%
Ringwood, Rick or Shauna [RINGWOOD-R] 4437 S. 4560 W. West Valley UT 84120	3.81%
Ruppenthal, Sandra Lee [RUPPENTHAL] 4847 NW 96 Ave. Sunrise	0.67%

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FL  
33351

Stawinski, Walter or Margaretta [STAWINSKI-]  
8810 Walther Blvd  
Apt # 3207  
Parkville  
MO  
21234

4.27%

Taylor, R. Kent or Pamela F. [TAYLOR-RK]  
381 Andover St.  
Danvers  
MA  
01923

2.28%

Valyrie R Nibley Family Trust [NIBLEY-FT]  
3330 W Signal Peak Dr. RP205  
Salt Lake City  
UT  
84129

2.86%

Wilcox, Steven or Charmaine [WILCOX/STE]  
7105 W. Copperhill Dr.  
West Valley  
UT  
84128

2.11%

Willey, Charlee J. [WILLEYCHAR]  
P.O. Box 304  
Springfield  
CO  
81073

0.67%

Yenmans, Mark or Gail [YEAMANS-M]  
2180 Richter Drive  
Reno  
NV  
89509

2.86%

100.00%