



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldtnpj.com>

Meeting: 09/16/13 07:00 PM

2013 ORDINANCE TAX ABATEMENTS

AN ORDINANCE TO AMEND CHAPTER 520 "TAXATION" OF THE TOWNSHIP CODE

WHEREAS, Chapter 520 of the Code of the Township of Bloomfield Code titled "Taxation" authorizes five year exemptions and abatements from taxation for projects located in the Bloomfield Center Vision Plan Boundary, the CBD zone, B-2 zone, CORD zone and M-1 zone that would qualify for exemption or abatement from taxation pursuant to B.O. 520-10; and

WHEREAS, Bloomfield 2012, LLC has indicated a desire to construct a project which is eligible for exemption or abatement from taxation under the Chapter 520; and

WHEREAS, the applicant has filed an application for exemption or abatement from taxation with the Township in a timely manner setting forth the information required by the Chapter 520, and the Review Committee has determined that the application is complete; and

WHEREAS, the governing body of the municipality has reviewed and evaluated the application, and it has made the following findings and determinations in connection with the application.

- A. The project is a commercial or industrial project which is eligible for exemption or abatement from taxation pursuant to the aforesaid Article.
- B. The project will maintain or provide gainful employment within the municipality.
- C. The project will assist in the economic development of the municipality.
- D. The project will maintain or increase the tax ratable base of the municipality.
- E. The project will maintain or diversify and expand commerce within the municipality.
- F. The economic benefits derived from the project outweigh any negative effects associated with granting the exemption or abatement from taxation.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey:

APPROVED AS TO FORM AND PROCEDURE
ON BASIS OF FACTS SET FORTH

Brian Alora
Director of Law / Township Attorney

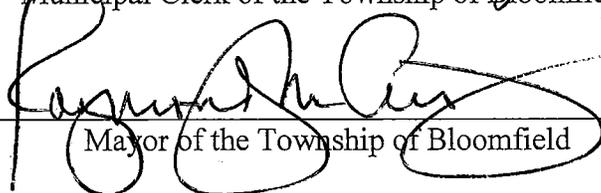
1. The application submitted by the Bloomfield 2012, LLC for the exemption from taxation for the development of a self-storage facility project located at 104 Orange Street, Block 156, Lot 49, is hereby approved.
2. The form of Five Year Tax Agreement setting forth the terms and conditions for the exemption from taxation including the formula for the computation of payments in lieu of full property taxation is hereby approved.
3. The Mayor is authorized to execute and the Township Clerk to attest the Five Year Tax Agreement.
4. The Township Clerk shall forward a copy of the Five Year Tax Agreement to the Director of the Division of Local Government Services in the Department of Community Affairs within 30 days after the execution of the Agreement.
5. A copy of the Tax Agreement shall be maintained in the office of the Tax Assessor and in the office of the Tax Collector to insure compliance with all of the terms and conditions set forth in the Tax Agreement. Furthermore, the Township Clerk shall maintain a copy of all documents, including the Tax Agreement as public records.

* . . . * . . . * . . . *

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on .



 Municipal Clerk of the Township of Bloomfield



 Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance 2917						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt	Elias N. Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Carlos Bernard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Table	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Peggy O'Boyle Dunigan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> First Reading	Bernard Hamilton	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Raymond J. McCarthy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve						
<input type="checkbox"/> Veto by Mayor						
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						

✓ Vote Record - Ordinance 2917						
		Yes/Aye	No/Nay	Abstain	Absent	
<input checked="" type="checkbox"/> Adopt						
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn						
<input type="checkbox"/> Table						
<input type="checkbox"/> Not Discussed						
<input type="checkbox"/> First Reading						
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	Elias N. Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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	Bernard Hamilton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Raymond J. McCarthy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**STANDARD FIVE YEAR
TAX AGREEMENT**

This Agreement made this 22nd day of OCTOBER, 2013 by and between the Township of Bloomfield, a municipal corporation of the State of New Jersey, located in the County of Essex having its principal office at 1 Municipal Plaza, Bloomfield, New Jersey, 07003, (hereinafter "Township") and Bloomfield 2012, LLC, ("herein referred as to as applicant or property owner").

RECITALS

WHEREAS, Chapter 520 of the Code of the Township of Bloomfield Code titled "Taxation" authorizes five year exemptions and abatements from taxation for projects located in the Bloomfield Center Vision Plan Boundary, the CBD zone, B-2 zone, CORD zone and M-1 zone that would qualify for exemption or abatement from taxation pursuant to B.O. 520-10; and

WHEREAS, Bloomfield 2012, LLC has indicated a desire to construct a project which is eligible for exemption or abatement from taxation under the Chapter 520; and

WHEREAS, the applicant has filed an application for exemption or abatement from taxation with the Township in a timely manner setting forth the information required by the Chapter 520, and the Review Committee has determined that the application is complete; and

WHEREAS, the governing body of the Township has reviewed and evaluated the application, and it has made the following findings and determinations in connection with the application.

1. The project is a commercial or industrial project which is eligible for exemption or abatement from taxation pursuant to the aforesaid Article.
2. The project will maintain or provide gainful employment within the Township.
3. The project will assist in the economic development of the Township.
4. The project will maintain or increase the tax ratable base of the Township.
5. The project will maintain or diversify and expand commerce within the Township.
6. The economic benefits derived from the project outweigh any negative effects associated with granting the exemption or abatement from taxation.

WHEREAS, the governing body of the Township approved the application submitted by the applicant and this tax agreement by the adoption of Ordinance No. 13-27.

NOW THEREFORE in consideration of the mutual covenants contained herein, and for good and valuable consideration, it is mutually agreed as follows:

**ARTICLE 1
LAND ASSESSMENT**

The land which is not eligible for exemption or abatement from taxation shall be fully assessed in accordance with the requirements imposed by the applicable state law.

**ARTICLE 2
PARTIAL YEAR ASSESSMENT**

The improvements which are eligible for exemption or abatement from taxation shall be assessed for the portion of the calendar year from the date of completion to the end of the calendar year in accordance with the requirements imposed by the applicable state law.

**ARTICLE 3
FORMULA FOR COMPUTATION OF
PAYMENTS IN LIEU OF FULL
PROPERTY TAX**

In connection with the improvements which are eligible for exemption or abatement from taxation, the applicant shall pay to the Township, in lieu of full property tax payments an amount annually based on the tax phase-in approach, which shall be in an amount equal to a percentage of the taxes otherwise due according to the following schedule:

- A. In the first full year after completion, no payment in lieu of taxes otherwise due.
- B. In the second full year after completion, an amount equal to 20% of the taxes otherwise due.
- C. In the third full year after completion, an amount equal to 40% of the taxes otherwise due.
- D. In the fourth full year after completion, an amount equal to 60% of the taxes otherwise due.
- E. In the fifth full year after completion, an amount equal to 80% of the taxes otherwise due.

**ARTICLE 4
DURATION OF TAX AGREEMENT**

- A. This tax agreement shall be in effect for no more than the five full calendar years next following the date of completion of the project.

B. The project shall be subject to all applicable federal, state and local laws and regulation on pollution control, workers safety, discrimination in employment, zoning, planning, and building code requirements.

ARTICLE 5 TERMINATION OF TAX AGREEMENT

A. The tax agreement shall be terminated if any one of the following events occurs: (1) the property owner ceases to operate; (2) the property owner disposes of the property without prior approval of the Township Council; (3) the property owner fails to meet the conditions for qualifying for the exemption or abatement. However, with respect to the dispose of the property, the tax agreement shall remain in effect where the assessor determines that the new owner of the property will continue to use the property pursuant to the conditions which qualified the property for the exemption or abatement from taxation.

B. The governing body of the Township has relied upon the truth of the statements contained in the application for exemption or abatement from taxation. The tax agreement shall be terminated if the application contains any misrepresentation of a material fact.

C. The tax agreement shall be terminated if the property owner is more than thirty (30) days delinquent in the payment of the property taxes or the payment is lieu of taxes on the subject property.

D. The tax agreement shall be terminated if the property owner fails to abide by, follow, or meet any obligation or responsibility of the property owner under Chapter 520 of the Code of the Township of Bloomfield as amended.

E. If the tax agreement is terminated for cause during any tax year prior to the normal expiration of the tax agreement, then the tax which would have otherwise been payable for each tax year shall become due and payable from the property owner as if no exemption or abatement had been granted. The assessor of the Township shall notify the property owner and the tax collector forthwith. The tax collector shall notify the property owner of the amount of the taxes due within fifteen (15) days from receipt of the notice from the assessor.

F. A project shall be subject to all applicable real property taxes as provided by state law and regulation and local ordinance after the normal expiration of the tax agreement.

ARTICLE 6 GENERAL PROVISIONS

A. **Applicable Law and Venue.** This agreement shall be governed, interpreted and enforced in accordance with the laws of the State of New Jersey without regard to conflicts of laws principles. The parties agree that any and all legal action relation to any dispute, enforcement or other matter to be decided between them arising out of this agreement, or the

subject matter hereof, shall be brought in the New Jersey Tax Court with the venue being Essex County, New Jersey.

B. Compliance with Law. The property owner shall comply with all applicable federal, state and local laws during the performance of this agreement. Specifically, this agreement is subject to the Five Year Exemption and Abatement Law (N.J.S.A. 40A:21-1 et. seq.) and Chapter 520 titled "taxation" of the Code of the Township of Bloomfield.

C. Exhibits. The following exhibits are attached hereto and incorporated in this agreement as if the same were set forth with particularity: Exhibit A-application with attachments; Exhibit B-ordinance approving application and tax agreement.

D. Inspections. The property owner shall permit the inspection of its property, buildings, equipment, and other facilities of the improvements by the assessor of the Township or other duly authorized representatives or the Township. Such inspections shall be made during regular business hours in the presence of an officer or agent of the property owner. To the extent reasonably practical, the inspection shall not materially interfere with the operation of the improvements.

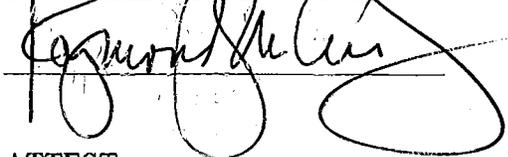
E. Oral Representation. There have been no oral representations made by either of the parties hereto which are not contained in application, tax agreement, and ordinance approving the application and tax agreement.

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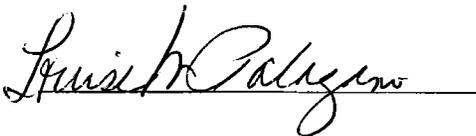
G. Reporting Requirement. The Township Clerk shall forward a copy of this tax agreement to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days after the execution of the agreement.

IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

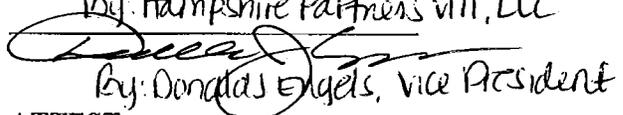
TOWNSHIP OF BLOOMFIELD



ATTEST:



BLOOMFIELD 2012, LLC

By Hampshire Partners Fund VIII, LP
By Hampshire Partners VIII, LLC


ATTEST:



Michelle Bushnaukas

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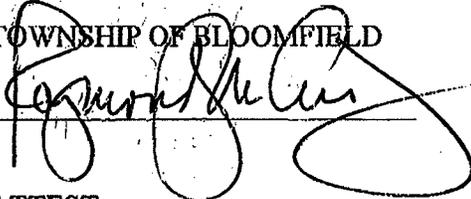
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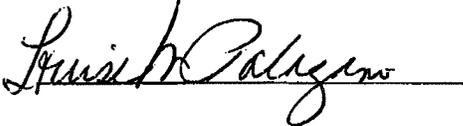
G. Reporting Requirement. The Township Clerk shall forward a copy of this tax agreement to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days after the execution of the agreement.

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TOWNSHIP OF BLOOMFIELD

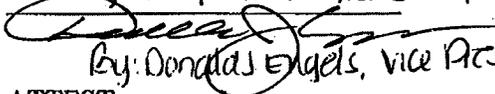


ATTEST:



BLOOMFIELD 2012, LLC

By: Hampshire Partners Fund VIII, LP
By: Hampshire Partners VIII, LLC


By: Donald Engels, Vice President

ATTEST:



Exhibit A

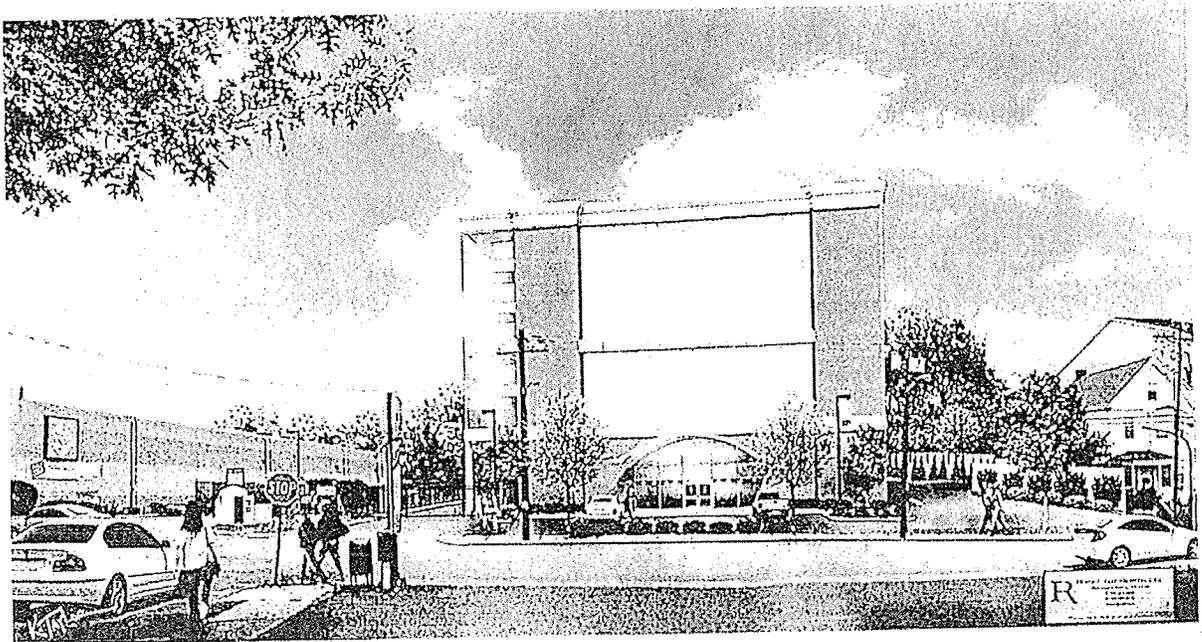
APPLICATION
OF
BLOOMFIELD 2012, LLC
FOR
FIVE-YEAR PROPERTY TAX EXEMPTION

Pursuant to Bloomfield Township Ordinance §520-1 et seq.

104 Orange Street

Block 156, Lot 49

Development of Self-Storage Facility



Prepared By:
Drinker Biddle & Reath LLP
500 Campus Drive
Florham Park, New Jersey 07932
Glenn Pantel, Esq.
973-549-7000 (Phone)
973-360-9831 (Fax)

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 - C. LEGAL DESCRIPTION OF PROPERTY
 - D. PLANS, DRAWINGS AND OTHER DOCUMENTS
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 - F. STATEMENT OF REASONS FOR SEEKING TAX EXEMPTION, AND DESCRIPTION OF BENEFITS
 - G. ESTIMATED OF COST OF PROJECT
 - H. PILOT PROFORMA: STATEMENT OF FORMULA FOR CALCULATION OF PILOT PAYMENTS; REAL PROPERTY TAXES CURRENTLY ASSESSED; ESTIMATED PILOT PAYMENTS; AND ESTIMATED TAX PAYMENTS IN FIRST FULL YEAR FOLLOWING TERMINATION OF PILOT
 - I. DESCRIPTION OF PROPOSED USERS
 - J. SCHEDULE OF ESTIMATED COMPLETION DATES FOR PROJECT
- SCHEDULE 1 ZONING BOARD OF ADJUSTMENT RESOLUTION OF APPROVAL

A

A. INTRODUCTION

Summary. This application ("Application") is made by Bloomfield 2012, LLC (the "Applicant"), pursuant to Bloomfield Township Ordinance §520-1 et seq. (the "Ordinance"), for approval of a five-year property tax exemption ("Exemption") with respect to property commonly known as 104 Orange Street (the "Project Site"), which is designated as Block 156, Lot 49 on the official tax maps of the Township of Bloomfield (the "Township"). The Project Site is located in the Central Business District (CBD) zoning district. The Applicant proposes to construct a self-storage facility on the Project Site consisting of a seven-story main building and two (2) one-story rear buildings, with a total of 876 storage units in the three (3) buildings (the "Project"). An Exemption is requested for the Project because, without an Exemption, it will not be economically feasible to construct the Project with the high quality of design and materials that the Applicant has proposed.

Background. The Applicant is the owner of the Project Site. The Bloomfield Township Zoning Board of Adjustment granted the Applicant's application for site plan approval and use and bulk variances for the Project pursuant to a resolution adopted December 13, 2012, a copy of which is enclosed herewith as Schedule 1.

Application Procedure. Pursuant to Ordinance §520-10, the Township Council may approve and enter into tax agreements for Exemptions for commercial construction projects located within the CBD zoning district, as that district is contained within an Area of Rehabilitation, as designated by the Township Council. The application requirements are set forth in Ordinance §520-11. All items required by Ordinance §520-11 are provided herein with the exception of §520-11(J), which is applicable only to the development of multiple dwelling projects. The procedure for review and approval of the Application is set forth in Ordinance §520-12(A). If the Application is approved, the Applicant will enter into a tax agreement with the Township in accordance with Ordinance §520-12(B).

Exemption and PILOT. If approved, the term of the Exemption would be a period of five (5) years, commencing the year that construction is completed (estimated to occur in 2014). During the Exemption period, in lieu of paying property taxes on the Project improvements, the Applicant would make payments in lieu of taxes ("PILOT") to Township. The Exemption would not apply to property taxes on the Project land, which would be paid as normal during the Exemption period. A discussion of how the PILOT will be calculated, including a proforma setting forth the current taxes for the Project Site and the estimated PILOT payments that would be made should the Exemption be approved, is set forth in Section VIII below.

B

B. GENERAL DESCRIPTION OF PROJECT

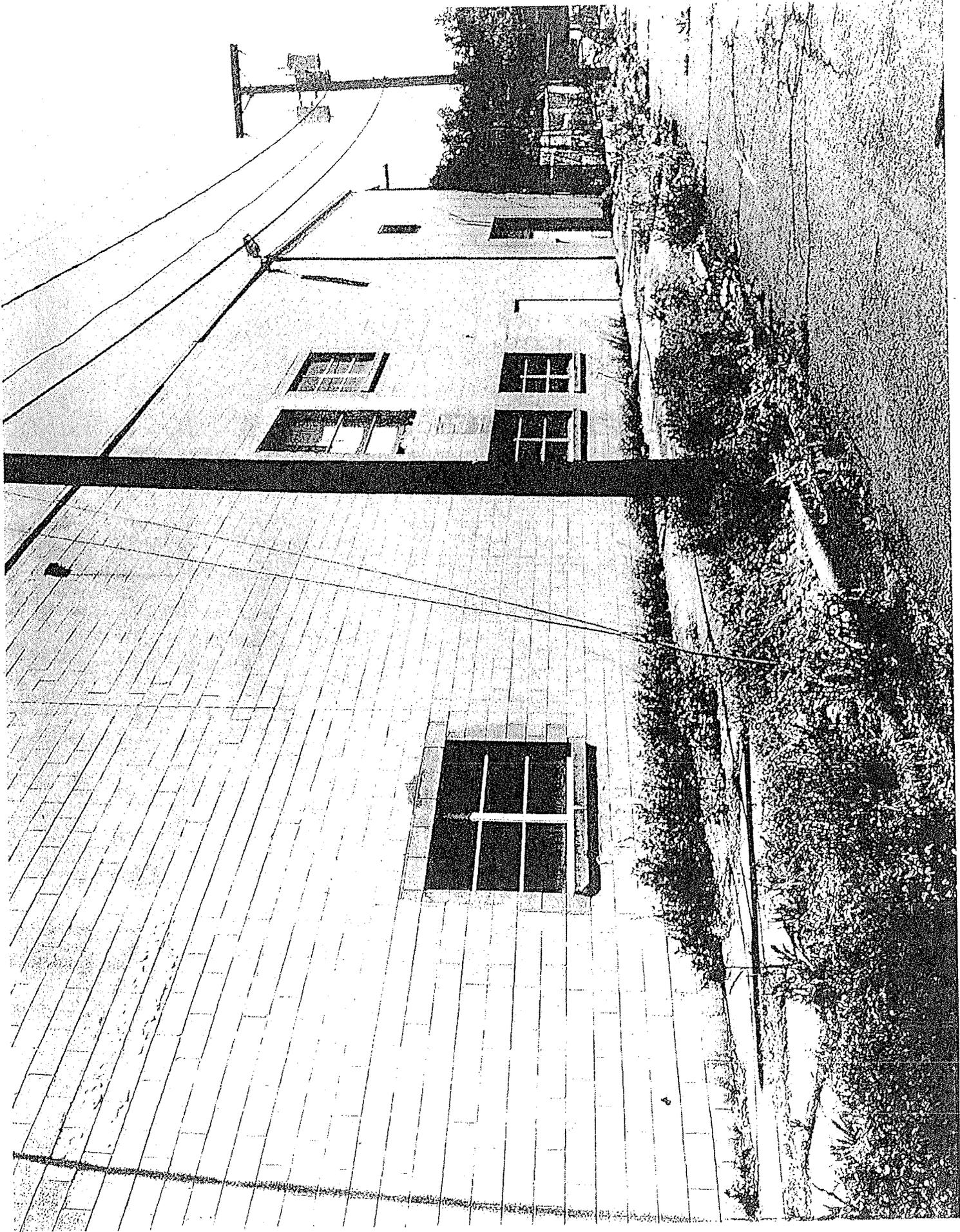
General Description. The Project will consist of a main, seven story building and two (2) one-story rear buildings. The three (3) buildings will contain, in the aggregate, approximately 105,080 square feet of gross floor area and approximately 876 storage units. The storage units will range in size from 5 feet by 5 feet to 10 feet by 25 feet. The Project will include sixteen (16) automobile parking spaces, as well as a truck loading dock. New drainage facilities, lighting and landscaping will be installed. The Project will be secured by a six foot (6') chain link fence, and patrons will access the facility by use of an automated gate, which will be opened by entering a passcode into a keypad. The interior of the main building will be climate controlled.

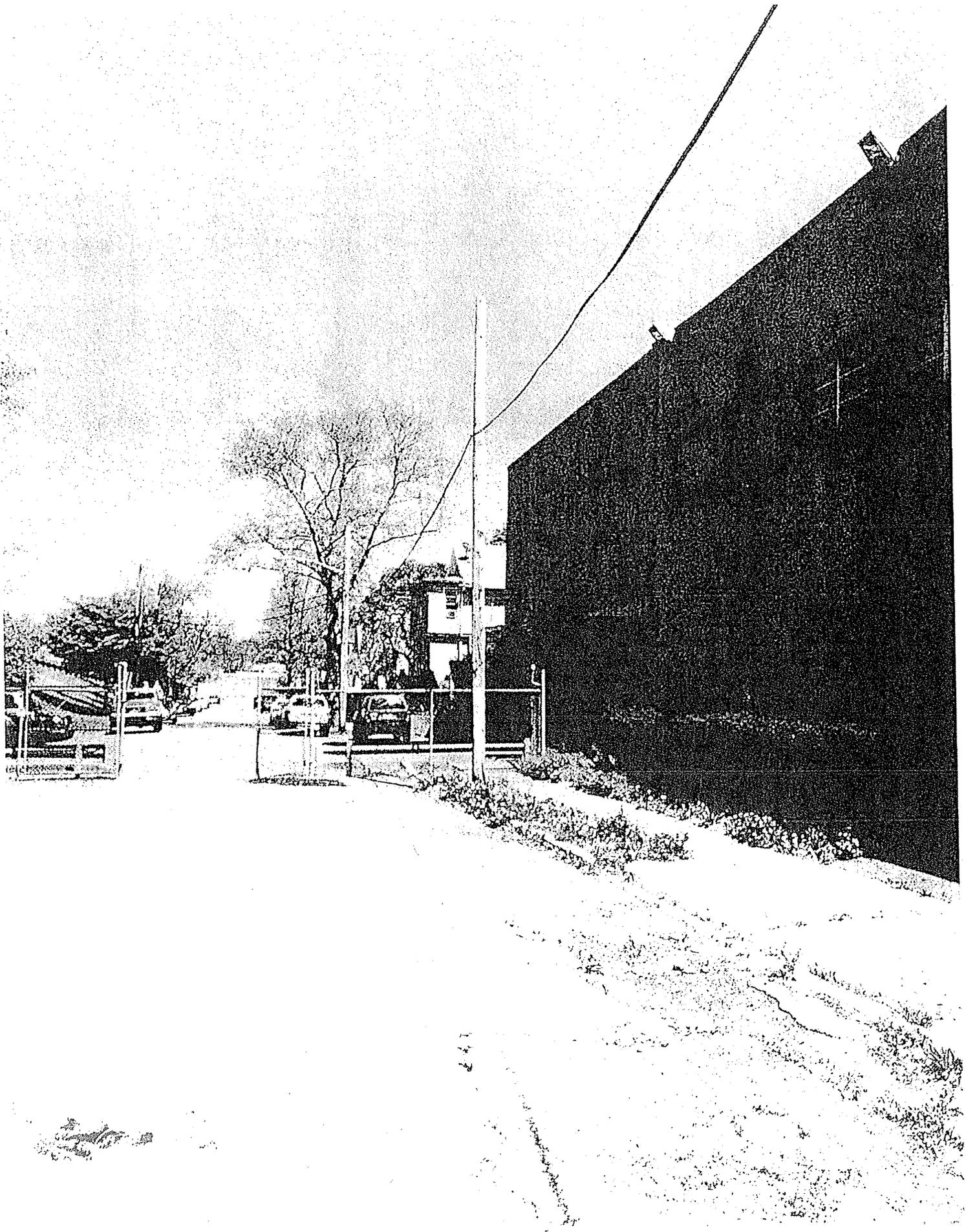
Details of Operation. The Project is expected to serve the needs primarily of local residents and businesses, including but not limited to contractors who purchase supplies from the neighboring Home Depot. Customers will have access to the site from 6 a.m. to 10 p.m. seven days a week. The office will be open from 8 a.m. to 6 p.m. Monday through Saturday and 10 a.m. to 4 p.m. on Sunday.

Applicant. The Applicant is an affiliate of The Hampshire Companies LLC, which owns and operates numerous other first-class self-storage facilities in New Jersey and New York.

Existing Condition. The Project Site currently contains a vacant industrial building that will be demolished. A photograph of the Project Site in its current condition is included herewith.

Municipal Approvals. Site plan, use and bulk variance approval for the Project was granted by the Bloomfield Township Zoning Board of Adjustment by action taken November 15, 2012, and memorialized by resolution adopted December 13, 2012. A copy of the resolution of approval is enclosed herewith.





C

C. LEGAL DESCRIPTION OF PROPERTY

ALL that certain lot, parcel or tract of land, situate and lying in the Township of Bloomfield, County of Essex, State of New Jersey, as shown on a certain survey made by Birdsall Services Group, dated May 22, 2012 and being more particularly described as follows:

BEGINNING at a point in the existing northwesterly line of Orange Street, (55' R.O.W), said point being the point of intersection formed by the existing southwesterly line of Lot 48 Block 156, said adjoining lot as shown on the aforesaid map and plan, with the aforesaid northwesterly line of Orange Street, and from said point running, thence;

- (1) South 29 degrees 41 minutes 56 seconds West, 39.26 feet, along the aforesaid existing northwesterly line of Orange Street, to an angle point in the same, thence;
- (2) South 21 degrees 09 minutes 56 seconds West, 114.95 feet, still along the existing northwesterly line of Orange Street to a point in the same, thence;
- (3) North 57 degrees 19 minutes 04 seconds West, 345.96 feet, along the existing northeasterly line of Lot 17 Block 131, said line being the former centerline of Roosevelt Avenue, now vacated, to a point in an existing northwesterly line of Lot 17 Block 131, said adjoining lot as shown on the aforesaid map and plan, thence;
- (4) South 32 degrees 40 minutes 56 seconds West, 25.00 feet, along the aforesaid existing northwesterly line of Lot 17 Block 131, to an angle point in the same, thence;
- (5) South 44 degrees 57 minutes 36 seconds West, 51.76 feet, still along an existing northwesterly line of Lot 17 Block 131, to an angle point in the same, thence;
- (6) South 57 degrees 28 minutes 41 seconds West, 18.91 feet, still along an existing northwesterly line of Lot 17 Block 131, to a point in an existing northeasterly line of same, thence;
- (7) North 55 degrees 29 minutes 04 seconds West, 20.66 feet, along the aforesaid existing northeasterly line of Lot 17 Block 131, to a point in the existing southeasterly line of John F. Kennedy Drive North, (unknown R.O.W. width), said adjoining lots as shown on the aforesaid map and plan, thence;
- (8) North 34 degrees 30 minutes 56 seconds East, 29.09 feet, along the aforesaid existing southwesterly line of John F. Kennedy Drive North, (unknown R.O.W. width), to an existing angle point in the same, said line as shown on the aforesaid map and plan, thence;
- (9) North 55 degrees 29 minutes 04 seconds West, 3.00 feet, along an existing northeasterly line of John F. Kennedy Drive North, (unknown R.O.W. width), to an angle point in the same, said line as shown on the aforesaid map and plan, thence;

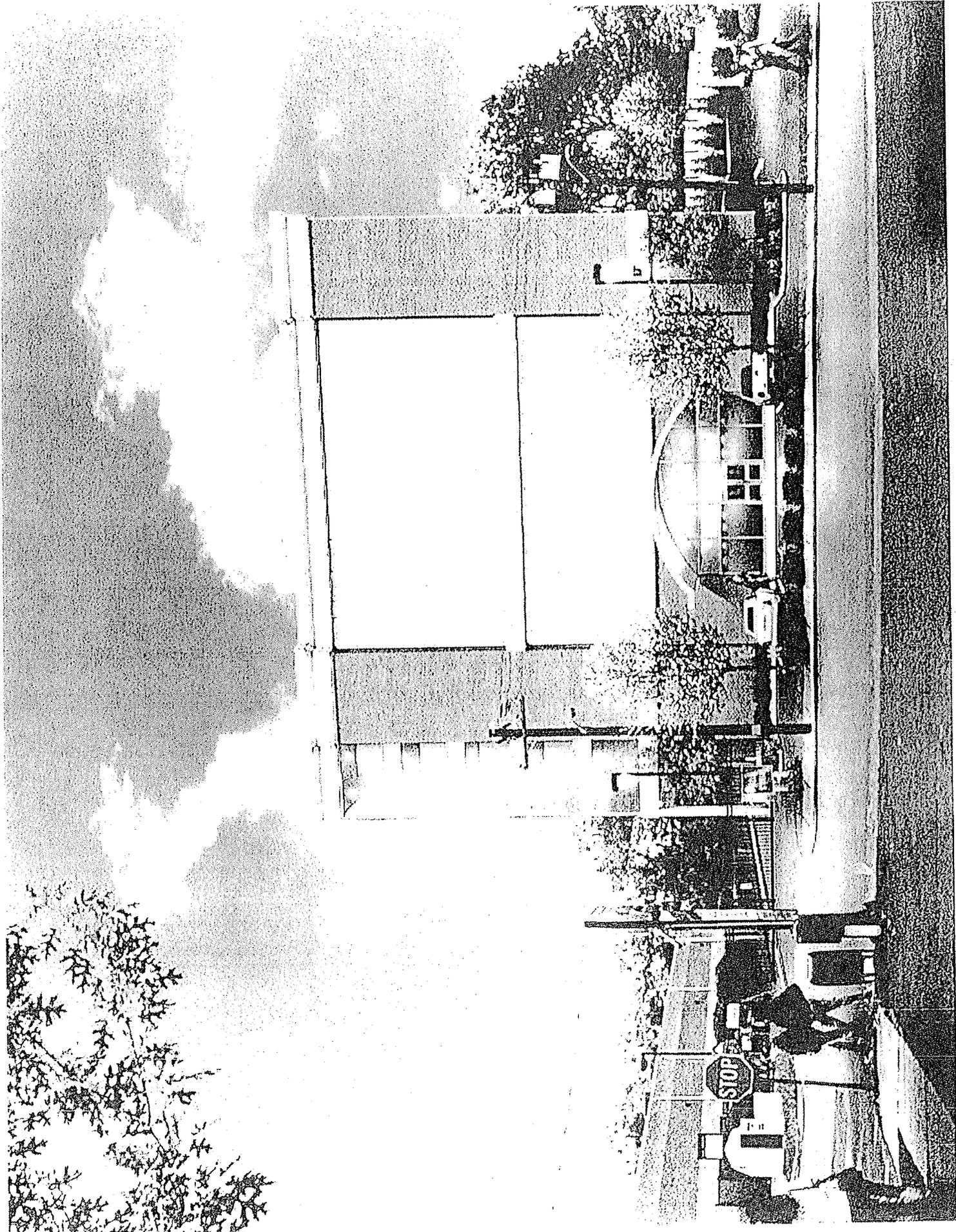
- (10) North 34 degrees 30 minutes 56 seconds East, 107.60 feet, along an existing southeasterly line of John F. Kennedy Drive North, (unknown R.O.W. width), to an angle point in the same, said line as shown on the aforesaid map and plan, thence;
- (11) North 77 degrees 40 minutes 56 seconds East, 63.94 feet, along the existing southwesterly line of John F. Kennedy Drive North and beyond, to a point in the existing southwest terminus of Lake Street (60' R.O.W.), said lines as shown on the aforesaid map and plan, thence;
- (12) South 57 degrees 19 minutes 04 seconds East, 60.00 feet, along the aforesaid southwesterly line of Lake Street, to a point in the existing southeasterly line of same, said adjoining lots as shown on the aforesaid map and plan, thence;
- (13) North 32 degrees 40 minutes 56 seconds East, 87.00 feet, along the aforesaid existing southeasterly line of Lake Street, to a point in the same, said line as shown on the aforesaid map and plan, thence;
- (14) South 57 degrees 19 minutes 04 seconds East, 120.00 feet, leaving the aforesaid existing southeasterly line of Lake Street, along the existing southwesterly line of Lot 21 Block 156, to a point in the same, said adjoining lots as shown on the aforesaid map and plan, thence;
- (15) South 32 degrees 40 minutes 56 seconds West, 25.00 feet, along the existing northwesterly line of Lot 48 Block 156, to a point in the same, said adjoining lots as shown on the aforesaid map and plan, thence;
- (16) South 57 degrees 19 minutes 04 seconds East, 133.97 feet, along the aforesaid existing southwesterly line of Lot 48 Block 156, to a point in the aforesaid northwesterly line of Orange Street, the point and place of BEGINNING.

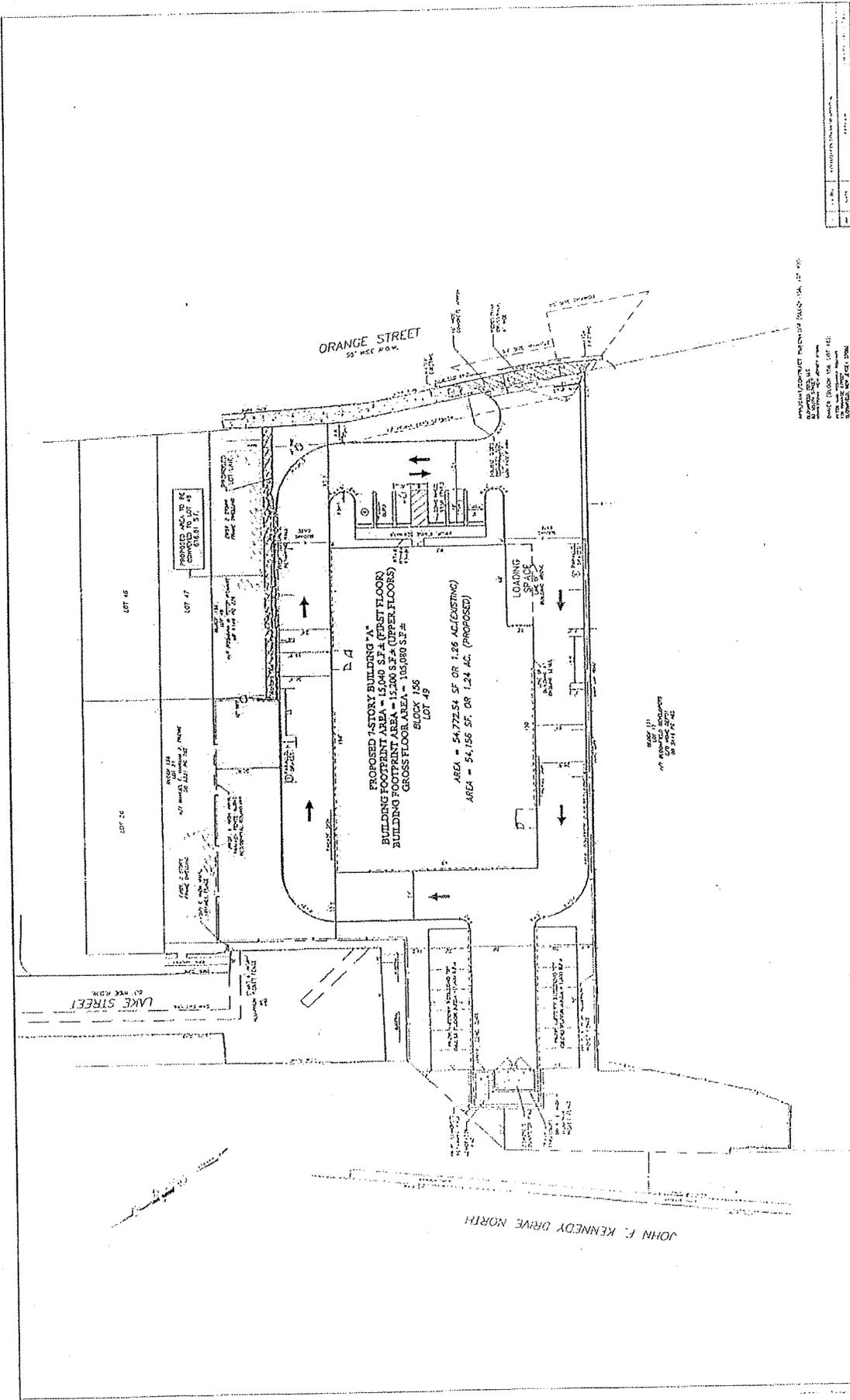
FOR INFORMATIONAL PURPOSES ONLY: Also known as Lot 49 in Block 156 on the Township of Bloomfield Tax Map.

D

D. PLANS, DRAWINGS AND OTHER DOCUMENTS

Copies of the site plans, floor plans, and elevations for the Project are included herewith. A rendering of the Project is also included.





ORANGE STREET
55' WIDE P.O.V.

LAKE STREET
60' WIDE HIGH

JOHN F. KENNEDY DRIVE NORTH

PROPOSED 7-STORY BUILDING "A"
BUILDING FOOTPRINT AREA = 15,040 S.F. (37 FLOORS)
BUILDING FOOTPRINT AREA = 15,240 S.F. (37 FLOORS)
GROSS FLOOR AREA = 103,988 S.F.
BLOCK 156
LOT 48

AREA = 54,722.54 SF OR 1.26 AC. (EXISTING)
AREA = 54,156 SF OR 1.24 AC. (PROPOSED)

AREA 11
APPROXIMATE BOUNDARY
OF AREA 11

PROPOSED SELF-STORAGE FACILITY
104 ORANGE STREET
BLOCK 156 - LOTS 48 & 49
TAX MAP NO. 5, CBD ZONE



BIRDSALL SERVICES GROUP
INC.
Engineers & Architects

KEVIN J. WEBB, P.E.



GRAPHIC SCALE
1" = 25'

DATE	DESCRIPTION
10/1/00	PRELIMINARY PLAN
10/1/00	FINAL PLAN
10/1/00	AS SHOWN

PROPOSED SELF-STORAGE FACILITY
104 ORANGE STREET
BLOCK 156 - LOTS 48 & 49
TAX MAP NO. 5, CBD ZONE

DATE: 10/1/00
SCALE: 1" = 25'

PROJECT NO. 00-0000
SHEET NO. 1 OF 1

DATE: 10/1/00
SCALE: 1" = 25'

PROJECT NO. 00-0000
SHEET NO. 1 OF 1

DATE: 10/1/00
SCALE: 1" = 25'

PROJECT NO. 00-0000
SHEET NO. 1 OF 1

DATE: 10/1/00
SCALE: 1" = 25'

PROJECT NO. 00-0000
SHEET NO. 1 OF 1

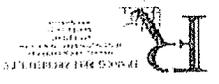
DATE: 10/1/00
SCALE: 1" = 25'

PROJECT NO. 00-0000
SHEET NO. 1 OF 1

DATE: 10/1/00
SCALE: 1" = 25'

STORAGE UNIT COUNT

UNIT #	UNIT	AREA	TYPE	DATE	BY	REMARKS
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2	102	100	100	100	100	100
3	103	100	100	100	100	100
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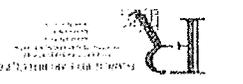


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 340.

STORAGE UNIT COUNT

UNIT	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
STORAGE UNIT	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

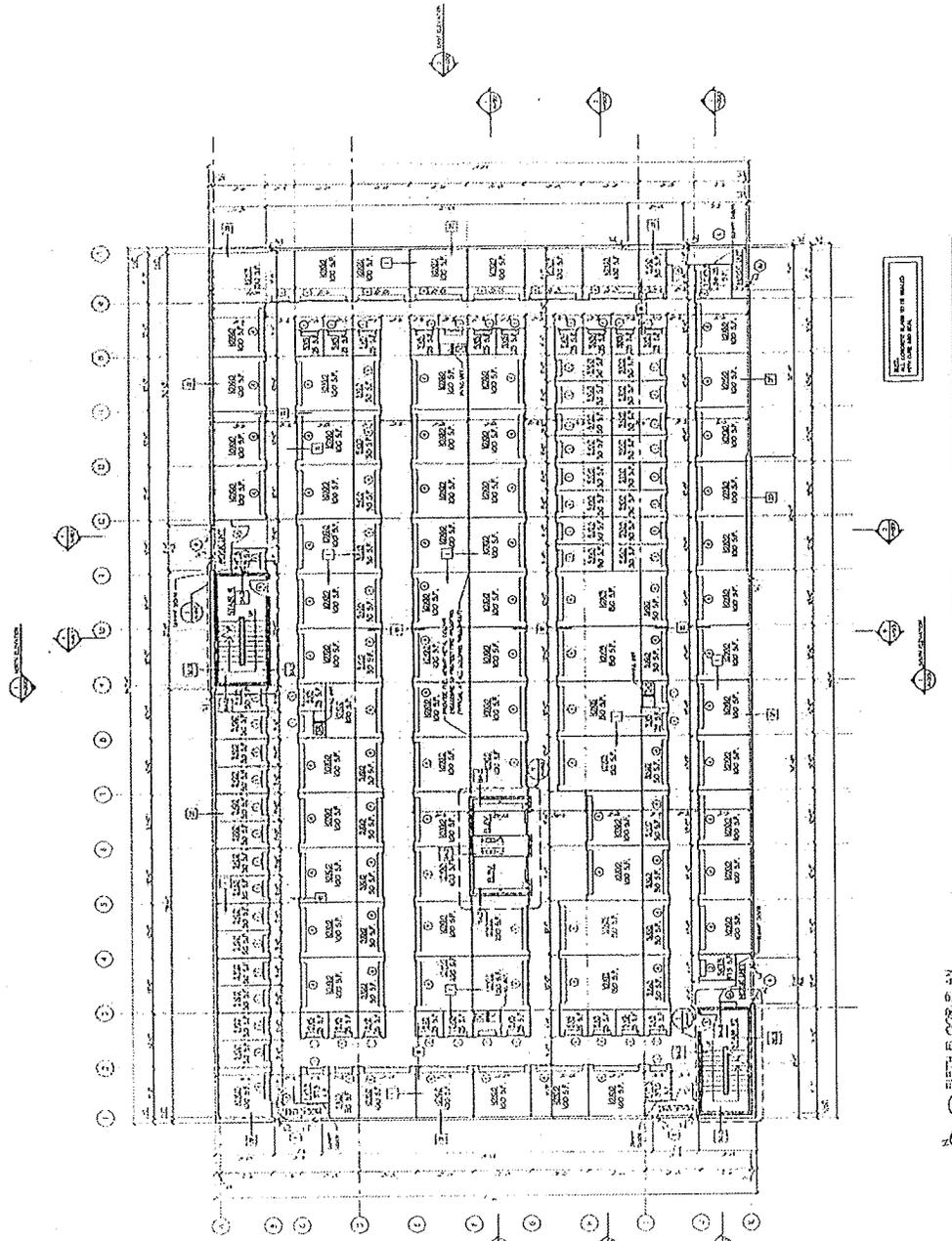


FRANKLIN
 100 MARKET STREET
 PHOENIX, AZ 85004
 TEL: 602.442.1100
 FAX: 602.442.1101
 WWW.RADIANTREALTY.COM

SEITE: 100 MARKET STREET
 PHOENIX, AZ 85004
 TEL: 602.442.1100
 FAX: 602.442.1101
 WWW.RADIANTREALTY.COM

PROJECT NO.	100-100
DATE	10/10/00
SCALE	AS SHOWN
DRAWN BY	...
CHECKED BY	...
APPROVED BY	...

A-105



FIFTH FLOOR PLAN
 100-100



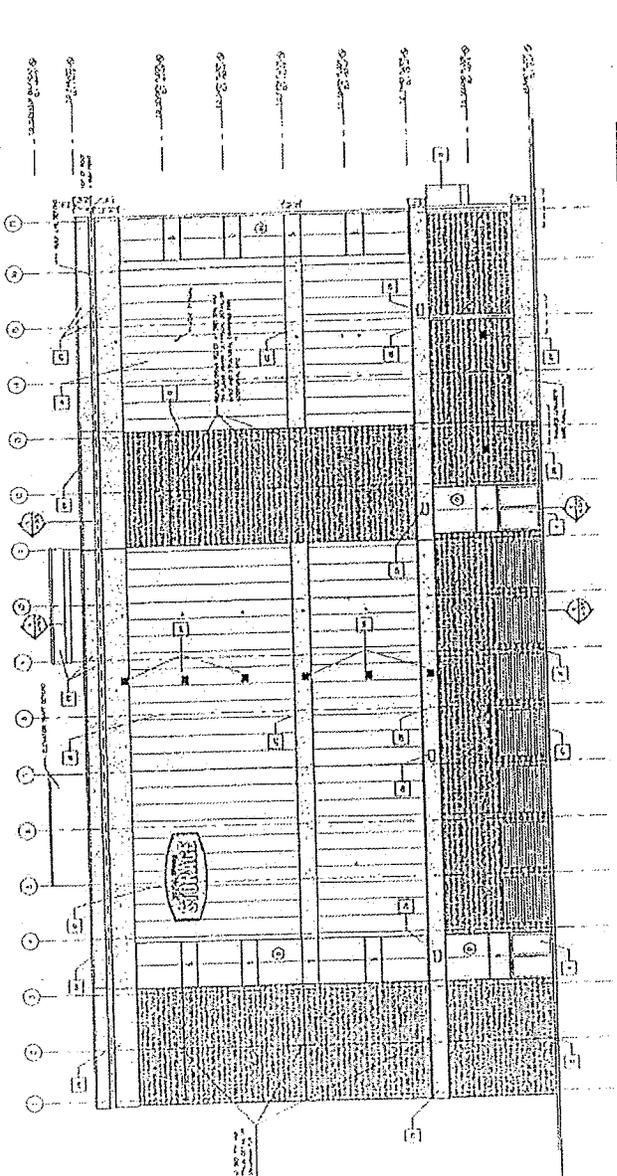
R
 ROSS & ASSOCIATES
 ARCHITECTS
 1000 ...
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1. ALL FINISHES TO BE ...
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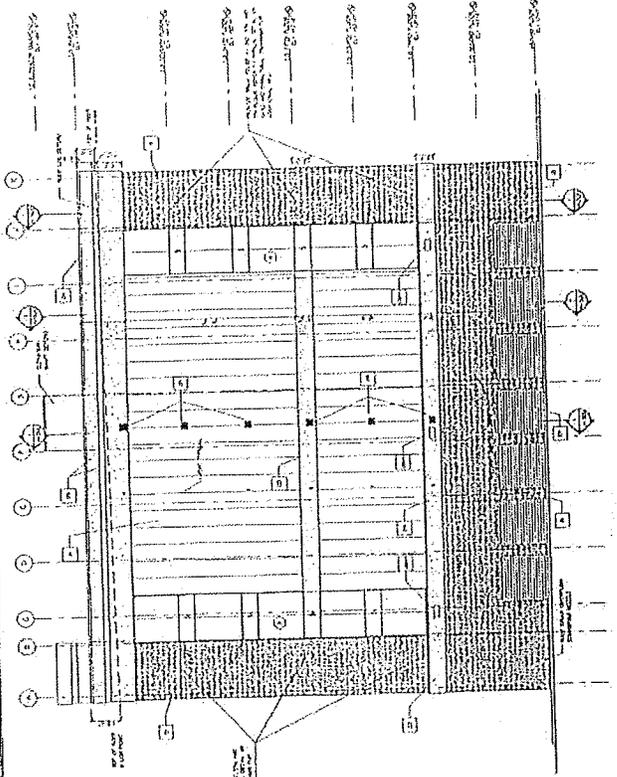
SECTION: BUILDING A - EXTERIOR ELEVATIONS
 201 GRAND STREET
 BOSTON, MASSACHUSETTS

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	...
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6
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10

PROJECT NO. A-201
 SHEET NO. 1 OF 1



1 BUILDING A - SOUTH-WEST ELEVATION



2 BUILDING A - WEST (REAR) ELEVATION

INTERIOR FINISH SCHEDULE

NO.	DESCRIPTION	FINISH	NOTES
1
2
3
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NOTES:
 1. ALL FINISHES TO BE ...
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E

E. DESCRIPTION OF NUMBER, CLASSES AND TYPE OF EMPLOYEES TO BE EMPLOYED WITHIN TWO YEARS OF COMPLETION OF THE PROJECT

Construction of the Project will employ approximately 100 workers over the course of construction.

After the Project opens for business, there will be approximately two (2) full time and one (1) part time employee. These employees will be engaged in sales, customer service, and other office-related duties.

F

F. STATEMENT OF REASONS FOR SEEKING TAX EXEMPTION, AND DESCRIPTION OF BENEFITS

Reason for Seeking Tax Exemption. By granting this application for a tax exemption for the Project, the Township Council will enable the Applicant to redevelop a vacant, unsightly industrial site into a class-A self-storage facility that, as discussed below, is very well suited for the proposed location. In contrast with the typical concept of a metal frame self-storage facility, the exterior of the proposed main building of the Project is designed to have the look and feel of a state of the art office building. Unless the Exemption is granted, construction of the Project with the proposed high level of quality in design and materials will not be economically feasible.

Project Benefits. The Project represents an opportunity to rejuvenate and redevelop an underutilized property. As noted in the general description of the Project, the Project Site is currently improved with a vacant industrial building. Among the many benefits that will arise from construction of the Project are:

- *Enhanced Ratable:* Development of the Project will greatly enhance the taxable value of the Project Site. The 2012 assessed value of the Project Site was \$1,648,000. If the Project is constructed, however, the Project Site's assessed value is estimated to increase to a approximately \$7,197,721 (including land and improvements).¹ If the Application for the Exemption is approved and the Project is built, the PILOT payments and property tax revenues that will be generated by the Project Site are estimated to be approximately \$675,165 in the aggregate for the years 2014-2019 (*i.e.*, the proposed five-year term of the Exemption) and 2019 (*i.e.*, the year immediately following the expiration of the PILOT, during which property taxes would be paid as normal).² In contrast, if the application is not approved, and the Project is not built, the Township's share of the property taxes that will be due for the Project Site during the same period is estimated to be approximately \$161,514.³
- *Traffic benefits:* Situated at the southerly terminus of Orange Street, the Project Site is adjacent to Home Depot, which is located directly to the south of the Project Site. The main access driveway for Home Depot is located at the southernmost end of Orange Street. The high volume of traffic entering and leaving the Home Depot parking lot creates a potential conflict with traffic

¹ This estimate is based on expected construction costs of the Project, and was calculated using the 2013 director's ratio for Bloomfield Township, *i.e.*, the latest available information. The Applicant anticipates that actual construction will commence in 2013 and be completed in 2014.

² Estimated PILOT payments and property tax revenues for the Project Site set forth herein were calculated using the 2012 tax rates and the 2013 assessed value and director's ratio, *i.e.*, the latest information available.

³ As noted in the Introduction, the Township must split property tax revenues with the county and school district; in contrast, PILOT payments are paid entirely to the Township. However, over the long term (*i.e.*, after the Exemption expires), the county and school district will also benefit from the increased ratable brought about by construction of the Project. A complete breakdown of how PILOT payments and property taxes would be split between the Township, county and school district is set forth in proforma included with Section VIII below.

entering and leaving any development on the Project Site. Thus, it is critical that any development to be located on the Project Site be a low-volume generator of traffic. As the Bloomfield Township Zoning Board of Adjustment found in items 45 and 46 of its resolution approving the Project, adopted December 13, 2012 (a copy of which is enclosed herewith), self-storage facilities are low traffic generators. Per the Zoning Board's findings, the Project is projected to generate 10-15 vehicles entering the Project Site and 9-14 vehicles exiting the Project Site during the peak hours of 4 p.m. to 5 p.m. weekdays and 11 a.m. to noon on weekends. The Zoning Board also found that other uses permitted for development on the Project Site under the Township's zoning ordinances would generate much higher levels of traffic. Thus, self-storage is a particularly suitable use for the Project Site.

- *Improved aesthetics:* The Project represents an obvious improvement over the existing vacant building. The proposed main building of the Project has been designed to have the appearance of a typical class-A office building. As shown on the enclosed elevations, the upscale design and high-quality materials represent a clear contrast to the typical "monolithic metal box" look of the typical self-storage facility.
- *Improved landscaping, lighting and drainage:* An on-site infiltration basin facility will be installed, along with extensive landscaping and lighting improvements, as shown on the enclosed plans. These improvements represent a significant upgrade to the existing infrastructure of the Project Site.

G

G. ESTIMATED OF COST OF PROJECT

A. Land Acquisition Costs	
Land acquisition purchase cost	\$1,500,000
Acquisition costs - legal, closing	\$25,000
Sub-total for Land Acquisition Costs	\$1,525,000
B. Development Costs	
Due Diligence - Phase I/Phase II, geotechnical, building concept	\$35,000
Survey	\$10,000
DOB development fees	\$75,000
Demolition of existing building	\$350,000
Hazard materials removal - asbestos	\$250,000
Contaminated soils removal (600 cubic yards)	\$100,000
Utilities connections, sewer, electric, gas, telcon and fees	\$25,000
Sub-total for Development Costs	\$845,000
C. Building Costs	
Construction costs	\$4,381,649
Building A&E cost	\$250,000
Permit fee	\$250,000
Special construction - underpinning, dewatering, rock excavation	\$25,000
Cost estimating	\$5,000
Consultant reimbursements	\$10,000
Special inspections	\$50,000
Building commissioning	\$10,000
Geotechnical	\$10,000
Signage - interior and exterior	\$50,000
Builder's risk insurance	\$10,000
Project management	\$220,000
Sub-total for Building Costs	\$5,271,649
D. Contingency	
Construction contingency 5%	\$319,300
Sub-total for Contingency	\$319,300
Total Project Cost	\$7,960,949

H

H. PILOT PROFORMA: STATEMENT OF FORMULA FOR CALCULATION OF PILOT PAYMENTS; REAL PROPERTY TAXES CURRENTLY ASSESSED; ESTIMATED PILOT PAYMENTS; AND ESTIMATED TAX PAYMENTS IN FIRST FULL YEAR FOLLOWING TERMINATION OF PILOT

The "tax phase-in basis" formula set forth in Ordinance §520-12(C)c is proposed for use in calculating the PILOT due in each year of the five-year Exemption. Because the Exemption does not apply to property taxes due on the Project land, property taxes due on the land would be paid as normal during the Exemption period. However, the Exemption would apply to taxes that would otherwise be due on the value of the Project improvements. During the Exemption period, in lieu of paying property taxes on the Project improvements, a PILOT would be paid in accordance with the aforesaid "tax phase-in basis" formula.

Pursuant to this formula, no PILOT would be due during the first year of the Exemption; in the second year, the PILOT would equal 20% of the property taxes that would otherwise be due on the Project improvements for that year. The PILOT would increase to 40% in the third year, 60% in the fourth year, and 80% in the fifth year. Thereafter, the Exemption would expire, and property taxes would be due and payable as usual in the sixth and subsequent years.

Included with this Application is a proforma that sets forth the following:

- (a) A comparison of the assessed value of the Project Site in its current condition versus the projected assessed value if the Project is constructed.
- (b) The current Township, county and school district tax rates applicable to the Project Site.
- (c) A comparison of the property tax revenues generated by the Project Site in its current condition (*i.e.*, if the Project is not constructed) versus property tax revenues projected to be generated by the Project Site if the Project is constructed.
- (d) A comparison of (i) property tax revenues, and the Township's share thereof, projected to be generated by the Project site during the proposed term of the PILOT (*i.e.*, 2014 to 2018) and the year immediately following (*i.e.*, 2019), if the project is not built and the PILOT is not approved vs. (ii) property tax and PILOT payment revenues, and the Township's share thereof, projected to be generated by the Project site during the same period if the project is built and the PILOT is approved.⁴

⁴ Property tax revenues, and the Township's share thereof, projected to be generated by the Project Site if the Project is constructed without a PILOT are shown solely for calculation and comparison purposes. As noted elsewhere in this Application, if the PILOT is not approved for the Project, it will not be possible to construct Project in its present design, which could necessitate substantial changes to the Project.

COMPARISON OF ASSESSED VALUE: CURRENT CONDITION vs. AS IMPROVED

2013 Assessed Value (Current Condition/No-Build)

2013 Assessed Value, Land	\$1,010,200
<u>2013 Assessed Value, Existing Building</u>	<u>\$637,800</u>
2013 Assessed Value, Total	\$1,648,000

Projected Assessed Value (Project Built)

Construction Costs	\$6,435,949
<u>x Equalization Rate</u>	<u>96.14%</u>
Adjusted Value (as improved)	\$6,187,521
<u>+ 2013 Assessed Value, Land</u>	<u>\$1,010,200</u>
Projected Total Value W/ Improvements	\$7,197,721

CURRENT TAX RATES

Note: For the purposes of this proforma, we have used the 2012 tax rates, which are the latest that are available from the Township as of the date of this application.

2012 Taxes

County	0.484%
County Open Space	0.017%
<u>School District</u>	<u>1.513%</u>
Subtotal Non-Municipal Taxes	2.014%
Municipal	1.319%
Municipal Open Space	0.005%
Library Tax	0.037%
<u>Special Improvement District</u>	<u>0.198%</u>
Subtotal Municipal Taxes	1.559%
Total Rate	3.573%

COMPARISON OF TAX REVENUES: CURRENT CONDITION/NO-BUILD vs. PROJECT BUILT

Note: For purposes of this comparison, we have used 2013 assessed values and the 2012 tax rates, which are the latest that are available as of the date of this application.

No-Build

	<u>Total</u>	<u>County/School</u>	<u>Township</u>
Total Current Value	\$1,648,000	\$1,648,000	\$1,648,000
<u>x Tax Rate</u>	<u>3.573%</u>	<u>2.014%</u>	<u>1.559%</u>
Taxes	\$58,883	\$33,191	\$25,692

Project Built

	<u>Total</u>	<u>County/School</u>	<u>Township</u>
Total Projected Value (If Project Built)	\$7,197,721	\$7,197,721	\$7,197,721
<u>x Tax Rate</u>	<u>3.573%</u>	<u>2.014%</u>	<u>1.559%</u>
	\$257,175	\$144,962	\$112,212

COMPARISON OF PROJECTED TOWNSHIP REVENUES: WITH PILOT VS. WITHOUT PILOT

No-Build, Without PILOT

Year	Total Taxes*	Township Share*
2014	\$58,883	\$25,692
2015	\$60,061	\$26,206
2016	\$61,262	\$26,730
2017	\$62,487	\$27,265
2018	\$63,737	\$27,810
2019	\$65,012	\$27,810
Total	\$371,441	\$161,514

* Assumes that taxes on property will increase 2% annually after 2014.

Built Project, With PILOT

Year	Taxes on Land to Township ¹ (A)	Phase In With PILOT	Payments To Township for Improvements, With PILOT ² (B)	Total Payments to Township, With PILOT (A + B)
2014	\$15,749	0%	\$0	\$15,749
2015	\$16,064	20%	\$45,100	\$61,164
2016	\$16,385	40%	\$92,005	\$108,390
2017	\$16,713	60%	\$140,767	\$157,480
2018	\$17,047	80%	\$191,443	\$208,491
2019	\$17,388	N/A	\$106,503 ³	\$123,891
Total				\$675,165

¹ Assumes that the Township's year 2014 share of property taxes on the land would be \$15,749 (based on the latest available Township tax rate of 1.559%), and would increase 2% annually after 2014.

² The proposed term of the PILOT is 2014-2018. The PILOT, if approved, would expire in 2019, in which year property taxes for the Project Site would be paid normally. The amount shown here is, with respect to years 2014 through 2018, the estimated PILOT that would be paid in lieu of property taxes on the Project improvements, assuming that the total 2014 property taxes on the improvements would be \$221,080 (based on the latest available, combined Township, School District and County tax rate of 3.573%), and would increase 2% annually after 2014. Property taxes on the Project land would be paid normally during the proposed term of the PILOT (since the Exemption does not apply to land taxes).

³ With respect to the year 2019, the amount shown is the Township's estimated share of the property taxes on the Project improvements for that year, assuming that the Township's share of the property taxes on the Project improvements in 2014 would be, in absence of the PILOT, \$96,463 (based on the latest available property tax rate of 1.559%), and would increase 2% annually after 2014.

I

I. DESCRIPTION OF PROPOSED USERS

The Project's storage units will be rented to private individuals and businesses. It is anticipated that the majority of the users of the Project will be local residents (including students of nearby Bloomfield College who reside in dormitory units and may have need for extra storage space) and small businesses. Contractors who purchase materials and equipment at the neighboring Home Depot are expected to be a major source of business for the Project.

The storage units will be rented pursuant to month-to-month rental agreements with customers.

J

J. SCHEDULE OF ESTIMATED COMPLETION DATES FOR PROJECT

Commencement of Building Construction	9/1/2013
Substantial Completion	6/1/2014
Regulatory final inspections	6/1/2014 through 7/15/2014
Punch list work	6/1/2014 through 7/15/2014
Issuance of Final Certificate of Occupancy	7/30/2014

1

SCHEDULE 1

ZONING BOARD OF ADJUSTMENT RESOLUTION OF APPROVAL

RESOLUTION OF THE
TOWNSHIP OF BLOOMFIELD
ZONING BOARD OF ADJUSTMENT

RESOLUTION IN THE MATTER OF THE APPLICATION OF BLOOMFIELD 2012, LLC, AS APPLICANT, AND SCHERING CORPORATION, AS OWNER, FOR A USE VARIANCE AND A VARIANCE FOR MORE THAN ONE PRINCIPAL BUILDING ON A LOT PURSUANT TO N.J.S.A. 40:55D-70(d)(1), FOR PARKING AND SIGNAGE VARIANCES PURSUANT TO N.J.S.A. 40:55D-70(c), FOR PRELIMINARY AND FINAL SITE PLAN APPROVAL AND, IN CONJUNCTION WITH PETER ROMANY AND ROSANNA ROMANY, OWNERS OF 106 ORANGE STREET, BLOCK 156, LOT 48, MINOR SUBDIVISION APPROVAL, PERMITTING THE CONSTRUCTION OF A SELF-STORAGE FACILITY AT PROPERTY LOCATED AT 104 ORANGE STREET, BLOCK 156, LOT 49.

WHEREAS, Bloomfield 2012, LLC, as applicant, and Schering Corporation, as owner, submitted an application with respect to property located at 104 Orange Street in the Township of Bloomfield, Block 156, Lot 49, for variances pursuant to N.J.S.A. 40:55D-70(d)(1) for both a use not permitted in the zone and to construct more than one principal building on a lot, for parking and signage variances pursuant to N.J.S.A. 40:55D-70(c) and for preliminary and final site plan approval, to permit the construction of a seven story self-storage facility; and

WHEREAS, Applicant is a contract purchaser of the subject property, which is currently owned by Schering Corporation; and

WHEREAS, the application also sought minor subdivision approval in conjunction with Peter Romany and Rosanna Romany, the owners of 106 Orange Street, Block 156, Lot 48, for the purpose

of eliminating encroachments from the Romany's property onto the subject property; and

WHEREAS, a (d)(1) variance was necessary because the subject property is located in the CBD, Central Business District, which does not permit self-storage operations and because in addition to the seven story facility proposed for the site, Applicant also proposed two one-story storage facilities to the rear of the main building, and the Township's Land Development Ordinance prohibits more than one principal building on a lot in the CBD Zone; and

WHEREAS, (c) variances were necessary because Applicant proposed 16 parking spaces where 111 were required and because the size, height and number of proposed signs would not conform with the Township's regulations; and

WHEREAS, the proposed minor subdivision would transfer 616.81 square feet of the northeastern corner of Lot 49 to Lot 48 in order to eliminate encroachments onto Lot 49; and

WHEREAS, design waivers for front yard parking and number of loading spaces were also required; and

WHEREAS, hearings on this application were held before the Bloomfield Zoning Board of Adjustment on September 13, 2012, October 11, 2012 and November 15, 2012; and

WHEREAS, the Applicant filed an affidavit with this Board showing compliance with the statutory requirements concerning notice to the affected property owners and of making proper and

timely publication of the application in the official newspaper of the Township of Bloomfield.

NOW, THEREFORE, be it resolved by the Zoning Board of Adjustment of the Township of Bloomfield as follows:

This is an application for use variances pursuant to N.J.S.A. 40:55D-70(d)(1), for parking and signage variances pursuant to N.J.S.A. 40:55D-70(c), for preliminary and final site plan approval and for a minor subdivision to permit the construction of a seven-story self-storage facility and two one-story storage buildings at property located at 104 Orange Street in the Township of Bloomfield, Block 156, Lot 49. The property is a former industrial site. Applicant proposes to demolish the existing building and construct three self storage buildings in its stead. Since self-storage facilities are not permitted uses in the CBD, Central Business District, where the subject property is located, and because only one principal building is permitted on a lot in the CBD, the Applicant must obtain two (d)(1) variances. Additionally, Applicant needs (c) variances because of insufficient parking and signage which does not conform to Township regulations, design waivers for front yard parking and number of loading spaces and preliminary and final site plan approval. A proposed minor subdivision would transfer 616.81

square feet of Lot 49 to Lot 48 in order to eliminate encroachments onto Lot 49.

The granting of (d)(1) variances requires the Applicant to demonstrate "special reasons" for the granting of the application. "Special Reasons" may be demonstrated by proof that the use promotes the general welfare because the site is particularly suited for the proposed use, or by proof of undue hardship, i.e., that the property cannot be adapted to a conforming use. The granting of (c) variances requires that the Applicant demonstrates that due to unique circumstances affecting its property, it would suffer some hardship without the variances, or that the variances would benefit the community and advance the purposes of the Municipal Land Use Law. With respect to both (d) and (c) variances, the Applicant must additionally demonstrate that the granting of the application would not impose a substantial detriment to the public good or substantially impair the intent and purpose of the municipal master plan or zoning ordinance. Applicant must also demonstrate compliance with the requirements of the Township Land Development Ordinance governing review and approval of site plan and minor subdivision applications.

Applicant was represented by Glen S. Pantel, Esq., of the firm Drinker, Biddle & Reath. Mr. Pantel presented the testimony of five witnesses: (1) Don Engels, a principal of the Hampshire

Companies, which controls the Applicant entity; (2) William Quintainella, a New Jersey licensed architect with the firm Frank G. Relf, Architect, P.C., ; (3) Kevin G. Webb, a New Jersey licensed professional engineer with the firm Birdsall Services Group; (4) Karl A. Pehnke, a New Jersey licensed professional engineer with the firm Langan Engineering & Environmental Services, who specializes in traffic engineering; and (5) Michael Tobia, a New Jersey licensed professional planner. All of Applicants experts were accepted by the Board as experts in thier respective fields. The Board also received reports and heard testimony from Anthony Marucci, its consulting engineer, and George Wheatle Williams, its consulting professional planner from the firm Nishuane Group, LLC. Two principals of Parkway Self Storage, a nearby competitor, where the only members of the public to participate in the hearing.

Based on the evidence presented at the hearing, the Board made the following findings of fact:

1. Applicant is a contract purchaser of the subject property, which is a 54,772 square foot lot located at the corner of Orange Street and a vacated street formerly known as Roosevelt Avenue;
2. The site is currently improved with a single industrial building, formerly occupied by the Schering-Plough Corporation,

now known as the Schering Corporation. It has been vacant for many years;

3. The property fronts on Orange Street to the east. Roosevelt Avenue, a vacated street, is to the south. To the west is Lake Street, which terminates at a dead end in the rear of the subject property. An elevated portion of the Garden State Parkway is just to the west of Lake Street. To the north are largely residential uses, consisting of single family, two family and multi-family dwellings;

4. The property is irregularly shaped. The northerly side property line jogs to the north approximately 134 feet from the front lot line. The jog is approximately 25 feet in length, and then the northerly side lot line continues for approximately another 120 feet before meeting the rear lot line. The rear lot line contains a dogleg to the south at about the midpoint, and the dogleg extends approximately 95 feet beyond the southerly side lot line which abuts the vacated street Roosevelt Avenue;

5. A Home Depot is adjacent to the subject property, across the vacated Roosevelt Avenue, which is now part of the Home Depot site and which serves as a loading area for the store. Orange Street transitions into the main driveway aisle in front of Home Depot and then transitions back into a through street to the south of the Home Depot site. Thus, there is little through

traffic traveling north or south on Orange Street, although Home Depot is a significant traffic generator;

6. Lot 48 is immediately to the north of the subject property. It is owned by Peter Romany and Rosanna Romany, and serves as their principal residence. The Romany's garage, deck and fence encroach onto Lot 49. To rectify this condition, Applicant proposed as part of this application to convey 616.81 square feet of Lot 49 to Peter and Rosanna Romany. The area to be conveyed begins at the front lot line of Lot 49 and extends to a depth of 134.21 feet, where Lot 49 jogs to the north and extends behind Lot 48. The width of the parcel to be conveyed is 4.61 feet at the front lot line and 4.60 feet at the rear subdivision line;

7. Through a writing submitted to the Board, the Romanys evidenced their consent to the subdivision and Applicant's overall development application;

8. If subdivided, the total lot area would be reduced to 54,156 square feet, or 1.24 acres;

9. Applicant seeks to demolish the existing industrial building and construct a self-storage facility, which would consist of a main building rising seven stories and 77 feet, 8 inches to the top of the parapet wall, with stairwell and elevator penthouses rising to 86 feet, five inches, and two, one-story out-buildings which will also contain self-storage units;

10. The subject lot is located in the CBD, Central Business District, which does not permit self storage. Additionally, the CBD permits only one principal building on a lot and the Applicant proposes three principal buildings;

11. The permitted height of buildings in the CBD is 120 feet;

12. The proposed main building would have a ground floor footprint of approximately 15,040 square feet, with a loading area located in the southeast corner of the building. The loading area would measure 12 feet in width and 40 feet in depth, would be two stories high, and would be accessible from the proposed entrance to the site off of Orange Street. The driveway entrance onto the lot would be directly in front of the loading area, although set back approximately 65 feet from the front lot line;

13. The Township's design standards set forth in the Land Development Ordinance call for three loading areas based on the square footage of the proposed building, necessitating a design waiver;

14. The second floor footprint would be the same as the ground floor due to the two-story high loading area. The upper five floors of the building would each be approximately 15,200 square feet in area;

15. After entering the site in the southeast corner of the lot, there would be a one way drive around the main building and a two-way driveway in front of the main building. Six perpendicular parking spaces, including one handicapped space, would be located to the west of the two-way driveway. A sidewalk and landscaped area would separate the parking spaces from the building;

16. The design standards recommend no front yard parking. Thus, a second design waiver was required;

17. The one-way driveway around the building would have a cartway width of 24 feet. In order to provide additional parking, Applicant added ten parallel spaces on the outside of the one-way driveway, five each along the northerly and southerly side lot lines;

18. The entrance from Orange Street would not be gated. However, a six foot high, black, ornamental aluminum electronic gate extending from the front building wall on both sides of the building would limit access to the storage units to customers only, who would be provided with a keyless entry code. The gate would extend across the full width of both the ingress and egress driveways, including the loading area in the southeast corner of the building;

19. The one-way driveway around the building would separate the main building from the two out-buildings. The two out-

buildings would each be one story high and would contain seven storage units each. A 30 foot wide drive aisle would separate the two out-buildings. Each of the 14 units in those buildings would have an overhead door for easy accessibility. The out-buildings would be 20 feet wide and 70 feet deep and would run parallel with the side lot lines;

20. The 14 out-building units are attractive to contractors because they are located at ground level and thus easily accessible and are among the larger units at 10 feet by 20 feet;

21. The main building would have 814 storage units, ranging in size from 5 feet by 5 feet to 10 feet by 25 feet;

22. The hours of operation for customers would be 6 a.m. to 10 p.m seven days a week. The office hours would be 8 a.m. to 6 p.m. Monday through Saturday and 10 a.m. to 4 p.m. on Sunday;

23. Applicant anticipated that there would be no more than two employees on site at any time, and often only one;

24. The main building would have an arched glass entranceway two stories high in the front leading to a lobby and the rental office. Above the entranceway would be a synthetic stucco band separating the glass entranceway from smooth metal wall panels which rise the full height of the building, to the roof parapet. The southeast corner of the building, above the loading area would be glass enclosed. The remainder of the front facade would be brick veneer. The other elevations would have a

similar combination of brick veneer, metal wall panels, synthetic stucco banding and vertical glass enclosures;

25. The design of the building gives the appearance of a permitted office building rather than a self-storage facility;

26. The ground floor of the north, south and west elevations would have storage units with metal roll-up doors. These units would be among the larger units designed for contractors and would be accessible from the exterior of the building. The remaining units in the main building would be accessible only from the interior;

27. There would be two stairwells, one in the southwest corner of the main building and the other in middle of the northerly side. Two elevators would be located in the middle of the building, with entrances facing the southerly side;

28. The elevators and stairwell doors will utilize key codes for access to each floor. Thus, customers would only be able to access the floor on which their rental unit is located;

29. In addition to the landscaped area between the front parking stalls and the building, a landscaped island will separate the two-way drive aisle in the front of the building from Orange Street. Additional landscaping would be installed in the northwest portion of the lot, where the lot line jogs to the north, and in the dogleg in the southwest portion of the lot;

30. Included in Applicant's proposed landscaping plan were 73 new deciduous trees and 24 new evergreens. Applicant agreed to coordinate the landscaping plan with the Township Forester;

31. A trash enclosure and a generator pad were originally proposed for the landscaped area in the northwest portion of the site. Due to the proximity of that area to residential uses, Applicant agreed to move them to the dogleg, in an area between the two outbuildings. Both the generator and the trash area would be easily accessible from the drive aisle separating the two out-buildings;

32. Applicant will contract with a private trash hauler;

33. An underground stormwater detention facility would be constructed underneath the landscaped area in the northwest corner of the site. Inlets placed around the site would pipe stormwater into the detention system and a discharge pipe would lead to the municipal system on Lake Street. There will be no infiltration of stormwater into the ground. The proposed stormwater detention system meets state and municipal runoff requirements;

34. Applicant had yet to conduct soil borings to determine the depth at which the detention system could be constructed. It will coordinate the design of the detention system with the Township and Board engineers;

35. Ten building mounted lights were proposed, two each on the eastern and western facades and three each on the northern and southern facades. The lights would be mounted at a height of 20 feet. Three, 20 foot high pole mounted lights were also proposed, two for the front parking area and entranceway and one for the two out-buildings. All exterior lighting would be shielded to prevent spillage onto neighboring properties;

36. The site and the building will have security cameras, which will be monitored from the office. The building will be fully sprinklered;

37. A retaining wall less than four feet in height will be built along the northerly property line, separating the subject property from Lot 48. A six foot vinyl privacy fence will also be installed along the northerly property line. A six foot black aluminum picket fence will be installed along the remaining perimeter of the site. All perimeter fencing will be located one foot from the property line;

38. Applicant proposed a freestanding sign in the front yard along Orange Street, which would be wooden and externally lit, in accordance with Township requirements. At 24 square feet, however, a variance was required since the permitted size is 10 square feet;

39. Two wall mounted signs were also proposed, one for the north elevation and one for the south elevation. The signs would

be installed just below the parapet, visible to both the surrounding community and to traffic on the Garden State Parkway. These two signs needed variances for height, as they would be 67 feet high where 15 feet is allowed, and for size. Although originally proposed signs measuring 250 square feet, Applicant reduced the size of the signs to 100 square feet. The maximum permitted size of a wall sign is 48 square feet;

40. The wall signs would be channel letters, lit through a halo effect, which is permitted by the Township's sign regulations;

41. Signage lighting will be turned off at 10 p.m.;

42. The site was contaminated but a Remedial Action Outcome letter has been issued certifying that the property is now clean;

43. No hazardous materials will be permitted in the storage units and there will be no cold storage. Service, repair and rental of vehicles will also be prohibited;

44. State law also regulates the type of items customers may place in the units. Restrictions include perishables and toxic materials. The lease executed by each customer will acknowledge the limitations on storage content;

45. Self-storage facilities are low traffic generators, with 10-15 vehicles per hour projected to enter the site and 9-14 vehicles projected to exit the site during the peak hours, which was determined to be 4 to 5 p.m. on weekdays and 11 a.m. to noon

on Saturdays. Other uses permitted in the CBD such as office and retail are much higher traffic generators;

46. Given the high volume of traffic generated by the Home Depot, a low traffic generating use at the subject property is preferable, as it will minimize conflicts;

47. The proximity of the Home Depot and multi-family residential units creates a demand for a self-storage facility in the area, which is underserved currently according to Applicant's market study;

48. Although Orange Street is in the CBD zone, there are few permitted uses on the Street; and

49. The proposed use will not change the character of the neighborhood, since it is adjacent to the Home Depot, a high volume retail use. Moreover, the proposed use is particularly compatible with the Home Depot and other neighboring uses since it will provide a convenient service for contractors as well as for residents of multi-family dwellings.

On the basis of these findings of fact, the Board made the following conclusions of law:

1. The site is particularly suited for the proposed use because of its proximity to the Garden State Parkway, Home Depot and multi-family residential uses;

2. The proposed use further enhances the general welfare of the community because it would be less intensive than the

prior manufacturing use or most permitted uses, it would bring a currently vacant site into use, thus preserving the value of the property and it would benefit the community because it provides a service currently lacking in the area;

3. The two additional principal buildings are suitable to the site because of its irregular shape and the fact that the lot would be underutilized if those out-buildings were not included in the project;

4. Although located in the CBD, Orange Street has few permitted uses, but a variety of other uses, including residential, big box retail and auto repair. Thus, a self-storage facility would not alter the character of the neighborhood or impair the zone plan;

5. As a low traffic generator, a self-storage facility would not measurably increase traffic on Orange Street or conflict with the high volume of traffic generated by the Home Depot;

6. The proposed use serves the public good since it would have a positive effect on the surrounding neighborhood, and no negative impact on either the community or the Township's zoning plan was evident from the testimony presented;

7. The parking variance is justified by the low traffic volume generated by the self-storage use. It was uncontroverted that there would be sufficient parking on site for the use;

final site plan approval, minor subdivision approval and design waivers should be granted since the Applicant had met the necessary criteria for the approval of (d) and (c) variances and that preliminary and final site plan and minor subdivision approval was appropriate since Applicant's plans met the requirements of the Township's Site Plan and subdivision requirements.

NOW, THEREFORE, be it resolved by the Zoning Board of Adjustment of the Township of Bloomfield that the application for (d)(1) variances, (c) variances for parking and signage, preliminary and final site plan approval and design waivers to permit the construction of a self-storage facility housed in three separate buildings at property located at 104 Orange Street in the Township of Bloomfield, Block 156, Lot 49, and for a minor subdivision transferring 616.81 square feet from Lot 49 to Lot 48, be and hereby is GRANTED, subject to:

- (1) Conformance with the plans accompanying the application submitted to the Board, as modified hereby;
- (2) Building and fire code requirements;
- (3) Applicant not using the site for the rental of vehicles, which would require additional site plan review and possibly variances;

(4) Locating the trash enclosure and generator pad between the two outbuildings in the southwest area of the site;

(5) Providing 16 parking spaces, including ten parallel spaces on the internal one-way driveway around the main building;

(6) Coordinating the design of the stormwater detention system with the Township and Board engineers and providing them with an operations and maintenance manual upon installation of the system;

(7) Coordinating the landscaping plan with the Township Forester;

(8) Shielding of all exterior light fixtures to avoid spillage onto adjacent properties;

(9) Capping and abandoning all existing utilities at the main prior to any demolition;

(10) Removal of all demolition refuse;

(11) Coordination of all utility work with the appropriate utility company and the Township Engineer;

(12) Installation of signage consistent with this Resolution;

(13) Any other necessary governmental approvals, including, without limitation, the Hudson-Essex-Passaic Soil Conservation District and NJDEP;

(14) Posting of performance bonds and maintenance guarantees in accordance with applicable law; and

(15) Execution of a developers agreement in a form satisfactory to the Township's Mayor and Council.

IN FAVOR OF GRANTING THE APPLICATION:

Mr. Balnicki	Yes
Ms. Barucky	Yes
Mr. Bunin	Yes
Mr. Debold	Yes
Mr. DelGuidice	Yes
Chairman Michalski	Yes
Mr. Rockwell	Yes

(7) Yes

OPPOSED TO GRANTING THE APPLICATION:

None

(0) No

The undersigned, a member of the Township of Bloomfield Zoning Board of Adjustment, certifies that the foregoing is a true copy of the Resolution adopted on the 13th day of December, 2012 to reflect the action taken by said Board on the 15th day of November, 2012.

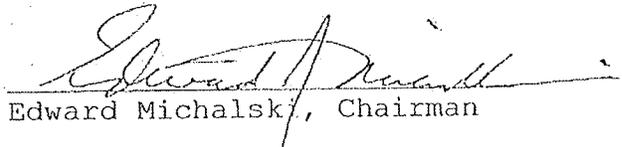

Edward Michalski, Chairman

Exhibit B



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldwpnj.com>

Meeting: 09/16/13 07:00 PM

2013 ORDINANCE TAX ABATEMENTS

13-27

AN ORDINANCE TO AMEND CHAPTER 520 "TAXATION" OF THE TOWNSHIP CODE

WHEREAS, Chapter 520 of the Code of the Township of Bloomfield Code titled "Taxation" authorizes five year exemptions and abatements from taxation for projects located in the Bloomfield Center Vision Plan Boundary, the CBD zone, B-2 zone, CORD zone and M-1 zone that would qualify for exemption or abatement from taxation pursuant to B.O. 520-10; and

WHEREAS, Bloomfield 2012, LLC has indicated a desire to construct a project which is eligible for exemption or abatement from taxation under the Chapter 520; and

WHEREAS, the applicant has filed an application for exemption or abatement from taxation with the Township in a timely manner setting forth the information required by the Chapter 520, and the Review Committee has determined that the application is complete; and

WHEREAS, the governing body of the municipality has reviewed and evaluated the application, and it has made the following findings and determinations in connection with the application.

- A. The project is a commercial or industrial project which is eligible for exemption or abatement from taxation pursuant to the aforesaid Article.
- B. The project will maintain or provide gainful employment within the municipality.
- C. The project will assist in the economic development of the municipality.
- D. The project will maintain or increase the tax ratable base of the municipality.
- E. The project will maintain or diversify and expand commerce within the municipality.
- F. The economic benefits derived from the project outweigh any negative effects associated with granting the exemption or abatement from taxation.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey:

APPROVED AS TO FORM AND PROCEDURE
ON BASIS OF FACTS SET FORTH

Brian Alora
Director of Law & Township Attorney

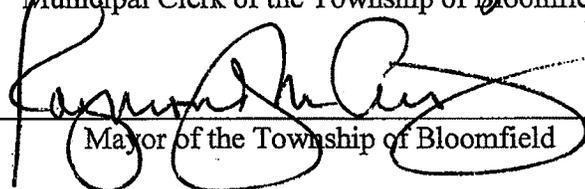
1. The application submitted by the Bloomfield 2012, LLC for the exemption from taxation for the development of a self-storage facility project located at 104 Orange Street, Block 156, Lot 49, is hereby approved.
2. The form of Five Year Tax Agreement setting forth the terms and conditions for the exemption from taxation including the formula for the computation of payments in lieu of full property taxation is hereby approved.
3. The Mayor is authorized to execute and the Township Clerk to attest the Five Year Tax Agreement.
4. The Township Clerk shall forward a copy of the Five Year Tax Agreement to the Director of the Division of Local Government Services in the Department of Community Affairs within 30 days after the execution of the Agreement.
5. A copy of the Tax Agreement shall be maintained in the office of the Tax Assessor and in the office of the Tax Collector to insure compliance with all of the terms and conditions set forth in the Tax Agreement. Furthermore, the Township Clerk shall maintain a copy of all documents, including the Tax Agreement as public records.

* * * * *

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on .



 Municipal Clerk of the Township of Bloomfield



 Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance 2917						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt	Elias N. Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Carlos Bernard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Table	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Peggy O'Boyle Dunigan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> First Reading	Bernard Hamilton	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Raymond J. McCarthy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve						
<input type="checkbox"/> Veto by Mayor						
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						

<input checked="" type="checkbox"/> Vote Record - Ordinance 2917					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopt	Elias N. Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/> Not Discussed	Peggy O'Boyle Dunigan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> First Reading	Bernard Hamilton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Table with no Vote	Raymond J. McCarthy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approve					
<input type="checkbox"/> Veto by Mayor					
<input type="checkbox"/> Discussion					
<input type="checkbox"/> Defeated					
<input type="checkbox"/> Discussion No Vote					