

EAST WINDSOR TOWNSHIP ESCROW AGREEMENT (page 1 of 3)

THIS ESCROW AGREEMENT, made this _____ day of _____, 20____, by and between OTR East Windsor Investors, LLC, with a street address of 50 East Mount Pleasant Avenue, Livingston, NJ 07039 ("Applicant"/"Developer") and EAST WINDSOR TOWNSHIP, East Windsor, New Jersey ("East Windsor").

WHEREAS, Developer / Applicant submitted an application for development to the East Windsor Township Planning Board / Zoning Board of Adjustment for lands located at 604 and 630 Edinburg Road and being also known and designated as Block 3, Lot(s) 3 & 3.02, on the East Windsor Township Tax Maps; and

WHEREAS, ordinances of East Windsor require that the Developer / Applicant pay certain sums into an Escrow Account for the review of said application for development.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and in accordance with applicable law and for other good and valuable consideration, Developer / Applicant agrees as follows:

1. Developer shall immediately pay to East Windsor the sum of \$ 112,600.00 to be held by East Windsor in an interest-bearing Escrow Account. Developer / Applicant shall make payment by cash or check.
2. East Windsor shall have the right and authority to draw funds from said Escrow account for any professional, including but not by way of limitation, engineers, architects, attorneys, surveyors, traffic consultants, noise and sound engineers, planners, license sanitarians and others who shall have reviewed the Developer / Applicant's application, prepared responses or reports in connection therewith, attended or testified at any hearing or also have provided any other service for the Planning Board / Zoning Board in connection with Developer / Applicant's application for development.
3. As soon as the Escrow Account shall be reduced to thirty percent (30%) of the original amount paid hereunder by Developer / Applicant, or as soon as additional payments are deemed desirable by the Planning Board or the Zoning Board of Adjustment of East Windsor, Developer / Applicant shall be notified that additional funds in a specified amount must be deposited in the Escrow Account. Developer agrees to make the payment of the amount specified within fifteen (15) days of the request for additional funds. If payment is not received by East Windsor within said fifteen (15) days, interest shall be charged at the rate of one and one-half percent (1 ½%) per month on the amount owed. Interest shall be compounded monthly and shall be due and payable in full immediately, without further notice, and shall not be prorated to the day of receipt but shall be deemed to have accrued in full on the first day of each month. East Windsor may accept and deposit any amount paid by Developer / Applicant without compromising or waiving the right to demand and receive the balance owed.

EAST WINDSOR TOWNSHIP ESCROW AGREEMENT (page 3 of 3)

MA

STATE OF)
) ss:
COUNTY OF)

BE IT REMEMBERED, that on this _____ day of _____, 20____, before me, the subscriber of Notary Public of the State of personally appeared _____, who, being by me duly sworn on his/her oath, says that he/she is one of the persons named in the foregoing instrument; that he/she well knows the corporate seal of said corporation; that the seal affixed to said instrument is the corporate seal of said corporation; that the seal was so affixed and that the said instrument signed and delivered by _____ who was, on the date of thereof, the _____ of the said corporation in the presence of this deponent, and said _____ at the time acknowledged that he/she signed, sealed and delivered the same as his/her voluntary act and deed, and as the voluntary act and deed of said corporation, by virtue of authority from its Board of Directors, and that deponent, at the same time, subscribed his/her name to said instrument as an attesting witness to the execution thereof.

SECRETARY

Sworn and subscribed to before me
This _____ day of _____, 20____.

NOTARY PUBLIC

EAST WINDSOR TOWNSHIP
PLANNING / ZONING
APPLICATION FINANCIAL INFORMATION

According to P.L. 1995, c. 54, N.J.S.A. 40:55D-53.2 et seq., copies of charges by the professionals must be sent to the applicant / developer on a monthly basis unless charges are less the \$1,000 where they can be sent quarterly and / or if the account is running out of funds, notification must be given to the developer of the shortfall.

The following information must be filled out in order for East Windsor Township to comply with the New Jersey Statutes:

Application Number: _____

Application Title: _____ Windsor Pointe _____

Financial Control Number: _____

Title: _____

Applicant's / Developer's Name: _____ OTR East Windsor Investors, LLC _____

Applicant's / Developer's Mailing Address: _____ 50 East Mount Pleasant Avenue _____

City, State and Zip Code: _____ Livingston, NJ 07039 _____

Applicant's / Developer's Phone Number: _____ 973-535-1888 _____

Applicant's / Developer's Fax Number: _____ 973-535-1887 _____

Applicant's / Developer's Email Address: _____ skatz@spgnj.com _____

ALL FINANCIAL INFORMATION WILL BE SENT TO THE ABOVE ADDRESS GIVEN. PLEASE BE SURE THAT ALL INFORMATION IS CORRECT.

AGENTS'S AUTHORIZATION TO ACT FOR APPLICANT

Gentlemen:

I hereby authorize:

(Name) Thomas F. Carroll, III, Esq.
(Street) 21 Roszel Road, P.O. Box 5226
(Municipality) Princeton, NJ 08543-5226

To act as my agent or representative in all matters pertaining to my application for:

Preliminary and Final Site Plan approval / bulk Variance for Windsor Pointe Development

_____ approval.

OTR East Windsor Investors, LLC



(Applicant's Signature)

50 East Mount Pleasant Avenue
(Address)

Livingston, NJ 07039

(Municipality)

11/1/19
(Date)

FOR OFFICIAL USE ONLY

Application No.: _____ Application Fee: _____
Date Filed: _____ Escrow Fee: _____
Date Deemed Complete: _____
Hearing Date: _____

EAST WINDSOR TOWNSHIP
Municipal Building
16 Lanning Boulevard
East Windsor, New Jersey 08520

The application, with supporting documentation, must be filed with the Township Planning/Zoning Board Secretary for review at least thirty (30) days prior to the meeting at which the application is to be considered.

1. SUBJECT PROPERTY

Location 604 and 630 Edinburg Road
Tax Map Page 2 Block 3 Lot(s) 3 & 3.02
Page _____ Block _____ Lot(s) _____
Dimensions Frontage 880.31 ft Depth 1399.54 ft Total Area 14.27 acres
Zoning District R-M1
Has property been subject of previous application? no
Type of application previously made? n/a
Date(s) n/a (Attach copies of township action, i.e. Resolution of Memorialization)

2. APPLICANT

Name Steven Katz - OTR East Windsor Investors, LLC
Address 50 East Mount Pleasant Avenue
City, State, Zip Livingston, NJ 07039
Telephone 973-535-1888 Fax 973-535-1887
Applicant is a Corporation Partnership LLC Individual

3. OWNER (If different from applicant)

Name Lauri Names - Thompson Realty Company of Princeton Inc.
Address 195 Nassau Street
City, State, Zip Princeton, NJ 07704
Telephone _____ Fax _____

4. ATTORNEY

Name Thomas F. Carroll, III, Esq.
Address 21 Roszel Road, P.O. Box 5226
City, State, Zip Princeton, NJ 08543-5226
Telephone 609-734-6336 Fax 609-452-1888

5. PLANNER

Name Jeromie P. Lange - Maser Consulting PA
Address 331 Newman Springs Road, Suite 203
City, State, Zip Red Bank, NJ 07701
Telephone 732-383-1950 Fax 732-383-1984

6. ENGINEER

Name Jelena Balorda-Barone - Maser Consulting PA
Address 331 Newman Springs Road, Suite 203
City, State, Zip Red Bank, NJ 07701
Telephone 732-383-1950 Fax 732-383-1984

7. LANDSCAPE ARCHITECT

Name Raymond C. Liotta - Maser Consulting PA
Address 331 Newman Springs Road, Suite 203
City, State, Zip Red Bank, NJ 07701
Telephone 732-383-1950 Fax 732-383-1984

8. PROPERTY INFORMATION

Restrictions, covenants, easements, association by-laws, existing or proposed on the property

Yes (attach copies) No Proposed

Note: All deed restrictions, covenants, easements, association by-laws, existing and proposed must be written in easily understandable English in order to be approved.

9. APPLICATION REPRESENTS THE FOLLOWING:

SUBDIVISION: N/A

- Minor Subdivision
- Major Subdivision (Preliminary)
- Major Subdivision (Final)
- Number of lots to be created (including remainder lot) _____
- Number of proposed dwelling units (if applicable) _____
- Request for Waiver from Subdivision Submittal Requirements (See Item #7)

SITE PLAN:

Minor Site Plan

Preliminary Site Plan [Phases (if applicable)] _____

Final Site Plan [Phases (if applicable)] _____

Amendment or Revision to an Approved Site Plan

Area to be disturbed [acres or square feet (specify)] _____

Total number of proposed swelling units _____ or _____ SF of construction

Request for Waiver from Site Plan Submittal Requirements (See Item #8)

Informal Review (Concept)

Appeal decision of an Administrative Officer [N.J.S.A. 40:55D-70a]

Map or Ordinance Interpretation or Special Question [N.J.S.A. 40:55D-70b]

Variance relief (hardship) [N.J.S.A. 40:55D-70c(1)]

Variance relief (substantial benefit) [N.J.S.A. 40:55D-70c(2)]

Variance relief (use) [N.J.S.A. 40:55D-70d]

Conditional Use Approval [N.J.S.A. 40:55D-67]

Direct issuance of a permit for a structure in bed of a mapped street, public drainage way, or flood control basin [N.J.S.A. 40:55D-34]

Direct issuance of a permit for a lot lacking street frontage [N.J.S.A. 40:55D-36]

10. Section(s) of Ordinance from which a variance is requested

20-11A.8.b.4

11. Waivers requested of Development Standards and/or Submission Requirements. (Attach additional pages as needed)

19A-2.7D(3) The average light intensity shall not exceed more than 1 foot candle where 1.1 is proposed.
22-27.3(b) – 103 internal street trees are required, 69 are provided.
22-27.7(b)3 – 28 shade trees are required, 11 are provided. 385 shrubs are required, 116 are provided.
22-27.7(a)3 – 312 evergreen trees are required, 108 are provided. 78 shade trees are required, 8 are provided.

12. 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 pages as needed providing a clear narrative regarding the project, the location, square footage, and explaining specifically what is proposed, clearly articulating the details.) Develop a 187 unit multi-family residential complex with clubhouse pool, tot lot, sidewalks, parking, utilities, landscape and lighting.

13. Is a public water line available? Yes No

14. Is a public sanitary sewer available? Yes No

15. Does the application propose a well and septic system? Yes No

16. Have any proposed new lots been reviewed with the Tax Assessor and/or Township Engineer to determine appropriate lot and block numbers? n/a

17. Are any off-tract improvements required or proposed? Yes No

18. Is the subdivision to be filed by Deed or Plat? n/a

19. What form of security does the applicant propose to provide as performance and maintenance guarantees? T.B.D.

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

	Yes	No	Date Plans
East Windsor Township Municipal Utilities Authority	x		
East Windsor Health Department		x	
Mercer County Planning Board	x		
NJ Department of Environmental Protection			
Sewer Extension Permit	x		
Sanitary Sewer Connection Permit	x		
Stream Encroachment Permit		x	
Jersey Central Power & Light (JCP&L)	x		
Delaware & Raritan Canal Commission	x		
Potable Water Construction Permit	x		
NJ Department of Transportation		x	
Public Service Electric & Gas Company (PSE&G)	x		

21. Certification from Tax Collector that all taxes due on the subject property have been paid.

22. List of Maps, Reports and other materials accompanying the application (attach additional pages as required for complete listing)

- PB Application including Checklist and Proof of Taxes;
- Escrow Check;
- W-9 Taxpayer ID;
- Preliminary and Final Site Plan, prepared by Maser Consulting PA, consisting of ___ sheets, dated _____;
- Stormwater Management Report;
- Geotechnical Report;
- Traffic Impact Study;
- Environmental Impact Study.

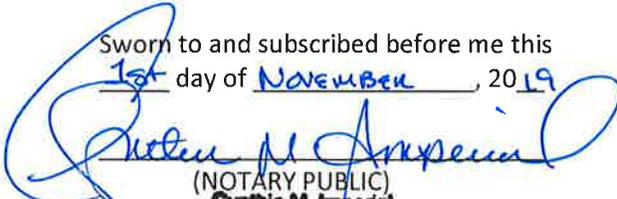
APPLICANT'S AGREEMENT

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership.

(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.)

* 

(SIGNATURE OF APPLICANT)

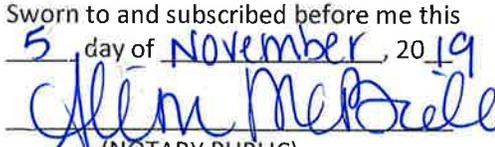
Sworn to and subscribed before me this
1st day of November, 2019

(NOTARY PUBLIC)
Cynthia M. Imperial
Notary Public of New Jersey
I.D. #2444057
Commission Expires March 25, 2024

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 applicant, the representations made, and the decision in the same manner as if I were the 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.)

* 

(SIGNATURE OF OWNER)

Sworn to and subscribed before me this
5 day of November, 2019

(NOTARY PUBLIC)

ALLISON MCBRIDE
Notary Public, State of New Jersey
My Commission Expires
November 12, 2019

LANDOWNER'S CONSENT

STATE OF New Jersey)
) ss:
COUNTY OF Mercer)

I, Thompson Realty Company of Princeton, Inc., being duly sworn, depose and say that I reside at _____ in the County of _____

And the State of _____ that I am the Owner of all the certain lot, piece or parcel of land situated, lying and being in the Township of East Windsor, New Jersey, as follows:

604 and 630 Edinburg Road, known as Block 3, Lot 3 & 3.02 respectively

That I have read the application and the plan dated _____ filed by OTR East Windsor Investors, LLC with the East Windsor Township Planning Board and I am familiar with the contents thereof, and hereby give my consent to said application and its submission to the East Windsor Township Planning Board.

By Lauri Names
Lauri Names
Signature of Landowner

NOTARY PUBLIC:

Sworn and subscribed (or affirmed) to before me this 5 day of November, 2019.

s/s Allison McBride
Notary Public, State of New Jersey

(Notary Seal)



EAST WINDSOR TOWNSHIP PLANNING BOARD

CONSENT OF ENTRY

The undersigned property owner hereby consents to the entry onto the property known as
Old Trenton Road (street address), Block 3, Lot 3 & 3.02

On the Tax Map of the Township of East Windsor by members of the East Windsor Township Planning Board to perform and inspection(s) of the property, at reasonable times, in connection with the application for a bulk variance, site plan, or subdivision which has been submitted herewith.

This consent permits entry onto the property only by the above-mentioned Board Members for the purpose of conducting visual inspections while the aforementioned application is pending. This right of entry is limited to entry onto the subject property only by those persons holding the designated position listed herein.

Date: 11/9/2019

By Lauri Names



Property Owner

Block 3 Lot 3 & 3.02

**CERTIFICATION OF OWNERSHIP OF APPLICANT
AS REQUIRED BY NEW JERSEY LAW
(P.L. 1997, CHAPTER 336)**

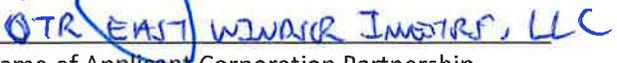
Listed below are the names and addresses of all owners having ten percent (10%) or more of the stock / interest* in the undersigned applicant corporation / partnership

	NAME	ADDRESS
1.	Sterling East Windsor II, LLC - 50%	50 East Mount Pleasant Ave. Livingston, NJ 07039
2.	Woodmont Realty Holdings, LLC - 50%	100 Passaic Avenue, Suite 240, Fairfield, New Jersey 07004
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

* Where corporations / partnerships own ten percent (10%) or more of the stock / interest in the undersigned or in another corporation / partnership so reported, this requirement shall be followed until the names and addresses of the non-corporate stockholders / individual partners exceeding the ten percent (10%) ownership criterion have been listed.



Signature of Officer / Partner 11.1.19
Date



Name of Applicant Corporation Partnership

TO BE COMPLETED BY TITLE INSURANCE COMPANY OR N.J. ATTORNEY AT LAW

CERTIFICATE OF TITLE

Gentlemen:

I hereby certify that according to the records in the County Clerk's Office of

The Township of East Windsor

County of Middle, the owner of record in fee simple of the following

described premises, by deed dated 1/19/82 and recorded in Deed Book

2181-65 at Page and 2181-73, and that

Thompson Realty Co. of Princeton, Inc. has not sold, assigned, or in any way disposed of _____ rights

in said lands so far as the records of said County reveal. as of 10/24/19

DESCRIPTION

IN WITNESS WHEREOF, I have hereunto placed my hand and seal this 29th day of October, 2019.

Lindsey Schlott

LINDSEY SCHLOTT
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Nov. 6, 2022

Jean M Karpan
Signature

600 Parsippany Rd
Address Suite 202
Parsippany

Municipality



EAST WINDSOR TOWNSHIP

Block/Lot/Qual:	3. 3. -QFARM- -	Tax Account Id:	24
Property Location:	630 EDINBURG RD	Property Class:	3B - Farm (Qualified)
Owner Name/Address:	THOMPSON REALTY CO.OF PRINCETON INC 195 NASSAU ST PRINCETON NJ 08540	Land Value:	7,900
		Improvement Value:	0
		Exempt Value:	0
		Total Assessed Value:	7,900
		Additional Lots:	None
Special Taxing Districts:	GARBAGE DIST 1	Deductions:	

Taxes

		Make a Payment	View Tax Rates	View Current Bill	Project Interest		
Year	Due Date	Type	Billed	Balance	Interest	Total Due	Status
2020	02/01/2020	Tax	66.74	66.74	0.00	66.74	OPEN
2020	05/01/2020	Tax	66.74	66.74	0.00	66.74	OPEN
Total 2020			133.48	133.48	0.00	133.48	
2019	02/01/2019	Tax	65.87	0.00	0.00	0.00	PAID
2019	05/01/2019	Tax	65.87	0.00	0.00	0.00	PAID
2019	08/01/2019	Tax	67.61	0.00	0.00	0.00	PAID
2019	11/01/2019	Tax	67.60	0.00	0.00	0.00	PAID
Total 2019			266.95	0.00	0.00	0.00	
2018	02/01/2018	Tax	64.15	0.00	0.00	0.00	PAID
2018	05/01/2018	Tax	64.14	0.00	0.00	0.00	PAID
2018	08/01/2018	Tax	67.59	0.00	0.00	0.00	PAID
2018	11/01/2018	Tax	67.59	0.00	0.00	0.00	PAID
Total 2018			263.47	0.00	0.00	0.00	
Last Payment: 08/16/19							

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EAST WINDSOR TOWNSHIP

Block/Lot/Qual:	3, 3.02-QFARM- -	Tax Account Id:	26
Property Location:	604 EDINBURG RD	Property Class:	3B - Farm (Qualified)
Owner Name/Address:	THOMPSON REALTY CO OF PRINCETON INC 195 NASSAU ST PRINCETON NJ 08540	Land Value:	3,300
		Improvement Value:	0
		Exempt Value:	0
		Total Assessed Value:	3,300
		Additional Lots:	None
Special Taxing Districts:	GARBAGE DIST 1	Deductions:	

Taxes

		Make a Payment	View Tax Rates	View Current Bill	Project Interest		
Year	Due Date	Type	Billed	Balance	Interest	Total Due	Status
2020	02/01/2020	Tax	27.88	27.88	0.00	27.88	OPEN
2020	05/01/2020	Tax	27.88	27.88	0.00	27.88	OPEN
Total 2020			55.76	55.76	0.00	55.76	
2019	02/01/2019	Tax	27.52	0.00	0.00	0.00	PAID
2019	05/01/2019	Tax	27.51	0.00	0.00	0.00	PAID
2019	08/01/2019	Tax	28.24	0.00	0.00	0.00	PAID
2019	11/01/2019	Tax	28.24	0.00	0.00	0.00	PAID
Total 2019			111.51	0.00	0.00	0.00	
2018	02/01/2018	Tax	26.66	0.00	0.00	0.00	PAID
2018	05/01/2018	Tax	26.66	0.00	0.00	0.00	PAID
2018	08/01/2018	Tax	28.37	0.00	0.00	0.00	PAID
2018	11/01/2018	Tax	28.36	0.00	0.00	0.00	PAID
Total 2018			110.05	0.00	0.00	0.00	
Last Payment: 08/16/19							

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