

AFFIDAVIT OF PROOF OF SERVICE & PUBLICATION

STATE OF NEW JERSEY :

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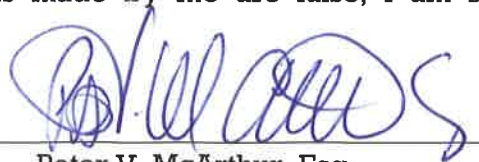
COUNTY OF MORRIS :

PETER V. MCARTHUR, ESQ. of full age, being duly sworn on his oath deposes and says that:

1. I am the Attorney for the Applicant, BUTLER PLAZA PARTNERSHIP, LLC, before the Township of Butler Land Use. As such I am fully familiar with the facts and circumstances surrounding this matter.
2. Pursuant to the requirements of the Municipal Land Use Law, I obtained a list from the Township of Butler of property owners within 200 feet of the property in question. Said list is attached hereto as Exhibit "A".
3. On June 5, 2020, I forwarded via Certified Mail Return Receipt Requested the Notice for the Applicant's virtual hearing for June 18, 2020 via Zoom. See Notice attached hereto, see Exhibit "B".
4. Said Notice was sent to each of the property owners set forth on the aforementioned list. See Certified Mail Receipts attached hereto as Exhibit "C".
5. Notice of Publication was published in "The Daily Record" on June 8, 2020. Certified original Affidavit of Publication for The Daily Record" is attached hereto as Exhibit "D".

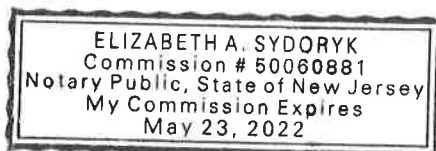
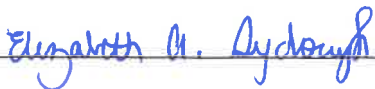
I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are false, I am subject to punishment.

Date: June 15, 2020



Peter V. McArthur, Esq.

Sworn and subscribed to before me
The 15 day of June, 2020.



" A "



Borough of Butler
1 Ace Road
Butler, NJ 07405
John Gillooly, SCGRE, CTA, Assessor
Phone: 973-838-7200 x-218
jgillooly@butlerborough.com

June 2, 2020

Peter McArthur, Esq.
Peter McArthur Law, LLC
627 Newark Pompton Turnpike
Pompton Plains, NJ 07444

RE: Certified List of Owners within 200 Feet
Block 201 – Lots: 1 & 2.10
Butler Borough, NJ

Dear Mr. McArthur,

In regard to the above captioned subject property, and per your request and remittance, attached please find our certified list of owners of property (within the Borough of Butler) located within 200 feet of the above referenced parcel, as indicated by our records as of the above date and taken from the official tax map of the Borough of Butler. Please forward your check for \$10.00 to the Land Use Board Administrator if you have not already done so.

I hope this information satisfies your requirements. Please let me know if you have any questions or need additional information, etc.

Very truly yours,

John Gillooly, SCGRE, CTA
Assessor
Borough of Butler

Cc: Karen Becker, Land Use Board Administrator

Attachments

Peter McArthur, Esq.

June 2, 2020

Page 2

If you are making application to the Butler Borough Planning and / or Zoning Boards, in addition to the attached list you must also include notification to:

X N. J. Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08618

X County of Morris
Office of Planning & Preservation
P.O. Box 900
Morristown, NJ 07963-0900

On August 7, 1991, Chapter 245, PL 1991 became effective. An amendment to 40:55D-12 now requires notice (certified mail/return receipt requested) of all public hearings to be given to utility companies that have easements within 200 feet of the site which is the subject of the application.

The following utility companies serve the Butler Borough area and **should receive notice:**

X Butler Water and Sewer Department
1 Ace Road
Butler, NJ 07405

X PSE&G
Manager – Corporate Properties
80 Park Plaza T6B
Newark, NJ 07102

X Verizon Communications Inc.
P.O. Box 152206
Irving Texas, 75015-0961

X Butler Electric
1 Ace Road
Butler, NJ 07405

X Cablevision Cable Company
40 Potash Road
Oakland, NJ 07436

X P.B.R.S.A.
1 Ace Road
Butler, NJ 07405

X City of Newark
Department of Water and Sewer Utility
John Tarsuk, L.S.
239 Central Avenue
Newark, NJ 07103-3607

X

Peter McArthur, Esq.

June 2, 2020

Page 3

The certified list of owners of property within 200 feet of the referenced property are as follows:

| TARGETED PROPERTIES: | | | | |
|--|-----------|-------------------|-------------------------------------|---|
| PAMS_PIN | Acres | Property Location | Owners Name | Mailing Address |
| 1403_201_1 | 4.8200 | 1510 ROUTE 23 | BUTLER PLAZA LOT 1 LLC | 2 ETHEL RD STE 205A EDISON, NJ 08818 |
| PARCELS WITHIN RANGE OF TARGETED PROPERTIES: | | | | |
| PAMS_PIN | Acres | Property Location | Owners Name | Mailing Address |
| 1403_201_1 | 4.8200 | 1510 ROUTE 23 | BUTLER PLAZA LOT 1 LLC | 2 ETHEL RD STE 205A EDISON, NJ 08818 |
| 1403_201_2 | 0.5978 | 132 DECKER RD | URETA, ALFREDO/NERISA | 132 DECKER RD BUTLER, NJ 07405 |
| 1403_201_2.07 | 0.2984 | 1512 ROUTE 23 | VAN DERSTINE, PETER F TRUSTEE | 282 WHITE OAK WAY SANTA YNEZ, CA 93460 |
| 1403_201_2.10 | undefined | | unmatched parcel | undefined undefined |
| 1403_201_2.18 | 0.4132 | 130 DECKER RD | JAFFEY, ZIA/KHAN, IFAT YASMEEN | 1000 VAIL RD PARSIPPANY, NJ 07054 |
| 1403_202_2 | 0.4000 | 1511 ROUTE 23 | 1511 ROUTE # 23 SOUTH ASSOCIATES LL | 375 SOUTH DEAN ST ENGLEWOOD, NJ 07631 |
| 1403_203.01_4 | 0.0000 | KIEL AVE | DELL-KINNELON/BUTLER LOTS LLC | 136 LINCOLN RD KINNELON, NJ 07405 |
| 1403_53_1 | 0.0000 | DECKER RD | LEDGEWOOD VILLAGE CONDOMINIUM ASSOC | DECKER RD BUTLER BOROUGH, NJ 07405 |
| 1403_53_1_C0001 | 0.3903 | 139 DECKER RD | JAKUBIK, ARLENE | 19 BRANDON AVE WAYNE, NJ 07470 |
| 1403_53_1_C0002 | 0.3903 | 139 DECKER RD | BRAND, JEFFREY & MARY ANN | 139 DECKER RD BUTLER, NJ 07405 |
| 1403_53_1_C0003 | 0.3903 | 139 DECKER RD | MORGAN, DANIEL | 139 DECKER RD BUTLER, NJ 07405 |
| 1403_53_1_C0004 | 0.3673 | 139 DECKER RD | ZISA, DAVID | 139 DECKER ROAD, UNIT 4 BUTLER, NJ 07405 |
| 1403_53_1_C0005 | 0.3673 | 139 DECKER RD | PRUDENTE, NICHOLAS F/IRENE C | 139 DECKER RD UNIT 5 BUTLER, NJ 07405 |
| 1403_53_1_C0009 | 0.3673 | 139 DECKER RD | AK REALTY ASSOCIATES, LLC | 85 CROWN POINT RD PARSIPPANY, NJ 07054 |
| 1403_53_1_C0010 | 0.3673 | 139 DECKER RD | VALENTE, PETER T & ELIZABETH J | 139 DECKER RD UNIT 10 BUTLER, NJ 07405 |
| 1403_53_1_C0011 | 0.3673 | 139 DECKER RD | PICCIONE, BERNARD & CAMILLE | 139 DECKER RD BUTLER, NJ 07405 |
| 1403_53_1_C0012 | 0.3673 | 139 DECKER RD | DE LORENZO, JOSEPH H & ANNETTE M | 139 DECKER RD UNIT 12 BUTLER, NJ 07405 |
| 1403_53_1_C0013 | 0.3673 | 139 DECKER RD | MARCHIAFAVA, LOUIS | 139 DECKER RD BUTLER, NJ 07405 |
| 1403_53_1_C0014 | 0.3673 | 139 DECKER RD | WYSOCKI, DANIEL J & LAUREN C | 139 DECKER RD UNIT 14 BUTLER, NJ 07405 |
| 1403_53_2 | 0.0000 | 190 KIEL AVE | CHURCH OF THE NAZARENE | 190 KIEL AVE BUTLER, NJ 07405 |
| 1403_53_2.01 | 0.2956 | 145 DECKER RD | NOONAN, DENNIS M | 145 DECKER RD BUTLER, NJ 07405 |
| 1403_53_30 | 0.4969 | 133 DECKER RD | RODGERS, PATRICIA | 133 DECKER RD BUTLER, NJ 07405 |
| 1403_53_31.01 | 0.5051 | 4 DE SOW TER | HIRTH ELIZABETH A. | 4 DEBOW TER BUTLER, NJ 07405 |
| 1403_54_1 | 1.4500 | 1483 ROUTE 23 | US KINNELON ONE LLC | 321 RAILROAD AVE GREENWICH, CT 06830 |
| 1415_45202_102 | 0.4900 | 2 KIEL AVE | JP COMMERCIAL CONDOMINIUMS | 2 KIEL AVE KINNELON, NJ 00000 |
| 1415_45301_101 | 6.0900 | 1483 ROUTE 23 | US KINNELON I, LLC | 321 RAILROAD AVE GREENWICH, CT 06830 |

BOROUGH OF BUTLER LAND USE BOARD

NOTICE OF PUBLIC HEARING

TAKE NOTICE that Butler Plaza Partnership, LLC will be appearing before the Land Use Board of the Borough of Butler for a hearing to confirm whether minor changes required by the New Jersey Department of Transportation provisional approval constitute compliance with the Borough of Butler Land Use Board Resolution # SP18-75 condition #2 on page 13 of 14 of said Resolution which requires final permits from the New Jersey Department of Transportation as a condition of approval. This hearing concerns land shown as Block 201, Lots 1 and 2.10 on the Official Borough of Butler Tax Map. Said property is commonly known as 1510 and 1516 New Jersey State Highway 23 North, Borough of Butler, County of Morris and State of New Jersey. The property is located in the HC Zone in the Borough of Butler. The applicant seeks to construct a 13,196 square foot CVS Pharmacy, a 5051 square foot Wawa Food Store with 16 fueling positions under a 7,150 square foot canopy, a 4,424 square foot Panera Café together with the existing 7,150 square foot building on the property. The proposed development also proposes the demolition of the existing 3,108 square foot Burger King.

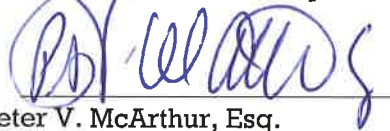
YOU ARE HEREBY NOTIFIED, if during the course of the review or Hearings any additional variances or waivers, beyond those specified herein, are required by the Board, its staff or its professionals for approval of the Applicant's plans for development the Applicant will apply for and be heard on any and all such variances or waiver, at the time of the public hearing.

A hearing on said application will be held by the Borough of Butler Land Use Board on June 18, 2020, at 7:30 P.M. via Zoom conference. in the Borough Municipal Building, 1 Ace Road, Butler NJ, 07405 at which time any interested person may be heard concerning said application. The link for this meeting is: <https://www.gotomeet.me/butlerborough> which

will bring any interested person to the page of the Borough of Butler website with options on how to join the meeting. The specific purpose of the meeting is to give testimony and discuss the impact of the provisional approval applicant has received from the New Jersey Department of Transportation requiring minor site plan changes and whether said changes constitute compliance with condition #2 on page 13 of 14 of the Borough of Butler Land Use Resolution # SP-18-75 dated June 20, 2019.

A copy of the proposed applications, plans and all related documents are on file in the Zoning Office 1 Borough Municipal Building, 1 Ace Road, Butler NJ, 07405 for public inspection during regular business hours Monday through Friday. Due to the Covid-19 Coronavirus Pandemic crisis, interested members of the public may view these documents via the internet with the following link: <http://www.butlerborough.com/cit-e-access/webpage.cfm?TID=19&TPID=17287>

PETER McARTHUR LAW LLC.
Attorney for Applicant,
Butler Plaza Partnership, LLC



Dated: June 4, 2020

BY: Peter V. McArthur, Esq.

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EDISON, NJ 08818

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City, State, ZIP+4 375 SOUTH DEAN ST
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City, State, ZIP+4 **EDISON, NJ 08818**

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Street and Apt. **2 KEIL AVE**

City, State, ZIP+4 **KINNELON, NJ 07405**

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Sent To **URETA, ALFREDO/NERISA**

Street and Apt. **132 DECKER RD**

City, State, ZIP+4 **BUTLER, NJ 07405**

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Sent To **MARCHIAFAVA, LOUIS**

Street and Apt. **139 DECKER RD**

City, State, ZIP+4 **BUTLER, NJ 07405**

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Street and A

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Sent To VALENTE, PETER T & ELIZABETH J
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City, State, ZIP+4[®] PARISIPPANY, NJ 07054

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AFFIDAVIT OF PUBLICATION

Publisher's Fee \$48.16 Affidavit \$35.00

STATE OF WISCONSIN

Brown County

Personally appeared Nicholas Runtrom at County of Brown, State of Wisconsin.

Of the **Daily Record**, newspaper printed in Freehold, New Jersey and published in Parsippany, in State of New Jersey and County of Morris, and of general circulation in Morris County, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

06/08/2020 A.D 2020

Vicky Felty
Notary Public State of Wisconsin County of Brown
9.19.21
My commission expires



"D"

BOROUGH OF BUTLER LAND USE BOARD

NOTICE OF PUBLIC HEARING

TAKE NOTICE that Butler Plaza Partnership, LLC will be appearing before the Land Use Board of the Borough of Butler for a hearing to confirm whether minor changes required by the New Jersey Department of Transportation provisional approval constitute compliance with the Borough of Butler Land Use Board Resolution # SP18-75 condition #2 on page 13 of 14 of said Resolution which requires final permits from the New Jersey Department of Transportation as a condition of approval. This hearing concerns land shown as Block 201, Lots 1 and 2.10 on the Official Borough of Butler Tax Map. Said property is commonly known as 1510 and 1516 New Jersey State Highway 23 North, Borough of Butler, County of Morris and State of New Jersey. The property is located in the HC Zone in the Borough of Butler. The applicant seeks to construct a 13,196 square foot CVS Pharmacy, a 5051 square foot Wawa Food Store with 16 fueling positions under a 7,150 square foot canopy, a 4,424 square foot Panera Café together with the existing 7,150 square foot building on the property. The proposed development also proposes the demolition of the existing 3,108 square foot Burger King.

YOU ARE HEREBY NOTIFIED, if during the course of the review or hearings any additional variances or waivers, beyond those specified herein, are required by the Board, its staff or its professionals for approval of the Applicant's plans for development the Applicant will apply for and be heard on any and all such variances or waiver, at the time of the public hearing.

A hearing on said application will be held by the Borough of Butler Land Use Board on June 18, 2020, at 7:30 P.M. via Zoom conference. in the Borough Municipal Building, 1 Ace Road, Butler NJ, 07405 at which time any interested person may be heard concerning said application. The link for this meeting is:

<https://www.gotomeet.me/butlerborough> which will bring any interested person to the page of the Borough of Butler website with options on how to join the meeting. The specific purpose of the meeting is to give testimony and discuss the impact of the provisional approval applicant has received from the New Jersey Department of Transportation requiring minor site plan changes and whether said changes constitute compliance with condition #2 on page 13 of 14 of the Borough of Butler Land Use Resolution # SP-18-75 dated June 20, 2019.

A copy of the proposed applications, plans and all related documents are on file in the Zoning Office 1 Borough Municipal Building, 1 Ace Road, Butler NJ, 07405 for public inspection during regular business hours Monday through Friday. Due to the Covid-19 Coronavirus Pandemic crisis, interested members of the public may view these documents via the internet with the following link: <http://www.butlerborough.com/cit-e-access/webpage.cfm?TID=19&TPID=17287>

PETER McARTHUR LAW LLC.
Attorney for Applicant,
Butler Plaza Partnership, LLC
(\$48.16)