

**BOROUGH OF SAYREVILLE
STANDARD DEVELOPMENT APPLICATION**

(Page 1 of 3)

GENERAL INSTRUCTIONS: To the extent possible, Applicant shall complete every question. When completed, this application shall be submitted to the Planning Board Secretary (if and application to the Planning Board) or the Zoning Officer (if an application to the Board of Adjustment). The proper application and escrow fees must be accompany the application. **Do not advertise for a public hearing until you are advised to do so by the Board.**

Indicate to which Board application is being made:

Planning Board *Board of Adjustment*

Indicate all approvals and variances being sought:

<input type="checkbox"/> <i>Informal Review</i>	<input checked="" type="checkbox"/> <i>Prelim. Major Site Plan (Amended)</i>	<input type="checkbox"/> <i>Interpretation</i>
<input checked="" type="checkbox"/> <i>Bulk Variance(s)</i>	<input checked="" type="checkbox"/> <i>Final Major Site Plan (Amended)</i>	<input type="checkbox"/> <i>Fill or Soil Removal Permit</i>
<input type="checkbox"/> <i>Use Variance</i>	<input type="checkbox"/> <i>Prelim. Major Subdivision</i>	<input checked="" type="checkbox"/> <i>Waiver of Site Plan Requirements</i>
<input type="checkbox"/> <i>Conditional Use Variance</i>	<input type="checkbox"/> <i>Final major Subdivision</i>	See Checklist items submitted herewith.
<input type="checkbox"/> <i>Minor Site Plan</i>	<input type="checkbox"/> <i>Appeals from Decision of Admin. Officer (attach the denial/decision)</i>	
<input type="checkbox"/> <i>Minor Site Subdivision</i>		

1. APPLICANT:

Name 2069 Highway 35, LLC		Address 2069 Route 35		
City Sayreville	State NJ	Zip 08872	Fax	Telephone

2. PROPERTY OWNER (If other than applicant)

Name N/A		Address		
City	State	Zip	Fax	Telephone

3. APPLICANT'S ATTORNEY (If applicable)

Name John A. Giunco, Esq.		Address Giordano Halleran & Ciesla, P.C. 125 Half Mile Road, Suite 300		
City Red Bank	State NJ	Zip 07701	Fax 732-224-6599	Telephone 732-741-3900

TO BE COMPLETED BY BOROUGH STAFF ONLY

Date Filed:	Application No.
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BOROUGH OF SAYREVILLE
Standard Development Application - (Page 2 of 3)

4. SUBJECT PROPERTY (attach additional sheets if necessary)

Street Address 2069 Route 35	Block(s) and Lot(s) Numbers Block 428, Lots 1, 2 & 2.01
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Site Acreage (and Square Footage) 1.977	Zone District(s) B-3	Tax Sheet Nos. 121
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Present Use: Landscape yard (wholesale or retail sales and service)

Proposed Development Name and Nature of Use
 Continue use as "Bulk Yard 35" landscape yard. Proposing to eliminate previously approved residential use

Number of Buildings 3	Sq. Ft. of New Bldg(s) 0	Height <35 ft	% of Lot to be covered by Buildings 7.6
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% of Lot to be Covered by Pavement 28.2	Number of Parking Spaces and Dimensions No change	Dimensions of Loading Area(s) No change
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Exterior Construction Material/Design **N/A**

Total Cost of Building and Site Improvements N/A	Number of Lots Before Subdivision N/A	Number of Lots After Subdivision N/A	Are Any New Streets or Utility Extensions Proposed? No
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Number of Existing Trees, Two Inch Caliper or Greater, to be Removed? 0	Are Any Structures to be Removed? No	Number of Proposed Signs and Dimensions N/A
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Is Soil Removal or Fill Proposed? Specify Total in Cubic Yards N/A	Is the Property Within 200 ft. of an Adjacent Municipality? If so, Which? No
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5. Are there any existing or proposes deed restrictions or covenants? Please Detail.

Yes, a Stormwater Maintenance Agreement recorded on November 9, 2001 in the Middlesex County Clerk's Office in Book 04977, Page 0368, enclosed herewith.

6. HISTORY OF PAST APPROVALS Check here if none

	APPROVED	DENIED	DATE
<i>Subdivision</i>			
<i>Site Plan</i>	X		March 28, 2001
<i>Variance(s)</i>	X		March 28, 2001
<i>Building Permit</i>			

BOROUGH OF SAYREVILLE
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7. NAMES OF PLAN PREPARERS

Engineer's Name Jelena Balorda-Barone, PE		Address French & Parrello Associates 1800 Route 34, Suite 101		
City Wall	State NJ	Zip 07701	Telephone 732-312-9800	License # 44465
Surveyor's Name Thomas Erle, PLS		Address French & Parrello Associates 1800 Route 34, Suite 101		
City Wall	State NJ	Zip 07701	Telephone 732-312-9800	License # 35834
Landscape Architect or Architect's Name N/A		Address		
City	State	Zip	Telephone	License #

8. FEES SUBMITTED

Application Fees	\$1,000.00
Variance Fees	
Escrow Fees	\$2,500.00
Total Fees	\$3,500.00

CERTIFICATION

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 applicant. I hereby permit authorized Borough officials to inspect my property in conjunction with this application.



 Signature of Applicant
 John A. Giunco, Esq., Attorney for Applicant

Sworn to and subscribed before me this date

 9-28-2022

N/A

 Property Owner Authorizing Application if
 Other Than Applicant



 Notary Public:

CARRIE LENAHAN
 A NOTARY PUBLIC OF NEW JERSEY
 MY COMMISSION EXPIRES FEBRUARY 8, 2027

APPLICATION FOR PRELIMINARY APPROVAL OF MAJOR SUBDIVISIONS AND SITE PLANS (Page 2 of 5)		Submitted	Not Applicable	Waiver Requested
7.	For subdivisions, contour lines at vertical intervals not greater than 5 feet for land with natural slopes of 10 percent or greater and at vertical intervals of not greater than 2 feet for land with natural slopes of less than 10 percent.		X	
8.	For site plans, a grading plan showing, at 2 foot contour intervals, existing and proposed contours and elevations.	X		
9.	The location of existing watercourses and any natural features, including flood plains, wetlands and soil types on the site and within 50 feet.			X
10.	The area of the tract to be subdivided or developed in square footage and the location, lot area, width and depth of any existing lot or lots proposed to be subdivided.		X	
11.	Location of all existing and proposed buildings and subsurface structures, with building setbacks, front, side and rear yard distances.	X		
12.	Location of all structures within 200 feet of the property.	X		
13.	A stormwater management plan showing the location, type and size of any existing and proposed bridges, culverts, drainpipes, catch basins and other storm drainage facilities, including Stormwater Analysis Report.			X
14.	A soil erosion and sediment control plan.			X
15.	Tree save plan.			X
16.	A circulation plan showing proposed vehicle, bicycle and pedestrian circulation systems. The plan shall include the locations, typical cross-sections, centerline profiles and type of paving for all proposed new streets and paths.			partial waiver for cross-sections and profiles
17.	Plans of proposed potable water and sanitary sewer utility systems showing feasible connections to existing or any proposed system. If a public water supply or sanitary sewer system is available, the owner shall show appropriate connections thereto on the plat or plan.		X	
18.	Location of any proposed off-street parking areas with dimensions showing parking spaces, loading docks and access drives and a traffic circulation pattern showing all ingress and egress to the site.	X		
19.	Location and description of all proposed signs and exterior lighting, including details.		X	
20.	Provision for storage and disposal of solid wastes.	X		

APPLICATION FOR PRELIMINARY APPROVAL OF MAJOR SUBDIVISIONS AND SITE PLANS (Page 3 of 5)		Submitted	Not Applicable	Waiver Requested
21.	For site plans, the preliminary floor plans and preliminary building elevation drawings showing all sides of any proposed building or buildings. The final floor plans and building elevations drawings submitted to the Construction Code Official for issuance of a building permit shall conform with the preliminary plans and drawing approved by the Board. No change, deletion or addition shall be made to said final plans and drawings without resubmission and reapproval by the Board.		x	
22.	Compliance with Fill Placement and Soil Removal Ordinance details.		x	
23.	A staging plan for projects greater than 10 acres in area.		x	
24.	All proposed buffers, landscaping, fences, walls, hedges or similar facilities. The landscaping plan shall show in detail the location, size and type of all plant material, including ground cover, to be used on the site. Common names of all landscaping material shall be indicated.		x	
25.	A copy of any protective covenants or deed restrictions applying to the land and being subdivided or developed and a notation on the plat or plan of any easements required by the Board, such as, but not limited to, sight triangle easements. Said easements may also include utility lines, public improvements and ingress and egress for emergency vehicles.	x		
26.	A copy of such guarantees, covenants, master deed or other document which shall satisfy the requirements of the Board for the construction and maintenance of any proposed common areas, landscaping, recreational areas, public improvements and buildings.		x	
27.	A list of all licenses, permits or other approvals required by law, including proof of service.			

APPLICATION FOR PRELIMINARY APPROVAL OF MAJOR SUBDIVISIONS AND SITE PLANS (Page 4 of 5)		Submitted	Not Applicable	Waiver Requested
28.	For any subdivision of 6 or more lots, or for a variance to construct a multiple dwelling of 25 or more dwelling units, or for site plan approval of any non-residential use, a corporation or partnership shall list the names and addresses of all stockholders or individual partners owning at least 10 percent of its stock of any class or at least 10 percent of the interest in the partnership, as the case may be. If a corporation or partnership owns 10 percent or more of the stock of a corporation, or 10 percent or greater interest in a partnership, subject to disclosure pursuant to the previous paragraph, that corporation or partnership shall list the names and addresses of its stockholders holding 10 percent or more of its stock or of 10 percent or greater interest in the partnership, as the case may be, and this requirement shall be followed by every corporate stockholder or partner in a partnership, until the names and addresses of the non-corporate stockholders and individual partners, exceeding the 10 percent ownership criterion have been listed.	x		
29.	The Board may require the applicant to submit an environmental impact assessment as part of preliminary approval if, in the opinion of the Board, the development could have an adverse effect on the environment.			x
30.	The Board may require the applicant to submit a traffic impact statement as part of preliminary approval if, in the opinion of the Board, the development could have an adverse effect on off-site traffic and circulation.			x
31.	Applicant shall submit fifteen (15) sets of folded plans.	x		

APPLICATION FOR PRELIMINARY APPROVAL OF
MAJOR SUBDIVISIONS AND SITE PLANS (Page 5 of 5)

Checklist prepared by Lena Balorda-Barone, P.E.

Date: Sept. 27, 2022

Checklist reviewed by Board: _____

Date: _____

Application found complete on: _____

Application found incomplete on: _____

Applicant notified on: _____

26-75.3 Final Major Subdivision And Site Plan Checklist

APPLICATION FOR FINAL APPROVAL OF MAJOR SUBDIVISIONS AND SITE PLANS (Page 1 of 5)		Submitted	Not Applicable	Waiver Requested
	(Note: For details of all submissions, see Article III. Applicant should check off all items as submitted, not applicable, or waiver requested. If waiver is requested, reasons shall be indicated in separate submission.)			
1.	Plat or plan drawn and sealed by a P.E., L.S., P.P. or R.A. as permitted by law and based on a current survey.	x		
2.	Scale: 1" = 30' or as approved by Board Engineer.	x		
3.	Current survey upon which plat or plan is based, signed and sealed.	x		
4.	Map size: 8 - 1/2" x 13"; 5" x 21"; 24" x 36"	x		
5.	Title block and basic information: a. Title b. Date of original preparation and date(s) of revision c. North arrow and reference meridian. d. Ratio scale and graphic scale e. Tax map block, lot numbers and zone f. Name, address and license number of person preparing plat or plan g. Name and address of owner of record and applicant, if different from the owner (Where more than one sheet is required, the above information shall appear on each sheet and all sheets shall be appropriately labeled, numbered and bound.)	x		
6.	Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land to be reserved or dedicated to public use, all lots lines and other site lines, with accurate dimensions, bearings or deflection angles, radii arcs and central angles of all curves, or as required by the Map Filing Act.	x		
7.	The purpose of any easement or land reserved or dedicated to public use such as, but not limited to, sight triangle easements, and the proposed use of sites other than residential.	x		
8.	The front, side and rear building setback lines.	x		
9.	Improvement Plans in accordance with the Borough Standards for roads and utilities.		x	

APPLICATION FOR FINAL APPROVAL OF MAJOR SUBDIVISIONS AND SITE PLANS (Page 1 of 5)		Submitted	Not Applicable	Waiver Requested
10.	Statement that final plan is consistent with preliminary plan, and if not, how and why they differ.	x		
11.	All additional information, changes or modifications required by the Board at the time of preliminary approval.			
12.	A statement from the Borough Engineer that all improvements required by the Board for preliminary approval have been installed in compliance with all applicable laws.			
13.	If improvements have not been installed, then a statement from the Borough Clerk shall accompany the application for final approval stating that: a. A recordable developer's agreement with the Borough has been executed b. A satisfactory performance guarantee has been posted c. That the Borough has received all escrow and inspection fees			
14.	Proof that all taxes and assessments for local improvements on the property have been paid.			
15.	If the required improvements have been installed, the application for final approval shall be accompanied by a statement from the Borough Clerk that a satisfactory maintenance bond has been posted.			
16.	Applicant shall submit fifteen (15) sets of folded plans.			
Checklist prepared by <u>Lena Balorda-Barone, P.E.</u> Checklist reviewed by Board: _____ Application found complete on: _____ Application found incomplete on: _____ Applicant notified on: _____		Date: <u>Sept. 27, 2022</u> Date: _____		

EXHIBIT A

RESOLUTION
BOARD OF ADJUSTMENT
OF
THE BOROUGH OF SAYREVILLE

Re: Application #00-52
Applied Landscaping Technologies
Route 35 South
Block 428, Lots 1, 2 and 2.01

WHEREAS, by application #00-52, Applied Landscaping Technologies, owners of the property located on Route 35 South, a/k/a Lots 1, 2 and 2.01 in Block 428, requests a use variance to permit the continued use of one of the structures located on the above described property as a residence (not permitted use) and introducing a new use, i.e. landscaping business (permitted use); and

WHEREAS, a Hearing was conducted on January 24, 2001, said Hearing being continued until February 28, 2001, in Council Chambers, in Borough Hall in the Borough of Sayreville; and

WHEREAS, the following members heard the testimony and read the documents submitted:

Mr. Amaczi (Chairman)
Mr. Daddio
Mr. Kilcomons
Mr. Sutter
Mr. Waitt
Mr. Kuczynski

WHEREAS, at said meeting all those who desired to be heard were heard, and the testimony was recorded by the Board of Adjustment; and

WHEREAS, at said meeting the Board of Adjustment carefully considered the testimony submitted, the documents offered and the arguments of the applicant, and as a result the following findings of facts and conclusions of law were made:

FINDINGS

1. The applicant is the owner of the property located on Route 35 South, a/k/a Lots 1, 2 and 2.01 in Block 428 in the Borough of Sayreville, County of Middlesex, State of New Jersey.
2. The premises in question is 1.977 acres (86,123 sq. ft.) presently being used as a dwelling and a garage and located in the B-3 Zone.
3. The current residential use is a pre-existing non-conforming use in the B-3 Zone.
4. The applicant is requesting a use variance, to allow it to continue the residential use in its present location, while at the same time, operate a landscaping yard and office in the rear portion of the premises.
5. This application represents an expansion of a pre-existing non-conforming use, and as such, use variance is thus required.
6. In addition, the applicant is requesting a front yard variance as it relates to the existing garage in relationship to the jug handle (50 ft. required, 21.4 ft. proposed).
7. Lastly, the applicant is requesting approval of a site plan prepared by James E. Cleary and Associates, dated July 2000.
8. At the Hearing, the applicant offered testimony that it was a commercial (non-residential) landscaper.
9. The applicant testified that they had between 7-9 employees that appear on site.

10. Generally the employees would appear on site at approximately 6:00am and leave site at 6:15am, to return at 4:30pm to disperse.
11. The applicant indicated that there would be no retail operation on the proposed site.
12. The applicant indicated that materials that would be stored on site would be landscaping materials, such as topsoil, etc. The vast majority of the materials needed to conduct their business would be delivered to the site of the landscaping.
13. The applicant testified that there would be a number of vehicles that would be stored on site at any one point in time, including:
 - A. Three dump trucks
 - B. Two rack body trucks
 - C. Three mason dumping trucks
 - D. Four pick up trucks
 - E. Three tag-along trailers
 - F. Three bulldozers
 - G. Two backhoes
14. The applicant is proposing improving the rear (west) portion of the lot with a structure to house a shop, storage area and office area.
15. In addition, the applicant testified that they would be installing a chain-link fence around the front (east) portion of the property, that in which the one-family residence was located.
16. The applicant testified that the vehicular traffic for the landscaping use would enter into the rear portion of the lot by virtue of the driveway to the north of the premises in question.

17. The proposed building is a permanent building of split block construction.
18. In addition to the above, there would be three bins for topsoil and mulch, etc. in the rear portion of the lot.
19. Lastly, there is a bulk variance required by virtue of the fact that the existing garage is 21.4 ft. from the frontage created by the jug-handle (25 ft. required).
20. Applications and all submissions were reviewed by J.B. Cornell, P.E. of C.M.E. Associates. Engineer for the Borough of Sayreville, who issued a report dated January 24, 2001, which by reference is incorporated into this Resolution and made a part hereof.
21. An issue was raised as to whether in fact the application represented "outside storage".
22. This issue was reviewed by John T. Chadwick IV, P.P., who issued a letter report dated February 13, 2001, a copy of which is incorporated into this Resolution and made a part hereof.
23. In that report Mr. Chadwick concluded that the landscaping use was in full compliance with the Zoning Ordinance.
24. In addition to the above, the applicant is requesting a variance from 50 ft. buffer requirement for the storage of materials, i.e. topsoil, mulch, etc. (25 ft. proposed).

CONCLUSIONS

1. The applicant has demonstrated sufficient hardship or practical difficulties to support the bulk relief requested.
2. The applicant has demonstrated sufficient special reasons to support the relief requested, i.e.:

- A. to provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses in an open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens; and
 - B. to encourage municipal action to guide the appropriate use or development of all lands in this state, in a manner which will promote the public health, safety, morals and general welfare.
3. The applicant has demonstrated that the relief requested can be granted without substantial detriment to the intent and purpose of the Zoning Ordinance or Zoning Plan.
 4. The applicant has demonstrated that the purposes of the Municipal Land Use Law would be advanced by the technical deviations from the bulk requirements; the benefits of the deviation (bulk variances) substantially outweighing the detriment.
 5. The applicant has demonstrated that it would be in the best interest of the community and the surrounding neighborhood to approve the site plan submitted.

NOW THEREFORE BE IT RESOLVED that the applicant's request for the following relief is hereby granted:

1. A use variance to permit the continuation of the non-conforming residential use along with the proposed landscaping use; and
2. A variance from the front yard setback requirement as it relates to the existing frame garage (25 ft. required. 21.4 provided); and

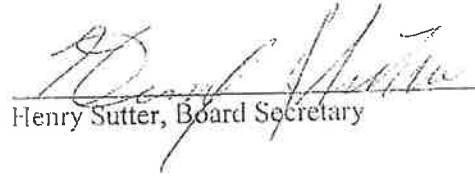
3. A 25 ft. buffer along the boundary that abuts residential uses;
4. Approval of the site plan prepared by James E. Gleary and Associates, originally dated July of 2000 and last revised on January 4, 2001.

The above relief is granted on the following conditions:

1. The applicant apply for and receive all required permits and approvals for the construction; and
2. The applicant meet all of the requirements contained in the letter of the Borough Engineer, i.e. J.C. Cornell, dated January 24, 2001; and
3. The construction shall be in compliance with all of the building requirements of the Borough of Sayreville; and
4. All required fees, escrows, bonds and inspection fees are paid pursuant to Borough Ordinance; and
5. The applicant is subject to the mandatory registration with the Fire Official's office, for any new building that requires same; and
6. Review of site plan by the Construction Official and the Fire Official, if applicable; grading plan review, if applicable; pre-construction meeting with the Borough Engineer and the Construction Official prior to the commencement of work, if required; and the mandatory registration with the Borough Clerk of any new businesses, including food licenses, where applicable; and
7. The applicant will comply with all regulations of the Borough of Sayreville, County of Middlesex, State of New Jersey and the federal government.

8. There is to be no additional water run-off from the premises in question onto any adjacent property.

Dated: 3-26- , 2001


Henry Sutter, Board Secretary

Motion made by Mr. Sutter, seconded by Mr. Kilcomons.

In Favor are:

Against:

Mr. Amaczi (Chairman)
Mr. Daddio
Mr. Kilcomons
Mr. Sutter
Mr. Waitt
Mr. Kuczynski

None

EXHIBIT B



MIDDLESEX COUNTY CLERK

Return To:



Index DEED BOOK
 Book 04977 Page 0368
 No. Pages ~~0006~~ 0007
 Instrument COUNTY DEED
 Date : 11/09/2001
 Time : 2:49:43
 Control # 200111090873
 INST# DE 2001 019665
 Employee ID RBOOKER

INTERGROUP MANAGEMENT, L.L.C.

RECORDING	\$.00
OVERCHARGE	\$.00
EXEMPT	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
Total:	\$.00

STATE OF NEW JERSEY
MIDDLESEX COUNTY CLERK

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ELAINE FLYNN
COUNTY CLERK



Cover sheet is part of Middlesex County filing record
 Retain this page for future reference
 Not part of the original submitted document

BD0977P-368

Prepared By: DENNIS J. HAAG, ESQ.

STORMWATER MAINTENANCE AGREEMENT

RECORDED
ELAINE M. FLYNN
MIDDLESEX COUNTY CLERK

01 NOV -9 PM 2:09

WHEREAS, Intergroup Management, L.L.C.

A New Jersey Limited Liability Company

5000 #
PAGE #
OF PAGES

1197 Knoll Road, Boonton, New Jersey 07005

is the owner of the premises designated as Lot: 1, 2 & 2.01 in Block: 428

As shown on the Tax Map of the ^{Borough} ~~Township~~ of Sayreville

County of Middlesex and State of New Jersey; and

WHEREAS, as a condition of the approval of the site plan granted by the Subdivision and Site Plan Committee of the Middlesex County Planning Board, said approval dated March 28, 2001, and said approval requires the owner of the property to file with the Middlesex County Clerk's office a Restrictive Covenant which requires the lot owners and/or leased occupants to maintain any detention facilities on the premises.

NOW, THEREFORE, in consideration of the promises, covenants, conditions and other good and valuable consideration, Intergroup Management, LLC hereby declares that said, Lot: 1, 2 & 2.01 in Block: 428 herein above described, shall be held, sold and conveyed subject to the following restrictions, covenants, conditions and easements which shall run with the land and be binding upon all parties who have any right, title or interest in the land, or any part thereof, their heirs, executors, administrators, successors and assigns and shall insure to

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their benefit and the benefit of the Middlesex County Planning Board:

1. After the completion of the storm water detention basin and related facilities by the owner, the owner of the premises as they may from time to time be, shall be responsible for the continuing and perpetual maintenance of the storm water detention basin and related facilities and piping located on its premises in accordance with the site plans for proposed Landscape Office/Warehouse building, Lots 1 & 2 in Block: 428 as shown on the Tax Map of the ^{Borough} ~~Township~~ of Savreville.

PREPARED BY: _____

Middlesex County, New Jersey, prepared by James E. Cleary

P.E. and L.S. entitled " (Title of approved site plan) Site Plan for Applied Landscape Technologies. (Block 428, Lots 1, 2 & 2.01, T.M. Sheet 121) situated in the

Borough of Sayreville - County of Middlesex, New Jersey

"and date d July 20, 2000 .

and with revisions dated July 28, 2001 . which was approved by the Middlesex County Planning Board.

2. In the event that the owner shall fail to maintain the drainage system and any and all detention/retention/recharge facilities in reasonable order and condition, as maybe determined from time to time by the designee of the County of Middlesex or the Middlesex County Planning Board, the designee of the County of Middlesex or the Middlesex County Planning Board may serve written notice upon the owners setting forth the manner in which the owner has failed to maintain the drainage system and any and all detention/retention/recharge facilities in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty-five (35) days thereof. If the deficiencies set forth in the original notice or in the modification thereof shall not be cured within said thirty-five (35) days or any permitted extension thereof, the County of Middlesex, in order to preserve the drainage system and any and all detention/retention/recharge facilities and maintain the same, may enter upon and maintain same for such period of time as the County may determine in its sole judgement.

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If the County enters upon or maintains the drainage facilities at its discretion, then any cost and expense including fees of Counsel in the above noted process shall be at the sole cost and expense of the owner. The County and/or its agents and/or its designees shall be held harmless and free of any liability of any kind whatsoever by the owner from any and all acts taken under the authority of this Restrictive Covenant if such actions are taken in good faith.

IN WITNESS WHEREOF, Intergroup Management, LLC
Has signed, sealed and delivered this Restrictive Covenant the 7th day of
August, 2001.

INTERGROUP MANAGEMENT, LLC
CORPORATION



PAUL MARTINO, **President**
MANAGING PARTNER

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