



New Jersey Judiciary  
Superior Court - Appellate Division  
**Civil Case Information Statement**

Please type or clearly print all information.

Title in Full <b>66 KINDERKAMACK, LLC</b> <b>V.</b> <b>BOROUGH OF ORADELL ZONING BOARD OF ADJUSTMENT,</b>	Trial Court or Agency Docket Number <b>BER-L-1399-23</b>
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**Appellant's Attorney \***      Email Address: **hschepisi@oslaw.com**  
**hschepisi@yahoo.com**

☒ Plaintiff    ☐ Defendant    ☐ Other (Specify)

Name <b>HOLLY T SCHEPISI, Esq.</b>	Client <b>66 KINDERKAMACK, LLC*</b>
Street Address <b>14 VILLAGE PARK RD</b>	City      State      Zip      Telephone Number <b>CEDAR GROVE    NJ    07009-1426    973-239-5700</b>

**Respondent's Attorney**      Email Address: **ejb@surenian.com**  
**klg@surenian.com (\*)**

☐ Plaintiff    ☒ Defendant    ☐ Other (Specify)

Name <b>EDWARD J BUZAK, Esq.</b>	Client <b>BOROUGH OF ORADELL ZONING BOARD OF ADJUSTMENT</b>
Street Address <b>311 BROADWAY STE A</b>	City      State      Zip      Telephone Number <b>POINT PLEASANT BEACH    NJ    08742    732-612-3100</b>

Give Date and Summary of Judgment, Order, or Decision Being Appealed and Attach a Copy:  
**September 22, 2023 Order Dismissing Plaintiff's With Prejudice**

Have all the issues as to all the parties in this action, before the trial court or agency, been disposed? (There may not be any claims against any party in the trial court or agency, either in this or a consolidated action, which have not been disposed. These claims may include counterclaims, cross-claims, third-party claims, and applications for counsel fees.) ☒ Yes    ☐ No

If outstanding claims remain open, has the order been properly certified as final pursuant to R. 4:42-2? ☐ Yes    ☐ No    ☒ N/A

A) If the order has been properly certified, attach copies of the order and the complaint and any other relevant pleadings to the order being appealed. Attach a brief explanation as to why the order qualified for certification pursuant to R. 4:42-2.

B) If the order has not been certified or has been improperly certified, leave to appeal must be sought. (See R. 2:2-4; 2:5-6.) Please note that an improperly certified order is not binding on the Appellate Division.

If claims remain open and/or the order has not been properly certified, you may want to consider filing a motion for leave to appeal or submitting an explanation as to why you believe the matter is final and appealable as of right.

Were any claims dismissed without prejudice? ☐ Yes ☒ No

If so, explain and indicate any agreement between the parties concerning future disposition of those claims.

Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? (R. 2:5-1(b)(4)) ☐ Yes ☒ No

Give a Brief Statement of the Facts and Procedural History:

**Plaintiff 66 Kinderkamack LLC ("Plaintiff") appeared before the Borough of Oradell Zoning Board of Adjustment ("Defendant") on June 20, July 18, August 15, September 19, and November 21, 2022. Plaintiff sought Defendant's approval to construct a mixed-use building consisting of 29 residential rental units, 1,180 square feet of office space and 1,246 square feet of retail space. The application also included a request for a use variance, a variance for FAR, and bulk variance. On November 21, 2022, Defendant denied the application by a vote of 4-3. Plaintiff timely appeal Defendant's ruling because Defendant's denial of the requested variance was arbitrary, capricious, and unreasonable. On September 22, 2023, the Court issued a written opinion dismissing Plaintiff's Complaint with prejudice.**

To the extent possible, list the proposed issues to be raised on the appeal as they will be described in appropriate point headings pursuant to R. 2:6-2(a)(6). (Appellant or cross-appellant only.):

- 1. Did the Trial Court err in ruling Defendant Denial of Plaintiff's Application was not arbitrary, capricious, and unreasonable**

If you are appealing from a judgment entered by a trial judge sitting without a jury or from an order of the trial court, complete the following:

- Did the trial judge issue oral findings or an opinion? If so, on what date? ☐ Yes ☒ No
- Did the trial judge issue written findings or an opinion? If so, on what date? 09/22/2023 ☒ Yes ☐ No
- Will the trial judge be filing a statement or an opinion pursuant to R. 2:5-1(d)? ☐ Yes ☐ No ☒ Unknown

**Caution:** Before you indicate that there was neither findings nor an opinion, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to R. 2:5-1(d).

Date of Your Inquiry:

- Is there any appeal now pending or about to be brought before this court which:

- Arises from substantially the same case or controversy as this appeal? ☐ Yes ☒ No
- Involves an issue that is substantially the same, similar or related to an issue in this appeal? ☐ Yes ☒ No

If the answer to the question above is Yes, state:

Case Title	Trial Court Docket#	Party Name
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- Was there any prior appeal involving this case or controversy? ☐ Yes ☒ No

If the answer to question above is Yes, state:

Case Name and Type (direct, 1st PCR, other, etc.)	Appellate Division Docket Number
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Civil appeals are screened for submission to the Civil Appeals Settlement Program (CASP) to determine their potential for settlement or, in the alternative, a simplification of the issues and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question. A negative response will not necessarily rule out the scheduling of a preargument conference.

State whether you think this case may benefit from a CASP conference. ☒ Yes ☐ No

Explain your answer:

**Plaintiff is willing to construct affordable housing units to remedy the Borough of Oradell's neglect.**

Whether or not an opinion is approved for publication in the official court report books, the Judiciary posts all Appellate Division opinions on the Internet.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

**66 KINDERKAMACK, LLC**

Name of Appellant or Respondent

**HOLLY T SCHEPISI, Esq.**

Name of Counsel of Record  
(or your name if not represented by counsel)

**11/06/2023**

Date

**s/ HOLLY T SCHEPISI, Esq.**

Signature of Counsel of Record  
(or your signature if not represented by counsel)

**049951997**

Bar #

**hschepisi@oslaw.com; hschepisi@yahoo.com**

Email Address



New Jersey Judiciary  
Superior Court - Appellate Division  
CIVIL Case Information Statement

Additional appellants continued below

**Appellant's Attorney** Email Address: **nwhittaker@oslaw.com; mchina@oslaw.com**

☒ Plaintiff ☐ Defendant ☐ Other (Specify)

Name

**NICHOLAS PAUL WHITTAKER, Esq.**

Client

**66 KINDERKAMACK, LLC**

Street Address

**14 VILLAGE PARK RD**

City

**CEDAR GROVE**

State

**NJ**

Zip

**07009-1426**

Telephone Number

**973-239-5700**

Additional respondents continued below

Additional parties continued below

Appellant's attorney email address continued below

**PARTY NAME: 66 KINDERKAMACK, LLC ATTORNEY NAME: NICHOLAS PAUL WHITTAKER, Esq.**  
**nwhittaker@oslaw.com**  
**mchina@oslaw.com**

Respondent's attorney email address continued below

**PARTY NAME: BOROUGH OF ORADELL ZONING BOARD OF ADJUSTMENT ATTORNEY NAME:**  
**EDWARD J BUZAK, Esq.**  
**ejb@surenian.com**  
**klg@surenian.com**  
**ecourts@surenian.com**

Additional Party's attorney email address continued below