

RESOLUTION

Township of West Orange

Planning Board

PB 21-10 Altera 769, LLC/ 769 Northfield Avenue

Block: 166.15 Lot: 9; Zone: OB-1

Decided on March 2, 2022

Memorialized on April 6, 2022

C (1) and (2) Variances and Preliminary and Final Site Plan Approval

WHEREAS, Altera 769, LLC (Hereinafter the “Applicant”) has made an application for c (1)and (2) Variances and Preliminary and Final Site Plan approval in order to upgrade the existing building façade along with an addition of a canopy at the building’s entrance and to reconfigure and improve the existing parking area on-site, including the construction of additional sidewalks and striping at property located at 769 Northfield Avenue, also known as Block: 166.15; Lot 9, in the OB-1 Zone; and

WHEREAS, a properly noticed public hearing was conducted on March 2, 2022; and

WHEREAS, the Applicant was represented by Lisa A. John-Basta, Esq. of the firm Chiesa Shahinian & Giantomasi P.C.; and

WHEREAS, the Applicant provided testimony by Joseph Sparone, P.E., P.P. of Dynamic Engineering, a professional civil engineer and planner whose credentials were accepted by the Board (For both Engineering and Planning); and

WHEREAS, the Applicant provided testimony by Lance Blake, R.A., A.I.A., of Rotwein + Blake, a licensed architect in the State of New Jersey whose credentials were accepted by the Board; and

WHEREAS, the Applicant submitted the following documents to the Board in the form of the application package:

ITEM	SIGNED BY	DATE/REVISION
Site Plans	R. Colucco, Dynamic Engineering	Last Revised January 24, 2022
Architectural Plans	L. Blake, Rotwein + Blake	Last Revised February 17, 2022
Traffic Impact & Parking Assessment	C. Peregoy, Dynamic Traffic	Last Revised January 28, 2022
Tree Removal Report with Exhibits	M. Roller, Dynamic Engineering	Last Revised January 2022

Application for Tree Removal and Replacement Permit	Applicant	January 20, 2022
Stormwater Management Report	Dynamic Engineering	January 2022
Stormwater Management Operations and Maintenance Manual Phase I	Dynamic Engineering	January 2022
Stormwater Management Operation and Maintenance Manual Phase II	Dynamic Engineering	January 2022
Report of Geotechnical Investigation	Dynamic Earth	September 23, 2021
Solid Waste Management Plan	Avison Young	September 23, 2021
Application Form	Applicant	January 2022
Sustainability Checklist Form		January 31, 2022
Electric Vehicle Parking Exhibit	Dynamic Engineering	February 17, 2022
Vehicle Circulation Exhibits- Fire, Refuse and Delivery	Dynamic Engineering	February 17, 2022
Low Impact Development Checklist	Dynamic Engineering	February 16, 2022
Affidavit of Publication and Service	Applicant's attorney	February 24, 2022

WHEREAS, representatives of the public asked questions of the witnesses and had an opportunity to offer statements in regard to the application; and

WHEREAS, the Board reviewed and considered the application, testimony and documents submitted therewith; and

WHEREAS, the Board also considered the input of its professionals at the hearing; and

NOW THEREFORE, the Board makes the following findings of fact, based upon the evidence presented at its public hearings, at which a record was made:

1. The Applicant is requesting preliminary and final site plan approval with variance relief for Phase I of the development and preliminary site plan approval with variance relief for Phase II of the development in order to upgrade the existing building façade along with an addition of a canopy at the building's entrance and to reconfigure and improve the existing parking area on-site, including the construction of additional sidewalks and striping at property as well as stormwater improvements and the erection of a monument sign along the frontage.

2. The Phase I development to consist of upgrades to the existing building façade along with the addition of a canopy at the building’s entrance and to re-configure and improve the existing parking area on site, including the construction of additional sidewalks and striping, in order to allow for improved site circulation and more efficient vehicular access, as well as compliance with ADA accessibility standards and the erection of a new monument sign along Northfield Avenue, and Phase II of the development to consist of the construction of 56 additional parking spaces for a total of 282 spaces and is dependent on future tenant needs, and upgrades to the stormwater system.
3. The property is located on Northfield Avenue and the surrounding area is characterized by single family residential development to the Northeast, medical offices and commercial building to the South, single family dwellings and a church to the Northwest.
4. The application requires the following bulk variance relief from the Board:

Phase I- Preliminary and Final Site Plan

Section	Required	Existing	Proposed
25-7.1 Part B	Max permitted lot coverage 50%	57.3%	60.4%, 81.3% effective
25-27.4.b(4)	No person shall be permitted to “Cut down or remove any tree on a slope of 15% or greater in grade or on a slope where vegetation is presently stabilizing soils where a tree removal permit is submitted in connection with a development application, or a parcel upon which a new development is contemplated		Removal of trees on a slope greater than 15% as shown on Demolition & Tree Removal Plan (Phase I) last revised 1/24/22by Dynamic Engineering (Sheet 4), and Landscape Plan (Phase I) last revised 1/24/22by Dynamic Engineering (Sheet 13) And Report last revised January 2022by Marla L.

			Roller of Dynamic Engineering
25-8.8 b & c.	Disturbances of slopes of 25% or more is prohibited. Maximum disturbance area permitted is 20% for slope area of 20-25% slope.		Applicant proposes disturbance of 20.1% of the slope area of slopes in excess of 25% and disturbance of 23.5% of the slope area of 20-25% slope.
25-28.8.f(11) and 25-8.4(c)	Retaining walls will comply with the applicable wall height requirements for the zone in which the property is located. All retaining walls greater than four feet in height shall require a variance and certification by a professional engineer that the wall was constructed in accordance with approved plans.		Proposed retaining wall to exceed four (4') feet.
25.14.1c	Light poles shall not exceed a height of 18 feet above normal grade in the vicinity of the light fixture		Approximately twenty-five (25') feet high
25.14.1d	The level of illumination at ground level shall not exceed 0.5 of a footcandle at the property line, nor 0.3 of a footcandle at any property line		Greater than 0.3 of a footcandle and 0.5 of a footcandle at the property lines (2.1 fc at residential property lines

	abutting a property used by or zoned for residential use.		and 1.8 fc proposed at other property lines)
25.14.3	Minimum level of illumination within parking areas in the OB-1 Zone: 1.5 footcandles required		Illumination less than 1.5 of a footcandle within parking area (1.0 fc proposed)
25.15.3(c)(1)(g)	Maximum width of a freestanding sign on a property with a minimum lot frontage of 100': 6' (Including supporting structure)		Freestanding sign width greater than 6' (7' proposed)
25-12.1and 12.2	452 parking spaces	226 parking spaces	226 parking spaces (modified during the public hearing to 224 parking spaces)

Phase II- Preliminary Site Plan

Section	Required	Existing/Proposed
25-7.1 Part B	Maximum permitted lot coverage in the OB-1 District is 50%	70.1%; 94.4% effective proposed
25-27.4b(4)	No person shall be permitted to "Cut down or remove any tree on a slope of 15% or greater in grade or on a slope where vegetation is presently stabilizing soils where a tree removal permit is submitted in connection with a development application, or a parcel upon which a new	Removal of trees on a slope greater than 15% as shown on Demolition & Tree Removal Plan (Phase II) last revised 1/24/22 by Dynamic Engineering (Sheet 5), and Landscape Plan (Phase II) last revised 1/24/22 by Dynamic Engineering (Sheet 14) And Report last revised January 2022 by Marla L. Roller of Dynamic Engineering

	development is contemplated	
25.28.8.c	Disturbances of slopes of 25% or more is prohibited. Maximum disturbance area permitted is 20% for slope area of 20-25% slope.	Disturbance of 35.2% of the slope area of slopes in excess of 25% and disturbance of 39.7% of the slope area of 20-25% slope.
25.28.8f(11)	Retaining walls will comply with the applicable wall height requirements for the zone in which the property is located. All retaining walls greater than four feet in height shall require a variance and certification by a professional engineer that the wall was constructed in accordance with approved plans.	Proposed retaining wall to exceed 4 feet.
25-14.1c	Light poles shall not exceed a height of 18 feet above normal grade in the vicinity of the light fixture	Approximately 25' high
25.14.1d	The level of illumination at ground level shall not exceed 0.5 of a footcandle at the property line, nor 0.3 of a footcandle at any property line abutting a property used by or zoned for residential use.	Greater than 0.3 of a footcandle and 0.5 of a footcandle at the property lines (2.1 fc at residential property lines and 1.8 fc proposed at other property lines)
25-14.3	Minimum level of illumination within parking areas in the OB-1 Zone: 1.5 footcandles required	Illumination less than 1.5 of a footcandle within parking area (1.0 fc proposed)
25-12.1and 12.2	452 parking spaces	282 parking spaces (modified during the public hearing to 280 parking spaces)

5. N.J.S.A. 40:55D-46a. and b. and N.J.S.A. 40:55D-50a. govern the Board's review of the Phase I preliminary and final site plan application and Phase II preliminary site plan application. N.J.S.A. 40:55D-46a provides that an "ordinance requiring site plan review and approval shall require the developer submit to the administrative officer a site plan and such other information as is reasonably necessary to make an informed decision as to whether the requirements necessary for preliminary site plan approval have been met." N.J.S.A. 40:55D-46a further provides that "The site plan and any engineering documents to be submitted shall be required in tentative form for discussion purposes for preliminary approval. If any architectural plans are required to be submitted for site plan approval, the preliminary plans and elevations shall be sufficient." N.J.S.A. 50:55D-46b provides that "if the planning board required any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development" and "the planning board shall, if the proposed development complies with the ordinance and this act, grant preliminary site plan approval." N.J.S.A. 40:55D-50a. provides that final site plan approval "shall" be granted if the detailed drawings, specifications, and estimates of the application conform to the standards of all applicable ordinances and the conditions of preliminary approval. As such if the applicant meets the standards set forth in the ordinances, the planning board lacks the authority to deny approval of the site plan and subdivision. N.J.S.A. 40:55D-50a; PRB Enters., Inc. v. S. Brunswick Planning Bd., 105 N.J. 1, 7 (1987); Dunkin' Donuts of N.J., Inc. v. Twp. of N. Brunswick Planning Bd., 193 N.J. Super. 513, 515 (App. Div. 1984).

Conversely, if the application does not comply with all ordinance requirements, the Board must deny approval. Cortesini v. Hamilton Planning Board, 417 N.J. Super. 201, 215 (App. Div. 2010). However, there are two exceptions: (1) The first exception is where an application does not comply with all ordinance requirements but the Board grants relief in terms of variances or exceptions. In that case, the Board then must review the application against all remaining ordinance requirements and grant approval if the application complies with all such remaining requirements.

6. N.J.S.A. 40:55D-60 permits a planning board to grant variances from the bulk regulations of a zoning ordinance and other zoning deviations that do not require a "d" variance as part of site plan or subdivision review. The variance proofs are the same as for "c" variances as set forth in N.J.S.A. 40:55D-70. A "c (1)" variance permits a variance from a bulk or dimensional provision of a zoning ordinance, such as frontage, when, by reason of exceptional conditions of the property, strict application of a bulk or dimensional provision would present peculiar and exceptional practical difficulties or exceptional hardship to the applicant. Such exceptional conditions may include the dimensions of the property, topographic conditions, or some other extraordinary or exceptional feature unique to the property. A c (2) variance may be granted when the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements

outweigh any detriments. The benefits derived from granting a “c (2)” variance must include benefits to the community as a whole, not just the applicant or property owner. A “c” variance must address the “negative criteria,” and affirmatively demonstrate that the variance can be granted “without substantial detriment to the public good” and “without substantial impairment to the intent and purpose of the zone plan and zoning ordinance” of the municipality.

NOW, THEREFORE, based upon the foregoing findings of fact, the Board reaches the following conclusions of law:

1. This application requires the following variance relief, as well as site plan approval:

Phase I- Preliminary and Final Site Plan

Section	Required	Existing	Proposed
25-7.1 Part B	Max permitted lot coverage 50%	59.3%	60.4%, 81.3% effective
25-27.4.b(4)	No person shall be permitted to “Cut down or remove any tree on a slope of 15% or greater in grade or on a slope where vegetation is presently stabilizing soils where a tree removal permit is submitted in connection with a development application, or a parcel upon which a new development is contemplated		Removal of trees on a slope greater than 15% as shown on Demolition & Tree Removal Plan (Phase I) last revised 1/24/22 by Dynamic Engineering (Sheet 4), and Landscape Plan (Phase I) last revised 1/24/22 by Dynamic Engineering (Sheet 13) And Report last revised January 2022 by Marla L. Roller of Dynamic Engineering
25-8.8 b & c.	Disturbances of slopes of 25% or more is prohibited.		Applicant proposes disturbance of 20.1% of the slope area of

	Maximum disturbance area permitted is 20% for slope area of 20-25% slope.		sloes in excess of 25% and disturbance of 23.5% of the slope area of 20-25% slope.
25-28.8.f(11) and 25-8.4(c)	Retaining walls will comply with the applicable wall height requirements for the zone in which the property is located. All retaining walls greater than four feet in height shall require a variance and certification by a professional engineer that the wall was constructed in accordance with approved plans.		Proposed retaining wall to exceed four (4') feet.
25.14.1c	Light poles shall not exceed a height of 18 feet above normal grade in the vicinity of the light fixture		Approximately twenty-five (25') feet high
25.14.1d	The level of illumination at ground level shall not exceed 0.5 of a footcandle at the property line, nor 0.3 of a footcandle at any property line abutting a property used by or zoned for residential use.		Greater than 0.3 of a footcandle and 0.5 of a footcandle at the property lines (2.1 fc at residential property lines and 1.8 fc proposed at other property lines)
25.14.3	Minimum level of illumination within parking areas in the		Illumination less than 1.5 of a footcandle within

	OB-1 Zone: 1.5 footcandles required		parking area (1.0 fc proposed)
25.15.3(c)(1)(g)	Maximum width of a freestanding sign on a property with a minimum lot frontage of 100': 6' (Including supporting structure)		Freestanding sign width greater than 6' (7' proposed)
25-12.1and 12.2	452 parking spaces	226 parking spaces	226 parking spaces (modified during the public hearing to 224 parking spaces)

Phase II- Preliminary Site Plan

Section	Required	Existing/Proposed
25-7.1 Part B	Maximum permitted lot coverage in the OB-1 District is 50%	70.1%; 94.4% effective proposed (60.4%; 81.3% effective (Phase 1))
25-27.4b(4)	No person shall be permitted to "Cut down or remove any tree on a slope of 15% or greater in grade or on a slope where vegetation is presently stabilizing soils where a tree removal permit is submitted in connection with a development application, or a parcel upon which a new development is contemplated	Removal of trees as shown on Demolition & Tree Removal Plan (Phase II) last revised 1/24/22 by Dynamic Engineering (Sheet 5), and Landscape Plan (Phase II) last revised 1/24/22 by Dynamic Engineering (Sheet 14) And Report dated last revised January 2022 by Marla L. Roller of Dynamic Engineering
25.28.8.c	Disturbances of slopes of 25% or more is prohibited. Maximum disturbance area permitted is 20% for	Disturbance of 35.2% of the slope area of slopes in excess of 25% and disturbance of 39.7% of the slope area of 20-25% slope.

	slope area of 20-25% slope.	
25.28.8f(11)	Retaining walls will comply with the applicable wall height requirements for the zone in which the property is located. All retaining walls greater than four feet in height shall require a variance and certification by a professional engineer that the wall was constructed in accordance with approved plans.	Proposed retaining wall to exceed 4 feet.
25-14.1c	Light poles shall not exceed a height of 18 feet above normal grade in the vicinity of the light fixture	Approximately 25' high
25.14.1d	The level of illumination at ground level shall not exceed 0.5 of a footcandle at the property line, nor 0.3 of a footcandle at any property line abutting a property used by or zoned for residential use.	Greater than 0.3 of a footcandle and 0.5 of a footcandle at the property lines (2.1 fc at residential property lines and 1.8 fc proposed at other property lines)
25-14.3	Minimum level of illumination within parking areas in the OB-1 Zone: 1.5 footcandles required	Illumination less than 1.5 of a footcandle within parking area (1.0 fc proposed)
25-12.1and 12.2	452 parking spaces	282 parking spaces (modified during the public hearing to 280 parking spaces)

2. Testimony established that the existing 23,391 square foot medical office building will remain with proposed renovations to the exterior of the building and parking lot.
3. The existing parking on site consists of 226 parking spaces with a one-way entrance to the site from the Eastern edge of the property with counter-clockwise traffic circulation and egress on the Western side of the property.
4. The building has pre-existing nonconforming bulk issues which include lot coverage, light pole height, parking shortfalls and as more fully set forth in the above chart.

5. The testimony established that the topography of the property slopes up in the rear and slopes north to south.
6. The proposed exterior renovation to the building includes a porte-cochere on the north side and on the south side a canopy will remain but will be improved aesthetically. Currently there is no formal entrance in the rear and the proposed rear entrance will provide needed drop-off ability for patients to the building.
7. The proposed changes to the parking will increase ADA parking near the building and will be a significant improvement over the current ADA parking which is situated on a steeper slope than current ADA standards permit. The new ADA parking will be a level area. The plan will maintain the current number of parking spaces by utilizing space in the rear of the property.
8. The Applicant originally proposed to reconfigure the parking field to accommodate the site changes while maintaining the existing number of parking spaces on the property at 226 parking spaces, however, during the course of the hearing the Board had requested that one parallel parking stall on each side of the building be removed to allow for greater maneuverability thereby reducing the parking count to 224 parking spaces for the Phase I development.
9. The entire parking lot will be milled and repaved and the sidewalk will be replaced in the front of the building. The parking lot will also be upgraded to add 8' wide landscape islands as per the ordinance requirements.
10. The proposed retaining walls are necessary due to the topographic conditions of the site.
11. Phase II of the project will add an additional 56 parking spaces, bringing the total on site parking spaces to 280 spaces (accounting for the removal of two parallel parking spaces as part of the Phase I development).
12. A variance is required due to steep slopes; however, the steep slope variance is limited to a small portion of the property (15%) and is located mostly to the north part of the property in the undeveloped portion of the property. The Board took note that the testimony presented demonstrated that the steep slope was not naturally occurring but was an accumulation of stockpiles from dirt removal for the construction of the original building and parking area. Testimony also established that there was no danger of landslides from any of the proposed work.
13. The Board also found compelling that the Applicant made significant efforts to lessen the impact on the residential properties by moving the proposed parking area away from the residences on the east and supplementing the space between the residences and the parking lot area with additional trees and landscape buffering.
14. The proofs also demonstrated that the additional storm water runoff from the proposed additional impervious coverage will be adequately managed with the existing storm water management system already on site as well as new proposed underground stormwater management system.

15. As to Phase II, the additional parking will also be extended on the west side and allow for the continued tree and landscape buffer to the east along the residential properties. The additional impervious coverage will trigger the construction of a new storm water retention facility to be built on the west side of the parking lot (Mid way) adjacent to the current detention facility.
16. While the Applicant proposes to remove a number of trees which are detailed in the plans submitted, the Board takes note that the tree replacement exceeds the ordinance requirements and appear to be appropriate and will improve buffering to the residences and within the parking lot to bring the lot into greater conformity with parking lot requirements.
17. The proposed light poles in the parking lot are designed to match the existing light poles in height and will have LED lighting. The lighting proposed while exceeding the permitted foot candle brightness in some areas and being under the proposed standard footcandle brightness in others is balanced to provide security for persons in the parking lot and reduce the brightness near the residential properties.
18. The Board took note of the parallel parking spaces on the East and West sides of the building and that the length of those spaces are tight and may present difficulties for those attempting to parallel park. The Applicant accepted the condition that the parallel parking spaces be lengthened to an 8' x 22' size to allow for more efficient parking while reducing one existing parallel space on each side of the building to create the additional length.
19. Testimony of the Applicant's planning expert established that the bulk variances requested could be granted as a c (1) variance as there is a hardship created by the topography of the property, the shape of the property being very long and narrow, and the existence of structures lawfully located thereon.
20. As for the parking variances, the Board notes that even if the entire property was paved, there would not be space for the required 452 parking spaces (And such extreme paving would create other issues with respect to lot coverage and adverse effects on neighboring properties and steep slope issues.)
21. The requested height increase for the retaining walls is necessary for the site conditions. The existing retaining walls are already in excess of the ordinance allowances.
22. The light poles proposed are to match the existing conditions and are designed to promote safety in the parking lot with consideration to the neighboring residential properties.
23. Finally, the proposed lot coverage is necessary for increasing and improving ADA parking, creating drop off aisles and allowing upgrades to the medical building.
24. As for the requested bulk variances, they also satisfy a c (2) criteria as Applicant has provided credible evidence that the following purposes of the MLUL set forth in N.J.S.A. 40:55D-2 are advanced. Paragraph a. of the statute is advanced as there will be more ADA accessibility provided by the proposed development and the proposed sign will promote public safety as it will make the site more identifiable for safe access. (The sign

complies with the area requirements but is slightly wider than allowed, which creates the need for a variance.) Further, under paragraph i. the sign and overall property upgrades will promote a desirable visual environment through creative design. The medical building is a permitted use in the zone and the proposed upgrades will advance paragraph g of the statute as it will allow the medical building to function more efficiently and safely. Paragraph i. is also further advanced by the rehabilitation of the building which is currently underutilized and in need of upgrades and modernization. Paragraph m. of the statute is established by the project as it provides for more efficient use of the land and is rehabilitating an existing building instead of tearing down and building new.

25. With respect to the negative criteria under the MLUL, the Board accepts the testimony that there is no detriment to the public good as most of the variances are due to pre-existing deficiencies such as number of parking spaces, lighting and any increases to the existing conditions (Impervious coverage) are adequately addressed by storm water management and landscape buffers.
26. The project meets the goals of the Master Plan as it fulfills the goals and objectives including, Objective #16- Encouraging Economic Development and Redevelopment That is Compatible with the Suburban Character of the Township as it encourages economic redevelopment and Objective #2: Ensure That the Public's Safety is Secured as the project addresses the issues with flooding (Storm water management, and topography).

NOW THEREFORE be it resolved by the Planning Board of the Township of West Orange that preliminary and final site plan approval for Phase I with variance relief and preliminary site plan approval for Phase II with variance relief for the application of Altera 769, LLC for property located at 769 Northfield Avenue, is determined as follows:

1. The Board grants the following bulk variance relief pursuant to N.J.S.A. 40:55D-70c (1) and c(2):

Phase I- Preliminary and Final Site Plan

Section	Required	Existing	Proposed
25-7.1 Part B	Max permitted lot coverage 50%	59.3%	60.4%, 81.3% effective
25-27.4. b(4)	No person shall be permitted to "Cut down or remove any tree on a slope of 15% or greater in grade or on a slope where vegetation is presently stabilizing soils where a tree removal permit is		Removal of trees on slopes greater than 15% as shown on Demolition & Tree Removal Plan (Phase I) last revised 1/24/22 by Dynamic Engineering

	submitted in connection with a development application, or a parcel upon which a new development is contemplated		(Sheet 4), and Landscape Plan (Phase I) last revised 1/24/22 by Dynamic Engineering (Sheet 13) And Reportlast revised January 2022 by Marla L. Roller of Dynamic Engineering
25-8.8 b & c.	Disturbances of slopes of 25% or more is prohibited. Maximum disturbance area permitted is 20% for slope area of 20-25% slope.		Applicant proposes disturbance of 20.1% of the slope area of sloes in excess of 25% and disturbance of 23.5% of the slope area of 20-25% slope.
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25.14.1c	Light poles shall not exceed a height of 18 feet above normal grade in the		Approximately twenty-five (25') feet high

	vicinity of the light fixture		
25.14.1d	The level of illumination at ground level shall not exceed 0.5 of a footcandle at the property line, nor 0.3 of a footcandle at any property line abutting a property used by or zoned for residential use.		Greater than 0.3 of a footcandle and 0.5 of a footcandle at the property lines (2.1 fc at residential property lines and 1.8 fc proposed at other property lines)
25.14.3	Minimum level of illumination within parking areas in the OB-1 Zone: 1.5 footcandles required		Illumination less than 1.5 of a footcandle within parking area (1.0 fc proposed)
25.15.3(c)(1)(g)	Maximum width of a freestanding sign on a property with a minimum lot frontage of 100': 6' (Including supporting structure)		Freestanding sign width greater than 6' (7' proposed)
25-12.1and 12.2	452 parking spaces	226 parking spaces	224 parking spaces

Phase II- Preliminary Site Plan

Section	Required	Existing/Proposed
25-7.1 Part B	Maximum permitted lot coverage in the OB-1 District is 50%	70.1%; 94.4% effective proposed (60.4%; 81.3% effective (Phase 1))
25-27.4b(4)	No person shall be permitted to "Cut down or remove any tree on a slope of 15% or greater in grade or on a slope where	Removal of trees on slopes greater than 15% as shown on Demolition & Tree Removal Plan (Phase II) last revised 1/24/22 by

	vegetation is presently stabilizing soils where a tree removal permit is submitted in connection with a development application, or a parcel upon which a new development is contemplated	Dynamic Engineering (Sheet 5), and Landscape Plan (Phase II) last revised 1/24/22 by Dynamic Engineering (Sheet 14) And Report last revised January 2022 by Marla L. Roller of Dynamic Engineering
25.28.8.c	Disturbances of slopes of 25% or more is prohibited. Maximum disturbance area permitted is 20% for slope area of 20-25% slope.	Disturbance of 35.2% of the slope area of slopes in excess of 25% and disturbance of 39.7% of the slope area of 20-25% slope.
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25-14.1c	Light poles shall not exceed a height of 18 feet above normal grade in the vicinity of the light fixture	Approximately 25' high
25.14.1d	The level of illumination at ground level shall not exceed 0.5 of a footcandle at the property line, nor 0.3 of a footcandle at any property line abutting a property used by or zoned for residential use.	Greater than 0.3 of a footcandle and 0.5 of a footcandle at the property lines (2.1 fc at residential property lines and 1.8 fc proposed at other property lines)

25-14.3	Minimum level of illumination within parking areas in the OB-1 Zone: 1.5 footcandles required	Illumination less than 1.5 of a footcandle within parking area (1.0 fc proposed)
25-12.1 and 12.2	452 parking spaces	280 parking spaces

2. Preliminary and final site plan approval is granted for Phase I and preliminary site plan approval is granted for Phase II along with the variance approvals set forth above.

AND IT IS FURTHER RESOLVED that the above approval is subject to the following terms and conditions:

1. The Applicant shall comply with all applicable Township, County, State and Federal laws, ordinances, regulations and directives, including without limitation, obtaining all applicable local, state and federal approvals and/or permits. Without limitation of the foregoing, prior to the signing of the approved site plans, and prior to the commencement of any land disturbance or construction but excluding interior renovations, the Applicant shall submit to this Board, with a copy to the Board Engineer, proof that it has obtained all required governmental approvals.
2. If another governmental entity or agency grants a waiver or a variance affecting the plans and/or exhibits submitted by the Applicant, this approval or the conditions attached to it, then the Applicant shall re-apply to this Board respecting the same and this Board shall have the right to view that issue as it relates to this approval and these conditions and modify and amend same, if appropriate.
3. In the event that any other required regulatory approval conflicts with the terms and conditions hereof, or materially alters the same, or the terms and conditions hereof are materially altered by any change in applicable law or regulation other than those municipal regulations for which change is prohibited by the Municipal Land Use Law (MLUL), or in the event Applicant or its successor or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, amend or supplant the instant approval.
4. All construction, use and development of the property shall be in conformance with the plans approved herein, all representations of the Applicant and its witnesses during the public hearing, all exhibits introduced by the Applicant, and all terms and conditions of this resolution.
5. The Applicant shall pay all outstanding taxes, tax liens, application fees and technical review fees, as well as any inspection fees that may be required hereunder. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of the notification or this approval shall be deemed withdrawn.

6. All notes included in the approved plans, including notes required by this Resolution, shall be deemed conditions of approval having the same force and effect as conditions expressly set forth in this Resolution.
7. The length of the parallel parking spaces along the sides of the building shall be increased which will result in a decrease of one parallel parking space on each side.
8. The front parking area driveway will be widened and the gate removed.
9. The building shall have a light color roof (Applicant will use either white or gray TPO).
10. The proposed signage as to vehicle speed, fire lanes, delivery zones and other directional or informative directions shall be submitted to the Township Planner and Fire Department for approval.
11. Security lighting shall be provided in the parking lot.
12. Visual security/surveillance cameras shall be located in the rear of the building facing the parking lot and in the front of the building capturing people entering the building.
13. Hours of operations shall be as permitted as per Township Ordinance.
14. Preliminary site plan with variance relief only is granted for Phase II.
15. Applicant agrees to comply with the recommendations and directives set forth in the reports of the Township Engineer and Planner.
16. Applicant shall install Electric Vehicle Parking as per plans submitted with Application.
17. Applicant shall list all conditions of approval onto a final site plan submission.

The undersigned secretary certifies the decision set forth herein was made by this Board on March 2, 2022, and memorialized herein pursuant to N.J.S.A. 40:55D10(g) on _____.

Diana L. Chandler-Zimmermann, Acting
Board Secretary

Vote Action Taken by the Board on March 2, 2022:

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
K. Alper			X			
J. Guarino			X			
L. Klein			X			
S. McCartney						-----
J. McNair			X			
C. Morgan			X			
P. Smeraldo			X			
W. Wilkes		X	X			
S. Jensen			X			
R. Bagoff	X		X			

Vote on Memorialization on April 6, 2022:

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
K. Alper						
J. Guarino						
L. Klein						
S. McCartney						
J. McNair						
C. Morgan						
P. Smeraldo						
W. Wilkes						
S. Jensen						
R. Bagoff						