

Exhibit A-1

RESOLUTION PB-2019-009

PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
WITH ANCILLARY BULK VARIANCE RELIEF
DESIGN STANDARD EXCEPTIONS
ENVIRONMENTAL PROTECTION WAIVER

Case #PB-037-18

PLANNING BOARD
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC, STATE OF NEW JERSEY

WHEREAS, 220 BERDAN LLC, hereinafter "Applicant," of 6 Lawrence Court Old Tappan, NJ 07675 has applied to the Wayne Township Planning Board, hereinafter "Board," for certain land development approval(s) (sometimes referred to as "Project") in the form of preliminary site plan pursuant to N.J.S.A. 40:55D-46, final site plan pursuant to N.J.S.A. 40:55D-50, ancillary bulk variance relief pursuant to N.J.S.A. 40:55D-70c, design standard exception pursuant to N.J.S.A. 40:55D-51.b, Environmental Protection (EP) waiver pursuant to Wayne Township Land Development Ordinance (LDO) § 134-91.3 for property ("Property" or "Subject Property") designated by the Township as Block 3200, Lot 16, also known as 220-228 Berdan Avenue, which Property lies in the Township's B-Business Zoning District; and

WHEREAS, the Board has determined that it has jurisdiction to hear and decide the within application; and

WHEREAS, the Board has examined the application and accompanying exhibits, held public meeting(s), received testimony from and/or on behalf of the Applicant and its professionals, and considered arguments of counsel, has considered the comments and recommendations of the Township staff and any other consultants called upon and has applied its own collective local knowledge; and

WHEREAS, the Board held and conducted public hearing(s) on February 11, 2019, at which time the Applicant was represented by Stephen P. Sinisi, Esq. of Paramus, NJ, and the general public and any interested parties were given the opportunity to be heard; and

WHEREAS, the Board has adopted minutes of meetings for the public hearing(s) conducted in this matter, which minutes are incorporated herein and made a part hereof by reference as if set forth at length and verbatim in conjunction with this application as if set forth verbatim; and

WHEREAS, the necessary Township agencies have reviewed this application and have provided reports, which reports are incorporated herein and made a part hereof by reference as if set forth at length and verbatim; and

NOW, THEREFORE, the Board after careful and deliberate consideration of the above makes the following findings of fact:

1. The Administrative Officer deemed the application incomplete pending the Board's action and decision upon the Applicant's request to waive certain open checklist completeness items, as follows:
 - a. Section 134-111.5(4): Letter of Interpretation (LOI) or Presence/Absence letter from the NJDEP
 - b. Section 134-111.5(55): Location of wetlands and wetland transition areas in accordance with the LOI

The Board granted the waivers and declared the application complete as of the date of the said public hearing; said waivers are granted for completeness checklist purposes only.

2. In support of the application, the Applicant presented testimony from the following:

Name	Function
Matthew B. Jarmel, A.I.A., M.B.A.	of Jarmel Kizel Architects and Engineers, Inc., 42 Okner Parkway, Livingston, NJ 07039 Architect for the project
Gerard P. Gesario, P.E.,	of Jarmel Kizel Architects and Engineers, Inc., 42 Okner Parkway, Livingston, NJ 07039; project civil Engineer for the project
Charles Olivo, PE, PTOE,	of Stonefield Engineering & Design, LLC, 75 Orient Way, Suite 303, Rutherford, NJ 07070; Traffic expert/engineer for the project

3. In support of the application, the applicant submitted:

Item	Description
1	Application filed 2019-01-10
2	Stormwater Management Report prepared by Jarmel Kizel Architects & Engineers, Inc. of Livingston, NJ
3	Preliminary & Final Site Plan Application prepared by Jarmel Kizel Architects and Engineers, Inc., with page 1 having a base date of 2018-09-20 and revised to 2019-01-04, and the other pages having varying base and revision dates, the set consisting of 17 sheets
4	Traffic Impact Study prepared by Charles D. Olivo, PE, PP, PTOE and Matthew J. Seckler, PE, PP, PTOE of Stonefield Engineering & Design, of Rutherford, NJ, dated 2018-10-19
5	Evaluation for Presence/Absence of Wetlands prepared by Sonja Ommundsen, PE of Stonefield Engineering & Design, dated 2018-12-21
6	On-Site /wetland Delineation, prepared by Sonja Ommundsen, PE of Stonefield Engineering & Design, dated 2019-01-04
7	Boundary & Topographic Survey prepared by Mark S. Martins, PE, PLS of Mark Martins Engineering, LLC of Norwood, NJ, dated 2018-08-28 (revised to 2018-12-18) consisting of one sheet
8	200' Utility Plan prepared by Mark S. Martins, PE, PLS of Mark Martins Engineering, LLC of Norwood, NJ, dated 2018- 2018-12-18, consisting of one sheet
9	Architectural plans entitled "The Learning Experience," prepared by Cheryl Schweiker, AIA of Jarmel Kizel Architects and Engineers, Inc. dated [not listed], no revisions, consisting of 4 sheets

4. In further support of the application, the Applicant had marked into evidence exhibits as follows:

Exhibit No.	Description
A-1	Colorized site exhibit depicting sheet E-200 previously submitted in support of the application
A-2	Rendering of the site showing four-tenant mixed use retail building and two-story child care center and indicating proposed materials to be used
A-3	Architectural drawings (4 sheets) previously submitted in support of the application

Exhibit No.	Description
A-1	Colorized site exhibit depicting sheet B-200 previously submitted in support of the application
A-4	Boundary & Topographic Survey by Mark Martins Engineering, LLC, previously submitted in support of the application
A-5	Stormwater Management report dated 2018-10-16, previously submitted in support of the application
A-6	Revised plans, revised to 2019-01-04, which include a total of 77 parking spaces

5. The Board has received reports from Township staff and consultants as follows:

Item	Description
1	Engineering Dept report dated 2019-02-06, with comments
2	Planning Dept report dated 2019-02-05, with comments
3	Health Department memo dated 2019-01-16, indicating no comments or recommendations
4	<p>Superintendent of Water & Sewer Memo dated 2019-01-24, with comments which can be summarized as follows:</p> <ul style="list-style-type: none"> a. The existing septic system is not shown on the plans, same must be abandoned and decommissioned. b. The sanitary cleanouts shall be at the Right-of-Way line. c. A TWA permit is required for a sewer extension to two buildings. d. Industrial Pretreatment Permits will be required for any tenants with cooking or non-domestic sewer discharge. Grease tanks and sampling points would be required. Please contact Ms. Jane Martyn for permit information at 973-694-5090 x 4239. e. The existing water main is a 12" AC pipe approximately 4-5 feet deep, under or along the easterly curb line in Berdan Avenue. The proposed sanitary sewer manhole #1 is shown at the curb line and 12 feet deep; this will conflict with the water main. The manhole and main must be relocated. f. The domestic and fire service lines do not have to be two separate lines. One line can be run into each building and the domestic and fire lines can be split inside the building. g. The existing water service line to be abandoned must be cut and capped at the main. h. The details for the curb valve, thrust blocks, water main connection sanitary closeout, and sanitary sewer building connection are not the Township standards.
5	Fire Dept. memo dated 2019-01-11, indicating that a fire hydrant should be located in the area of the Learning Center building and within 100 feet of the fire department connection
6	ADA Subcode Official memo dated 2019-01-16 indicating that the proposed development plans are ADA compliant for parking
7	<p>Superintendent of Landscape and Park Design memo dated 2019-01-28 with comments, summarized as follows:</p> <ul style="list-style-type: none"> a. The proposed landscape plan is lacking in creativity and should be revised. More vertical planting elements should be introduced to the property along with a balanced mixture of varied sized perennials in planting

Item	Description
	<p>beds. The parking lot islands should be revised to include some deciduous shade trees to break up the continuous pavement proposed for the site.</p> <p>b. The proposed Rosehill Ash should be removed from the plan and replaced with a different species of tree.</p> <p>c. A heavy evergreen screen should be proposed between the proposed Learning Center Building and the existing High School parking lot to the north.</p>

6. General Description of Property. The subject site contains 1.62 acres and is currently occupied by four single-story residences and multiple accessory structures. The site is deeper than it is wide and is generally rectangular in shape with the northerly (left side when viewed from the street) side property line being shallower (to wit, 305.30 feet) than the southerly property line (to wit, 432.32 feet) owing to the sweeping arc of Berdan Avenue; the property measures 227.49 feet along the front (westerly) property line arc and the rear (easterly) property line measures 187.99 feet. The property presently contains two macadam driveways which provide ingress/egress to and from Berdan Avenue; the site is extensively covered with trees and foliage. The property is generally flat and slopes downward to the north, with an overall grade decrease of approximately 7 feet from the south side to the north side.

7. The subject property is located on Berdan Avenue, which is a four (4) lane roadway under the jurisdiction of the County of Passaic (i.e., a 'County' road). Berdan Avenue extends from Hamburg Turnpike to the south to Franklin Lakes Road in the Boroughs of Oakland and Franklin Lakes, Bergen County, to the north. Wayne Hills High School is situated to the north and east of the subject property, and a commercial building which for many years has been the home of the Passaic County Board of Realtors, lies to the south. Across Berdan Avenue from the subject property is the northerly entrance/exist for a multi-building shopping center known as Corrado Plaza. Across Berdan Avenue and toward the north is the southerly end of Point View Reservoir. Southerly along Berdan Avenue are numerous commercial developments including the Preakness Shopping Center and the Wayne Hills Mall. Additionally, there are three residential developments to the south: Sunrise of Wayne (an assisted living center), Brittany Chase Condominiums, and Berdan Court Garden Apartments. Based on a review of Google Street View imagery, it appears that the sidewalk along Berdan Avenue is utilized by students from the Wayne Hills High School.

8. The Applicant is a contract purchaser of the property.

9. General Description of Project. The Applicant proposes to clear the site by demolishing existing structures and removing numerous trees and to construct two (2) new commercial buildings. The entire site is expected to be disturbed" as defined under the Township's Environmental Ordinance ('EP Ordinance') including disturbance of some areas where the slope is equal to or greater than 30%. The Applicant shall submit a revised/updated EP Ordinance plan and calculation. The two building will be staggered primarily to afford each building visibility from Berdan Avenue. The Applicant's plans show that the Applicant counted a total of 60 qualifying trees will be removed, however, at hearing the Applicant expressed uncertainty as to whether trees were counted in an area of the site that is particularly heavily wooded, and thus there may be additional qualifying trees that will have to be removed and the Applicant will be required to

conduct an additional trees survey to the satisfaction of the Board's professionals.

10. One of the two buildings which will be located toward the left-rear (north easterly) of the property is intended to be used exclusively as facility for "The Learning Experience". The Learning Experience ("TLE") is a multi-state operating franchise company which began, in New Jersey, in or about 2003. It combines child care and early childhood pre-kindergarten child development and education. It presently operates over 230 facilities and boasts a daily childcare population of over 25,000. TLE will be licensed to serve children up to 12 years of age, but generally their facilities serve children ages from young infant through 6 years of age. The Applicant anticipates NJ State licensing for up to 153 children and thus anticipates 28 Staff. Parents dropping-off children are required to park and physically 'walk' the children into the building. TLE will operate Monday through Friday and does not generally have special events (i.e., holiday shows, parents' nights, etc., but there may be occasional 'open house' events) at its facilities. Children drop-off and pick-up are staggered, and the Applicant's operational history has shown that for a facility of this size, it expects: generally 6 to 8 parents to be dropping-off or picking-up children at any one time, 10% of its student population will absent on any given day, and 25% of its children will be siblings of other children in its care (thereby lessening the number of child drop-off & pick-up events).
11. The second building, to be located at the right-front (south west) of the site will be used for as yet undetermined retail businesses.
12. The following summarizes the proposed use:

Proposed Uses & configuration:

- The front building will be constructed on the south side of the lot near Berdan Avenue, and as originally presented, will be one-story and contain 8,620 square feet of retail space and rectangular in shape. As shown on the plans, the Applicant anticipates the building will be divided for up to four (4) retail spaces, however, the Applicant does not propose any specific restriction on the number of such tenants and the actual number may be more or may be less than four. As originally proposed and presented, the 'front' building was to be sited with a front setback (e.g., setback from the front property line) of approximately 20 feet; at hearing, the Applicant elected to amend its plan and proposed instead to provide for a minimum front setback of 30 feet. The amended building may continue to be rectangular in shape, which the Applicant estimates will decrease the building size by approximately 520 square feet or the Berdan Avenue side of the building may be angled to generally follow a 30 foot front setback from the front property line the Applicant shall have either as an option. Primary/customer access to the retail units will be provided from the northern façade of the building, which will be the architectural 'front' of the building with secondary ingress/egress located the rear of the building.
- The rear building will be a two-story structure and will contain 10,797 sq. ft. It will be located toward the northeasterly corner of the property and its architectural 'front' (and the main entrance) will face westerly. To the rear (easterly) of the building will be a 4,040 sq. ft play area which will be wider than the width of the said building and which will be enclosed by a six (6) foot high 'solid' type (as opposed to chain-link type) fence; the notation(s) in the plan indicating a fence height of higher than 6 feet is to be modified accordingly. At hearing the Applicant advised that it had not yet decided upon a particular color for the fence and agreed with and accepted the Board's suggestion that the Applicant consider options other than 'stark

white'. In that regard, the Applicant shall consult with and advise the Township's Superintendent of Landscape and Park Design. The Applicant's plans for the playground do not show any type of 'emergency' gate in the fence; while the Board, in that regard, has opted to defer to the Township Construction Official and to the review by the New Jersey Department of Children and Families (which licenses such facilities), the Board strongly suggests that same be seriously considered. The playground will contain age appropriate playground equipment, which will include some that will have canvas sunshades, but the area will not contain storage sheds or similar structures. At hearing, the Applicant explained that the playground will be governed by the Playground Safety Code portion of the State Building Code. On each side (north and south) of the building and extending from the said playground toward the 'front' of the building will be fencing which will match the playground fence but have a height of four (4) feet. The plans show that bollards will be placed along said fencing. The said four-foot fencing will include associated gating. That rear building and accompanying outdoor accessory areas, such as the playground, will be used exclusively by The Learning Experience. The entrance to The Learning Experience will be located on the architectural front (western façade) of the building and the building height will comply with the Township's ordinance which limits the height to a maximum of 2 ½ stories and 35 feet.

Circulation:

- Ingress and egress will be provided from Berdan Avenue. The driveways will be configured in a wedge shape, with signage requiring a right turn only for egress; at hearing the Applicant explained that the County has advised requirement for a slight geometry change for the ingress/egress of the driveway entrances, which are shown in the rendering presented, but not as yet incorporated into the presented site plan. 77 parking spaces will be provided, including four ADA accessible parking spaces. The parking calculation includes two components, the retail building which, under the Township's ordinance, calculates as requiring 44 parking spaces, and 33 spaces for the TLE usage. The Township ordinance does not contain a specific calculation for parking spaces for child daycare uses, and instead leaves same to the Board's wisdom and determination. In that regard, the Board received and has accepted the testimony of the Applicant's professionals, including of its traffic engineer, and accepts the Applicant's calculation of parking requirement for the TLE use. On-site circulation will be configured to create two loops: a front loop and a rear loop. The rear loop is one-way only providing counter-clockwise circulation. The front loop provides two-way circulation along the south side of the loop and one-way westbound circulation along the north side of the loop.
- On-site Pedestrian Circulation. At hearing, the Applicant, the Board and the Board professionals discussed a need for modification of the site plan to accommodate pedestrian circulation including creation of designated walkways. Discussed, and the Board recognizes, that the addition of same may require the loss of one or perhaps two of the proposed parking spaces and the loss of a small amount of green space. The Applicant shall amend its site plan to include same, which will be to the satisfaction of the Board's professionals; should there be an unresolved disagreement as between the Applicant and the Board's professionals, the issue shall be presented to the Board to determination.

Utilities:

- As originally presented, a trash enclosure was proposed to be located along the northern property line to the front of the rear building sited 10 feet from the property line, thus requiring a setback variance. At hearing, it was resolved that the Applicant will modify its plan so as to relocate the

proposed dumpster to the south side of the site and adjacent to the southeasterly corner of the proposed retail building at a location that will be generally in-line with the south plane of the building; no variance will be needed for this location. Electric and communications services will be provided to the front building from a telephone pole at the southwest corner of the property, and service to the rear building will be from the northwest corner of the property.

- Utilities will be constructed underground in accordance with Township Code.
- A NJDEP Treatment Works Approval ('TWA') will be required.

Grading

- A retaining wall will be constructed along the northern line of the property. The wall will be approximately 4-7 feet tall. A variance is needed for that portion of the wall that will have a height that exceeds six (6) feet.

Drainage

- On-site drainage will be connected to an underground infiltration system located under the rear parking area. A riverstone drainage swale is proposed at the outlet of the piping.

Landscaping

- A mix of landscaping will be provided along the north and south sides of the property, along Berdan Avenue, and within islands in the parking lot. The remainder of the undeveloped lot will be seeded for grass. The area shown as riverstone drainage swale will also be seeded for grass.

Signage

- A 4' x 8' monument sign is proposed facing Berdan Avenue, to the south of the ingress/egress. This monument sign will include carved silver letters/logo, and two lines of changeable text.
- The front building will include 4 wall signs; two signs at 123 sq ft and two signs at 108 sq ft.
- The rear building will include a 35 sq ft internally lit sign for The Learning Experience.

Architecture

- The two buildings will be composed with a red brick base and light grey precast sill, with the remainder of the building constructed in two different (TBD) colors of EFIS material. Gooseneck lighting will be provided along the front of the front building with wall mounted lighting proposed on the columns of the side and rear of the building. There will be Code compliant lighting above each secondary door of both buildings. Applicant specified that lighting would be shielded to prevent glare and spillage.

Lighting

- Lighting calculations have been provided based on six pole mounted lights and two lighting fixtures that appear to be mounted under the front canopy of the rear building.

Waivers Required as Called-out in Planning and Engineering Report

The required Design Waivers are set forth in combination of the Planning Department Report and the Engineering Report; some waivers called-out in the Planner's Report are no longer applicable because of changes and clarifications made at hearing:

- Section 134-71.5.C: Pedestrian Circulation
 - Required:

- Pedestrian connections provided between adjacent commercial uses
 - Landscaped buffer provided between pedestrian and vehicular paths
 - Safe and convenient pedestrian walkway from parking lots, sidewalks, and primary entrances
 - 5 foot setback from all buildings
 - Bicycle access drives
 - Proposed: Sidewalks around buildings only, with no access through the parking lot or to the sidewalk provided.
 - At hearing, the Applicant agreed to revise the site plan to provide Pedestrian Circulation.
- Section 134-72.2.B(6): Pedestrian Pathways
 - Required: Pedestrian walkways throughout the parking lot.
 - Proposed: No pedestrian walkway
 - At hearing, the Applicant agreed to revise the site plan to provide Pedestrian Circulation.
- Section 134-72.2.B(1): Parking Islands
 - Required: 10 feet wide
 - Proposed: Less than 10 feet wide
- Section 134-72.2.B(4): Landscaping of Islands
 - Required: 1 tree per 10 parking spaces
 - Proposed: 2 trees in parking islands
 - Note: 24 trees are proposed for the entire site.
- Section 134-77.E(1): Lighting of Parking Lots
 - Required: Minimum 0.5 and maximum 1.0 lumens (footcandles)
 - Proposed: Minimum 0.1 and maximum 4.7 footcandles
 - At hearing, the Applicant agreed to revise the site plan to provide said minimum lumens, the Board granted Waiver permitting the said excess lumens.
- Section 134-77.E(3): Lighting at Property Lines
 - Permitted: 0.1 lumens (footcandles)
 - Proposed: 1.6 footcandles
 - At hearing, the Board granted Waiver permitting the said excess lumens.
- Section 134-85.5: Shade Trees
 - Required: 1 large tree per 60 feet frontage or 1 medium tree per 50 feet frontage
 - Proposed: 2 medium trees for 227 feet of frontage (1 per 113.5 feet).
 - At hearing, the Board granted a Waiver
- EP waivers, Section 134-91.3: Slope and Soil Disturbance
 - At hearing, the Board granted Waiver
 - The Applicant shall submit a revised/corrected EP Plan and Calculation.

NOW, THEREFORE, the Board hereby makes the following conclusions of law, based upon the foregoing findings of fact

Site Plan (Major). The Municipal Land Use Law allows municipalities to grant to an applicant preliminary and final site plan relief to enable development of a site within the scope specifically permitted by ordinance. The within proposal is classified as a major site plan and meets the minimum requirements necessary to enable the Board to grant major site plan approval.

Bulk Variance. With respect to the "c" variance relief, the Municipal Land Use Law provides the Board with the power to grant variances from strict bulk and other non-use related issues when the applicant satisfies certain proofs which are enunciated in the statute. Specifically, the applicant may be entitled to relief if this specific parcel is limited by exceptional narrowness, shallowness or shape. An applicant may show that exceptional topographic or physical features exist that uniquely affect a specific piece of property. Further, the applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the c(2) criteria, the applicant has the option of showing that, in a particular instance relating to a specific piece of property, the purpose of the act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted pursuant to the Zoning Ordinance. Those categories specifically enumerated above constitute the positive proofs necessary in order to obtain "bulk" or c variance relief. Finally, an applicant must show also that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. It is only in those instances when the applicant has satisfied both these tests, that a Board, acting pursuant to the statute and case law, can grant relief. The burden of proof is upon the applicant to establish these criteria.

In reviewing the application plans and testimony, the Board concludes that the Applicant has met both the positive and the negative criteria that are required in order for the Board to grant the relief specifically being sought.

Turning next to the negative criteria, the Board concludes that the application does not negatively impact the public good, the zone plan nor the zone scheme of the area. The Board noted

Municipal Design Standard Exception. The Municipal Land Use Law (MLUL) allows municipalities to grant exceptions from the requirements of municipal design standards upon a showing by the Applicant that the literal enforcement of the provision of the ordinance design criteria is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

The Board, after considering the evidence presented by the Applicant, is satisfied that the Applicant has met its burden of proof and has presented a case, satisfactory to the Board, of entitlement to the exception(s) (sometimes known as "waiver(s)) herein granted from the Municipal Design Standards.

Environmental Protection Ordinance ("EP" Ordinance). The LDO at 134-91.5 provides the Board with the power to grant waiver relief from standards contained therein when the applicant satisfies certain proofs which are enunciated in the ordinance. Specifically, the Applicant may be entitled to relief if it can clearly demonstrate that, because of peculiar conditions pertaining to the land, the literal enforcement of one or more of these regulations is impracticable or will exact undue hardship. In that case, the Board may permit such variations or modifications as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by the EP Ordinance. The applicant must also demonstrate that the requested exception will not have an adverse effect on surrounding properties, the neighborhood and/or upon the Township in general.

The Board, after considering the evidence presented by the Applicant, is satisfied that the Applicant has met its burden of proof and has presented a case, satisfactory to the Board, of entitlement to the exception(s) (sometimes known as "waiver(s)) herein granted from the EP Ordinance. The Board is satisfied that the requested waiver will not result in

substantial environmental degradation of the site nor have an adverse impact upon the surrounding properties, neighborhood or the Township in general, subject to the conditions as incorporated in this resolution. Primarily, the Board is satisfied that the site in question will be stabilized and restored to the extent possible consistent with the goals and objectives of the Environmental Protection Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Board that the aforesaid application be and hereby is **GRANTED**, subject to the terms and conditions contained herein:

1. Compliance with testimony presented at the February 11, 2019 public hearing.
2. Compliance with the plans, reports and undertakings appearing in the Applicant's submittals, subject to any modifications by the Applicant at hearing and/or mandated by the Board.
3. Said approval is granted for the time period as set forth in Chapter 134 of the Code of the Township of Wayne and the statutory protections will expire in accordance with the provisions of the Municipal Land Use Law.
4. Any and all revised plans, stormwater management reports and other documents submitted for review for Conformance with Resolution shall:
 - A. be submitted in complete sets (no partial sets of plans and documents shall be accepted)
 - B. be accompanied by a cover letter that lists every change and/or revision in accordance with the nomenclature in this resolution, below, for facilitation. In addition, all plan revisions shall be clearly identified ("clouded" or similar treatment, and numbered). Revised plans and/or other reports that are not accompanied by such a cover letter shall be returned without further review or comment.
5. With respect to the **Engineering Division** report of February 6, 2019:

Main Body of Report

1. Item No.1a: Applicant will comply.
2. Item No.1b: Applicant will comply.
3. Item No.1c: Applicant will comply.
4. Item No.1d: Applicant will comply.
5. Item No.1e: Applicant will comply.
6. Item No.2: See Attachment A.
7. Item No.3: See Attachment B.
8. Item No.4: See Attachment C.
9. Item No.5: N/A Waived by Board.

Attachment A

Item No's 1-4: Design waiver requested and granted by the Board.
Item No.5: Applicant will comply. No design waiver requested by the applicant.
Item No.6: Design waiver requested and granted by the Board.

Attachment B

The applicant agreed to comply with all the comments in this section of the report.

Attachment C

The Applicant agreed to comply with all the comments in this section of the report.

Final Comments

The Applicant agreed to comply with all applicable comments in this section of the report.

6. Revised plans submitted for review for Conformance with Resolution shall comply with the requirements of the **Planning Department** and set forth in its aforesaid report excepting those modified at hearing or waived by the Board.
7. Revised plans submitted for review for Conformance with Resolution shall comply with the requirements of the **Supervisor of Landscape and Park Design** and set forth in its aforesaid report excepting those modified at hearing or waived by the Board.
8. Revised plans submitted for review for Conformance with Resolution shall comply with the requirements of the **Superintendent of Water & Sewer** and set forth in its aforesaid report excepting those modified at hearing or waived by the Board.
9. Revised plans submitted for review for Conformance with Resolution shall comply with the requirements of the **Fire Department** and set forth in its aforesaid report excepting those modified at hearing or waived by the Board.
10. Any and all necessary site plan revisions, ensuing from Township agency reviews, which the Board imposed as conditions of approval, shall be made by the Applicant and those revised plans are to be submitted to the Planning and Zoning Department for administrative 'conformance with resolution' review. Upon the determination that the Applicant has presented plans that are acceptable to every reviewing agency, the Township administrative staff, on behalf of the Board, issues stamped approved plans. These stamped approved plans are distributed to agencies and to the Applicant and indicate that the plans meet the Board's conditions of approval with respect to plan details. Accordingly, **prior to the issuance of a building permit and/or grading permit**, the Applicant shall:
 - A. Have submitted revised plans complying with the terms and conditions of this Resolution to the satisfaction of the reviewing agencies.
 - B. Provide to the Planning and Zoning Department either an unconditional approval letter from the Passaic County Planning Board or a Certificate of Exemption from the Passaic County Planning Board.
 - C. Provide to the Planning and Zoning Department a copy of the NJ DEP LOI or Presence/Absence letter.
11. Applicant shall pay all property taxes and water & sewer taxes, plus interest.
12. The applicant shall comply with all applicable ordinances of the Township of Wayne and all applicable federal, State and County requirements including but not limited to obtaining Hudson-Essex-Passaic County Soil Conservation District approvals.

On this 11th day of February 2019, a MOTION was made by Member Okun and Seconded by Mayor Verano to request and authorize the Board's professionals to draft an appropriate Resolution reflecting the Board's determination as aforesaid.

ROLL CALL VOTE UPON MOTION

Made February 11, 2019

Board Member	Yea	Nay	Abstain	Absent or Not Vote Eligible
Edge, Ryan	X			
Falcone, Richard	X			
Marini, Armand	X			
Natoli, John				X
Okun, Scott	X			
Stomber, Richard	X			
Varano, David <i>Councilman</i>	X			
Vergano, Christopher <i>Mayor</i>	X			
Ranalletti, Frank <i>Chair</i>	X	--	--	
<i>Alternates</i>	--	--	--	--
Avolio, Louis <i>1st Alt</i>				X

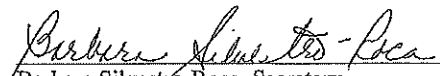
MOTION was made at the Board's public hearing of March 11, 2019 by Member Mayor Vergano and seconded by Member Mr. Falcone to approve and adopt the foregoing Resolution as drafted.

ROLL CALL VOTE UPON FORM OF RESOLUTION
 Made March 11, 2019

Board Member	Yea	Nay	Abstain	Absent or Not Vote Eligible
Edge, Ryan	✓			
Falcone, Richard	✓			
Marini, Armand	✓			
Natoli, John				X
Okun, Scott	✓			
Stomber, Richard	✓			
Varano, David <i>Councilman</i>	✓			
Vergano, Christopher <i>Mayor</i>	✓			
Ranalletti, Frank <i>Chair</i>	✓			
<i>Alternates</i>	--	--	--	--
Avolio, Louis <i>1st Alt</i>				X

*Note as to Roll Call upon the form of resolution: pursuant to N.J.S.A. 40:55D-10.g(2), only the members of the Board who voted for the action taken may vote on the form of resolution memorializing that action.

The undersigned, Secretary of the Township of Wayne Planning Board, hereby certifies that the above is a true copy of a resolution duly memorialized by said Board on March 11, 2019.


 Barbara Silvestro-Roca, Secretary
 Wayne Township Planning Board

STATE OF NEW JERSEY, COUNTY OF PASSAIC:

I CERTIFY that on Mar 21, 2019, Barbara Silvestro-Roca came before me to acknowledge under oath that she,

- a. is the Secretary of the Wayne Township Planning Board;
- b. personally signed the attached document; and
- c. signed and delivered this document as her act and deed as Secretary to the Wayne Township Planning Board.


Notary Public

Rev 2019-03-10

-End of Document-

GIA PASCUCCI
COMMISSION ID# 5054778
Notary Public - State of New Jersey
My Commission Expires 2/14/2022