

RESOLUTION BOA-2019-17

GRANTING USE VARIANCE RELIEF,  
PRELIMINARY AND FINAL SITE PLAN APPROVAL, ANCILLIARY BULK  
VARIANCE RELIEF AND DESIGN STANDARD EXCEPTIONS  
APPLICATION BOA-022-18

ZONING BOARD OF ADJUSTMENT  
TOWNSHIP OF WAYNE  
COUNTY OF PASSAIC, STATE OF NEW JERSEY

**WHEREAS**, 441 Newark Pompton Turnpike Associates, LLC (hereinafter "Applicant") has made application to the Wayne Township Zoning Board of Adjustment (hereinafter "Board") for d(1) use variance relief pursuant to N.J.S.A. 40:55D-70d(1), preliminary site plan approval, final site plan approval, bulk variance pursuant to N.J.S.A. 40:55D-70c, design standard exceptions, and environmental protection ("EP") waivers to construct a 12,810 SF retail building to the front of an existing 28,889 SF warehouse building on property known as Block 1618, Lot 29, as shown on the Tax Map of the Township of Wayne, commonly known as 441 Newark Pompton Turnpike in the "I" Industrial Zone district (hereinafter "Subject Property"); and

**WHEREAS**, the Board determined it had jurisdiction and public hearings were conducted on March 4, 2019, April 1, 2019, and May 20, 2019; and

**WHEREAS**, the public was given the opportunity to speak; and

**WHEREAS**, the Applicant was represented by Jerome A. Vogel, Esq.; and

**WHEREAS**, expert testimony was provided by William J. Darmstatter, PE; Frederick M. Kincaid AIA; and John McDonough, PP; and

**WHEREAS**, the necessary agencies have reviewed this application. The reports from said agencies are incorporated herein and made a part hereof by reference in conjunction with this application as if set forth verbatim.

**NOW, THEREFORE**, the Board makes the following findings of fact based on evidence presented at the public hearings.

1. The Administrative Officer deemed the application incomplete pending the Board's action to waive the checklist item set forth in the Planner's report dated February 25. More specifically, Applicant did not provide a Letter of Interpretation ("LOI") from the New Jersey Department of Environmental Protection ("NJDEP"). Applicant agreed that, if the Board approves its application, it would provide the Township Engineer and Planner with the LOI before obtaining any building permits. The Board subsequently granted this checklist waiver.
2. In support of the application, the Applicant submitted:
  - Application form;
  - Storm Water Management Plan signed and sealed by Patrick Mclellan of MCB Engineering, dated October 1, 2018;
  - Architectural Plans titled "Retail Building for Donnelly," prepared by Jarmel Kizel Architects and Engineers, Inc., originally dated December 15, 2017, Revision No. 3 dated February, 7, 2019;
  - Plans titled "Preliminary/Final/Use Variance Plan for Donnelly," prepared by Darmstatter Inc., originally dated October 2, 2018, Revision 2 dated January 14, 2019; and
  - Passaic County Planning Board review letter dated December 15, 2017
  - "Drainage Area Map Donnelly" prepared by MCB Engineering, dated October 1, 2018.

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

Exhibit No.	Description
A-1	Landscape Plan.
A-2	Colorized Artist Rendering.
A-3	Proposed Roof Plan.
A-4	Planning Exhibits.
A-5	Planner's Report.

4. The Subject Property is located on Newark Pompton Turnpike, which is a Passaic County roadway, and consists of 14.56 acres of land (380 ft wide by 1500 ft deep).
5. While the majority of the Subject Property is approximately 380 ft wide, the south east section of the lot appears to have been subdivided to create Lot 30, which results in a narrower lot per the definition of lot width contained in the Zoning Ordinance.
6. The Subject Property extends from Newark Pompton Turnpike to the Pompton River. Given the proximity to the Pompton River, portions of the site are included in the floodway, 150 foot riparian zone, and the majority of the site is in the flood hazard area.
7. There are wetlands and flood areas on the westerly portion of the Subject Property.
8. The North Jersey District Water Supply Commission aqueduct and a sanitary sewer easement crosses the property approximately 1,000 feet west of the roadway.
9. A two-story brick, residential building of unknown size is located on the eastern side of the property, approximately 80 feet west of the roadway, as well as a one-story warehouse, approximately 400 feet west of the roadway.
10. Applicant describes the two-story residential building as dilapidated.
11. The warehouse is 28,889 SF and contains some office space.
12. The two-story brick building is accessed from Newark Pompton Turnpike by an asphalt driveway located to the south of the building.
13. The warehouse is also accessed from Newark Pompton Turnpike via a driveway that wraps around the north side of the brick building.
14. There are 57 parking spaces adjacent to the warehouse, where 27 are required. Applicant is not planning on using any of these spaces for the new retail building.
15. The warehouse and the parking spaces are located in the flood hazard area. The brick building is located outside of the flood hazard area.
16. The Subject Property is located in the "I" Industrial Zone district.
17. The Subject Property was previously zoned "IP" – Planned Industrial Park – and retail uses were permitted. However, the Township amended the zoning, consolidating the IP Zone into the "I" Industrial Zone, and prohibiting retail uses in the "I" Industrial Zone.
18. Applicant proposes to demolish the existing two-story brick building and construct a 12,810 SF (70' x 183') one-story, retail building with multiple retail bays. Applicant will provide revised plans reflecting that the building is, in fact, 183 ft wide by 70 ft deep, as well as the correct SF.

19. Applicant intends to lease the new retail building to 3 tenants, who have not yet been selected, thus the reason for the flexibility of the design, which includes demising walls between the tenants that can be moved. The design also allows the front doors to each store to be shifted over a bit, depending on how the demising walls lay out.
20. Applicant agrees that if the location of the front door to any store changes, that could impact sidewalk access to the store fronts, and Applicant may require site plan approval from the Board.
21. As for the demising walls, Applicant agrees to keep demising walls, for the first 20 feet of the building, located on the architectural columns, provided that the demising wall is within 5 feet of the existing mullions.
22. The new retail building will be constructed with slab on grade. The building will be a steel structure with masonry along the back wall, the store front along the north facades, and the main façade the faces the street.
23. The materials on the front façade will be a base of stone veneer. The rest of the façade will be a stucco finish in two colors – a burgundy color and a beige color. Applicant proposes a standing seam metal awning that runs through the continuous length of the front façade, and also along the side and north elevation.
24. On each bay centered above the windows, Applicant has designated areas for signage. None of the signs will be greater than 26.6 SF, per Township Ordinance.
25. The new retail building will have a parapet height of 23 feet, six inches. Applicant's plans show 3 bays designating the 3 different tenants that Applicant hopes to attract. Screening for rooftop units will be 6 ft high. The parapet is 3 feet high, so about 3 feet of the screening will show when looking at the building from a distance. Applicant agreed that the white section will be equal to the height of the screening of the roof top units, and the colored area will be two feet above that.
26. Applicant agrees that the proposed retail building will never have more than 3 tenants.
27. The new retail building will be parallel to Newark Pompton Turnpike and set back 100 ft.
28. The setback on the north side of the Subject Property will be 54.5 feet.
29. The setback on the south side of the Subject Property will be 26 feet, and Applicant needs a variance for this.
30. The Subject Property has 293 ft. of frontage along Newark Pompton Turnpike, where 200 ft is required.
31. Applicant proposes to use the existing curb cut at the north end of the property for visitors to access both the existing warehouse and the proposed retail building. Applicant also proposes adding a curb cut at the southerly end of the parking lot for visitors to access the site from Newark Pompton Turnpike.
32. The Subject Property is 1,508 ft deep, where 200 ft is required. A large portion of the rear of the site is either in the flood plain or wetlands. Applicant does not believe there are wetlands on the front of the Subject Property.
33. Applicant contends that the Subject Property is underutilized and that its proposal presents an opportunity to use the land in a rational, productive way that is compatible with the area.
34. Applicant proposes to add 45 parking spaces to the front of the proposed retail building, which would be accessed both from the existing warehouse driveway and

from a new ingress/egress driveway located at the south side of the Subject Property.

35. Applicant proposes an additional 22 parking spaces that will be located towards the rear of the retail building. With these 22 spaces, Applicant is proposing a total of 67 parking spaces for the new building where 64 are required.
36. Applicant proposes 3 ADA accessible parking spaces. Applicant needs to revise plans to show the access aisle for the third handicap space and the accessible spaces should be labeled one "van accessible" and two "car accessible" with the proper access aisle dimensions shown on the plan.
37. A 6 ft wide sidewalk is proposed adjacent to the parking lot that will provide access both to the individual retail stores (4 connections to the front of the retail building) as well as 2 connections to a proposed 4 ft wide public sidewalk along Newark Pompton Turnpike.
38. Pedestrian access will be provided to parking spaces at the rear of the retail building.
39. Applicant proposes a 26 ft wide loading area towards the rear of the building and a 10' x 20' dumpster pad enclosed by board on board fencing towards the south side of the Subject Property. Applicant's engineer testified that a 30 ft truck will be able to safely fit in this area. Applicant agreed to restrict the loading area to vehicles that are 30 ft or less.
40. An underground detention basin is proposed for the rear of the retail building, extending under the driveway for the warehouse.
41. The existing building is serviced by existing utilities – water, gas, partial overhead wires and partial underground wires – and Applicant intends to connect the new retail building to the existing connections, or new lines will be drawn depending on what size Applicant needs to service the building.
42. The proposed building will be constructed with an EIFS based façade over a limestone base.
43. The new retail building is proposed to be 23.5' tall.
44. A 13.11' x 7' monument sign is proposed along Newark Pompton Turnpike. The sign will have a 3 ft brick base (while this will be included in the overall sign height, it will not count towards the SF of the signage). The sign will have 4 tenant panels that are 2'2 ½ in height and 7' wide. The address number at the top of the sign will be 1'4" in height and 7' wide. Total monument signage will be 70.583 ft.
45. The proposed retail building will have internally lit façade signage with 26.6 SF each. Applicant proposed one retail sign above each retail bay.
46. Applicant requires a use variance for the proposed retail use, as retail uses are not permitted in the Industrial Zone.
47. Applicant requires the following C or bulk variances:
  - a. Minimum Setback from Property Lines (non-residential) – Section 134-48.3E(2) of the Township Code requires a 50 ft setback, and Applicant proposes a 26 ft setback.
48. The application before the Board requires the following design waivers:
  - a. Pedestrian Circulation – Section 134-71.6.B of the Township Code requires landscaped buffering between pedestrian and vehicular paths, a 5 ft setback from all buildings and bicycle access drives. The sidewalks

Applicant proposes are not separated from the drive aisle along the southern driveway, the sidewalks at the rear of the building are adjacent to the building.

- b. Parking Setback from Buildings and Property Lines – Section 134-72.1.B requires a 10 ft setback. Applicant proposes a 6 ft setback from the south property line.
- c. Location of Parking – Section 134-72.1.C prohibits parking between the front building line and the street line in the Industrial Zone. Applicant proposed front yard parking.
- d. Loading Clearance – Sections 134-72.1.E and 134-72.2.D(4) require loading areas to provide free movement for vehicles and pedestrians. Applicant proposes a loading area less than 30 ft in length.
- e. Parking in Excess of the Minimum Required – Section 134-72.1.I allows parking in excess of the minimum requirement only with Board approval. Applicant is proposing 122 parking spaces where 91 are required.
- f. Landscape Islands – Section 134-72.2.B(4) requires parking areas with a capacity of 40 or more spaces to provide landscaped islands which, in the aggregate, shall cover no more than 10% of the total uncovered or unenclosed parking area inclusive of all islands, aisles and other paved areas. The landscaping shall include at least 1 tree for each 10 parking spaces, and the trees shall be appropriately grouped. Applicant has not provided any landscaped islands in the front parking area.
- g. Pedestrian Walkways – Section 134-72.2.B.6 requires all parking lots with a capacity of 40 or more vehicles to include pedestrian walkways throughout the lot. Walkways that cross aisles or driveways shall be delineated by a change in pavement texture or striping. Applicant has not provided pedestrian walkways.
- h. Size of Loading Area – Section 134-72.3.B requires loading areas be at least 45 ft in length. Applicant proposes a loading area of less than 30 ft in length.
- i. Shielding of Lighting – Section 134-77.D requires shielding to restrict maximum apex angle of illumination to 150 degrees or to such lesser angle as shall be required to shield the lights from the view of adjacent residential properties. Applicant has not proposed any shielding.
- j. Lighting of Parking Lots – Section 134-77.E(1) requires a minimum of 0.5 lumens and a maximum of 1.0 lumens. Applicant proposes a maximum of 3.2 lumens per foot in the parking lot.
- k. Lighting at Property Lines – Section 134-77.E(3) permits 0.1 lumens. Applicant proposes 1.3 lighting intensity of 0.5 lumens along the northern property line and 1.1 lumens along the southern property line. Applicant proposes lighting intensity of 0.3 lumens along Newark Pompton Turnpike.

49. Applicant will remove 25 trees from the site and plant 37 new trees. Applicant will submit plans showing the types and location of the new trees to the Township's Landscape Engineer for review and approval.

50. Applicant will revise lighting plans to provide softer lighting in accordance with the Township Planner's recommendations. The revised plans shall be submitted to the Township Planner and Engineer for review and approval.

51. Applicant agrees to provide bicycle infrastructure as required by Section 134-71.6.B.

52. Section 134-72.3.C requires a turning area at ingress/egress to a parking area. Applicant's plans do not include a turning radius at the entrance to the southern driveway. Applicant will revise its plans to comply with Section 134-72.3.C.
53. Section 134-72.3.E requires 6 inch HMA stabilized base course. Applicant initially proposed 4 inch HMA stabilized base course. However, at the March 4, 2019 hearing, Applicant's engineer testified that Applicant will add heavy duty paving for the delivery area of the new building. The parking lot of the new building will have light duty paving.
54. Applicant will provide details regarding public utilities to the Township Engineer for review and approval.
55. As noted above, Applicant will submit a revised landscaping plan to the Township's Engineer and Supervisor of Landscape and Park Design for review and approval.
56. With regards to items 1 through 7, listed in Attachment "B" of the Township Engineer's report dated February 21, 2019 – titled "Discrepancies and Missing Information on the Plans" – Applicant agrees to comply and provide all of the information requested.
57. With regards to Attachment "C" of the Township Engineer's report dated February 21, 2019 – titled "Discrepancies and Missing Information in the Stormwater Report" – Applicant agrees to comply and provide all of the information requested.
58. Applicant shall provide sidewalk construction details for review and approval by the Township Engineer.

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

The application before the Board is a request for use variance relief pursuant to N.J.S.A. 40:55D-70d(1); preliminary and final site plan pursuant with ancillary bulk relief pursuant to N.J.S.A. 40:55D-70c; and design standard exceptions.

The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70d provides the Board with the power, in particular cases for special reasons, to grant a variance to allow departure from zoning regulations when the applicant satisfies certain proofs, which are enunciated in the statute.

Applicant is seeking a d(1) variance to construct a 12,810 SF retail building in the Industrial Zone, where retail uses are not permitted. N.J.S.A. 40:55D-70d(1) permits the Board to grant a variance to permit "a use or principal structure in a district restricted against such use or principal structure." A "d" variance may be granted only "in particular cases for special reasons." These "special reasons" for a use variance may include: (1) a use that is inherently beneficial; (2) an undue hardship that would be suffered by the property owner if forced to use the property in conformance with the permitted uses in the zone; or (3) a site that is particularly suited for a proposed use so as to promote the general welfare.

An applicant seeking a d(1) variance must also address the "negative criteria" associated with the proposal, 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 the zoning ordinance" of the Township.

It is the Board's opinion that the requested d(1) use variance should be granted and satisfies the positive criteria because the site is particularly suited for retail use and will promote the general welfare. As noted above, the Subject Property is currently underutilized. The Subject Property also sits in a transitional area that features a variety of different uses, including industrial, residential and non-industrial commercial use. The

Board agrees with Applicant that this is an opportunity to put an underutilized property to a rational use.

Additionally, the Board concludes that Applicant has satisfied its burden of demonstrating that the proposed retail use can be granted without substantial detriment to the public good, and without substantial impairment to the intent and purpose of the Township's zone plan and zoning ordinance.

The Application before the Board also requests c or bulk variances for side yard setback. More specifically, Township Code requires a 50 ft setback, and Applicant proposes a 26 ft setback. N.J.S.A. 40:55D-70c(1) 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.

An applicant may also be entitled to relief pursuant to N.J.S.A. 40:55D-70c(2) if it can demonstrate that: (1) a variance is needed for a specific piece of property; (2) the proposed variance advances the purposes of the Municipal Land Use Law ("MLUL"); and (3) the benefits of the deviation from the local zoning ordinance resulting from granting the variance would substantially outweigh any detriment.

Those categories specifically enumerated above constitute the positive proofs necessary in order to obtain "bulk" or c variance relief. In addition, the Applicant must show 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. This is the negative criteria. It is only in those instances when an applicant has satisfied both tests, that a Board, acting pursuant to the statute and case law, can grant relief. The burden of proof rests upon the applicant to establish these criteria.

Here, the Board concludes that Applicant satisfies its burden as to the positive and negative criteria for the granting of the aforementioned bulk variance relief pursuant to N.J.S.A. 40:55D-70c(1) because of exceptional topographic or physical features exist that uniquely affect the Subject Property. As noted, above a majority of the site is in the flood plain or wetlands. Additionally, even if Applicant did not satisfy the positive criteria for a c(1) variance, it would be entitled to a variance pursuant to c(2). Indeed, the variances is needed for a specific piece of property. The proposed variances advance purpose "a" of the MLUL, which is to encourage municipal action to guide the appropriate use of property in a manner that will promote the general welfare, public health, safety and morals, as well as purpose "g", which is to provide sufficient space in appropriate locations for a variety of uses, and purpose "i", which is to promote a desirable visual element through creative development. Lastly, with respect to the positive criteria, the benefits of the deviation from the local zoning ordinance resulting from granting the variance would substantially outweigh any detriment.

Additionally, the Board finds the grant of the "bulk" variance from the described zoning ordinance will have no negative impact upon the neighborhood, the zoning ordinance, the Township master plan or the zone scheme of the Township. Rather, the Board finds the grant of the requested variance relief will achieve the goals and objectives announced by the Township master plan.

The Municipal Land Use Law allows municipalities to grant exceptions from the requirements of 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 concludes that the proposal meets the minimum requirements of the Municipal Land Use Law, case law and Township ordinances to a sufficient degree so as to enable the Board to grant the relief being requested.

**NOW, THEREFORE, BE IT RESOLVED** by the Zoning Board of Adjustment that the application of 441 Newark Pompton Turnpike Associates, LLC, for Block 1618, Lot 29 as shown on the Tax Map of the Township of Wayne is **granted** use variance relief pursuant to N.J.S.A. 40:55D-70d(1), preliminary and final site plan approval, bulk variance relief pursuant to N.J.S.A. 40:55D-70c, and design standard exceptions, to permit the construction of 12,810 SF retail building in the Industrial Zone subject to the following terms and conditions:

1. Compliance with testimony presented at the March 4, 2019, and May 20, 2019 public hearings.
2. Applicant shall provide the Township Engineer with all of the information identified in Attachment "B" of the Engineer's report dated February 21, 2019, for review and approval.
3. With regards to Attachment "C" of the Township Engineer's report dated February 21, 2019 – titled "Discrepancies and Missing Information in the Stormwater Report" – Applicant agrees to comply and provide all of the information identified as missing, for the Engineer's review and approval.
4. Prior to determination of completeness, work occurring on the site, or issuance of a building permit, whichever comes first, Applicants shall:
  - a. Submit revised plans for Engineering Division review and approval addressing the review comments, including any other special conditions and/or notes imposed by the Board.
  - b. Obtain all required State, County and Township approvals and permits, including but not limited to:
    - i. Passaic County Planning Board or waiver letter.
    - ii. Passaic County Right of Way Permit.
    - iii. Hudson Essex Passaic Soil Conservation District (HEPSCD) soil erosion plan certification.
    - iv. NJDEP Freshwater Wetlands Delineation and any required permits
    - v. NJDEP Flood Hazard Area Permit.
    - vi. New Jersey Sewer Extension Permit – TWA permit – if required.
    - vii. Township Industrial Wastewater Discharge Permit if applicable.
    - viii. Any and all North Jersey District Water Supply Commission approvals.
  - c. Pay all outstanding fees, and contributions, including but not limited to:
    - i. Township wide off-tract drainage assessment (Chapter 134-10.3 of the Township Code), (if required). Applicant shall provide calculations of both the "Pre-Development" and the "Post Development" C-factors based upon the rational Method for the calculation of this fee.
    - ii. Sewer fees including connection fee and tapping fees.
    - iii. Water fees including tapping and meter fees.
  - d. At least one (1) week prior to commencement or work, set up a pre-construction meeting between them, their engineer, their contractor, representatives of the County, affected utility companies, Township Engineer, Township Inspector, Township Planner, Zoning Officer, representatives of the Building Department and the Parks department to discuss the requirements and regulations for on-site construction. Six (6)



sets of final site plan construction drawings shall be submitted at least one (1) week in advance of the pre-construction meeting for stamping and distribution at the meeting.

e. Applicants shall notify the HEPSCD at least forty-eight (48) hours prior to any land disturbance activity. Proof of notification shall be provided to the Engineering Division upon request.

f. Request from the Town Council that Title 39 be approved for on-site traffic.

5. Upon commencement of and during construction of the project, Applicants shall:

a. Delineate on site the limits of disturbance as approved by the Board with soil erosion silt fence, or in the absence of silt fence requirements, snow fence. No clearing or construction work shall occur on the site until the limits of disturbance and soil erosion control measures are in place and have been approved in the field by the Engineering Inspector.

b. Construct the soil erosion control measures as the first item of work. Clearing and tree cutting shall not occur until erosion control measures are in place and approved in the field by the Engineering Inspector.

c. Request and obtain engineering inspection, of all improvements. Work shall not be covered until inspected and passed/approved. Installation of public improvements shall not be performed on Saturdays, Sundays and/or Township Holidays unless authorized in advance by the Township Engineer.

6. Prior to the issuance of any Certificate of Occupancy, Applicants shall:

a. Complete all on-site and off-site improvements, including but not limited to pavement, drainage, curbing, sidewalks, striping, permanent stabilization and lighting.

b. Bonds will be released upon satisfactory completion of the work and/or issuance of the Final Certificate of Occupancy. A letter requesting the return of same shall be filed with the Township Clerk, with a copy to the Township Engineer

7. Said approval is granted for the time period as set forth in Chapter 134 of the Code of the Township of Wayne and statutory protections will expire, unless implemented, in accordance with the provisions of the Municipal Land Use Law.

8. 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); and

B. be accompanied by a cover letter that lists every change and/or revision. 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.

9. If applicable, the Applicant shall comply with all applicable ordinances of the Township of Wayne and all applicable federal, state and county requirements.

10. Applicant will submit revised plans to the Township for review and approval showing the proposed water and sewer line.

11. Applicant shall submit revised plans for review and approval showing hydrant details as set forth in item 2 of the Township's Water and Sewer Division report dated February 21, 2019.
12. Applicant will be required to obtain an Industrial Pretreatment Permit for any non-domestic sanitary discharge.
13. Applicant shall submit revised plans to comply with the comments of the Township's Subcode Official for ADA set forth in his report dated February 12, 2019.
14. Applicant shall revise and resubmit its landscaping plan to the Landscape Engineer for review and approval. Applicant shall, among other things, remove the 5 white spruce from the plan and replace them with Norway Spruce, which are to be planted along the property line in accordance with Landscape Engineer's report dated February 12, 2019.
15. Applicant shall provide Fire Code Official with the location and size of the water/fire line, and the location of the fire department connection and the closest fire hydrant.
16. Applicant shall restrict the loading area to vehicles that are 30 ft or less.
17. Applicant will revise lighting plans to provide softer lighting in accordance with the Township Planner's recommendations. The revised plans shall be submitted to the Township Planner and Engineer for review and approval.
18. Applicant agrees to provide bicycle infrastructure as required by Section 134-71.6.B.
19. Section 134-72.3.C requires a turning area at ingress/egress to a parking area. Applicant's plans do not include a turning radius at the entrance to the southern driveway. Applicant will revise its plans to comply with Section 134-72.3.C.
20. Applicant will provide details regarding public utilities to the Township Engineer for review and approval.
21. Section 134-72.3.E requires 6 inch HMA stabilized base course. Applicant initially proposed 4 inch HMA stabilized base course. However, at the March 4, 2019 hearing, Applicant's engineer testified that Applicant will add heavy duty paving for the delivery area of the new building. The parking lot of the new building will have light duty paving.
22. Applicant shall provide sidewalk construction details for review and approval by the Township Engineer.

Roll Call as to the motion to approve:

YES	NO
John Cappo, Jr.	None
Zev Friede	
Christian Sees	
Steven Toth	
William Van Gieson	

The undersigned, Secretary of the Township of Wayne Zoning Board of Adjustment, hereby certifies that the above is a true copy of a resolution duly memorialized by said Board on June 17, 2019.

  
Linda Minnich, Secretary

Wayne Township Zoning Board of Adjustment

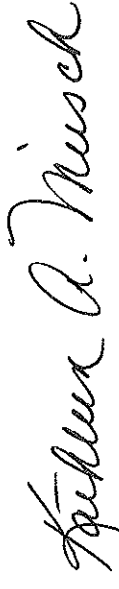
STATE OF NEW JERSEY, COUNTY OF PASSAIC:

I CERTIFY that on June 18, 2019, Linda Minnich came before me to acknowledge under oath that she,

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

On this day 18<sup>th</sup> day of June, 2019 before me personally appeared:

Linda Minnich to me known and known to be the person described herein and who executed the foregoing instrument and she thereupon duly acknowledged to me that she executed the same.

  
\_\_\_\_\_  
Notary Public

