

RESOLUTION #2015-006

**RESOLUTION OF THE BOARD OF ADJUSTMENT
OF THE BOROUGH OF HAWTHORNE
(the "BOARD")**

In the matter of:

**PSE&G (the "Applicant")
236 Sixth Avenue ("Sixth Avenue")
Block 241, Lot 1 and
143 Ethel Avenue ("Ethel Avenue")
Block 244.01, Lot 1.01 (collectively, referred to as the "Premises")
Hawthorne, New Jersey**

WHEREAS, Applicant has submitted certain applications to the Board dated December 30, 2014 for Preliminary and Final Site Plan, Soil Movement approval, Use Variance approval and Variance approval (collectively, the "Application"); and

WHEREAS, a Public Hearing was conducted by the Board on March 16, 2015; and

WHEREAS, the Board confirms the Application meets the jurisdictional requirements for the matter to be heard by the Board; and

WHEREAS, Applicant submitted adequate Notice of Public Hearing required by law; and

WHEREAS, in support of the Application for Sixth Avenue Applicant submitted the following:

(a) Borough of Hawthorne Application for Site Plan Review and Development Plan, dated September 23, 2014;

(b) Borough of Hawthorne Zoning Board of Adjustment Application for Variance dated September 23, 2014;

(c) Borough of Hawthorne Checklist for Required Submissions to the Planning Board or the Zoning Board of Adjustment, dated December 30, 2014;

(d) Report entitled, “Stormwater Management Report for Hawthorne Substation, Block 241, Lot 1, Hawthorne, Passaic County, New Jersey”, prepared by URS Corporation, dated January 13, 2015;

(e) Site Plan (1 sheet) entitled, “Site Plan, Hawthorne Substation, Block 241, Lot 1, Borough of Hawthorne, Passaic County, New Jersey”, prepared by URS Corporation, dated January 4, 2014, revised January 12, 2015;

(f) Landscape Plan (1 sheet) entitled, “Landscape Plan, Public Service Electric and Gas Company, Hawthorne Substation, Block 241, Lot 1, Borough of Hawthorne, Passaic County, New Jersey”, prepared by Roy Dunn & Associates Inc., dated November 2014;

(g) Site Plans and Details (14 sheets) entitled, “Hawthorne Substation, Block 241, Lot 1, Borough of Hawthorne, Passaic County”, prepared by URS Corporation. The plans consist of the following sheets:

<u>Drawing No.</u>	<u>Description</u>	<u>Date</u>	<u>Revised</u>
220708-A	Ultimate Key Plan	2/25/72	1/9/15
393875-A	69 kV/4 kV Substation Site Layout Plan	1/12/15	None
393905-A	230 kV/13 kV Substation Foundation Plan	1/12/15	None
393874-A	69 kV/4 kV Substation Demolition Plan	1/12/15	None
393876-A	69 kV/4 kV Grading and Drainage Plan	2/11/15	None
393877-A	69 kV/4 kV Soil Erosion & Control & Notes	1/12/15	None
393878-A	69 kV/4 kV Soil Erosion & Sediment Control Details	1/12/15	None
393879-A	69 kV/4 kV Miscellaneous Details	2/11/15	None
393880-A	69 kV/4 kV Fence Details	1/12/15	None
393883-A	69 kV/4 kV Forever Green Fence Details	1/12/15	None
393881-A	69 kV/4 kV Utility Plan	2/11/15	None
393882-A	69 kV/4 kV Utility Details	2/11/15	None
394032-A	230/13 kV Substation-GIS Building Floor Plans	2/11/15	None
394033-A	230/13 kV Substation – GIS Building Elevations	2/11/15	None
394035-A	230/13 kV Substation Ultimate Lighting Distribution	2/26/15	None
394037-A	230/13 kV Substation Lighting Details Plan	1/9/15	None

(h) Letter of Transmittal from the Applicant’s Engineer dated March 4, 2015;

- (i) Soil Movement Calculations, prepared by URS Corporation, dated February 27, 2015;
- (j) Sewage Sump Pump Calculations, prepared by URS Corporation, dated February 12, 2015;
- (k) Sound Analysis, prepared by Ostergaard Acoustical Associates, dated March 2, 2015.

WHEREAS, Applicant also submitted the following in support of its application for Ethel Avenue:

- (a) Borough of Hawthorne Zoning Board of Adjustment, Application for Site Plan Review and Development Plan, dated December 30, 2014;
- (b) Borough of Hawthorne Zoning Board of Adjustment Application for Variance, dated January 14, 2015;
- (c) Borough of Hawthorne Checklist for Required Submissions to the Planning Board or the Zoning Board of Adjustment, dated December 30, 2014;
- (d) Site Plans (1 sheet) entitled, "Site Plan, Block 244.01, Lot 1.01, Ethel Avenue, Borough of Hawthorne, Passaic County, New Jersey", prepared by URS Corporation, dated January 12, 2015;
- (e) Site Plan (1 sheet) entitled, "143 Ethel Avenue, Enclosed Outside Storage Area, Block 244.01, Lot 1.01, Borough of Hawthorne, Passaic County", prepared by URS Corporation.

The plans consist of the following sheet:

<u>Drawing No.</u>	<u>Description</u>	<u>Date</u>	<u>Revised</u>
393891-A	Enclosed Outside Storage Area	1/12/15	None

- (f) Letters of Transmittal from the Applicant's Engineer dated January 14, 2015 and February 10, 2015;

(g) Borough of Hawthorne Soil Movement Permit Application dated February 6, 2015.

WHEREAS, the following Exhibits were entered into evidence:

- A-1 Aerial Site Map
- A-2 Hawthorne Substation rendered Plan
- A-3 "Forever Green" sample photo
- A-4 Amico Fence sample photo

WHEREAS, Applicant has requested the following variances/waivers relating to Sixth Avenue as follows:

(a) Minimum Front Yard Setback: Section 540-7 and the Schedule of Bulk and Coverage Controls require a minimum front yard setback for 25 feet to be provided for the I-1 Zone. The existing building at the southeast corner of the site is setback 5.7 feet from the Sixth Avenue right-of-way. In addition, a metal building at the east side of the site is setback 21.7 feet from the Sixth Avenue right-of-way and the building at the north side of the site is setback 23.5 feet from the Douglas Avenue right-of-way. It should be noted that these are existing conditions that are not proposed to be increased.

The Applicant proposes a new support foundation at the east side of the site setback 12 feet from the Sixth Avenue right-of-way.

(b) Minimum Rear Yard Setback: Section 540-7 and the Schedule of Bulk and Coverage Controls require a rear yard setback of 25 feet to be provided for the I-1 Zone.

Existing footings along the west side of the site have a rear yard setback of 1.2 feet. The Applicant proposes to construct an isolation wall for a transformer with a rear yard setback of 23.8 feet.

(c) Maximum Building Height: Section 540-7 and the Schedule of Bulk and Coverage Controls require a maximum building height of 3 stories or 35 feet in the I-1 Zone. In

addition, Section 540-8H indicates that masts and aerials may exceed the height limitations provided that they do not exceed by more than 25% (43.75').

The Applicant has noted the following heights of existing structures to remain that are non-conforming:

Lightning Mast

1	71'
2	71'
3	74'
4	72'

The Applicant has noted the following proposed heights of non-conforming structures:

Proposed GIS Building	37.5'
Proposed Breaker Structure and Lightning Rod	42'
Lightning Masts 5-8	60'

(d) Maximum Fence Height: Section 540-8Q(2) indicates that no fence located in the front yard of any lot shall exceed four (4') feet in height. The Applicant proposes fences with a height of eight 8' feet and 20 feet.

(e) Topographic Information Within 200 Feet: Section C(5) of the Zoning Board Checklist requires topographic information and survey of existing utilities within 200 feet to be provided.

The Applicant has requested a Waiver for this item.

(f) Location of Existing Structures Within 200 Feet: Section C(7) of the Zoning Board Checklist requires the location of existing and proposed structures and uses within 200 feet showing the ground area covered by said structures, including all setback dimensions.

The Applicant has requested a Waiver for this item.

WHEREAS, Applicant has also requested the following variances/waivers relating to Ethel Avenue as follows:

(a) Use Variance: Section 540-119 of the Borough Code provides the uses permitted in the I-1 Zone. Outdoor storage of materials shall not be permitted as a principal or primary use and shall only be permitted as incidental to a permitted principal or primary use.

(b) Maximum Fence Height: Section 540-8Q(2) indicates that no fence located in the front yard of any lot shall exceed four (4') feet in height. The Applicant proposes a temporary fence with a height of eight (8') feet.

(c) Topographic Information Within 200 Feet: Section C(5) of the Zoning Board Checklist requires topographic information and survey of existing utilities within 200 feet to be provided.

The Applicant has requested a waiver for this item.

(d) Location of Existing Structures Within 200 Feet: Section C(7) of the Zoning Board Checklist requires the location of existing and proposed structures and uses within 200 feet showing the ground area covered by said structures, including all setback dimensions.

The Applicant has requested a waiver for this item.

NOW THEREFORE, after due consideration the Zoning Board of Adjustment of the Borough of Hawthorne makes the following findings of fact, based upon the evidence presented at its public hearing and the findings enumerated herein:

1. Joseph Barlok was sworn and testified. He is the project manager for the Applicant and is the person responsible for oversight of the upgrade of the PSE&G Sixth Avenue substation and otherwise responsible for the daily operations on both properties through conclusion of the proposed upgrade.

There is an existing substation at the Sixth Avenue Property. At present, the substation has a 26 Kilovolt (“KV”) capacity. This proposal will upgrade the capacity to 69 KV. The upgrade is mandated by the Pennsylvania – New Jersey – Maryland Interconnection (“PJM”) a regional transmission organization that oversees all operations on the regional transmission grid. The reason PSE&G is required to increase its capacity, as proposed, is to meet current PJM and Federal Electric Regulatory Commission (“FERC”) requirements in order to provide redundancy and sustainability of power services in the region. The proposal at Sixth Avenue is part of a comprehensive regional upgrade. The old, 26 KV capacity and several pieces of equipment supporting it have outlived their useful lives and are becoming obsolete. They will be removed and replaced with the higher capacity, modern equipment. There are a number of transformer units which will need to be connected (these connections are known as “buswork”). The equipment (similar to wiring in a house, but on a much grander scale) are known as “bus wires”. The existing insulating medium for the bus wires is open space, with a minimum distance of 12 feet. Currently, in order to have one circuit, a 48 foot open air insulation “path” is required.

The Applicant proposes a new “GIS” (Gas Insulated Switchgear) building to replace the out of date buswork. The GIS technology significantly reduces the required 48 foot open air insulation, by using a gas identified as sulfur hexafluoride (“SF6”). SF6 is an inert gas and not hazardous. The technology is used widely throughout the industry. By having the equipment indoors and insulated with GIS, it is better protected and more reliable. The GIS Building will be a 2 story building with a 37.5 foot height. The second floor will house control equipment. There is also a proposed breaker mounted on a concrete pad. The disconnect switches must be located above the breaker since there is insufficient lateral clearance. The height of the disconnect switches is 42 feet.

A new transformer is also proposed. Two older transformers will be removed. The new transformer will be installed on a large concrete pad, which will have a containment pit to capture any leaking mineral oil, a cooling medium for the transformer equipment. Two isolation walls are proposed to further protect the transformer from the new GIS Building and the adjacent railroad property.

Also proposed are 4 new lightning masts, which will be in addition to 4 existing masts. The existing masts range from 71 – 74 feet in height. The new masts will be 60 feet tall. They will look like large flagpoles. Each proposed mast will sit on a concrete footing.

Also proposed is a new 300 KW (Kilowatt) generator, which is needed for “start up” purposes. In the event of a blackout, the circuitry would need to be powered up, thus the need for the generator. It will be “exercised” on a regular monthly basis for an hour run each time. It will meet all required regulations for noise control. Applicant stipulates it will perform an actual sound reading/sound study when the site is operational, to confirm noise compliance.

Construction is scheduled to start in October, 2015 and conclude by Spring 2017. Applicant further stipulated there will be no parking of PSE&G employee vehicles with off site parking at a site to be determined and workers bused into the property. Equipment will be kept at the Ethel Avenue property, as requested in the companion application to allow a lay down and storage area at the Ethel Avenue site. There will be construction trailers on site during construction. These will be located in coordination with the Board Engineer prior to commencement of construction activities.

The construction entrance to the property will be stabilized with a crushed stone base. Applicant stipulates it will maintain and clean the streets from dirt left by construction related activities. The Applicant also stipulated it will coordinate with the Police Department

and Board Engineer for traffic and safety control for any large scale deliveries to the Sixth Avenue site.

Two smaller transformers are also proposed. These transform power that will be used on site for lighting and the site's station power.

As to lighting, there are currently 28 fixtures. 13 fixtures are proposed to be removed and replaced with 13 new fixtures. Five fixtures will be over entry doors to the buildings and eight will be for site lighting. Lighting runs from dusk to dawn, and will comply with the Borough's lighting regulations.

The site perimeter fencing will be upgraded completely. A 20 foot chain link fence will be installed along the eastern boundary, the fence will be weaved with "forever green" slats, to provide an evergreen effect. Also 28 new plantings are proposed. The fence and plantings are intended to provide a visual barrier to the site. The other three sides of the site will have an 8 foot tall fence which will have a honeycomb appearance.

Applicant also stipulates it will perform comprehensive landscape maintenance of trees, damaged branches, weeds and debris both on site, in the municipal right of way and general vicinity. The Applicant stipulated further to provide additional and/or modified landscaping in consultation with the Board Engineer and Planner.

The Applicant also agreed and stipulated it will have a pre-construction meeting with Borough officials. It further stipulated to allow the Borough to require changes to site lighting for a period of up to six months after the site became operational. Also, the existing transformers contain oil. As part of demolition and removal, all oil products will be removed in a good and workmanlike manner and in accordance with all local, state, county and federal requirements.

2. Mr. Barlok proceeded to give testimony relating to the Ethel Avenue lay down proposal. Applicant proposes to install a temporary, but structurally sound, fence containing green fabric to provide a visual barrier at the Ethel site. There is one entryway to the site. After a dialogue with the Board, it was determined that there is a second means of access from the adjacent property identified as Block 244.01, Lot 1, which is under common ownership with the Ethel Avenue Property. It was stipulated and agreed by Applicant that there will be a one way in, one way out pattern of circulation, with all vehicles entering through the adjacent lot and exiting from the Ethel Avenue egress. This is an important factor which significantly enhances safety for large vehicle movement in and out of the Ethel Avenue site. Applicant agrees to submit a revised site plan, subject to this Board's approval, showing an entrance gate between the adjacent property and the Ethel Avenue site. Applicant stipulates that entrance into the site from Ethel Avenue is prohibited.

Applicant will house four forty foot long shipping containers to be used for equipment storage. In addition, Applicant proposes the outdoor storage of materials on a temporary basis for the duration of this redundancy project (approximately October, 2016). The site would be restored to its pre-existing condition thereafter.

None of the materials demolished and/or removed from the Sixth Avenue property will be stored at the Ethel Avenue site. All loading/unloading will be on site. All work activities will occur only during those working hours permitted by Borough Code, but in no event sooner than 7 a.m. or later than 9 p.m., Monday through Friday. Applicant stipulated it will post a Removal Bond in a form and amount sufficient to Borough Council and Board Engineer. All items stored on site are specifically for use on the Sixth Avenue site.

All items delivered from Ethel Avenue will be delivered on a flatbed truck or a truck of lesser size.

3. Gene Rotonda was sworn and qualified as an expert in the fields of Engineering and Professional Planning. Mr. Rotonda is engaged by PSE&G and fully familiar with all plans and materials filed with the Board.

He provided an overview of the characteristics of the Ninth Avenue Property and its surroundings. It is in the I-1 Industrial Business District. Sixth Avenue and Douglas Avenue are ‘Paper’ Streets. Access is gained through a portion of Douglas Avenue (with Douglas connected to Ninth Avenue). There are two family homes to the east along Ninth Avenue. Route 208 abuts the southerly boundary. A rail line is located to the west, and an industrial park, beyond Douglas Avenue. There are existing non-conformities:

- (i) a 1.5 foot setback for a structure along the railroad frontage;
- (ii) a 5.7 foot setback for a structure in the front yard;
- (iii) a 1.2 foot setback for a structure in the rear yard; and
- (iv) height variances for lightning masts (74 feet, 71 feet and 62 feet respectively).

D variances for height are proposed for the new lightning masts. Also, another D variance for height is needed for the breaker structure proposed at 42 feet tall since it exceeds the permitted height by 10 per cent. Also, C variances are requested for the proposed 8 and 20 foot tall fences and the GIS Building at 37.5 feet.

The PSE&G facility is an inherently beneficial use.

The proposed continued and expanded use serves a crucial public local and regional need to provide safe, reliable and efficient power, something that is mandated by new Jersey’s Public Utilities Commission. As such, the existing and proposed use, classified as an inherently beneficial use, satisfies the so-called positive criteria, an element to support the grant of the requested D variances.

Mr. Rotunda then proceeded to provide testimony in support of the grant of the required negative criteria. There is no demand on municipal sewer or water. The proposed use does not generate excessive noise, smoke, dust or other objectionable influences on the surrounding neighborhood.

There is no noticeable traffic generated by the use. The lightning masts are slender, similar to a flagpole and pose no substantially negative visual impact. The proposed 20 foot tall fence is intended to provide a green buffer effect for the residential neighbors. The property is unique in that it has three road frontages, inclusive of two paper streets, and located in an industrial district. The existing substation, with the requested upgrades serve to enhance the public good with few, if any, negative attributes. The proposal helps to ensure the provision of adequate power resources in the region.

The requested C variances are internal to the Property and not visible from outside. The area around the site is heavily vegetated further obscuring any views within. The proposed landscaping further helps to fill in certain visual gaps.

4. Regarding Ethel Avenue, the premises is located in the I-1 industrial zone. As discussed above, Applicant agrees to enter only from the adjacent Block 244.01, Lot 1 and exit on Ethel Avenue in a one way circulation pattern.

Applicant stipulated it will abide by a truck entrance schedule so that large trucks do not access the property during local school drop off and pick up times. This schedule will be set in consultation with the Board Engineer, Police Department and Borough Attorney and set forth in the Developer's Agreement to be executed in connection with this matter. At a minimum drop-offs will not occur before 9:00 a.m. or after 3:00 p.m.

Use variance approval is required to permit outdoor storage of materials. This request is in conjunction with the companion request for upgrades to the power station and as

such meets the same positive criteria as did the Sixth Avenue use. The negative criteria are satisfied in that the site will be adequately screened from the public eye; site circulation (and limiting truck schedules) will not create any appreciable safety conflicts and the request is temporary in nature only to the extent that such storage is needed during construction of the power station. There is little to no noise associated with the use of the Ethel Avenue property.

It is also noted that there are two requested waivers: providing topographic information with 200 feet of the premises in question and the location of existing structures within 200 feet. Both properties are fully developed and the information stated above would not be of probative value.

CONCLUSIONS

The primary consideration of this Board is the Prohibited Use variance to allow outdoor storage on the Ethel Avenue site and the variance request for the excessive height of the proposed breaker structure on the Sixth Avenue site. The secondary consideration is to grant approval of all C variances identified above.

In considering the application, the Board adopts the testimony and reports of all of the witnesses set forth above and hereby reaches the conclusion that ample evidence has been presented to justify the grant of the D(1) variance (use of Ethel Avenue) and D(6) variance (height of the breaker structure) and all other corollary relief. Per the applicable law, the Applicant must demonstrate, with an enhanced quality of proof, "special reasons", namely in this case that the use is inherently beneficial serving both a local and regional need for redundancy in power supply. These special reasons also support the positive criteria for the grant of all other relief requested herein.

As set forth above, the Negative Criteria have been proven also. While some members of the public had questions, no substantive objections were raised by them. The Board concludes

that these proposals will not result in any substantial negative impact on the neighboring properties and also there is no substantial detriment to the public good and also no substantial detriment to the zone plan, especially since Applicant has demonstrated that this application advances the goals of Hawthorne's Master Plan. The Board is also satisfied that, especially with the stipulations made during the hearing and conditions set forth below, that the proposed site plans are safe, efficient and meet generally accepted engineering principals. Furthermore, the Board is satisfied that the requested waiver relief is warranted for the reasons set forth above. There is one other factor of great import, namely that safe and adequate access for emergency services exist. The Applicant has agreed to maintain areas off site access over all unimproved "paper" streets so that they are free of debris, snow or other obstacles. Applicant agrees to derive a maintenance plan/schedule to be incorporated into the Developer's Agreement in consultation with the Board Engineer, Fire Department, Police Department and Borough Attorney to promote and assure safe access to Sixth Avenue.

THEREFORE, BE IT RESOLVED, that the Board determines the Applicant has met its burden of proof for the requested relief and hereby APPROVES such application subject to the following conditions:

CONDITIONS OF APPROVAL

1. These Conditions of Approval shall be binding upon the Applicant, the owner, and any successors and/or assigns of either.

2. The Applicant shall comply with all stipulations made during the hearing on this application, including but not limited to the following:

(a) There will be construction trailers on site during construction.

These will be located in coordination with the Board Engineer prior to commencement of construction activities.

(b) The Applicant will coordinate with the Police Department and Board Engineer for traffic and safety control for any large scale deliveries to the Sixth Avenue site.

(c) Applicant will perform comprehensive landscape maintenance of trees, damaged branches, weeds and debris both on site, in the municipal right of way and general vicinity.

(d) The Applicant stipulated further to provide additional and/or modified landscaping in consultation with the Board Engineer and Planner.

(e) The Applicant also agreed and stipulated it will have a pre-construction meeting with Borough officials.

(f) It further stipulated to allow the Borough to require changes to site lighting for a period of up to six months after the site became operational.

(g) All oil products will be removed in a good and workmanlike manner and in accordance with all local, state, county and federal requirements.

(h) There will be a one way in, one way out pattern of circulation, with all vehicles entering through the adjacent lot and exiting from the Ethel Avenue egress.

(i) Applicant agrees to submit a revised site plan, subject to this Board's approval, showing an entrance gate between the adjacent property (Block 244.01, Lot 1) and the Ethel Avenue site.

(j) Applicant stipulates that entrance into the site from Ethel Avenue is prohibited.

(k) Applicant proposes the outdoor storage of materials on a temporary basis for the duration of this redundancy project (approximately October, 2016). The site would be restored to its pre-existing condition thereafter.

(l) None of the materials demolished and/or removed from the Sixth Avenue property will be stored at the Ethel Avenue site.

(m) All loading/unloading will be on site.

(n) All work activities will occur only during those working hours permitted by Borough Code, but in no event sooner than 7 a.m. or later than 9 p.m., Monday through Friday.

(o) Applicant stipulated it will post a Removal Bond in a form and amount sufficient to Borough Council and Board Engineer.

(p) All items stored on site are specifically for use on the Sixth Avenue site.

(q) All items delivered from Ethel Avenue will be delivered on a flatbed truck or a truck of lesser size.

(r) Applicant will abide by a truck entrance schedule so that delivery trucks do not access the property during local school drop off and pick up times. This schedule will be set in consultation with the Board Engineer, Police Department and Borough Attorney and set forth in the Developer's Agreement to be executed in connection with this matter. At a minimum drop-offs will not occur before 9:00 a.m. or after 3:00 p.m.

(s) Applicant agrees to derive a maintenance plan/schedule to be incorporated into the Developer's Agreement in consultation with the Board Engineer, Fire Department, Police Department and Borough Attorney to promote and assure safe access to Sixth Avenue.

3. The Applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows.

4. The Applicant must obtain approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant is solely responsible for determining which governmental and/or public agencies, if any, such approvals are required of. The Applicant is further required to submit a copy of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Secretary and Engineer.

5. The Applicant shall comply with the Borough of Hawthorne's affordable housing obligations, if any, resulting from this approval.

6. The Applicant shall comply with all requisite development fee obligations, if any, resulting from this approval.

7. Any improvement(s) to be constructed as a result of the Board approving this application shall be constructed and operated in full compliance with the Code of the Borough of Hawthorne, the Revised Statutes of the State of New Jersey and any other applicable county and/or federal law.

8. The Applicant shall certify that all taxes and assessments have been paid up to the present time.

9. The Applicant shall submit to the Board Engineer for his review a sufficient number of complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.

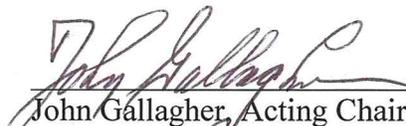
10. The Applicant shall satisfy and abide by all comments set forth in the Boswell McClave and Burgis Associates letters submitted in connection with this matter.

11. The Applicant, or the owner of the Premises must obtain all requisite NJDEP approvals, if any.

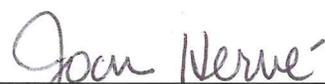
12. The Board presumes that the Applicant's application, all exhibits, maps and other documents submitted and relied on by the Applicant, are true and accurate representations of the facts relating to the applicant's request for relief. In the event that it appears to the Board, on reasonable grounds, that such application, exhibits, maps and other documents submitted are not accurate, are materially misleading or are the result of mistake, and the same had been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought by the Applicant, the Board may rescind its approval and rehear the application, either upon application of an interested party or on its own motion, when unusual circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice.

BE IT FURTHER RESOLVED, that the Borough of Hawthorne is hereby directed to mail a copy of this Resolution to the Applicant and/or the Applicant's attorney and to file copies of this Resolution with the Borough Clerk, Borough Construction Official, Borough Tax Assessor and Borough Zoning Officer and to cause notice of these determinations of the Zoning Board to be published in the official newspaper of the Borough of Hawthorne within ten (10) days of the date hereof and thereafter published accordingly to law.

The undersigned certifies that the within Resolution was adopted by the Board and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on April 20, 2015.



John Gallagher, Acting Chairman



Joan Herve, Secretary

Name	Motion	Second	Yea	Nay	Abstain	Absent
Hallock					X	
Gallagher	X		X			
DeRitter			X			
Chamberlin					X	
Terraglia					X	
Schroter			X			
Duffy					X	
Melfi		X	X			
Agnello			X			