

**RESOLUTION #2015-001**

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

**In the matter of:**

**233 Central LLC (the "Applicant")  
Block 174, Lot 14 (the "Property" or the "Premises")  
Hawthorne, New Jersey**

**WHEREAS**, Applicant has submitted a certain application to the Board dated February 18, 2014 for Use Variance, Variance, Preliminary and Final Site Plan and Waiver approval (collectively, the "Application"); and

**WHEREAS**, Public Hearings were held on August 18, 2014, September 15, 2014, October 20, 2014, November 24, 2014 and December 15, 2014; 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 Applicant submitted the following exhibits:

A-1 - Site Plan set, consisting of 8 sheets, prepared by MCB Engineers dated February 6, 2014, last revised March 24, 2014;

A-2 - Photo Rendering of Building façade prepared by Stuart Lachs, Architect;

A-3 – Architectural Site Plan prepared by Stuart Lachs, Architect;

A-4 – Revised Site Plan page prepared by MCB Engineers, dated October 3, 2014, last revised November 4, 2014;

A-5 – Traffic Assessment prepared by L2 Group, LLC dated October 3, 2014;

A-6 – Rendering;

A-7 - Rendering;

A-8 – Traffic Assessment Supplement prepared by L2 Group, LLC dated November 10, 2014;

A-9 – Planning Report prepared by Maser Consulting P.A. dated October 6, 2014;

A-10 – A series of photographs prepared by Daniel Bloch, P.P.;

A-11 – “Surrounding Land Use” Exhibit prepared by Daniel Bloch, P.P.;

A-12 – Density Report prepared by Daniel Block, P.P. dated May 17, 2013; and

A-13 – Maser Consulting Letter dated November 4, 2014; and

**WHEREAS**, Applicant also submitted the following:

(a) Borough of Hawthorne Zoning Board of Adjustment, Application for Variance, dated February 19, 2014;

(b) Borough of Hawthorne Application for Site Plan Review and Development Plan, dated February 18, 2014;

(c) Borough of Hawthorne Checklist for Required Submissions to the Planning Board or the Zoning Board of Adjustment, dated February 18, 2014;

(d) Site Plans (8 sheets) entitled, ‘Preliminary and Final Major Site Plan, Hawthorne Square, Block 174, Lot 14, Borough of Hawthorne, Passaic County, New Jersey’, prepared by MCB Engineering Associates, L.L.C., dated February 6, 2014, revised March 24, 2014. The Plans consist of the following sheets:

<u>Sheet No.</u>	<u>Description</u>
1 of 8	Title Sheet
2 of 8	Site Plan
3 of 8	Grading & Utility Plan
4 of 8	Lighting & Landscaping Plan
5 of 8	Soil Erosion & Sediment Control Plan
6 of 8	Site Details
7 of 8	Site Details
8 of 8	Site Details

(e) Alternate Suite Plan (1 sheet), entitled, “Alternate Site Plan, Hawthorne Square, Block 174, Lot 14, Borough of Hawthorne, Passaic County, New Jersey”, prepared by MCB Engineering Associates, L.L.C., dated October 3, 2014, revised November 4, 2014;

(f) Soil Movement Plan (2 sheets) entitled, “Soil Movement Plan, Hawthorne Square, Block 174, Lot 14, Borough of Hawthorne, Passaic County, New Jersey”, prepared by MCB Engineering Associates, L.L.C., dated February 6, 2014;

(g) Report entitled, “Drainage Calculations for Hawthorne Square, Block 174, Lot 14, Borough of Hawthorne, Passaic County, New Jersey”, prepared by MCB Engineering Associates, L.L.C. and dated February 6, 2014;

(h) Property Survey (1 sheet) entitled, “Boundary and Topographic Survey for ISM Properties, L.L.C., Lot 14, Block 174, Borough of Hawthorne, Passaic County, new Jersey”, prepared by Landmark Surveys, dated June 21, 2013, revised September 17, 2013;

(i) Architectural Plans (6 sheets) entitled, “Hawthorne Square, South Village Drive, Woodbridge Township, NJ, 07095”, prepared by Perkins Eastman, dated January 30, 2014; and

(j) Planning Report prepared by Maser Consulting, P.A., dated October 6, 2014.

**WHEREAS**, the Board entered the following exhibits:

ZBA-1 – Boswell McClave Engineers Letter (Review of Traffic Impact Study) dated November 20, 2014; and

ZBA-2 – Boswell McClave Engineers Letter dated November 13, 2014; and

**WHEREAS**, in addition, the Board received and reviewed the November 17, 2014 letter from the Hawthorne Fire Department; and

**WHEREAS**, Applicant bifurcated the Application such that site plan approval and a potential rear yard variance request for the proposed leasing building will be considered independently. Under consideration before the Board at this time is the following:

(a) Use Variance: Section 540-119 of the Borough Code provides the uses permitted in the I-1 Zone. Multi-family residential uses are not listed as a permitted use in this zone.

(b) Maximum Height: Section 540-7 and the Schedule of Bulk and Coverage Controls require a maximum building height of 35 feet on 2 ½ stories in the R-3 Zone and 34.9 feet on 3 stories is proposed.

(c) Maximum Density: Section 540-18 indicates a maximum density of 24 dwelling units per net acre, excluding streets and interior roadways in the R-3 Zone. In addition, the number of two (2) bedroom units shall not exceed 10% of the total units. The Applicant proposes a density of 24.125 units per gross acre (142 units) and all units are two (2) bedroom.)

(d) Rear yard setback of 15.6 feet where 25 feet (20 feet in the R-3 Zone) is required.

(e) There is an existing non conforming lot width, a stub connecting the Property to Forest Avenue. This condition remains unchanged and as such is not viewed as a variance but an existing condition.

(f) The following waivers are also requested:

(i) 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;

(ii) Location of Existing Structures Within 200 Feet: Section C(6) of the Zoning Board Checklist requires the location of all existing structures to be provided within 200 feet, including all setback dimensions;

(iii) Drainage Patterns Within 100 Feet: Section 540-159C(2)(g) requires existing and proposed drainage patterns on-site and within 100 feet of the lot to be provided.

(iv) The Applicant has noted the following exemption proposed from the RSIS: Curb Radii: N.J.A.C. 5:21-19(b)(3&5) and Table 4.6 indicates that a curb radii of 25 feet be provided. The Applicant proposes a minimum curb radii of 10 feet for the interior roads and 20 feet for exterior road connections.

**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. Applicant has applied for Use Variance Approval and related relief so as to permit a multi-unit apartment complex (142 two bedroom units) at the Property. The Property is located in the Borough's I-1 Zoning District which prohibits such use. While the Applicant originally sought a density of 28.0 units per gross acre (165 units), it has reduced the density to 24.125 units per gross acre (142 units). The Board takes special note that the density as reduced is more consistent with the density requirements established for the Borough's R-3 Residential Apartment – Medium Density Zone, which permits multi-family apartment uses, similar in

nature to the subject application. Likewise, the Application meets the required parking space standard (305 spaces proposed/284 spaces required).

2. In addition, Applicant sought variance approval, to the degree that the provisions of the R-3 Zone's height requirement is controlling. Specifically, Applicant proposes a maximum building height of 35 feet and three stories where the R-3 requirement is 35 feet and two and one-half stories.

3. Applicant seeks other relief: a "c" variance for a rear yard setback to allow proposed building "A" to be set back 15.6 feet (originally Applicant requested a 13 foot setback where 25 feet is required in the I-1 District and 20 feet is required in the R-3 District) and the waivers as described above, to allow a three story structure where 2 ½ stories is permitted and to allow for all units to be two bedroom, where the R-3 requirement is a 10% maximum of two bedroom units..

4. In support of its Application, Applicant presented a series of witnesses. Witnesses were also produced by the Board. All witnesses were sworn. All professional witnesses were accepted as experts in their respective field. Each witness' testimony is summarized herein. The Board specifically finds and concludes that all such testimony as enumerated below is credible and has been accepted by the Board as persuasive:

(a) Edward Rebenack testified as the Property owner's representative. He stated that he has been familiar with the Property since 1973 and has operated a sheet metal fabrication business since then. He advised that over the years, there has been a drastic decrease in production and sales, and also in the work force to the point his company was forced to terminate operations at the Property. Rebenack marketed the Property over a four year span as an industrial property and for residential purposes. There was little to no interest by industrial users. Rebenack opines that there are certain factors which have made the Property

unmarketable for industrial use: (i) the building sizes are too small; (ii) the 14 foot ceiling height of this existing building does not provide sufficient clearance for modern industrial/warehouse use; (iii) critical highway access is too remote; and (iv) the building is beyond its useful life and rendered obsolete. At present Rebenack has been able to rent outdoor areas for storage and staging, but he has not been able to find any interest for any permitted indoor use of the Premises.

The witness also testified that there were two open NJDEP cases relating spills of contaminants at the Property. One of those cases is closed (benzene/solvent spill) and one is still in the process of being closed (heating oil spill). Rebenack agreed to provide confirmation regarding the status of each matter.

(b) Matthew Clark, P.E. is the Project Engineer. He discussed the contents of the Site Plan (Exhibit A-1) and ultimate amendments which result in a request for 142 two bedroom units (originally proposed at 165 units) and 305 parking spaces. Originally, thirteen residential buildings were proposed, but that has been reduced to twelve residential buildings. Another building is proposed to be an accessory structure for leasing/office/tenant only fitness use. There is an internal driveway network, with access points located at the junctions of Fifth Avenue and Forest Avenue. Surface parking is proposed, some of which is located under the residential buildings. Also proposed are a series of enclosed refuse areas. Mr. Clark reviewed the Zoning Schedule, as ultimately revised, showing the following:

- The lot area is 256,412.732 sq. ft.
- There is an existing lot width deficiency, essentially a stub where the Property abuts Fifth Avenue (95 ft. exists, where 100 feet would be required in the R-3 district). The Board notes this is an existing condition which remains unchanged

and also notes that no buildings will be located in this deficient area. It will serve as access and parking.

- The lot depth is 578 feet.
- The proposed building height is 34.9 ft. (35 feet is required) and 3 stories (2 ½ stories are permitted).
- The proposed front yard setback is 130 feet.
- The proposed side yard setback is 55.2 feet.
- The proposed 15.6 foot rear yard setback for one structure, identified on the site plan as Building “A” located in proximity to the Property’s southerly boundary line (hereinafter “Building “A”) .

Mr. Clark also discussed several aspects of the site plan, including:

- There is a reduction of in excess of 40,000 square feet of impervious area.
- “Typical” stormwater drains and sanitary sewer systems are proposed.
- Lighting and landscaping are proposed throughout the Property. The exterior pole mounted lights will be downshielded. Lighting underneath the residential building will be ceiling mounted. Shade trees and foundation plantings are proposed throughout the Property.
- A series of site plan waiver requests have been made. (It is noted that such waiver requests are deemed acceptable to the Board and Borough Engineer).

(c) Louis Luglio, a principal in the firm of L2 Group, LLC reviewed the traffic and parking issues relating to the Application. He stated that the existing light industrial use would have 70 trips during the A.M. peak hour and 74 trips during the P.M. peak hour. In comparison, the proposed residential use (at 165 units) would have 73 trips during the A.M. peak

and 86 trips during the P.M. peak. Luglio projected that there would be fewer trips in and out of the Property during off peak hours for the residential use than there would be for the permitted light industrial use (or a retail/office use) and also that there would be fewer truck movements to and from the Property for the proposed residential use. Mr. Luglio reviewed the projected levels of service for a number of nearby roadways/intersections. His review concluded that none of the locations under review had a failing level of service (see also Exhibits A-5 and A-8, the L2 Group LLC reports dated October 3, 2014 and November 10, 2014, which are incorporated herein as if set forth at length.)

Mr. Luglio reviewed and discussed the Boswell McClave report, prepared by Berge Tombalakian, P.E. dated November 18, 2014 (Exhibit ZBA-1, which is incorporated herein as if set forth at length). In sum, Luglio confirmed: there are ample turning radii for garbage trucks and other large vehicles; there is no opportunity to install sidewalks, and they are not needed since the proposal calls for a “slow road system”; lastly, few tractor trailers are anticipated to enter and traverse the Property. The proposal now exceeds the required parking (284 spaces required for 142 units and 305 spaces proposed.) This meets New Jersey’s RSIS standard. Note: the parking field has been reduced to by one space to a concern raised by the Borough Fire Department (see Letter dated November 17, 2014).

The Board concurs with the conclusion set forth in the L2 report (Exhibit A-5), “the proposed project would not have a negative effect on traffic operations along Central or 5<sup>th</sup> Avenue. The proposed addition of traffic less than 10% of the current traffic volumes at the intersection of Central Avenue and 5<sup>th</sup> Avenue, less than the existing industrial land use and significantly less than any potential office or retail use . . . . [b]ased on ITE, the proposed project would generate the same or less traffic compared to the former manufacturing land use . . . . The

proposed project would provide safe and efficient access on and of the site, as well as on-site circulation.”

d) Stuart Lachs is the Project Architect. He testified that all residential units are proposed to be two bedroom units. Each residential building will have either 10, 12 or 15 units. The ground floor units are proposed as flats and the second floor units are proposed as duplexes. As shown on the site plan, parking is proposed at ground level, some of which is located under the proposed units. The exteriors will be a combination of faux stone and vinyl siding. Decks are proposed also.

Mr. Lachs described the use of the “leasing” building. It is proposed as a permanent rental/administrative office and will have a tenant only fitness room, not to exceed 18 ft. x 30 ft. Lastly, the witness noted that the residential units meet the minimum 950 square foot floor area requirement set forth at §540-19 of the Borough of Hawthorne Zoning Code. There are two different sized units proposed: 1,200 square feet and 1,340 square feet.

e) Daniel Bloch is the project Professional Planner. His report (Exhibit A-9) and set of aerial photos (Exhibit A-10) are incorporated herein as if set forth at length. He identified the requested variances as described above.

As to the “d(1)” use variance to allow residential use in the I-1 district, Mr. Bloch discussed the so-called positive criteria. Per the applicable law, the Applicant must demonstrate, with an enhanced quality of proof, “special reasons”, namely that the use is peculiarly fitted to the particular location for which the variance is sought. Mr. Bloch opined, and the Board concurs that the Applicant meets this burden based on the following factors:

- The Property is adjacent to and hidden by fully developed residential neighborhoods, industrial uses, and the NYS&W Railroad.

- As such, the proposal acts as an appropriate transitional use between the abutting uses by removing an obsolescent use and replacing it with one more in harmony with its surroundings.
- In addition to the particular suitability standard, special reasons exist because the application meets a number of purposes of N.J.S.A. 40:55D-2 (the “MLUL”) as follows:
  - §2(a) The proposed use serves the general welfare;
  - §2(e) The proposed use promotes the establishment of appropriate population densities.

In addition to meeting the positive criteria, the Applicant meets the so-called negative criteria: to wit, that there is no substantial detriment to the public good and also no substantial detriment to the zone plan. Mr. Bloch demonstrated that there is a trend, as recognized in the Borough’s 2000 and 2011 Master Plan Reexamination reports, that Industrial Uses were becoming incompatible with neighboring residential uses and recognized that “existing industrial uses [have been] redeveloped as either multi family developments or lighter manufacturing uses.” The witness also notes, as applicable, Goals 8 and 12 of the 2011 Master Plan Updates Goals and Policies, which encourage redevelopment and adaptive re-use of certain industrial sites.

Mr. Bloch also, in his report, took a conservative approach to identify the potential density variance as a “d(5)” variance since the proposal does not meet the R-3 zone’s density requirement (which excludes streets and interior roadways).<sup>1</sup> He commented on all other

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<sup>1</sup> The Board notes that since the Hawthorne definition of density is different than the MLUL definition, this deviation is viewed as a “C” Variance.  
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variances and concluded that ample C2 grounds exist since the benefits of this application substantially outweigh any detriments. The Board agrees with this conclusion.

Mr. Bloch further opined that there will be no substantial detriment to the public good. This is based on his testimony that the proposed use will improve the aesthetic quality of the neighborhood; will not result in excessive noise, glare, dust, smoke, fumes and other noxious industrial use by products; will provide adequate parking; will not result in a substantial deterioration of existing traffic conditions and will substantially reduce the number of large truck movements entering the area.

He concluded and the Board concurs, that based on the considerations recited herein, the Applicant met its burden on all relief described herein:

- The site is particularly suitable for the proposed use;
- The proposed use promotes the purposes of zoning;
- The proposed density at 142 units is consistent with the existing densities of similar apartment complexes in Hawthorne;
- The site is able to accommodate the proposed density without substantial detriment to the surrounding properties; and
- The use will promote the Master Plan policy of redeveloping existing industrial uses which are appropriate for this Property since it is an appropriate transitional use between the neighboring industrial and residential uses.

f) Joseph Burgis testified as the Board's Professional Planner. He stated that the use of the Property for industry is a "thing of the past". He further opined that, largely due to its isolation, other permitted uses are not likely and also rejected the feasibility of the Property

for single family use. In his opinion, this use as proposed is appropriate. He further stated that the question of density involves a determination whether the site can accommodate the number of structures and units. This is a factual determination for the Board's consideration.

He generally concurred with Mr. Bloch's discussion, conclusion and underlying rationale that Applicant met its burden for the approval of the variances requested.

g) Michael Kelly is the Board's Engineer. He opined that the requested submission waivers were appropriate given the fact that the neighborhood, inclusive of the Property, is fully developed. Mr. Kelly also concurred that the deviation from the RSIS curb radius, would not have a significant negative impact on the safety or function of the Property and as such is not objectionable.

The Board opened the hearing to the public. Several neighbors appeared and provided testimony and questions in connection with the application.

### **CONCLUSIONS**

The primary consideration of this Board is the use variance request to allow a 142 unit apartment complex in the Borough's I-1 Zoning District resulting in a density of 24.125 units per gross acre. Intertwined with this is Applicant's request to: permit all two bedroom units, where a maximum of 10% is allowed; allow three story residential buildings where 2 ½ stories maximum is permitted (the structures meet the height limitation of 35 feet); a rear yard setback variance of 15.6 feet setback for Building A where 25 feet is required in the I-1 Zone and 20 feet is required in the R-3 Zone; and a series of submission waivers and one RSIS Waiver.

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 and all other corollary relief, excepting site

plan approval which has been bifurcated, and a potential rear yard variance for the leasing office structure which is also bifurcated.

The Board has considered the totality of the circumstances, inclusive of the corollary relief sought relating to density, ratio of two bedroom units, height and setback. The corollary relief is “subsumed” into the discussion of the d(1) use Variance (see NYSMSA v. Borough of Midland Park Zoning Board (App. Div. 2013-Unreported) and O’Donnell v. Koch 197 N.J. Super. 134 (App. Div. 1984)) which held that bulk variances are subsumed when the deviations from the bulk regulations “were necessarily included in the grant of the use variance.”

Specifically, this Board determines that based on the evidence, special reasons as described above have been proven. This is an obsolete site bounded by a combination of residential, industrial and railroad uses. It is best suited, as proposed, to function as a transitional use. We also concur with Mr. Bloch’s conclusion that a number of MLUL goals have been advanced.

The Board has evaluated the density of 142 two bedroom units and determines that the site can accommodate such density. This was adequately demonstrated by Mr. Luglio who confirmed there will be no significant changes to the traffic patterns nearby and that the site is properly designed to function safely. This was further amplified by Mr. Bloch who opined the density as requested is appropriate and similar to the densities of other nearby apartment complexes which he studied (which study was presented on the record).

In addition to Mr. Bloch’s testimony, Borough Planner Joseph Burgis concurred that the Property is particularly well suited for this use and viewed it as the most appropriate use.

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 this density will not result in any substantial negative impact on the neighboring properties.

As borne out during the public hearing, the changes to off site traffic patterns are not substantial and in fact, both automobile and truck movements will be fewer during non peak hours. The Board further finds that there is ample open space (40,000 square of impervious coverage will be replaced with green space) and also that this will result in a significant aesthetic improvement to the area. The height variance is not related to height, but rather to the number of stories. Therefore, no significant negative impact to the surrounding neighborhood will result. The requested rear yard setback of a minimum of 15 feet, likewise, will not result in substantial harm to neighboring properties, being only 5 feet deficient from the R-3 requirement (note that, during site plan review, the Board will look to assure that there is adequate screening at this location to compensate for the reduced setback and to further assure the negative criteria are met.) The Board concludes, with respect to all variances which could arguably be viewed as C variances that there has been an ample demonstration that the land use policies of the Borough of Hawthorne and the MLUL are advanced and that the advances significantly outweigh any perceived detriment, thus justifying C2 grounds for approval.

#### **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.
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. In the event any change to the layout, number of units or change of a two bedroom unit to another type of unit that would expand the nature of the relief granted herein, the Applicant must make application to the Board.

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

8. 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.

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

10. 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.

11. The Applicant shall satisfy and abide by all comments set forth in the Boswell McClave letter dated November 20, 2014.

12. A rail, in a type and material approved by the Board Engineer will be installed atop all retaining walls.

13. The Applicant, or the owner of the Premises must obtain all requisite NJDEP approvals, and must provide the Board Engineer and Board Secretary with copies of all documentation regarding the closure of the two open NJDEP case files identified during the public hearings, inclusive of final approvals.

14. Buffers to be provided on-site will be a 6 foot high privacy fence along with a planted buffer.

15. 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.

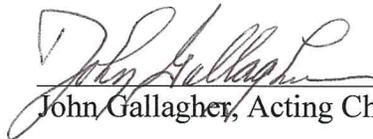
16. Subject to site plan approval and approval of the rear yard setback of the leasing office.

17. The "leasing office" shall only be used for leasing and administrative purposes and for a tenant only fitness room.

**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 January 19, 2015.

  
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John Gallagher, Acting Chairman

  
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Joan Herve, Secretary

OFFERED BY: DeRitter  
SECONDED BY: Agnello  
VOTE: Ayes 4  
Nays