

Minutes of a special meeting of the Board of Adjustment of the City of Clifton, New Jersey, held at the Council Chambers, City Hall, Clifton, New Jersey, on Wednesday, October 24, 2018. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

PRESENT: COMRS SCOTT SOCHON, LOUIS DE STEFANO, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR MICHAEL MOLNER, DANIEL TRENK, KEITH LA FORGIA, AND GEORGE FOUKAS.

Chrmn Zecchino advised all applicants that the testimony given before the Board was being tape recorded. The applicants were further advised of the right of appeal and the procedure to obtain a stenographic record of the Board.

1. **PB NUTCLIF MASTER, LLC**
Use 116 Acres, "ON3", 340 Kingsland
Variances; Street, Block 80.02, Lot 1.01 – M-3 –
Variances Preliminary and Final Major Subdivision
Approval:

To create four lots (three new tax lots and one remainder lot) from existing Block 80.02, Lot 1.01, a +/-19.336 acre lot (the "Premises") and Preliminary and Final Site Plan approval to construct a portion of a parking garage on one of the proposed lots, as further detailed below. The Premises are a portion of the

former Hoffman-LaRoche (“HLR”) campus comprising approximately 116 acres, now known as “ON3,” located in the City of Clifton (Passaic County), and Township of Nutley (Essex County).

340 Kingsland Street was sometimes used as the street address for the HLR campus, and currently, for ON3. The Premises are located in the M-3 zoning district.

The Applicant is seeking Preliminary and Final Site Plan approvals: (i) to construct a portion of a seven (7) level, +/-2,566 parking space garage of which approximately 570 parking spaces will be located in the City of Clifton (“Clifton”) on proposed lot “B,” one of the proposed new tax lots to be created from existing Block 80.02, Lot 1.01, and (ii) to construct a 12 ft. high decorative screening wall on proposed lot “C”. The balance of the parking garage is located in the Township of Nutley (“Nutley”) and has been granted site plan approval by the Planning Board of the Township of Nutley. The proposed parking garage will provide parking for 100 Metro Boulevard, located in Nutley (formerly known as Building 1 on the HLR campus) and 200 Metro Boulevard (formerly known as Building 76 on the HLR campus). 200 Metro Boulevard is located partially in Nutley and partially in Clifton.

The intent and effect of the proposed subdivision of the Premises is to allow the portion of the proposed parking garage located in Clifton to be located on a separate tax lot (proposed Lot “B”). The portion of 200 Metro Boulevard located in the Clifton is proposed to be located on a separate tax lot (proposed Lot “D”). The existing cooling towers and support utility building are also proposed to be located on a separate tax lot (proposed Lot “C”). The remainder lot, consisting of

17.272 acres, is currently improved with a co-generation facility and various utility and related structures, all of which currently are proposed to remain.

The Applicant is seeking a variance from §461-13.1.O. (which references Section 461-13.1.N.) of the Code of the City of Clifton, Chapter 461 - Zoning (the “Ordinance”) pursuant to N.J.S.A. 40:55D-70(d), to permit a parking garage which use is not a permitted principal or accessory use in the M-3 zone. Applicant also is seeking a use variance from §461-13.1.O. of the Ordinance, pursuant to N.J.S.A. 40:55D-70(d), to permit the continuing office use of the portion of 200 Metro Boulevard located in Clifton and to permit the continuing utility, co-generation and cooling tower uses, as currently exist, if such additional use variances are determined to be necessary in connection with these existing uses which are not listed among the permitted uses in the M-3 zone.

Applicant is also seeking the following variances pursuant N.J.S.A. 40:55D-70(c):

With regard to proposed Lot B, which is to be improved with a portion of the proposed parking garage:

1. The following variances are requested from the Ordinance, Section 461-13, Attachment 3, entitled “Schedule of Regulations as to Bulk, Height and Other Requirements – Industrial Zones:

- a. To permit a 0.781 acre lot where a minimum of 5 acres is required;
- b. To permit a lot width of 71.52 ft. where a minimum 250 ft. lot width is required;

- c. To permit a lot depth of 21.98 ft. where a minimum 250 ft. lot depth is required;
- d. To permit a front yard setback of 22.98 ft. where a minimum 9.5 ft. front yard setback is required;
- e. To permit a side yard setback of 0 ft. where a minimum 39.5 ft. side yard setback is required;
- f. To permit a rear yard setback of 8.4 ft. where a minimum 39.5 ft. rear yard setback is required;

2. A variance is requested from §461-13.M. to permit 81.7% lot coverage where a maximum of 45% is permitted;

3. A variance is requested from §461-42.A. to permit LED exterior lighting fixtures where high-pressure sodium vapor lighting fixtures are required; and

4. A variance is requested from §461-60.1.A. to permit 9 ft. by 18 ft. parking spaces where 9 ft. by 19 ft. parking spaces are required.

With regard to proposed Lot C, which is currently improved with cooling towers and a utility support building, and 12 ft. high decorative screening walls are proposed:

1. The following variances are requested from the Ordinance, Section 461-13, Attachment 3, entitled “Schedule of Regulations as to Bulk, Height and Other Requirements – Industrial Zones:

- a. To permit a 0.563 acre lot where a minimum of 5 acres is required;
- b. To permit a lot width of 152.00 ft. where a minimum 250 ft. lot width is required;

c. To permit a lot depth of 116.72 ft. where a minimum 250 ft. lot depth is required;

d. To permit a front yard setback of 11.6 ft. where a minimum 29 ft. front yard setback is required;

e. To permit a side yard setback of 21.4 ft. where a minimum 29 ft. side yard setback is required;

f. To permit a rear yard setback of 27.1 ft. where a minimum 29 ft. rear yard setback is required;

2. A variance is requested from §461-47.C.(1) to permit proposed screening fence/wall that does not meet the design standards of the Ordinance and which is 12 ft. in height where a maximum height of 8 ft. is permitted;

3. A variance is requested from §461-42.A. to permit LED exterior lighting fixtures where high-pressure sodium vapor lighting fixtures are required; and

4. A variance is requested from section 161-13.M. to permit 96.3% lot coverage where a maximum of 60% is permitted.

With regard to proposed Lot D, the site of a portion of existing 200 Metro Boulevard which existing building is located in both Nutley and Clifton:

1. The following variances are requested from the Ordinance, Section 461-13, Attachment 3, entitled "Schedule of Regulations as to Bulk, Height and Other Requirements – Industrial Zones:

a. To permit a proposed 0.720 acre lot where a minimum of 2.5 acres is required;

b. To permit a lot width of 92.1 ft. where a minimum 250 ft. lot width is required;

c. To permit a lot depth of 235.01 ft. where a minimum 250 ft. lot depth is required;

d. To permit a front yard setback of 18.6 ft. where a minimum 20 ft. front yard setback is required;

e. To permit a side yard setback of 0 ft. where a minimum 15 ft. side yard setback is required; and

f. To permit a rear yard setback of 11 ft. where a minimum 15 ft. rear yard setback is required;

2. A variance is requested from §461-42.A. to permit LED exterior lighting fixtures where high-pressure sodium vapor lighting fixtures are required; and

3. A variance is requested from section 161-13.M. to permit 86.9% lot coverage where a maximum of 60% is permitted.

With regard to remainder lot, where a co-generation building and other utility and support buildings are located and currently proposed to remain:

1. The following variances are requested from the Ordinance, Section 461-13, Attachment 3, entitled "Schedule of Regulations as to Bulk, Height and Other Requirements – Industrial Zones:

a. To permit a front yard setback of 0 ft. where a minimum 40 ft. front yard setback is required;

b. To permit a side yard setback of 7.3 ft. where a minimum 40 ft. side yard setback is required; and

c. To permit a rear yard setback of 12.1 ft.
where a minimum 40 ft. rear yard setback is required.

2. A variance is requested from section 161-13.M. to permit 93.7% lot coverage where a maximum of 40% is permitted.

The Applicant also is seeking a variance from N.J.S.A. 40:55D-35 (as authorized pursuant to N.J.S.A. 40:55D-36) to permit approval of the requested subdivision and proposed development on lots that do not abut a street giving access thereto.

The Applicant also is seeking such additional or other variances, exceptions, approvals, permits, waivers or relief from or pursuant to the Ordinance, including waivers of design standards and/or submission requirements, as may be determined to be necessary to develop the Premises in the manner indicated in the application, plans and materials.

Meryl A.G. Gonchar, Esq., of Sills Cummis & Gross with offices at One Riverfront Plaza, Newark, New Jersey. Present and sworn on behalf of the applicant were the following:

Stephen Powers, PE of Greenberg Farrow with offices at 153 Cordaville Road, Suite 210, Southborough, MA 01772, applicant's engineer;

David Novak, PP, AICP of Burgis Associates, Inc. with offices at 25 Westwood Avenue, Westwood, New Jersey 07675, applicant's planner;

Charles Otis Logan Jr. AIA, ARA of The Aztec Corporation with offices at Woodbridge Place, 517 Route One South, Iselin, New Jersey 08830, applicant's architect;

Giovanni Diaz of Weintraub Diaz Landscape Architecture, PLLC, with offices at 19 New Street, Nyack, New York 10960, applicant's landscape architect;

Jarka Vonder, PLS, PP of PS&S, 67B Mountain Boulevard Extension, PO Box 4039, Warren, New Jersey 07059; and

Eugene Diaz, Principal, Prism Capital Partners, PB Nutclif Master LLC, the applicant.

There were no objectors.

Eugene Diaz testified as a Principal of Prism Capital Partners and stated that the applicant is seeking preliminary and final major subdivision approval as well as preliminary and final site plan approval to construct a 7-level parking space garage; that the intent of the proposed subdivision is to allow the portion of the parking garage located in Clifton to be located on a separate tax lot, proposed Lot B; that the portion of 200 Metro Boulevard located in Clifton is proposed to be located on a separate tax lot, proposed Lot D; and the existing cooling towers and support utility building are also proposed to be located on a separate tax lot, proposed Lot C; that the applicant is also seeking a use variance to permit a parking garage, which use is not a permitted use in the M-3 zone, as well as a use variance to permit the continuing office use of the portion of 200 Metro Boulevard located in Clifton and to permit the continuing utility co-generation cooling tower uses as currently exists.

Stephen Powers testified to the contents of the site plan from an aerial view of the property; that the site in question consists of 116 acres property known as the Hoffman LaRoche campus; that the site is irregular in shape with frontage along Metro Boulevard and bordered by Route 3 to the north, Kingsland Street to the south, Darling Avenue to the west, and single-family homes to the east; that the applicant proposes to subdivide the property into six tax lots, of which three will be located in the City of Clifton; that a 7-story parking garage consisting of 890,400 square feet and 2,566 parking spaces on the proposed lots of Lot B in Clifton and Lot V in Nutley; that proposed Lot C and D in Clifton have existing structures which are not proposed to change; that the parking garage will support the existing office buildings on proposed Lot X and proposed Lot W; that the office building on Lot W extends across the boundary line into the proposed Lot D in the City of Clifton; that the applicant is also seeking site plan and variance approval for the parking garage, the existing structures, and the screening walls; that access to the parking garage is located in the Township of Nutley from proposed Road D.

Offered into evidence were the following exhibits:

“A-1” is the site plan;

“A-2” is the truck circulation plan.

The Board was in receipt of a report from its engineering consultant, Neglia Engineering dated October 12, 2018, who rendered general engineering comments; grading, drainage, and utility comments, subdivision comments, and landscaping and lighting comments. It was noted that the lighting fixtures recommended by Neglia would be high-pressure sodium in accordance with the ordinances of the City of Clifton; however, the applicant requested that LED lights be approved.

Mr. Powers, on behalf of the applicant, agreed to comply with all recommendations set forth in the report of Neglia Engineering Associates dated October 12, 2018, as well as the recommendations of a report submitted by the City of Clifton Fire Department dated October 24, 2017.

Charles Otis Logan Jr. of the Aztec Corporation testified as the architect and gave an overview of the proposed parking garage in viewing the parking spaces on the ground floor, explaining the typical plan of levels 2 through 6 and the seventh floor roof floor plan.

Offered into evidence as “A-5” was a brochure containing floor measurements, parking spaces, lighting plan on the seventh floor, or the roof floor, and roof foot-candle levels.

Offered into evidence as “A-3” were two photographs, one showing a view from the southwest corner and the second a night view from the southwest corner.

Marked into evidence as “A-4” was a rendering of the views from the northeast and also a view from the southeast.

Mr. Logan also testified as to the lighting plan for the general exterior lighting, LED lighting, and luminaire LED style wall ceiling hung finished white lamps; that the facility is capable of handling the snow load in the Winter and trash receptacles will be provided.

In addition, Mr. Logan testified as to the barrier free sign detail, screen wall assembly, and the entrance from the east and entrance from the west to the garage.

David Novak of Burgis Associates testified as a planner and stated that the site in question is located in an M-2 zone; he gave a property description and stated that the applicant is seeking preliminary and final subdivision approval, preliminary and final site plan approval to construct a 7-story parking garage, D-1 variances for the parking garage, office building part of which is on Lot D in the City of Clifton, and a separate tax lot for the cooling towers; that the special reason for the grant of the use variance basically is to re-use obsolete industrial facilities in order to maintain the vitality of the employment base in the City and a balanced land use distribution in view of the continual loss of the manufacturing base; that this is a plan for the redevelopment of an industrial complex available to public and private development as set forth in the policy statements of the City of Clifton Master Plan; that the plan satisfies the purposes of zoning set forth in NJSA 40:55D-2; that the site is suitable for the proposed use; that the use is compatible with the uses in the area; that with respect to proposed Lot B calling for variances for lot size, lot width, front yard setback, side yard setback, rear yard setback, lot building coverage, and number of parking spaces, the flexible C-2 variance applies where the benefits of the application outweigh the detriments; similarly, with regard to proposed Lot C where variances are required for lot size, lot width, lot depth, front yard setback, side yard setback, rear yard setback, and screening wall height where 2 feet is permitted and 12 feet is proposed, the benefits of the application outweigh the detriments, if any; that with regard to proposed Lot D, lot size, lot width, lot depth, front yard setback, side yard setback, rear yard setback, the flexible C provisions warrant approval of the variances requested.

It is noted that the office building and the existing structures exist, and the purpose of same is to create tax lots for each individual use.

With regard to the negative criteria, the Board reviewed the traffic impact report prepared by Stonefield Engineering and Design dated September 24, 2018, which concluded that "the analysis findings which have been based upon industry standard guidelines indicate that the proposed reoccupation would result in intersections to operate similar or better than when the site was occupied by Roche. Additionally, on-

site layout has been designed to provide for effective access to and from the subject property and the parking supply will be sufficient to support this project.”

In addition to the report from Neglia Engineering and the Clifton Fire Department, the Board was also in receipt of a report from its planner, Gregory Associates dated October 22, 2018. Said report indicated that there were two additional variances not identified by the applicant, i.e. parking structure located within the front yard and parking structure located within 10 feet of the side and rear lot lines and within 5 feet of the front lot line. These variances should be considered by the Board in making its decision.

After a review of the testimony, Comr Roy Noonburg moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for preliminary and final major subdivision approval, preliminary and final site plan approval for a 7-story parking garage, use variance to permit a parking variance in an M-3 zone, use variance to permit the continuing office use of a portion of 200 Metro Boulevard located in Clifton and use variance to permit the continuing utility cogeneration and cooling tower uses as currently exist as well as all C bulk variances required for proposed Lot B, proposed Lot C, and proposed Lot D, all as set forth in the application submitted by the applicant and the two bulk variances cited in the report of Gregory Associates dated October 22, 2018, as well as variance for LED lighting instead of high-pressure sodium and parking stall size where 9- by 19-feet is required and the applicant is proposing 9- by 18-feet spaces. The motion was seconded by Comr Louis DeStefano. Voting for the motion were Comrs Scott Sochon, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a five to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete
testimony presented to the Board and
upon which this decision is based.

There being no further business before the Board, Vice-Chrmn Gerard Scorziello moved to adjourn. The motion was seconded by Comr Louis DeStefano with the unanimous approval of the entire Board.

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF OCTOBER 24, 2018.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: PB NUTCLIF MASTER, LLC
for premises known as: 116 Acres, "ON3", 340 Kingsland Street, Block 80.02, Lot 1.01
be and the same is hereby: GRANTED preliminary and final major subdivision approval on former Hoffman La-Roche campus to subdivide Lot 80.02, Lot 1.01 into three tax lots and preliminary and final site plan approval to construct a portion of a 7-level parking garage on Lot B, construct screening walls on Lot C, and various site improvements to the subdivided properties as follows: D(1) use variance for parking structure (Lot B) and existing office building (Lot D); existing cooling towers and support utility building (Lot C); C variances on Lot B for lot size, lot depth, lot width, front yard setback, side yard setback, rear yard setback, lot (building) coverage, number of parking spaces, parking structure located within front yard, parking structure located within 10' of side and rear lot lines and within 5' of front lot line, LED exterior lighting, and parking space size; C variances on Lot C for lot size, lot coverage, lot width, lot depth, front yard setback, side yard setback, rear yard setback, screen wall height, LED exterior lighting; C variances on Lot D for lot size, lot coverage, lot width, lot depth, front yard setback, side yard setback, rear yard setback, and LED exterior lighting.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 24, 2018. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr Roy Noonburg moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests preliminary and final major subdivision approval on former Hoffman La-Roche campus to subdivide Lot 80.02, Lot 1.01 into three tax lots and preliminary and final site plan approval to construct a portion of a 7-level parking garage on Lot B, construct screening walls on Lot C, and various site improvements to the subdivided properties as follows: D(1) use variance for parking structure (Lot B) and existing office building (Lot D); existing cooling towers and support utility building (Lot C); C variances on Lot B for lot size, lot depth, lot width, front yard setback, side yard setback, rear yard setback, lot (building) coverage, number of parking spaces, parking structure located within front yard, parking structure located within 10' of side and rear lot lines and within 5' of front lot line, LED exterior lighting, and parking space size; C variances on Lot C for lot size, lot coverage, lot width, lot depth, front yard setback, side yard setback, rear yard setback, screen wall height, LED exterior lighting; C variances on Lot D for lot size, lot coverage, lot width, lot depth, front yard setback, side yard setback, rear yard setback, and LED exterior lighting at premises located at 116 Acres, "ON3", 340 Kingsland Street, Block 80.02, Lot 1.01, which premises are located in an M-3 zone; and

WHEREAS, the Board did hear testimony from the applicant's experts, Eugene Diaz, Principal of Prism Capital Partners; Stephen Powers, PE, engineer; Charles Otis Logan Jr. AIA, architect; and David Novak, PP, AICP, planner; and

WHEREAS, the Board reviewed the reports of its planning consultant, Gregory Associates, LLC, dated October 22, 2018; report Neglia Engineering Associates dated October 12, 2018; and the report from the Fire Department of the City of Clifton dated October 24, 2017; and

WHEREAS, the Board did review and entered into evidence “A-1” through “A-5” the subdivision and site plan, truck circulation route, architectural drawings of the 7-story parking garage, and traffic impact letter report dated September 24, 2018 and prepared by Stonefield Engineering and Design; and

WHEREAS, there were no objectors to the application; and

WHEREAS, the Board, after hearing the testimony presented by the applicant and its experts, has made the following factual findings:

a. The subject site is part of an overall 116 acre property known as the Hoffman La-Roche Campus bordered by Route 3 to the north; Kingsland Street to the south; Darling Avenue to the west, and single-family homes to the east;

b. The site is zoned M-3 special industrial zone;

c. The Board recognizes the continuing loss of the manufacturing base in the City of Clifton, and the proposal presented by the applicants presents an opportunity to re-use these facilities in order to maintain the vitality of the employment base in the City and a balanced land use distribution;

d. With regard to the proposed major subdivision, traffic access to and from the site is adequate, the interior vehicular circulation and parking is adequate, the layout and arrangement of buildings and parking areas is consistent with the requirements of the zone ordinance;

e. Based upon the testimony of the applicant’s planner who gave testimony concerning the special reasons for granting of the use variance and satisfaction of the negative criteria;

f. That the plan satisfies the purposes set forth in N.J.S.A. 40:55D-2, Paragraph C, G, H, I, and K of the Act;

g. That the benefits of the application outweigh the detriments and promotes the intent of Goals 6 and 7 of the Master Plan which encourages the revitalization of the site in question through proper land use controls, utilization of design elements, and expansion of off-street parking as well as addressing the continuing loss of the manufacturing base by encouraging the adaptive re-use of obsolete industrial facilities;

h. That the proposal is less intense than those uses which are permitted in the M-3 zone;

i. That the site in question is irregular in shape and any development may cause a hardship to the applicant; and

WHEREAS, the Board finds from the testimony presented that the proposal will be in accord with the intent and purpose of the Master Plan and the Zone Ordinance which encourages the re-use, rehabilitation, or reconstruction of existing commercial and industrial structures which have been vacated for potential re-use as appropriate uses in order to maintain a balance of land uses, existing jobs, and to produce new jobs; and

WHEREAS, based upon the report of the applicant’s traffic expert, the proposed reoccupation of the site in question will result in intersections to operate similar or better than when the site was occupied by the prior occupants and the on-site layout has been designed to provide for effective access to and from the subject property and the parking supply is sufficient to support this project which will help promote the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for preliminary and final major subdivision approval on former Hoffman La-Roche campus to subdivide Lot 80.02, Lot 1.01 into three tax lots and preliminary and final site plan approval to construct a portion of a 7-level parking garage on Lot B, construct screening walls on Lot C, and various site improvements to the subdivided properties as follows: D(1) use variance for parking structure (Lot B) and existing office building (Lot D); existing cooling towers and support utility building (Lot C); C variances on Lot B for lot size, lot depth, lot width, front yard setback, side yard setback, rear yard setback, lot (building) coverage, number of parking spaces, parking structure located within front yard, parking structure located within 10' of side and rear lot lines and within 5' of front lot line, LED exterior lighting, and parking space size; C variances on Lot C for lot size, lot coverage, lot width, lot depth, front yard setback, side yard setback, rear yard setback, screen wall height, LED exterior lighting; C variances on Lot D for lot size, lot coverage, lot width, lot depth, front yard setback, side yard setback, rear yard setback, and LED exterior lighting at 116 Acres, "ON3", 340 Kingsland Street, Block 80.02, Lot 1.01, be and the same are hereby approved and be and the same are hereby granted subject to:

1. The applicant shall obtain any and all approvals required by outside agencies, including but not limited to NJDOT, NJDEP, Passaic County Planning Board, Passaic County Utilities Authority, Passaic Valley Water Commission, Passaic Valley Sewerage Commission, and Hudson-Essex-Passaic Soil Conservation District as well as the City of Clifton Police Department, Fire Department, Emergency Management and Department of Public Works. It is the applicant's responsibility to determine what outside agency permits are required. Copies of said approvals shall be provided upon receipt;
2. Except as contained herein, all recommendations in the report of Neglia Engineering Associates dated October 12, 2018;
3. That the parking stall size shall be 9- by 18- feet and that LED lighting shall be permitted instead of high-pressure sodium vapor lighting;
4. All variances as contained in the report of Gregory Associates dated October 22, 2018;
5. All conditions as indicated in the Report of the Clifton Fire Department in its report dated October 24, 2017.

NO PERMITS ARE TO ISSUE UNLESS AND UNTIL THE FINAL SEALED PLANS REFLECTING ANY CHANGES OR AMENDMENTS HAVE BEEN SUBMITTED AND APPROVED. THE ZONING BOARD SHALL RETAIN JURISDICTION TO RECONSIDER, REVISE, MODIFY, ADD, AND VARY THE TERMS OF ANY CONDITIONS HEREIN IMPOSED UPON ANY USE VARIANCE, VARIANCES, AND/OR SITE PLAN GRANTED HEREIN.

THIS RESOLUTION, IF NOT ACTED UPON (OBTAIN A BUILDING PERMIT) WITHIN ONE (1) YEAR OF THE DATE OF ADOPTION OF THIS RESOLUTION, SHALL BECOME NULL AND VOID, OR AS AMENDED.

NO BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNLESS THE REQUIRED COUNCIL ON AFFORDABLE HOUSING (COAH) FEE AS DETERMINED BY THE REQUIRED MUNICIPAL OFFICIALS AND THE MUNICIPAL HOUSING LIASON IS PAID. THIS WILL APPLY TO EITHER THE APPLICANT OR THE OWNER UPON SUBMISSION OF REQUIRED PLANS FOR BUILDING PERMITS.

Resolution moved by: Comr ROY NOONBURG.

Seconded by: Comr LOUIS DE STEFANO.

Affirmed by: Comrs Scott Sochon, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.