

METUCHEN ZONING BOARD OF ADJUSTMENT

MINUTES

June 12, 2014

The meeting was called to order at 7:52 p.m. by Pat Lagay, Chairperson, who read the statement in accordance with the Open Public Meetings Act.

Present: Suzanne Andrews
Pat Lagay, Chairperson
Catherine McCartin
Judith Sisko
Daniel Spiegel
Brian Tobin, Vice Chairperson
James Constantine, Planner
Robert Renaud, Attorney
Lisa DiFranza, Engineer
Chris S. Cosenza, Zoning Officer

Late: (none)

Absent: Byron Sondergard
Jonathan Rabinowitz, Alt. I
Eileen Millett, Alt. II (resigned)

Ms. Lagay announced that Ms. Millett has resigned due to conflict of scheduling.

NEW BUSINESS

14-1030 Stephen Armeli – Applicant is seeking bulk variance approval for a rear dormer addition.

114 Rutgers Street

Block 51.03, Lots 12 & 13

R-2 Zone

Mr. and Ms. Armeli and David Dugas, Applicant's architect, were sworn in by Mr. Renaud.

Ms. Armeli indicated that she and her husband have decided to construct an addition. They purchased the property in 2006. The previous owners did some expansion on the first floor. The second floor, however, is 'adequate.' There are three (3) bedrooms, with the third bedroom otherwise a glorified closet: it has no heat, no closet and a small window. They seek to add a (real) bedroom and a bathroom on the second floor. They considered to purchase other property but decided to stay in the current home.

Mr. Dugas provided his qualifications and indicated that he has actually been before this Board several years ago. He was accepted by the Board as an expert.

Mr. Dugas indicated that the addition will work from the existing ridge line and expand toward the back. The front of the dwelling would be maintained and will otherwise fit in with the neighborhood. He described the layout of the floor plan.

Ms. Lagay asked about the location of windows.

Mr. Dugas indicated that the windows will be located on the side of the addition. There will be no windows in the closet.

Mr. Constantine asked Mr. Dugasz why a variance was required.

Mr. Dugasz indicated that the existing property is a narrow lot, it is a 40 foot lot. Due to that condition, pretty much anything that is to be built, it will require a variance. The addition will be on top of the existing footprint of the house. The Ordinance has a couple exceptions built in, however, Applicant does not meet them. All of the lots in the area are undersized.

In response to a question by Ms. Lagay, Mr. Dugasz indicated that there are a number of existing non-conformities. In speaking with Mr. Cosenza when applying for the variance, it was determined that notice should be given for other non-conformities (for building coverage, impervious coverage and driveway setback) because it was not clear how they came about and it would be best to address them now.

Mr. Spiegel asked if there was a database that indicated variances that had been granted for this site,

Mr. Cosenza indicated that he is actually working on putting together such a database. However, since much of the records are paper-based, it will take a couple years to put it together. While doing research, he did not find any variances applied for or granted for this particular site.

Mr. Cosenza elaborated on Mr. Dugasz's point about the built-in exceptions. He indicated that Mr. Constantine put that language together in the 1980s with an application like this in mind. A lot of the dwellings in this area are improved upon small lots, usually set to the side. The exception states that as long as you have at least 50% of the required minimum side yard setback. 50% of eight (8) feet is four (4) feet. The existing side yard setback is three (3) feet. Had the house been set back to the left an additional foot, he would have administratively approved the addition a couple months ago.

Mr. Renaud confirmed.

Mr. Renaud asked if the closet was set back an additional foot, then Applicant would not have a closet.

Mr. Dugasz asked if he had designed the addition to be set back an additional foot, would he still need a variance. He recalled speaking to Mr. Cosenza about this option and was told that it would still need a variance.

Mr. Cosenza clarified that, in essence, it is the side yard setback of the existing dwelling, not the addition itself, to which the exception is measured to. You could not arbitrarily set the addition back a few inches to avoid the variance. The only way to avoid the variance was to set the addition back to the required eight (8) feet, which would cut into the second floor quite a bit.

Mr. Renaud then indicated that complying would the Ordinance would be impractical.

Ms. McCartin asked if that was the only thing that triggered the variance.

Mr. Cosenza confirmed, but requested Applicant to notice for all non-conforming conditions to cover their bases given the coverage issues.

Mr. Renaud asked how much usable square footage was being added.

Mr. Dugas indicated that an additional 296 square feet of floor area is being created; it is a very modest addition.

Ms. Lagay noted that the addition will follow the footprint.

Mr. Dugas confirmed.

Ms. Lagay asked about the drainage.

Ms. DiFranza indicated that it is minimal; there will be very little impact. She did generate a letter due to the simplicity of the application.

There being no further questions from the Board, Ms. Lagay opened the hearing to the public for questions and comments regarding the application. There being none, Ms. Lagay closed the public portion.

Ms. Lagay opined that the addition would not be a detriment to the neighborhood.

Ms. Sisko agreed.

A motion to approve the application was made by Ms. Andrews and seconded by Mr. Tobin. Roll call vote taken. Ms. Andrews, Ms. Lagay, Ms. McCartin, Ms. Sisko, Mr. Spiegel and Mr. Tobin voted yes. Motion passed unanimously.

Mr. Armeli thanked the Board.

14-1029 **Richard & Telma Domingues** – Applicant is seeking bulk variance approval to construct a second floor addition on a corner lot.

108 New York Avenue

Block 221, Lot 55

R-2 Zone

Mr. Domingues and Robert Dill, Applicant's architect, were sworn in by Mr. Renaud.

Mr. Domingues indicated that he has lived in Metuchen since 1996. They have three (3) kids and finds Metuchen desirable. With the kids getting older and with only one (1) bathroom and the rooms being small, they have to expand the house.

Mr. Dill qualified himself to the Board. He indicated he is a registered architect and licensed planner. He has been licensed in New Jersey since 1975. He has been before the Board and several other boards throughout the years. He was accepted by the Board as an expert.

Mr. Dill indicated that he had received the engineer's and planner's memoranda. He stated that the property is located on the northwestern corner of New York and Hazelwood Avenues. It is an undersized lot. Homes are generally on 65 by 100 foot lots; however, this lot is an end-cap, which is diminished to some 80-odd feet in order to fit three (3) lots facing New York Avenue. This relates to two (2) variances related to Lot Area and Lot Depth. There are also variances required for Rear Yard Setback. Had the lot been 100 feet deep and they had the extra land, the Rear Yard Setback would be sufficient. There are other variances, most of which are pre-existing, related to the setbacks of the shed.

Ms. Lagay opined that the shed was in disrepair.

Mr. Dill indicated Applicant wishes to maintain the shed. He needs the outside storage space.

Ms. Lagay indicated that she understood but is in a state of disrepair.

Mr. Dill reiterated that Applicant has three (3) adult children in addition to himself and his wife. There is a need for four (4) bedrooms; the addition will go on top of the existing first floor. Applicant requested a design for a two-foot cantilever on both sides, including on the front of the dwelling (facing New York Avenue). The 10 foot setback at the rear will be maintained.

Mr. Dill indicated it is a center-hall Colonial. The hallway runs in the middle of the house; therefore, in an attempt to accommodate modest 10 by 12 foot rooms, a cantilever was necessary. There will be another bathroom upstairs for the general population as well as another bathroom in Mr. Domingues' master suite.

In reviewing Mr. Constantine's report, Mr. Dill requested that Board consider a waiver of the sidewalk requirement; there are existing large trees between 30 to 36 inches in caliper, which is part of the attractive street canopy. Unfortunately, these trees, being this large, are in the center of the right-of-way, therefore not allowing any sidewalk to be placed there. Mr. Constantine's report is correct in that there are sidewalks on both sides of New York as well as two (2) houses down toward Hazelwood. Mr. Dill indicated, however, there are no street trees there.

Ms. Lagay asked about the other corners of the intersection.

Mr. Dill described the location of sidewalks throughout the neighborhood. There are not many properties that have sidewalks.

Mr. Dill described the surrounding neighborhood's massing and character. He pointed out a property that contains a two-foot cantilever overhanging the garage door portion of the house. He has pictures of that to illustrate to the Board as to what that looks like. The two-foot cantilever encroaches into the setback by two (2) feet. Applicant seeks to do the same thing. The only encroachment will be at the second floor. The photographs were marked exhibit A-1.

Ms. Lagay asked about the size of the rooms; she noted the plans did not have dimensions. It was not clear how much square footage was being added.

Mr. Dill indicated that the existing first floor has 1,122 square feet with the proposed second floor having 1,200 square feet. The bedrooms are 10 by 12 feet, 13 by 12 feet, 13 by 15 feet with the master bedroom being 14 by 18 feet.

Mr. Dill indicated that Applicant would agree to prepare a landscaping plan and add to the landscaping in front of the house itself. He believes Mr. Constantine is asking for one (1) shade tree and one (1) flowering tree as well as foundation plantings, to which Applicant would agree to provide.

Ms. Lagay asked about the architectural design. She was curious about why there were no windows on the first floor facing Hazelwood Avenue. It is a blank wall.

Mr. Dill opined that the elevation could be embellished.

Ms. Lagay indicated that it is important to do so. When there are corner properties, both sides should look nice.

Mr. Domingues indicated he would add windows there.

Mr. Dill opined that they were smaller windows.

Mr. Domingues continued and indicated that those rooms were bedrooms. The windows can be replaced with larger ones.

Mr. Dill confirmed. Because that room was being converted to a family room, two (2) double-hung windows will be added.

Mr. Constantine asked Mr. Dill to sketch the proposed revision because the Board is not seeing what it is that is being modified. He would like to see the first and second floor windows line up. The Board needs an actual depiction for the file.

Mr. Renaud asked the sketch be marked exhibit A-2. The first floor windows will be replaced with larger windows.

Mr. Constantine asked Mr. Dill to address comment #5. There is an excessive side yard setback. He asked why the house could not be adequately expanded there.

Mr. Dill indicated that is where the driveway is located. If the second floor were cantilevered further, columns would have to be provided to support the additional floor space above. Putting columns in would affect the parking being provided and the lot may not meet Residential Site Improvement Standards (RSIS).

There was a long discussion regarding the floor plan layouts and cantilever, during which Mr. Constantine discussed the side and rear yard orientation. What is being used as the functional rear yard is actually the side yard.

Mr. Dill indicated that Applicant can live with a slightly smaller master bedroom and have it slide out to the side to avoid the variance.

There was a discussion regarding the front façade, during which Ms. Lagay questioned the cantilever in the front yard. The front entry feature did not appear to be very appealing, to which Mr. Dill indicated that it could be redefined. Ms. Andrews indicated that she understood the request for additional space. She asked if the cantilever could be brought straight down (effectively removing the cantilever). Mr. Dill indicated that he would have no problem with centering the front entry and add windows.

Mr. Constantine noted that the attempt is being made to expand but not to do anything to the foundation. There are limited options. This issue is driving the cantilevers. The difficulty with the double-cantilever is tough to deal with, with respect to the architectural character.

Ms. McCartin asked if certain changes could be made to the second floor plan.

Ms. Andrews reiterated that she understood the concerns; she expressed her great concerns about the cantilevers. It seems like they were trying to accomplish too much additional space at the expense of the aesthetics of the house.

Ms. Lagay indicated that she could live with the rear cantilever, but not the front.

Ms. McCartin raised her concern about the house appearing lop-sided.

Mr. Constantine indicated that the cantilever for the front is what is driving the variance.

Mr. Cosenza noted that the rear yard setback is also necessary, regardless of any cantilever.

Ms. Andrews and Mr. Spiegel agreed with Ms. Lagay.

Mr. Renaud noted that the rear yard variance is because that wall is being brought up.

Mr. Cosenza agreed; the built-in exception as referred to in the previous application, does not apply to rear yard setbacks, only side yard setbacks.

Mr. Renaud noted that the cantilever on the rear of the house, which is effectively the side yard, does not require a variance. He does not want to play architect, but wanted to figure out what it is that could be done that could accomplish something similar to what is being proposed. He asked if a bay window could be added.

Mr. Dill indicated that, after discussing the issue with his client, they would be happy to remove the cantilever.

Mr. Constantine indicated that the rear yard setback variance would still be required.

Mr. Dill indicated that he agreed with much of Mr. Constantine's comments. Additional foundation work was not desirable. He is seeing where the Board is going and Applicant would be happy to stipulate that they would eliminate the one (1) variance for the front yard sticking out the two (2) feet.

Mr. Renaud opined that may resolve everyone's concerns. He did not want to speak to the Board but it appeared that the Board was OK with the rear yard setback variance.

Ms. Lagay agreed.

Mr. Constantine indicated that a covered entry could be provided.

Mr. Dill stated that he would like to do a shed roof across the front with columns.

Mr. Cosenza indicated that would be OK, a porch may project up to eight (8) feet into the front yard area, so long as it was not enclosed.

Mr. Constantine noted that Applicant also agreed to provide additional windows on the other front.

Ms. Lagay also noted that Applicant would also have to provide a landscaping plan.

There being no further questions from the Board, Ms. Lagay opened the hearing to the public for questions regarding the application.

Ben Abrams, 62 Hazelwood Avenue, asked where the overhangs were located. His driveway is on the other side of the house.

Mr. Dill and Mr. Constantine showed and described the plans to Mr. Abrams.

There being no further questions from the public, Ms. Lagay closed the public portion.

Mr. Spiegel requested clarification regarding what was being proposed on the front of the property.

Mr. Dill indicated he would sketch the front façade.

Mr. Renaud asked how large Applicant wanted the roofed entry to be.

Mr. Dill indicated that it will be four (4) by 10 feet.'

Mr. Renaud noted that it would have a roof with columns.

Mr. Cosenza noted that it would increase building coverage. The application will require an additional variance for coverage.

Mr. Renaud confirmed.

Ms. Sisko indicated it appeared to be a reasonable trade-off.

Mr. Tobin indicated that he is a big advocate for Complete Streets policy. He would like to see a sidewalk. He noted that sidewalks go around trees.

Mr. Constantine indicated that there are no sidewalks down Hazelwood. It does exist two (2) blocks away down New York Avenue. Unfortunately, there were periods of growth where sidewalks were not required. The difficulty is that the sidewalk would not connect to anything. One of the things that Thomas Herits, Borough Engineer, has recommended is a payment in lieu of sidewalks. However, an ordinance like such has not yet been adopted.

Mr. Tobin indicated that he would not hold the line regarding the sidewalk, he asked if the Board has to consider if the property owner does not provide an ADA-compliant sidewalk, would they be sued.

Mr. Renaud indicated that he did not want to purport that he is an expert on ADA, but opined that if there was no sidewalk for anyone, he did not believe that they would be liable. If the facilities exist, they have to be ADA compliant.

Mr. Tobin indicated he was OK with that explanation.

Ms. McCartin asked if Applicant was not required to put it in, how would the Borough ever get sidewalks there.

There was a discussion regarding sidewalks.

There being no further questions from the Board, Ms. Lagay opened the hearing to the public for comments regarding the application. There being none, Ms. Lagay closed the public portion.

Ms. Sisko asked what variances are being voted on.

Mr. Renaud indicated that the rear yard setback is required; we have added the variance for impervious coverage; there will be the waiver for the sidewalk. Among the conditions, the architect will revise the plans removing the cantilever, adding windows, adding the shed roof platform as well as required landscaping plan. The variance related to the cantilever is removed.

Ms. McCartin asked about the shed.

Mr. Renaud indicated that it had not been discussed. He asked what it was that the Board wanted.

Mr. Cosenza indicated that the Board could leave it to an enforcement issue.

Mr. Renaud confirmed but would add it as a condition, requiring the shed be either repaired or replaced.

Ms. Lagay asked if the driveway as OK.

Mr. Cosenza indicated it was non-conforming with respect to the driveway width and setback from the property line, similar to the last application.

Mr. Domingues indicated it is a cement driveway.

A motion to approve the application with conditions noted was made by Ms. Sisko and seconded by Ms. McCartin. Roll call vote taken. Ms. Andrews, Ms. Lagay, Ms. McCartin, Ms. Sisko, Mr. Spiegel and Mr. Tobin voted yes. Motion passed unanimously.

Ms. Lagay thanked Applicant for working with the Board. She opined it will make for a nicer looking building.

RESOLUTIONS

14-1018 **Kumar Gas & Go Inc.** – *Applicant is seeking a use variance to permit an electronic gas sign – approved May 8, 2014*

99 Middlesex Avenue

Block 36, Lot 3

R-4 Zone

Mr. Spiegel asked if the property owner will have to replace the landscaping. It appears to not have been enforced since the 1980s.

Mr. Cosenza indicated that he would work with the owner to replace landscaping. If no action is taken, he will take them to Municipal Court, if necessary. He has done it twice already related to maintenance and construction without permits.

A motion to approve the resolution as written was made by Ms. Sisko and seconded by Ms. McCartin. Roll call vote taken. Ms. Andrews, Ms. Lagay, Ms. McCartin, Ms. Sisko and Mr. Tobin voted yes. Motion passed unanimously.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Spiegel and seconded by Mr. Tobin. Voice vote taken. All voted yes. Motion carried unanimously.

The meeting adjourned at 9:18 p.m.

Respectfully Submitted,

Chris S. Cosenza
Recording Secretary

BOARD OF ADJUSTMENT
BOROUGH OF METUCHEN

**RESOLUTION OF MEMORIALIZATION GRANTING
A C VARIANCE TO
KUMAR GAS & GO, INC.
99 MIDDLESEX AVENUE
BLOCK 36, LOT 3
APPLICATION NO.: 14-1018**

WHEREAS, KUMAR GAS & GO, INC., hereinafter referred to as “the Applicant,” makes this application with the consent of John McGlynn, the owner of Block 36, Lot 3, as shown on the official Tax Map of the Borough of Metuchen, and more commonly known as 99 Middlesex Avenue in the Borough of Metuchen, County of Middlesex and the State of New Jersey; and

WHEREAS, the Applicant has applied to the Metuchen Zoning Board of Adjustment for approval of a C variance; and

WHEREAS, the Metuchen Board of Adjustment held a public hearing on said application on May 8, 2014 after compliance with the notice, service and publication requirements of N.J.S.A. 40:55D-12; and

WHEREAS, at said hearing, the Board of Adjustment considered the following documents:

1. Zoning permit.
2. Board of Adjustment Application for Development dated September 30, 2013.
3. Proof of payment of taxes and assessments.
4. Application and escrow fees.

5. Review letter of Maser Consulting, P.A., by Lisa R. Di Franza, P.E., C.M.E., dated May 7, 2014.

6. Memorandum of Looney Ricks Kiss, Inc., Jim Constantine, P.P., Borough Planner, dated April 8, 2014.

7. Plans entitled "Beacon Hill Auto, Lot No. 3; Block No. 37, Middlesex Avenue (N.J.S.H. Rt. #27), Borough of Metuchen, Middlesex County, New Jersey," prepared by M. Gerard Greco Inc., dated December 3, 1987, last revised February 2, 1988 and consisting of one (1) sheet.

8. Plan entitled "Beacon Hill Golf, Lot No. 3; Block No. 36, Middlesex Avenue (N.J.S.H. Rt. #27), Borough of Metuchen, Middlesex County, New Jersey," prepared by M. Gerard Greco Inc., dated December 3, 1987, last revised February 2, 1988 and consisting of one (1) sheet.

9. Sketches entitled "Existing Sign- Top View, Side View and Front View," not signed/sealed or dated.

10. Photograph, Gas Station, old sign.

11. Site Plan dated October 30, 1987.

12. Metuchen Board of Adjustment Resolution dated June 1, 1970.

13. Metuchen Board of Adjustment Resolution dated May 10, 1989.

14. Metuchen Board of Adjustment Resolution dated August 8, 1991

WHEREAS, the Applicant Kumar Gas & Go, Inc. was represent by John Wiley, Jr., Esq.; and

WHEREAS, the Applicant is requesting a variance for an electronic gas price sign that has already been installed, which sign replaced, in the same location and at the same size, the gas

price sign which previously existed and which was previously approved by the Board of Adjustment; and

WHEREAS, the subject property is located in the R-4 Zone District; and

WHEREAS, the Applicant requires the following C variance:

§110-191(N), approval of sign not specifically permitted under any provision of Article 48 of the Land Development Code.; and

WHEREAS, the Metuchen Board of Adjustment, after hearing the testimony on behalf of the application, has made the following findings of fact and has drawn the following conclusions of law:

1. The Board of Adjustment of the Borough of Metuchen has proper jurisdiction to hear the within matter.
2. The property is designated as Block 36, Lot 3 as shown on the Official Tax Map of the Borough of Metuchen, County of Middlesex and State of New Jersey and more commonly known as 99 Middlesex Avenue. The property is located in the R-4 Zone District.
3. John Wiley, Jr., Esq., made an opening statement. He explained that the property has been a gasoline station since the early 1950's. Applicant has installed an electronic sign which shows the price of gasoline. The sign is in the same location and of the same size of the sign which was previously approved and previously existed on the property. Mr. Wiley stated that Rajinder Kumar, the owner of Kumar Gas & Go, Inc. and John McGlynn, owner of the property would testify.
4. Mr. Kumar was sworn in and gave testimony. He operates Kumar Gas & Go, Inc. It is a Citigo gas station. Citigo came up with the electronic sign. It is a new technology which Citigo requires that its operators adopt.

5. In response to some questions, Mr. Kumar stated that the pylon signs of the East and West sides of the property have been removed. The hours of operation of the station are 5:00 a.m. to 10:00 p.m. Monday through Friday and 7:00 a.m. to 10:00 p.m. Saturday and Sunday. The sign is turned off when the station is not in operation.

6. Mr. Kumar testified that the old sign was a box internally lit sign. He stated that the new sign would have less effect on the neighbors. Mr. Wiley pointed out that the railroad tracks are in the rear of the property, Metuchen Manor is to the East and that there is a law office and some residences across the street.

7. The hearing was opened to the public for questions of Mr. Kumar. There were no questions.

8. John McGlynn was sworn in and gave testimony. He is the owner of the real property. He described how the sign was erected. He indicated that there were no problems with the installation and that the sign had been inspected. The electronic pricing is LED.

9. The hearing was opened to the public for comments or questions. No member of the public had comments or questions or spoke for or against the application.

10. The Board finds that the relief requested may be granted because the Applicant has demonstrated that the purposes of the Municipal Land Use Law would be advanced by the requested deviation from the zoning ordinance requirements and that the benefits of the deviation would substantially outweigh any detriment. The benefits advanced by the deviation include the reduced lighting impact on other properties and the continued economic viability of the subject business. The Board finds that there is no detrimental effect because the deviation from the ordinance is justified because the type of sign proposed did not exist when the zoning ordinance regulations relating to sign were adopted and the subject sign represents a new technology.

11. The Board further finds that the relief requested may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and the zoning ordinance, because the type of sign proposed did not exist when the sign regulations were adopted and because the type of sign is similar to signs which are permitted under the ordinance.

12. The Board finds that the granting of the application for a C variance should be conditioned on the Applicant's agreement to comply with the conditions contained in this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Borough of Metuchen that the application for a C variance of Kumar Gas & Go, Inc. be and is hereby granted in accordance with the application and plans filed herein, subject to and conditioned upon the following:

A. Publication by the Applicant of a notice of this decision in an official newspaper of the Borough of Metuchen and return of proof of said publication to the Secretary of the Board of Adjustment.

B. The Applicant furnishing proof to the Secretary of the Board of Adjustment that no fees, escrows or assessments for local improvements are due or delinquent on the property in question. No permits, if any, shall be executed for filing until all fees and escrows are paid in full.

C. The application shall be subject to any other outside agency approvals as may be necessary, including, but not limited to, Middlesex County Planning Board, Borough of Metuchen Fire Department, Middlesex County Utilities Authority, Middlesex Water Company, Metuchen Shade Tree Commission, and Freehold Soil Conservation District.

D. The Applicant shall reimburse the Metuchen Board of Adjustment and/or the Borough of Metuchen for professional fees associated with this application.

E. Applicant shall continue to be bound by and shall be required to comply with the conditions of previous approvals by resolution granted by the Board of Adjustment.

F. Approval of the variance applied for shall expire one year from the date of this resolution if construction has not commenced within that time period, provided, however, that the Board may extend the time period of such approval for one period of one year in accordance with §110-41 of the Land Development Chapter.

BE IT FURTHER RESOLVED that the Applicant understands and acknowledges that all of the conditions contained in this resolution and the record of proceedings in this matter including any agreements made or plans submitted by the Applicant were essential to the Board's decision to grant the approval set forth herein. Breach of any such conditions or the failure of the Applicant to adhere to the terms of any agreement or condition may result in revocation of the within approval and may terminate the right of the Applicant to obtain any further permits or any other governmental authorizations necessary in order to effectuate the purpose of this resolution. The Applicant has been advised by this resolution that all conditions contained in this resolution are to be complied with and that breach of any of the conditions shall be rectified before the issuance of any certificate of occupancy.

BE IT FURTHER RESOLVED that nothing herein shall be interpreted to excuse compliance by the Applicant with any and all other requirements of this municipality or any other governmental subdivisions as set forth in any laws, ordinances or regulations.

BE IT FURTHER RESOLVED that this resolution shall serve as one of

memorialization of the action taken by this Board at its meeting of May 8, 2014 and effective as of that date.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Secretary of the Board of Adjustment to be a true copy, be forwarded to the Zoning Officer, the Borough Clerk, Borough Planner, Borough Engineer, Borough Attorney, Borough Construction Official and the Applicant herein within ten (10) days of the date hereof.

BE IT FURTHER RESOLVED that the Chairman and Secretary be and are hereby authorized to sign any and all documents necessary to effectuate the purpose of this resolution, provided the Applicant has complied with the above-stated conditions.



Sharon Hollis, Secretary

Dated: June 12, 2014