

RESOLUTION
PLANNING BOARD
TOWNSHIP OF LIVINGSTON, NEW JERSEY

Decided: May 6, 2014
Memorialized: June 3, 2014

Re: Application No. 2014-19-PFSP
Applicant: Brandywine Senior Living at Livingston, LLC
Premises: 369 East Mt. Pleasant Avenue, Livingston, New Jersey
Block: 2104; Lots: 43 & 44
Zone: R-1

SUMMARY OF THE CASE

1. The Applicant proposes to construct a two-story assisted living facility of approximately 62,152 square feet of building coverage with a total of 120 units, a partial basement and surface and underground parking as set forth on the Site Plan, prepared by Casey & Keller, Inc., dated 02-25-14 with a revision date of 04-01-14 and a signage and striping plan revised as of 04-25-14.
2. The Applicant was represented by William F. Harrison, Esq., of the firm Genova Burns Giantomasi & Webster, who demonstrated that the Applicant is in compliance with all statutory and jurisdictional requirements for notice and publication and has submitted proof that there are no taxes due or delinquent with respect to the subject premises (hereinafter "Site").
3. A public hearing was heard before this Board on May 6, 2014 with regard to the Application. The Application was orally amended to withdraw the request for approval of a temporary construction sign.

4. The Applicant presented the following witnesses who testified on behalf of the Application:
 - A: Brenda J. Bacon, President and CEO of the parent organization that will own and operate the assisted living facility.
 - B: Michael Lanzafama, of the firm Casey & Keller, admitted as an expert in engineering and planning who prepared the Site Plans considered by the Board.
 - C: Brian Conway, of Casey & Keller, admitted as an expert in landscape architecture.
 - D: George T. Wilson, of Meyer Designs, Inc., admitted as an expert in architecture who prepared the architectural plans dated 02-24-14 revised 04-04-14, submitted to the Board.
 - E: Harold K. Maltz, of Hamal Associates, Inc., admitted as an expert in traffic engineering who submitted a traffic impact study with respect to the project.
 - F: Jack Zybura, of Lewis S. Goodfriend & Associates, admitted as an expert in acoustical engineering.
5. Gina Gudofsky, Sal Federico, and Baruch Schliechkorn, members of the public, appeared to question the Applicant's witnesses. No testimony was given by any member of the public either in support of or opposition to the Application.

FINDINGS OF FACT

1. The Applicant proposes to construct an assisted living facility that will provide 120 units of varying sizes from studio to two-bedroom suites. A facility for special care of residents with memory loss is included in the building. The Applicant indicated that the parent organization currently operates 15 assisted living facilities in New Jersey and additional facilities in other states. The facility proposed for the Site would provide

assisted living for senior citizens with an average age expected to be over 85. In addition to the living quarters, the facility amenities would include a beauty salon, theatre, dining rooms, music room, library, an examining room for use by doctors of residents, and a therapy room. The therapy room would be operated through an arrangement with a third party facility, such as St. Barnabas Hospital. A number of interior courtyards are included in the design, as are various walking paths meant to encourage outdoor activities by the residents. Based on its current operation at other facilities, the expected employee staff would be made up of three shifts with a maximum of approximately 30 employees at peak times. Because of the age of the average resident, it is anticipated that very few residents will have automobiles and that the primary use of parking would be for staff and visitors. Car service is provided for residents for doctor appointments or for shopping or the like. Non-emergency ambulance service is provided by a contractor. Deliveries are basically for food, supplies and pharmaceutical products.

2. Michael Lanzafama testified as to the Site Plans. The Site consists of two lots totaling 8.79 acres and currently holds the Salaam Shrine Masonic lodge meeting hall and catering facility of approximately 19,000 square feet. The two lots will be merged. The property has a slope from the corner at East Mt. Pleasant Avenue and Force Hill Road to the northwest rear corner with an approximately 60-foot grade differential. A 50-foot wetlands buffer is provided for the wetlands that are on adjacent Lafayette Road properties to the west. There is a 1991 telephone company easement that requires retention of, and company access to, a small structure on the northeast corner of the Site. The Site has been designed to reduce impervious coverage from approximately 213,000 square feet to approximately 114,000 square feet. A subsurface garage is proposed with access at the northeast corner of the building. It will include 19 spaces of which 1 will be handicapped. An emergency generator will be in a notch of the northwest rear corner of

the building, adjacent to the refuse area and hidden from view from adjacent structures. A separate employees entrance to the building is in the same area. The main entrance will be under a porte-cochere located at the front of the building and facing Force Hill Road. The building will have a sprinkler system installed. 60 parking spaces are required and 98 are being provided. 5 parking spaces to the left of the porte-cochere will be designated and marked for short term parking to accommodate drop-off and pick-up of residents. There were 6 proposed handicapped spaces of which 2 are van accessible. The Applicant agreed to add an additional handicap space in the underground parking area to meet New Jersey's barrier free access requirements. A gated emergency driveway will provide direct access to the building from East Mt. Pleasant Avenue. Concrete sidewalks of 6-foot width on East Mt. Pleasant Avenue and 5-foot width on Force Hill Road will be provided.

Applicant has secured the services of an engineering firm to prepare a health and safety plan for development of the site during demolition so that there will not be any negative environmental impacts.

In response to a request from Sal Federico, owner of properties on the opposite side of Force Hill Road, Lanzafama agreed to look into whether the proposed landscaping berm opposite Federico's properties could be raised another foot or so. In response to Mr. Federico's concern that the the proposed water line would be directly opposite the driveway of a house that he is building, Mr. Lanzafama agreed that the water line could be moved about 15 feet.

3. The testimony of Brian Conway, the landscape architect, set forth the plans for the landscaping and lighting. All lights on the internal roadway and the parking area will be down-lighting 80 watt LED arrays mounted on 15-foot poles. Canopy lighting of

the porte-cochere will be recessed LED fixtures. Those lights would be on a dimmer switch and maintained at 50% during late hours of darkness. Wall-mounted fixtures on the southern and western sides of the building will be at alternating heights of 12 and 18 feet and would also be dimmable. The 12-foot high lights would be maintained at 50%. They and the 18-foot high lights would go to 100% in emergencies. No light spillover is measured to affect any of the residential adjoining properties except for street lighting on Force Hill Road. Street lighting will be at a 16-foot height with neutral white LEDs.

The landscaping of the Site has been designed to provide a streetscape as if the property were a private estate. The Applicant is going to remove and replace a number of damaged trees and will add significant evergreen and flowering trees to increase buffers. The East Mt. Pleasant Avenue frontage is designed to provide rows of flowering trees, shade trees and evergreen trees with gaps to allow filtered views of the building by passing traffic on that road. In all, the Applicant proposes to plant 114 shade trees, 58 ornamental trees, and 209 evergreen trees.

4. George Wilson, the architect for the Applicant, testified as to his plans bearing revision date 04/04/14. He indicated that the exterior design is meant to reflect designs in the area such as Vizcaya, the Enclave, the nearby synagogue and nearby residences. The main entrance has been designed to imitate that of a manor house and the building includes dormers, turrets, bay windows and gables to provide architectural detail. The building will have a mansard roof.

5. Harold Maltz testified with respect to his traffic impact study and provided data that the traffic that will be produced by the facility will be very light and have minimal impact on existing traffic on East Mt. Pleasant Avenue and Force Hill Road during

peak morning and evening times. The Applicant agreed that a “pedestrian crossing” sign would be installed on both sides of the pedestrian crosswalk from the parking area to the building. Parking to be provided exceeds that required by Township ordinance. Mr. Maltz testified that, in his opinion, no unusual risk for traffic safety or of traffic congestion will result from the operation of the proposed facility.

6. Jack Zybura, the acoustical engineer for the Applicant, testified that the proposed 700 Kw emergency generator will be in an acoustical enclosure. There will also be two air cool chillers. The walls of the trash enclosure will be extended to shield the chillers as a sound attenuation measure. The sound generated by both types of equipment would not exceed the State limits of 65 dBA during daytime or 50 dBA during the night, at the nearest adjacent residential property line. It was noted that for the generator these levels apply only to testing and are not applicable during emergency operation. The Applicant agreed it would provide specific test results after installation, to confirm the testimony, to the Township Engineer as a condition of approval.
7. Mr. Lanzafama and Mr. Conway addressed concerns raised by the Township Planner as to the placement of a sign proposed to be mounted on the face of a decorative wall in the front yard at the corner of East Mt. Pleasant Avenue and Force Hill Road that is a component of the facility’s fence. The decorative wall is of a much larger size than would be permitted as the overall size of a monument sign. It was agreed that the decorative wall would be moved back a sufficient distance so that the sign, on its own platform that matched the wall, could be placed in front of that wall but still meet the 30 square feet overall dimensions limit and 20-foot setback requirement.
8. Lanzafama testified that all of the conditional use requirements of Township Code

§ 170-88.I as to setbacks, lot size, building height, impervious coverage, density, buffering, access etc. are met, that the 120 units would not create an excess of conditional use dwelling units beyond the Code §170-88.I limit of 5% of the approximately 9,597 single-family detached dwelling units in the Township. Lanzafama was of opinion that the proposed use would not be detrimental to the health, safety or welfare of the community and in fact would promote those goals.

CONCLUSIONS OF THE BOARD

1. The Board finds and concludes that the Application for Preliminary and Final Site Plan approval as amended in the course of the hearing be and is hereby approved subject to the terms and conditions set forth herein.
2. The Board finds that the Application satisfies the requirements for the conditional use in that:
 - A) There is frontage on, and direct access to, East Mt. Pleasant Avenue also designated as State Highway Route 10.
 - B) The Site exceeds the 6 acre minimum lot size for this use.
 - C) All setback minimums are complied with.
 - D) The proposed building will not exceed the maximum building height permitted of 35 feet.
 - E) The improvements will provide a maximum building coverage of 13.2%; below the 30% permitted by Ordinance.
 - F) Impervious coverage provided will be approximately 30%, which is less than the 50% maximum permitted.

- G) Parking required is 60 spaces, whereas the Applicant is providing 98, of which 7 will be handicap, including 2 van accessible.
- H) Density permitted is 20 units per acre, whereas Applicant proposes only 13.65.
- I) The Applicant has provided adequate and sufficient buffering for the adjoining residential properties.
- J) All signage requirements as to number, size and dimensions are met.
- K) The Applicant proposes 120 units; a minimum of 50 units is required.
- L) The 120 units would not create an excess of conditional use dwelling units beyond the Township Code §170-88.I limit of 5% of the approximately 9,597 single-family detached dwelling units in the Township
- M) No variances are required.
- N) The provision of an assisted living facility is reasonably necessary for the convenience of the community, it will not be detrimental to health, safety and general welfare of the Township, and is not likely to involve unusual risks of traffic safety or traffic congestion..

3. The Applicant shall comply with the following Conditions as set forth herein and on the record:

- A. Two "Pedestrian Crossing" signs shall be placed for the pedestrian crosswalk on the two-way internal driveway between the parking area and the building.
- B. The sound level of the emergency generator shall not exceed 65 dB(A) daytime or 50 dB(A) at night as measured at the nearest residential property line. The generator shall only be tested during daylight hours. Promptly upon installation of the generator or any replacement, the Applicant shall provide to the Township Engineer the certification, by an acoustical expert acceptable to the Township

Engineer, of the actual sound level of the generator at the nearest residential property line. If that testing, or any subsequent testing, shows that the sound limits established by the Resolution or the State of New Jersey are exceeded, the Applicant shall immediately notify the Township Engineer and there shall be no further operation of the generator (other than as permitted under the N.J.A.C. in an emergency) until all deficiencies have been remedied.

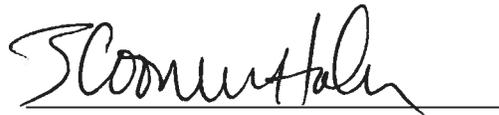
- C. One handicap space (not van accessible) shall be provided in the underground parking area.
- D. The water line on Force Hill Road shall be moved 15 feet to avoid conflict with the residential driveway of the house being constructed across the street.
- E. The decorative wall in the front yard at the corner of East Mt. Pleasant Avenue and Force Hill Road shall be moved back a sufficient distance so that a free-standing sign, on its own structure that matches the wall, can be placed in front of that wall and meet the 30 square feet overall dimensions limit and the 20-foot setback requirement.
- F. Applicant shall make reasonable effort to increase, by about one foot, the height of the berm opposite residences on Force Hill Road.
- G. Applicant shall present its engineer's health and safety plan for the demolition period to the Township Engineer prior to commencement of demolition.
- H. Applicant shall obtain a Tree Removal Permit from the Township.
- I. The Board's Model Conditions of Approval (except Number 5) attached hereto are hereby incorporated herein.
- J. Conditions G and H above and Model Conditions of Approval Numbers 6, 8, 11, 17 and 18 shall be complied with before any permits are issued.
- K. Condition 3B shall be complied with before issuance of a Certificate of Occupancy.

This Resolution is a memorialization of the decision of the Livingston Planning Board made on May 6, 2014 wherein Board Members Dinar, Kalishman, Leopold, Santola, Alternate No. 1 Alvarez (in place and stead of Member Ratner), Alternate Number 2 Wishnew (in place and stead of Member Anthony, and Member Klein voted in accordance with the terms and conditions set forth herein, the remaining Members having been absent from the hearing.



Peter M. Klein, Chairperson

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Planning Board of the Township of Livingston on June 3, 2014 memorializing the decision of the Planning Board made on May 6, 2014.



Jackie Coombs Hollis, Secretary

PLANNING BOARD, TOWNSHIP OF LIVINGSTON

Model Conditions of Approval
(As Amended through
February 12, 2013)

Every application turns on its own facts and is judged on its own merits. Listed below are models of conditions which may be considered “standard”. A standard can be tailored to specific circumstances, and may not always apply. Other or additional conditions may be tailored for any application.

1. Architecture

- a. Rooftop ancillary structures and equipment (other than alternative small energy systems and communications equipment) shall be screened by material compatible with the exterior finish of the building and matching the exterior color of the building as closely as possible.
- b. Enclosures of trash bins, recycling bins or dumpsters shall be of the same type of materials and the same color as the exterior finish of the building.

2. Blasting

In the event that blasting be necessary on the Site, the following conditions shall apply in addition to all requirements of federal law or regulations:

- a. All blasting operations shall be performed in strict compliance with N.J.S.A. 21:1A-128 *et seq.* and N.J.A.C. 12:190-1.1 *et seq.*, or superseding requirements.
- b. A pre-blast inspection of all structures on all properties adjacent to the Site or within 200 feet of the intended blasting location (whichever is the greater distance) shall be conducted at Applicant's expense. It shall be conducted no more than 60, nor less than 30, days before blasting commences. A written report of the inspection results shall be provided to the owner of each structure inspected within 10 days after completion of the inspection.
- c. Blasting shall occur only between 10:00 a.m. and 3:00 p.m. on Monday through Friday. Blasting during other hours may be permitted, temporarily, by the Township Engineer upon his finding that a condition constituting an emergency exists and necessitates such permission.
- d. Applicant shall coordinate all blasting with the Livingston Police and Fire Departments. If traffic control is required, it shall be provided at Applicant's expense.
- e. Applicant shall give the Township Engineer, the Chief of Police, the Fire Chief, and all owners of structures required to be inspected under "b" above, written notice of scheduled blasting operations to be received not less than 20 days, nor more than 40 days, prior to their commencement. If scheduled blasting operations are delayed or suspended they shall not be resumed until new notice has been given and received. All notices shall include the name and telephone number of Applicant's representative for purposes of receiving and responding to questions and comments.
- f. These conditions do not supersede any requirements of law or regulation that are more strict or restrictive.

3. Cleanliness During Demolition or Construction

- a. At the close of each work day the Site shall be thoroughly cleaned and all trash and construction debris, including that within buildings under construction, shall be placed in covered dumpsters. Dumpsters shall be removed from the Site, and replaced, before they overflow.
- b. Not less often than weekly, and whenever else required by the Construction Official or the Township Engineer, the public streets adjacent to the Site shall be manually or mechanically broom swept to remove dirt, mud or debris originating from the Site and located within 500 feet of the Site.
- c. Dust suppression methods acceptable to the Construction Official and the Township Engineer shall be utilized on the Site.

4. Deeds & Easements

- a. All conditions of approval that are continuing conditions shall be set forth within all deeds executed with regard to the Site.
- b. All deeds, easements, dedications or restrictions required by this approval shall be subject to review and approval by the Board Attorney prior to signing and shall be filed for recordation after such approval. The Applicant shall submit proof of such recordation to the Board Secretary, the Township Engineer and the Construction Official prior to the issuance of any permits.

5. Detention Basins

- a. Stormwater management basins shall be established on lots created for that purpose only. No structures that are not an approved part of the stormwater management system shall be erected on any such lot. Such basins, together with their required landscaping and fencing, shall be completed, and shall have been inspected and approved by the Township Engineer, prior to issuance of the first Certificate of Occupancy.
- b. If the approval of the Application calls for title to such a lot to be transferred to the Township; at such time as the Township accepts any new streets or roads on the Site, title to the lot shall be conveyed to the Township provided that the Township Engineer is then satisfied that the basin has been constructed in full compliance with all applicable requirements. The deed conveying such title shall be subject to prior approval by both the Board Attorney and the Township Attorney.
- c. A maintenance plan meeting the requirements of the Residential Site Improvement Standards or the Township's Stormwater Control Ordinance, or both, as applicable, shall be prepared by Applicant and shall have received the approval of the Township Engineer prior to issuance of any construction permit. Any future revisions to the maintenance plan shall not become effective until the Township Engineer's approval shall have been obtained.
- d. Unless maintenance of the basin is assumed by the Township or a public agency as its direct responsibility, (1) the maintenance plan and any future revisions of it

shall be recorded upon the deed of record for the property in terms approved in advance by both the Board Attorney and the Township Attorney; and, (2) the Applicant shall provide a performance bond for such maintenance, including landscaping and cleanliness.

6. Final Plans

Prior to the issuance of any Township permit for demolition of any structure, preparation of the Site, or construction of any improvement:

- a. The full text of all of the conditions of this approval, and all plan changes agreed to in the course of the hearing, shall be set out on final plans submitted to the Construction Official, the Township Engineer and the Board Secretary; and
- b. Such final plans shall have been reviewed by the Board Secretary or the Board's Planning Consultant for determination of whether the plans conform to the Board's approvals and shall then have been signed by the Board Chairman, the Board Secretary and the Township Engineer.
- c. Such final plans shall comply with the Uniform Construction Code and the Barrier Free Subcode as then in force in the State of New Jersey. If, during performance of work pursuant to the Board's resolution and permits that have been issued, field conditions indicate need for change(s), such need shall be called to the attention of both the Construction Official and the Township Engineer for approval of any such change before it is implemented. If any such change is significant, permission to amend the Site Plan may have to be sought from the Planning Board. Until all requirements under approved plans and the Uniform Construction Code, including accessibility requirements, have been completed or bonded, any certificates of occupancy issued shall be temporary certificates only.

7. Flood Hazards

- a. Insert on the final site plan and/or subdivision map a metes and bounds description of all flood hazard areas located on the Site.
- b. Insert in all deeds for individual lots that contain or are adjacent to flood hazard areas, and on the preliminary and final subdivision maps or plats, the following covenant: "The lands designated herein contain flood hazard areas. There shall be no disturbance of any kind as to any flood hazard area unless permitted by N.J.D.E.P. pursuant to the Flood Hazard Control Act, N.J.S.A. 58:16A-50 *et. seq.* or superseding requirements."

8. Guarantees and Bonds

- a. The approval of this Application is subject to the posting, with terms acceptable to the Township Engineer, of any and all required performance guarantees, bonds, soil erosion and sediment control approvals, and any other requirements of Township

ordinances prior to the issuance of any permits for commencement of site preparation or construction.

- b. This approval is also conditioned upon the Applicant's providing, prior to issuance of the first Certificate of Occupancy, a performance guarantee acceptable to the Township Engineer for any aspects of the approved landscaping or fencing that has not been completed by the time of issuance of such certificate.

9. Landscaping & Environmental Protection

- a. All deciduous trees planted shall have a caliper of not less than 2.5 inches measured at a height of 4.5 feet above ground level. All evergreen trees planted shall have a height of 6.0 to 8.0 feet.
- b. Street shade trees shall be planted as required by Township Code § 170-72 and shall not be included in the calculation of Replacement Trees required by the Trees Ordinance.
- c. Any tree or other planting installed in accordance with the plans which dies shall be replaced, within the current or next planting season, in kind and at the same size as it had reached at the time of death; except that if it died more than three years after planting its replacement need not be larger than the size it had reached three years after planting. The same replacement requirements shall apply to any tree or other planting installed in accordance with the plans if subsequently removed because of damage or disease.
- d. No tree existing on the Site at the time of filing of the application shall be removed unless removal is approved under the Trees Ordinance or by this Board. Every existing tree to be preserved shall be tagged and shall be shown on the Site Plan or Subdivision Plan. During site preparation and during construction, each such tree shall be protected by snow fencing or a more substantial means approved by the Construction Official. No soils, excavated materials, or any construction equipment or building materials, shall be stored or operated within a root protection zone that shall be the greater distance of (i) the crown drip line, or (ii) a distance equal to caliper multiplied by one (1) foot, (but never less than eight (8) feet from the trunk of a tree to be preserved), or anywhere else where such soil or materials can adversely affect the health of trees to be preserved. All work done within the root protection zone shall be accomplished with hand tools.
- e. The grade of land located within the root protection zone shall not be raised or lowered more than three (3) inches unless compensated for by welling or retaining wall methods; but in no event shall welling or retaining walls be installed less than eight (8) feet from the trunk of a tree.
- f. During site preparation or construction, no fuel storage, and no refueling, maintenance, repair or washdown of construction vehicles or equipment, shall occur within fifty (50) feet of any tree to be preserved.
- g. Any provision of the Trees Ordinance, Chapter 306 of the Code of the Township of Livingston, that establishes a conflicting standard or requirement shall control.

- h. No mulch shall be placed, or allowed to accumulate, within six inches of the trunk of any tree or shrub planted on the Site in compliance with this resolution. Mulch shall not be applied, or allowed to accumulate, elsewhere within the drip line of the tree or shrub to a depth in excess of four inches.

10. Noise

- a. No site preparation, demolition or construction activity shall be performed on the Site on Sundays, or before 7:30 a.m. or after 5:00 p.m. on weekdays, or before 9:00 a.m. or after 5:00 p.m. on Saturdays or federal holidays.
- b. All vehicles and motorized machinery operated on the Site shall be equipped with properly operating mufflers.
- c. No site preparation, demolition or construction activity (other than authorized blasting) shall produce, at the property line, (i) continuous airborne sound at a sound level in excess of 65 dBa, or which has an octave band sound pressure level in decibels which exceeds the standards provided in 32 N.J.R. 2230 et. seq., or (ii) impulsive sound in air which has a peak sound pressure level in excess of 80 decibels, or (iii) impulsive sound in air which repeats more than four times in any hour and has a peak sound pressure level in excess of 50 decibels.
- d. Relief from these noise conditions may be permitted, temporarily, by the Township Engineer upon his finding that a circumstance constituting an emergency exists and necessitates such permission.

11. Other Governmental Approvals

- a. Applicant shall comply with all applicable Federal, State and local laws and regulations and obtain any other governmental approvals required for implementation of this application as approved. If any other governmental agency or authority grants a waiver of or variance from any law, rule or regulation, or imposes any condition or requirement, which affects this approval or any of the conditions contained herein, then this Board shall have the right to review such action as it relates to this Board's approval or conditions and to modify, amend or revoke its approval and/or conditions.
- b. No Township permit for demolition of any structure, or preparation of the Site or construction of any improvement shall be issued until proof of request for such required approvals and any action thereupon, shall have been presented to the Construction Official and the Board Secretary by the Applicant.

12. Paving and Sidewalks

- a. Applicant shall install the top course of street paving:
 - (1) For residential development not later than the earlier of three (3) years after the issuance of the first Certificate of Occupancy or three (3) months after fifty percent (50%) of residential units have received Certificates of Occupancy.

- (2) For non-residential or mixed-use development, prior to issuance of the first Certificate of Occupancy.

b. All manholes, catch basins, and driveway curbs shall be ramped until the top course of street paving has been installed.

c. All sidewalks shall be constructed of concrete or of non-asphalt pavers and shall be not less than four feet wide in a residence district or five feet wide in the Business Improvement District. Existing sidewalks that do not meet prior Township Code requirements shall be replaced to the standard for the new sidewalks.

13. Signs

The Board retains jurisdiction over any and all signs until the final Certificate of Occupancy has been issued.

14. Traffic and Parking Safety and Enforcement

- a. At the time of applying for a building permit the Applicant shall submit proof of having filed a written request pursuant to, and in accordance with, N.J.S.A. 39:5A-1, requesting that N.J.S.A. 39:1-1 *et seq.* be made applicable to the roads, streets, driveways, parking areas, etc. within the Site. The Applicant shall provide proof of the governmental action on such request to the Construction Official prior to issuance of the final Certificate of Occupancy.
- b. Lines of sight established for entrance and exit driveways of the Site shall be shown on the as-built site plans, and no structures, trees or plants that would interfere with such lines of sight shall be permitted at any time.
- c. All traffic and parking provisions in the approved site plans or otherwise required by the Board's resolution shall be accomplished prior to issuance of the first Certificate of Occupancy.
- d. The Applicant shall comply with State law and applicable Township ordinances regarding handicapped parking and shall maintain such spaces and all the traffic and parking signage and markings on the Site in good order and repair.

15. Utilities for Site Plans and Major Subdivisions

Applicant shall construct all utilities underground as required by law, and shall submit to the Engineering Department a written instrument from each serving utility evidencing full compliance with this condition and with Township Code §170-73.A.(17) before issuance of any Certificate of Occupancy.

16. Wetlands

- a. Applicant shall insert on the final subdivision map and/or site plan a metes and bounds description of all wetlands, wetlands transition areas, and buffers on the Site.
- b. Where applicable, each deed for a lot, and the subdivision plat, shall contain the following language: “The lands designated herein contain wetlands and wetlands transition areas. There shall be no disturbance of any kind as to any wetlands or wetlands transition areas unless permitted by N.J.D.E.P. pursuant to law, and Best Management Practices (as defined in N.J.A.C. 7:7A-1.4 or superseding requirements) for prevention or reduction of adverse impacts upon or pollution of wetlands, wetlands transition areas and buffers shall be followed at all times. This restrictive covenant shall run with the land and be binding upon the grantees, their heirs and successors and assigns.

17. Developer’s Agreement

Prior to issuance of any permit for site preparation, or construction, the Applicant shall have entered into a Developer’s Agreement negotiated with the Township Attorney in conjunction with the Township Engineer.

18. Written Response to Memoranda

Prior to issuance of any permit for site preparation, demolition or construction, the Applicant shall have provided written responses to all issues raised in all memoranda from the Township Engineer, or any consultant to the Township, that were considered by the Board in the hearings.

19. As-built Plans

A final Certificate of Occupancy shall not be issued until the Applicant shall have submitted to the Construction Official four (4) properly signed and sealed copies each of as-built site plans, surveys and building elevations.