

**RESOLUTION**

**PLANNING BOARD**

**TOWNSHIP OF LIVINGSTON, NEW JERSEY**

Decided: May 10, 2012  
Memorialized: June 19, 2012

Re: Application No. 2012-4-PFSPV  
Applicant: Solnyshko Corp.  
Premises: 18 Microlab Road, Livingston, New Jersey  
Block: 100; Lot: 13  
Zone: CI

**SUMMARY OF THE CASE**

1. This Application was filed by Solnyshko Corp. (d/b/a Solnyshko Day Care Center) hereinafter referred to as "Applicant". The Applicant seeks Preliminary and Final Site Plan approval from the Planning Board of the Township of Livingston (hereinafter "Board") of a child day-care center for infants and children up to six years old, and construction of a fenced outdoor play area in a front yard at 18 Microlab Road, Livingston, New Jersey (hereinafter "Site"). Under Section 170-118(A)(5)(h) a day-care facility for children is a permitted use in the CI – Commercial Industrial District.
2. The Applicant was represented by Rosemary Stone-Dougherty, Esq., with offices at 54 Main Street, Chatham, NJ 0792. The fees required by the Township Code have been paid, proper notice has been given, and it otherwise appears that all statutory requirements for invoking the jurisdiction and powers of the Board have been met.
3. Hearings with respect to the Application were held before the Board on April 17, 2012 and May 10, 2012. Frederick C. Meola, Professional Engineer, appeared as an expert witness in engineering for the Applicant. Elena Semenova, an owner of the Applicant, and Steven Venedia, an owner of the Site, also testified.

## FINDINGS OF FACT

1. The Site is a corner lot at the southeast corner of the intersection of Microlab Road and Industrial Parkway. The building fronts on Microlab Road. Industrial Parkway ends a few feet past the end of the Site at a rear access road to the shopping center on Route 10 and Daven Avenue. There are no uses on the north side of Industrial Parkway; making traffic on this portion of Industrial Parkway light. Because it is on a corner lot, under the Township Code it is deemed to have two front yards. The Site has a single parking area located in both the right side yard and rear yard. A two-way aisle of the parking area runs from a two-way driveway at Microlab Road to a two-way driveway at Industrial Parkway. According to a table on Page 2 of 3 of the Site Plan, dated 1/23/12 and revised through 3/19/12, the present uses require 61 parking spaces and 58 are provided. However, pages 1 of 3 and 2 of 3 of the Site Plan show only 55 spaces plus 2 handicapped spaces; for a total of 57 spaces at present. All parking spaces are at a 90 degree angle to the aisle. The two handicapped spaces are at the rear entrance of the building. The painted lines to denote parking spaces are barely visible. The aisle through the parking area is 20 feet wide. An aisle width of 24 feet is required by the Township Code. There are also two loading areas in front of garage doors.

2. Applicant would occupy space already vacated by a tenant. There is potential future expansion by Applicant into adjacent space of another tenant. All of those spaces are on the side of the building that is toward Industrial Parkway. The primary entrance to Applicant's facility would be at the rear of the building. That is where the handicapped parking spaces are located. There is a conflict between the Site Plan, which shows one existing and one proposed door in the building's Industrial Parkway façade, and the architectural drawing showing only one door. Based upon the testimony provided by Ms. Semenova, the Board finds that the Site Plan is correct and that two doors will improve safety in the event of emergency evacuation.

3 The two doors in the façade toward Industrial Parkway would provide access to the Industrial Parkway front yard and, by a 5-foot-wide concrete sidewalk adjacent to the side of the building, to both the proposed play area and the rear portion of the parking area. All access to the Applicant's facility would be handicapped-accessible.

4. The proposed play area would be in the Industrial Parkway front yard and immediately adjacent to the sidewalk that itself is adjacent to that side of the building. It would be 72 feet by 20 feet (1,440 square feet in area) and it would be surrounded by a 6-foot high black chain link fence immediately abutting it. A gate in the fence would be in the side toward the building. The setback of the fenced play area from the right-of-way line of Industrial Parkway would be 25 feet. Shrubs would be planted in front of the fence. Black bollards would be installed forward of the shrubs. The bollards would be three feet closer to the right-of-way line than would be the fence. A front yard setback of 50 feet is required in the district. Fences are permitted in non-residential districts with approval of the Planning Board. The play area would have an artificial permeable surface that meets the requirements of the New Jersey Manual of Requirements for Child Care Centers; as would the play equipment. The Board finds that an outdoor play area is a normal use accessory to a child day-care center.

5. Structures are not permitted in front yards. The Board finds the outdoor play area and equipment will be a structure. The Applicant will require a front yard setback variance if the play area is located in the front yard facing Industrial Parkway. Based upon the testimony presented, the Board finds that the proposed location of the outdoor play area is appropriate due to safety issues; that location of a play area in the parking area of the Site would not be appropriate both in terms of safety and in terms of loss of parking spaces; that the location in the Industrial Parkway front yard is a safest location with better proximity to the building that will house the children; and, that the proposed shrubbery would mitigate any negative visual impact. The Board further finds that the proposed fence is necessary for security of the play area and its users. The Board finds that the grant of necessary variances would be appropriate based on all the foregoing reasons.

6. Applicant will install a wall sign, facing the rear parking area and meeting the dimensional requirements of the Township Code, over the entrance to the leased space. The sign would have internally-illuminated letters against a yellow background. Illumination is permitted for a wall sign that faces a rear parking area. Applicant's name will be added to an existing free-standing sign in the Microlab Road front yard.

7. There are two loading areas in front of garage doors. They would remain. The areas in front of the garages and trash areas would be cross-hatched to discourage parking. The property owner would further modify the parking area so that the driveway at Industrial Parkway, and the entire vehicle aisle at the rear of the building, would be for entry only and one-way-in only. The change would improve pedestrian safety in the area of Applicant's proposed day-care facility. All exiting of vehicles from the site would be at the Microlab Road driveway. A third handicapped parking space would be added adjacent to the rear entrance of the building. It would be van-accessible. The areas where the driveways and the street sidewalks meet will be made ADA compliant. Various traffic directional and control signs and symbols, both posted and painted on the asphalt, will be provided as shown on the revised Site Plan. The Board finds that all these changes would improve safety on the Site.

8. The parking area aisle in the right side yard would remain two-way and width of only that aisle would be increased to 24 feet by reduction of the length of parking spaces there from the present 20 feet to 18 feet. A length of 20 feet is required. 18 feet are allowed by the Code only when there is a compensating vehicular overhang provided. Adequate overhang would not be provided for all of the parking spaces proposed to be reduced to a length of 18 feet. Therefore, a variance would be required. Based upon the testimony of Mr. Meola that the length of most vehicles that would be parked is less than 18 feet, that the lack of an overhang of more than approximately one foot is not significant, and that safety would be increased by widening the two-way aisle to 24 feet; the Board finds that grant of a variance would be appropriate.

9. Along the property line at the rear portion of the parking area, there are 14 conventional 90 degree parking spaces. The 10 of those parking spaces that are closest to Industrial Parkway and designated for day-care drop-off and pick-up would be redesigned as angled spaces. The Boards finds that this change would reduce the risk that cars leaving those spaces would exit at Industrial Parkway. All parking spaces on the Site would have hairpin stripes. All locations of the parking area in which parking is not intended will be cross-hatched.

10. As revised in the course of the hearing, there would be 58 parking spaces, including three handicapped access spaces, provided. However, N.J.S. 40:55D-66.6 excludes a child care

center's floor area from the calculation of required parking spaces. With that exclusion, only 39 parking spaces would be required resulting in more than adequate parking at the Site.

11. The Site Plan was modified in the course of the hearing to provide additional lighting in the parking area. The changes in lighting of the parking area would greatly improve coverage while reducing spillover onto adjacent lots. In the course of the May 10<sup>th</sup> hearing Applicant agreed to install an additional light as recommended by the Township Engineer.

12. All sidewalks will be leveled and made ADA-compliant.

13. Township Code § 170-118.B prohibits "Any business conducted outside the confines of a building unless specifically permitted." and also prohibits "Outdoor amusements of any kind". The Board finds that an outdoor play area accessory to a child day-care center does not fall under either of those prohibitions.

### CONCLUSIONS

The Board hereby approves the Application for Preliminary and Final Site Plan approval as amended in the course of the hearing and with the variances and conditions set forth below.

#### Variances.

1. The Board finds, on the expert testimony provided, that inability to locate the play area and its protective bollards in the Industrial Parkway front yard would result in peculiar and exceptional practical difficulties to, and exceptional hardship upon, the Applicant. The Board finds that placing the play area in the front yard facing Industrial Parkway is a better planning alternative than placing it elsewhere on the Site for safety of the children and preservation of the parking facilities at the Site. The Board grants a variance of 28 feet from the Code § 170-118.C.(2)(a) requirement that the front yard have a 50-foot setback; thus permitting the bollards and play area to be installed in the Industrial Partway front yard with the bollards setback 22 feet and the fenced play area 25 feet. The Board further finds that the benefits of the grant outweigh any detriments.

2. The Board finds, on the expert testimony provided, that reduction of the length of parking spaces in the side yard to 18 feet so as to increase the width of the vehicle aisle there to 24 feet would result in an increase in on-site safety, and that the purposes of the zoning ordinance requirements and the Municipal Land Use Law would be advanced by deviation from the Code requirement that parking spaces be 20 feet in length. The Board further finds that the benefits of that deviation would outweigh any detriment. The Board grants a variance of 2 feet to permit parking spaces in the side yard to be 18 feet in length when a length of 20 feet is required by §170-3 of the Township Code.

Conditions.

1. The angled parking design shall have received the approval of the Township Engineer.
2. Applicant shall add one parking area pole-mounted light fixture at a location approved by the Township Engineer. All pole-mounted lights in the parking area shall have house-shields approved by the Township Engineer..
3. A written narrative recycling plan, covering all building occupancies and following the concepts of the recycling ordinance, Chapter 232 of the Township Code, shall be submitted to the Township Engineer and shall have received his approval before any permits are issued.
4. Prior to issuance of any permit, a licensed professional engineer or architect shall provide written certification to the Township Engineer that:
  - a. Surface drainage water shall be controlled in a manner that will minimize adverse effects of such waters upon the Site and abutting lands.
  - b. Soil erosion during and after development shall not increase over what naturally occurs prior to this development.
  - c. This development will not significantly alter the grades and elevations on the Site.

6. Applicant shall provide a copy of its license issued for the facility by the New Jersey Department of Children and Families to the Construction Official before any certificate of occupancy is issued.
7. The following of the Board's Model Conditions of Approval attached hereto are incorporated herein: Numbers 1.a, 2, 3, 6 through 11, 12.c, 13, 14, and 18.
8. Conditions 1, 3 & 4 above, and Model Conditions of Approval 6, 7, 8, 11, 14 and 18 shall be met before any permits are issued.
9. Conditions 2 and 6 above, and Model Conditions of Approval 1.a, 6, and 12.c shall be met before a Certificate of Occupancy is issued.
10. Model Condition of Approval 9 is a continuing condition.

**NOW, THEREFORE**, for the reasons set forth herein it is hereby resolved by the Planning Board of the Township of Livingston that the Application for Preliminary and Final Site Plan approval, with variances set forth herein, be and hereby are approved and granted subject to the terms and conditions of this Resolution.

This Resolution is a memorialization of the decision of the Livingston Planning Board made on May 10, 2012 wherein Members Anthony, Dinar, Kalishman, Kimmel, Klein, Leopold, Ratner, Rieber, and Alternate No. 2 Wishnew (in place and stead of Member Meade) voted in accordance with the action memorialized herein; they being all of the Members both present and eligible to vote.

  
Peter M. Klein, Chairman

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 19, 2012 memorializing the decision of the Planning Board made on May 10, 2012.

  
Jackie Coombs-Hollis, Secretary

PLANNING BOARD, TOWNSHIP OF LIVINGSTON

Model Conditions of Approval  
(As Amended through December 20, 2011)

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.

**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 wash down 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 demolition, 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.