

**BOROUGH OF HILLSDALE
PLANNING BOARD
RESOLUTION NUMBER 2022-21
CASE NUMBER PZ-08-22**

WHEREAS, an application has been submitted by Westwood Banana Co., Inc. (the “Applicant”) for property known as 100 Prospect Place and 560 Piermont Avenue, Hillsdale, New Jersey and identified as Block 1210, Lots 6 and 7 (the “Property”); and

WHEREAS, the Applicant applied for major site plan approval to construct a new industrial building on a vacant lot; and

WHEREAS, the Applicant was represented by John Conte, Jr., Esq., 1 Paragon Drive, Suite 240, Montvale, NJ 07645; and

WHEREAS, the Board considered the reports of Christopher P. Statile, PE, dated September 1, 2022 and October 19, 2022; and

WHEREAS, the Board considered the memorandum of Thomas Behrens, PP, dated November 17, 2022; and

WHEREAS, a public hearing was held regarding the application on November 22, 2022; and

WHEREAS, the Applicant’s Engineer, Christopher Lantelme, PE of Lantelme Kurens and Associates, 101 West Street, Hillsdale, NJ; the Applicant’s Architect, Scott F. Lurie, PP, 645 Lotus Avenue, Oradell, NJ; and the Applicant’s Planner, Michael D. Kanker, PP, of 356 Franklin Avenue, Wyckoff, NJ were duly sworn and qualified and provided expert testimony with regard to the subject application; and

WHEREAS, Nicholas Markantes, President and CEO of the Applicant, was duly sworn to provide factual testimony in support of the application; and

WHEREAS, the Board Engineer, Christopher P. Statile, PE (“Mr. Statile”) and the Board Planner, Thomas Behrens, PP (“Mr. Behrens”) were duly sworn and testified with regard to the application; and

WHEREAS, along with the application, the Applicant submitted the following:

1. Site Plan entitled “Site Plan for 100 Prospect Place, Lots 6 & 7, Block 1210, 100 Prospect Place, Borough of Hillsdale, Bergen County, NJ”, prepared by Christopher Lantelme, PE of Lantelme Kurens & Associates, PC, 101 West Street, Hillsdale, NJ 07642, dated February 22, 2022, consisting of one sheet;
2. Architectural Plan entitled “Proposed Addition and Alterations For: Westwood Banana Co., Hillsdale, New Jersey 07642”, prepared by Scott F. Lurie, Architect, 645 Lotus Avenue, Oradell, NJ 07649, dated October 11, 2022, consisting of one sheet;
3. Property Survey prepared by Christopher J. Lantelme, PE, LS, dated July 22, 2019 and revised to May 27, 2022; and

WHEREAS, the Applicant submitted proof of notification, by mail or personal service at least 10 days prior to the date set forth for public hearing on all persons owning properties within 200 feet from the extreme limits of the subject premises of the subject application, as set forth on a certified list of said owners furnished to the Applicant by the Tax Assessor of the Borough of Hillsdale and provided proof of service of such notice in accordance with the Land Use Ordinance of the Borough of Hillsdale, as amended and supplemented, and the Municipal Land Use Law (the “MLUL”), N.J.S.A. 40:55D-1 to -163; and

WHEREAS, the Applicant has submitted proof that a copy of said notifications have been published at least 10 days prior to the date set forth for public hearing in the official

newspaper of the Borough of Hillsdale in accordance with the Land Use Ordinance of the Borough of Hillsdale, as amended and supplemented, and the MLUL; and

WHEREAS, the Board gave due consideration to all individuals desiring to be heard and after due deliberation, did find and determine that:

A. The Property

1. The Property is located at 100 Prospect Place and 560 Piermont Avenue, designated as Block 1210, Lots 6 and 7.

2. The Property is situated in the I Industrial Zone.

3. The Property (Lots 6 and 7 combined) consists of 20,203 SF (0.46 acre) and is located in the Industrial Zone District (20,000 SF minimum lot size).

4. Lot 6 is a corner lot with frontage on Brookside Place and Prospect Place. Lot 7 is adjacent and south of Lot 6 and is also a corner lot with frontage on Prospect Place and Piermont Avenue.

5. Lots 6 and 7 are presently vacant parking lot space. The Applicant considers the lots merged. The tax maps indicate that each lot contains about 10,000 SF.

B. The Application

6. The Applicant proposes to construct a new warehouse building with a loading area and associated employee and trailer parking on the Property. The building and parking are proposed in the northern area of the Property. A loading area and a dumpster area are both proposed behind the building. A 2,640 SF area is labeled “Container Parking” and provides space for six storage containers behind the building. Seven trailer parking spaces, each measuring 10.5’ x 53’, are proposed near the back of the lot.

7. The building has a height of approximately 28 feet and a building footprint of about 2,550 SF. The proposed building is a one-story warehouse. Eleven parking spaces (one barrier free) are proposed on the north and west sides of the building. No lighting is proposed. The architectural plan indicates LED Wall Pack lights. A landscape planting area is proposed in the northwest corner of the Property.

8. According to Mr. Statile's report dated October 19, 2022, no variances are required by the Applicant. The following items are required for major site plan approval:

- (a) §310-89B(1): Estimated number of employees.
- (b) §310-89B(2): Driveways.
- (c) §310-89B(5): The location and elevation plan of existing and proposed signs (if any).
- (d) §310-91F(1): Developer's Agreement.
- (e) §310-91F(2): Performance guaranty for dedicated improvements and site safety.
- (f) §310-91F(3): Maintenance guaranty for dedicated and on-site drainage improvements.

C. November 22, 2022 Public Hearing

9. The Applicant's Attorney, John Conte, Jr., Esq., addressed the Board and stated he represents the Applicant, Westwood Banana Co., Inc., with regard to the subject application. Westwood Banana has been operating at the site for 25 years. They have had trailers stored across the street from the main building for many years. The intention is to clean up the Property and put in a small warehouse, have designated parking for the trailers and dumpster, and basically improve the site.

10. The first witness to testify was the Applicant's Engineer, Christopher Lantelme, PP, of Lantelme Kurens & Associates, PC, 101 West Street, Hillsdale, NJ. Mr. Lantelme's credentials as a licensed professional engineer of the State of New Jersey were accepted by the Board and he was duly sworn prior to testifying. Mr. Lantelme testified with regard to the plan he prepared consisting of one sheet, revised to October 10, 2022, which was marked as Exhibit A-1. The property is located at 100 Prospect Place, Block 1210, Lots 6 and 7. The Property fronts on three streets – Prospect Place, Brookside Place and Piermont Avenue. The Property is approximately 100' x 203' and contains 20,203 SF, where the minimum lot size in the Industrial Zone District is 20,000 SF. The Property is located in the I Industrial Zone. The Property is currently being used as a parking lot for tractor trailers. As shown on the plan, the Applicant proposes to construct a warehouse containing 2,646 SF with parking for employees. Eight parking spaces are required and the Applicant proposes a total of 11 spaces. One of the parking spaces would be equipped for charging electric vehicles. There will also be space to park 13 tractor trailers and containers on the site, six of which will be 11' x 40' and seven which will be 10.5' x 53'. What will be parked on-site is the trailer portion of the tractor trailers, which will be on wheels ready to be hooked to a truck cab and driven away. There will be a 6-foot high vinyl solid fence around the dumpster area.

11. Mr. Lantelme testified that the entire site is in a flood zone. The building is designed with a floodproof foundation, which he believes will be approved by the Department of Environmental Protection ("DEP") based on the current rules. If the Applicant receives Planning Board approval, it will then apply to the DEP. In the event the DEP modifies its requirements prior to the construction of the building, the Applicant will revise the plans accordingly. There will be landscaping in the northwest corner of the site. Mr. Conte noted that on the easterly line

of the Property the plans show a setback of 17.9 feet. Mr. Lantelme testified that is incorrect and the proposed setback is 20 feet. The Applicant agreed to submit revised plans.

12. With respect to lighting, Mr. Lantelme testified that lighting currently being used for the parking lot is across the street. There will be some lighting on the building but no other lighting is proposed by the Applicant. As to drainage, the existing lot is all impervious coverage. The proposed building will also be impervious coverage with a small area behind the building which will be gravel. Currently drainage goes to street catch basins at the corners. The Applicant will install a seepage pit and will comply with the Borough Engineer's recommendations regarding runoff. Drainage for parking will continue to go toward the street. The seepage pit is not shown on the plan but the Applicant will install same as required by the Borough Engineer.

13. The Board's professionals, Christopher Statile, PE and Joseph Burgis, PP were duly sworn.

14. Christopher Statile, PE, the Board's Engineer, stated he prepared two reports for this application dated September 1, 2022 and October 19, 2022. One of the concerns raised by Mr. Statile, as well as the Police Department, is noise. Mr. Conte stated this will be addressed during testimony. He noted that there will be some refrigerated containers, but they will be electric refrigeration and not diesel. If approved, the Applicant agreed to comply with any State and local regulations concerning noise levels. In response to Mr. Statile's question, Mr. Lantelme confirmed the Applicant will seek a Floor Hazard Area Permit from the State. Mr. Statile noted that the Borough Ordinance requires a row of evergreens along any boundary between an industrial use and a residential use. The Property to the right of the site is in a residential zone and the Applicant is required to provide a buffer between the properties. Mr.

Lantelme stated there is enough room by moving the macadam to the west to provide such a buffer and will depict same on revised plans. Mr. Statile also recommended planting street trees along the perimeter of the site, at least along Piermont Avenue. Another concern is the attachment of the tractors to the trailers. There can be a lot of noise during the connection. If the noise level his high enough, the drivers will get summonses. There are many residential units in the area and wants the Applicant to be aware of same. The Police Department has noted that there are to be no trucks waiting or sitting in the street.

15. Mr. Burgis, the Board's Planner, referred to his November 17, 2022 report. He asked Mr. Lantelme to describe the operation at the site, including the number of truck movements. Mr. Conte stated this information will be provided in subsequent testimony. Mr. Burgis noted that when the report was prepared they were under the impression that the container parking would be actual containers left on the ground, which would be accessory structures. Mr. Conte reiterated that all containers will be on flatbeds ready to be hooked to a truck for distribution and will not be permanent fixtures on the site. There will be no stacking of containers. In response to Mr. Burgis' question regarding signage, Mr. Conte stated the only sign proposed will be the name of the company painted on the glass front door. Mr. Burgis questioned the placement of the drop curb on Brookside Place. He opined that it should be on Prospect Place. Mr. Conte presented a series of five photographs, which was marked as Exhibit A-2. Mr. Lantelme testified that most of the heavy use will be along Prospect Place. The drop curb on Piermont is for flexibility. Mr. Burgis stated this would be a good place for additional landscaping. Mr. Conte stated there will be subsequent testimony as to the layout and the reason for the dropped curb.

16. Board Chairman Burleson noted the drop curb on Piermont is to accommodate one parking space and would like to see additional landscaping in that area to soften it. He was also concerned about lighting and the Applicant's statement that it utilizes the lighting from PSE&G across the street. Mr. Conte stated this is how the site is currently lit and the lighting from PSE&G is directed into the site. He is concerned about the connection between the Industrial and Residential Zone and lighting being projected onto adjacent properties. He believes the perimeter of the building should have downward lighting but will wait for the architect's testimony. Mr. Statile noted that there is no guarantee that the lighting from PSE&G will always be available.

17. Mr. Burleson confirmed with Mr. Statile that there is no requirement for a walkway/sidewalk as this is in the Industrial Zone.

18. Mayor Ruocco stated that he has had a number of complaints in the past regarding the refrigerated trucks and containers that are run at night at the main Westwood Banana facility across the street from the subject site. Mr. Conte advised that the Applicant will testify to same. Mr. Friedman noted that the site is two separate lots and asked if they have been combined or if the Applicant intends to combine the lots. Mr. Lantelme responded that it is his understanding that each of the two lots is undersized and is owned by the same entity. For all intents and purposes they are combined. The Applicant has considered merging the lots with the Tax Office but has not done so. Mr. Friedman also asked what type of landscaping would be in the corner of the Property and Mr. Lantelme advised it has not yet been determined and the Applicant will work with the Borough officials as to same. In response to a question from Mr. Friedman, Mr. Lantelme stated there is no fence on the east side of the Property. Mr. Lantelme stated the

Applicant is to be advised if a fence is to be installed or if landscaping should be installed. Mr. Lantelme is open to installing sidewalks to assist pedestrians.

19. Mr. Riordan asked how tall the containers on the flatbeds are and Mr. Lantelme was unsure, but did confirm Mr. Riordan's statement that they are taller than any fence allowed by the Borough. In light of this, landscaping may be a better alternative. Mr. Riordan also noted that the dumpster doors open out onto a trailer parking space, which will not work. He asked how the electrical was going to be run as the utility poles are across the street and Mr. Lantelme advised it would be run overhead. Mayor Ruocco asked if the electric refrigerated trailers are less noisy than the diesel trailers. Mr. Conte stated that the Applicant would testify to same. Mr. Burleson questioned how the loading area would work, assuming the container trucks would be backed into the loading area and asked if the cab would stick out into the street. Mr. Conte stated the Applicant will respond to this question during his testimony.

20. The next witness to testify was the Applicant's Architect, Scott F. Lurie, AIA, 645 Lotus Avenue, Oradell, NJ. Mr. Lurie's qualifications as a licensed professional architect of the State of New Jersey were accepted by the Board and he was duly sworn. Mr. Lurie testified to the plan he prepared dated October 11, 2022, which was marked as Exhibit A-3. The plan consists of one sheet and contains the proposed foundation, proposed floor plan, proposed front (south) elevation, proposed side (west) elevation, proposed rear (north) elevation and proposed side (east) elevation. The proposed building is 2,600 SF and is approximately 29 feet in height with a finished floor 4 feet above grade. The building will have a ramp instead of stairs and a 5 foot canopy extension. The façade will be a split-based decorative block. It is a simple building for the storage of bananas. There will be very little personnel on site. There will be three lights, over the back door, one at the center of the wall at the end of the ramp and one at the corner by

the turn of the ramp. The lights are all 40-60 watt LED lights with a cutoff fixture. The lights will also be two or three foot candles.

21. In response to comment No. 7 of Mr. Statile's October 19, 2022 report, Mr. Lurie confirmed there is no employee room in the building. There is a bathroom in the building for convenience. The architectural plans call for a crawl space access door for the area below the building floor. Mr. Lurie testified that the crawl space has four flood gates and that the actual number of flood gates would be dictated by the DEP.

22. Mr. Statile asked if the proposed building could have windows or, if that will not work with the proposed contents of the warehouse, if the Applicant would provide some type of faux window treatment to give the building some life. Mr. Lurie suggested using different color façade treatments instead of faux windows. Mr. Statile opined that the window treatment would blend in better with the nearby residential area. Mr. Burgis agreed that the building needs some enhancement to better fit into the neighborhood. Mr. Friedman asked what type of canopy was proposed and Mr. Lurie testified it would be a metal pre-fab canopy with a few cables. Mr. Riordan asked if only one exit in the building was required and Mr. Lurie confirmed same. In response to a question from Mr. Riordan, Mr. Lurie testified that there will be no pallet racks in the building. As to the heating/cooling system, Mr. Lurie confirmed it will be screened. Ms. Miano agreed that the building need embellishments. Ms. Kates asked how water will drain from the roof and Mr. Lurie advised that there will be interior drains down to the seepage pit.

23. The next witness to testify was Nicholas Markantes of River Vale, NJ, President and CEO of the Applicant, Westwood Banana Company. Mr. Markantes was duly sworn and testified in support of the application. He testified that he has worked in the family business since he was 9 or 10 years old and is now President and CEO of the company. There is no retail

business conducted at either the subject site or across the street. There are nine employees of the Company, including Mr. Markantes, and the number of employees will remain the same. He does not anticipate installing racks in the warehouse. It will be utilized as extra space for a ripening room for the bananas with two levels of bananas. In response to a question raised earlier, Mr. Markantes testified that in the event the lighting from PSE&G is no longer available, the Applicant will install additional lighting and would seek approval and permits from the Borough, as necessary.

24. Mayor Ruocco had stated earlier that he received several noise complaints with regard to the operation of the refrigerated trucks at the current operation. Mr. Markantes is aware of the complaints from a resident across the brook from the company, who stated there was noise from the trailers in the middle of the night and it was shaking his house. The police came to the site several times and nothing registered on their meters. The resident also brought the issue up with the County and they inspected and registered the noise levels overnight, and their meter did not measure any noise above what is permitted. Mayor Ruocco confirmed this is his understanding also. He did spend some time at the site and noted that the noise is definitely discernible even if it is below the noise thresholds. Mayor Ruocco also stated that the proposed warehouse will be located much closer to the proposed residential development adjacent to the site and the noise, while below acceptable limits, will definitely be heard by future residents. Mr. Markantes responded that the residential development is located to the north and the trailers will be parked on the southern end of the site. In addition, with the new technology and utilities having been installed, the plan is to run the refrigerated containers on electricity while they are parked and not on diesel, with the electricity being much quieter. He stated he plans to comply with all noise ordinances. Mr. Markantes testified that the noise basically comes from the front

of the tractors, which will be pointed away from and parked as far away as possible from the proposed residential site. Mayor Ruocco is concerned as the proposed residential development abuts the northern property line of Lot 6 and the new tenants, once the development is completed in about two years, will have a problem with noise and light. Mr. Conte acknowledged the Mayor's concerns and testified that the proposed use will meet all local, county, state and federal noise and light levels for the industrial area. Otherwise, the Applicant would not be able to operate at the site. Chairman Burleson asked Mr. Markantes if there were other ways to mitigate the noise and responded that the electric is much less noisy than diesel and that only one or two of the containers will be running at any given time, which is fewer than are running now as there will be more warehouse space.

25. In response to Mr. Burleson's question as to why this site was chosen, Mr. Markantes testified that the company has been in existence for over 100 years with the last 25 years at the current site. His father and now he like the area, he and his employees all live nearby and he wants to stay near his roots. The company delivers to smaller stores and Costco throughout the tri-state area. The bananas come in on trailers and are delivered in smaller trucks to stores and smaller wholesalers. There are approximately 10 to 20 truck movements per day, with less on the weekend. The trailer cabs will not stick out into the street during loading and unloading. The street will be used to back into the site only. In response to a question from Mr. McEwen, Mr. Markantes testified that the electricity design has not yet been done but that electricity for the electric refrigerated cars would be provided via underground utility lines. Mr. Burleson asked if the employees in the current building would be going back and forth between the existing building and the proposed warehouse. Mr. Markantes testified that there are approximately three employees at the site and, if necessary, one of the employees would go

across the street. In response to Mr. Riordan's question, Mr. Markantes stated that the proposed warehouse will not be sprinklered. He testified that the ripening process includes the use of ethylene gas, which is also used in the existing building. The Applicant will be conducting the exact process and business it currently engages in but will just be expanding its work space. Most of the operation takes place between 8:00 a.m. and 4:00 p.m. but there are times trucks come in and/or leave as early as 3:00 or 4:00 a.m. and as late as 10:00 p.m. Mr. Burleson asked if providing a walkway along the southern end of the property (Piermont Avenue) would affect business. Mr. Markantes responded that the Applicant could do so but noted that the area is already paved (asphalt) so there is no need for pedestrians to walk in the street and would prefer to not incur the extra cost to install sidewalks. The Board professionals agreed that the Redevelopment Plan and Master Plan call for making the area more pedestrian friendly. After Board discussion, Mr. Burleson asked the Applicant if providing sidewalks around the entire perimeter of the site would adversely impact the business. While it would not harm the business, the Applicant objected to installing sidewalks around the entire site but would agree to providing same along Piermont Avenue. Mr. Statile noted that the area to the north of the Property has already been zoned residential and development is coming to that area.

26. Scott F. Lurie, PP was recalled by the Applicant's Attorney. With respect to the Board comments as to fire suppression, same is not required. There will be nothing flammable at the site.

27. The next witness to testify was the Applicant's Planner, Michael D. Kanker, PP, 356 Franklin Avenue, Wyckoff, NJ. Mr. Kanker's credentials as a licensed professional planner of the State of New Jersey were accepted by the Board and he was duly sworn. Mr. Kanker testified that the Applicant will be improving the Property, which is currently all parking. The

site will consist of half warehouse and half parking. The warehouse building will enhance the aesthetics of the area and serves as a buffer to the trailer parking. The proposed building is fully compliant with the Borough's Ordinance and meets the goals and objectives of the Master Plan. Mr. Kanker testified that a variance is required for the parking area setback, where 10 feet is required and 5 feet is existing and proposed. He stated that the Property has three frontages, creating a hardship for the Applicant.

28. Mr. Kanker testified that if Brookside Avenue is vacated in the future, there will be no traffic to conflict with the warehouse parking. A parking waiver is sought by the Applicant for parking to be located near the intersection. Mr. Kanker opined that the deviation is reasonable and not detrimental to the area. The Applicant also seeks a design exception with regard to outdoor storage, as it is not relevant to the site activity, where trailers/containers go in and out of the site.

29. Mr. Kanker opined that the existing conditions are being improved by the proposed warehouse. The proposed building screens the employee and trailer parking. There is no substantial detriment to the public good and no detriment to the zone plan. The warehouse will fit in better than what currently exists on the Property.

30. Mr. Burgis noted that after hearing testimony from the Applicant, the section of his report regarding accessory storage does not apply. Mr. Burgis testified that the Property has three frontages, which supports the Applicant's position of practical difficulty. Mr. Statile does not think a vacant piece of property is a hardship.

31. Chairman Burleson asked Mr. Kanker if sidewalks around the perimeter of the site are needed and Mr. Kanker replied that it would make sense on the south side of the site to discourage walking across the site. Mr. Kanker opined that wayfinding signage would be

beneficial and additional guidance from professionals, where industrial zones are becoming more residential. Mr. Friedman asked if the Applicant intends to pave the entire lot or leave the existing asphalt. Mr. Conte stated the Applicant plans to regrade and repave the site.

32. The Applicant agreed to construct a sidewalk along Piermont Avenue and Prospect Avenue, but not on Brookside Avenue. The Applicant agreed to match the design of the proposed building to the current Westwood Banana building across the street.

33. No members of the public appeared either in favor of or opposed to the application.

34. Chairman Burluson made a motion to approve the application with the conditions placed on the record by the Board, which motion was seconded by Meredith Kates. The application was approved by a vote of 6 to 0.

D. Justification for Relief

35. The Board further finds the Applicant has met its burden of proof in support of granting the requested relief.

36. The Board makes the following findings and conclusions with respect to this application:

A. The Board finds that the application as presented will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the Borough's Zone Plan and Land Use Ordinance. The Board finds that there is a hardship on the Property due to the three street frontages, which limits development.

B. The proposed construction will go toward the positive criteria. The Board further determined that the Property can accommodate the use and will improve the aesthetics and safety of the Property.

- C. Further, the Board finds that using prudent zoning and planning principles, project will not negatively impact the existing neighborhood nor the community as a whole.
- D. The Board hereby determines that the overall objectives of sound and prudent zoning and planning principles are advanced by the granting of the application.
- E. The Board hereby determines that the Applicant has met the burden of proof to the satisfaction of the Planning Board for site plan approval and variance relief, as proposed by the Applicant.
- F. The Board finds the use is permitted in the Industrial Zone.
- G. The Board also finds that the application as presented will not substantially impair the intent and purpose of the Borough's Zone Plan and Zoning Ordinance.
- H. The Board finds that using prudent zoning and planning principles, the request for the variances will not affect the existing neighborhood, nor the community as a whole. The Planning Board hereby determines that the overall objectives of sound and prudent zoning and planning principles are advanced by the granting of the application.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Hillsdale as follows:

1. The Applicant's application has been approved, to wit:
 - (a) major site plan approval to construct a new industrial building on a vacant lot.
2. The application is specifically conditioned upon any and all other approvals required by any governmental entity having jurisdiction over the development, including, but not limited to Bergen County Planning Board approval or waiver, Bergen County Soil Conservation District approval and NJDEP approval, to the extent applicable.

3. The Applicant shall comply with the comments contained in the reports of the Board Planner, Board Engineer and as stated on the record. All conditions imposed by the Board in this Resolution and on the record shall be complied with by the Applicant.

4. The Applicant shall comply with any and all Federal, State, County and local laws, ordinances, codes, rules and regulations with respect to all aspects of the project, property and proposed use, and with all such applicable laws and codes, and shall be responsible for all costs and fees associated therewith. Notwithstanding the approval granted by the Board, the Applicant shall obtain all other applicable approvals and comply with all applicable laws, codes, ordinances, regulations and the like as to the Property.

5. Before any permits are applied for, it is the responsibility of the Applicant to see if there are any open permits or violations and address these before a new permit can be issued.

6. When applying for the permits, a copy of the signed resolution and board-approved plans must accompany the permit application.

7. No certificate of occupancy will be issued unless all inspections have been performed, passed, and all prior approvals have been satisfied.

8. The Applicant shall maintain sufficient escrow funds as requested by the Borough of Hillsdale.

9. The Applicant shall obtain all appropriate and applicable approvals and permits as required from all governmental agencies having jurisdiction over the project or the subject matter of this application, shall comply with each and every requirement of every issued permit, and shall be responsible for all costs and fees associated with these approvals. Before any permits are applied for, the Applicant shall determine whether there are any open permits or violations for the Property and resolve any such issues to the satisfaction of the Construction Official. A signed

Board resolution and Board-approved plans shall be submitted with all applications for permits.

10. If other agency approvals modify the plan, same will trigger a return to the Board.

11. The Applicant shall comply with the conditions of the Board, the Board Planner and Board Engineer, as set forth herein and in the record.

12. The Applicant shall comply with all applicable laws and regulations, including the payment of the non-residential development fee, if applicable, pursuant to the Municipal Land Use Law.

13. The Applicant shall comply with the comments of the Board Engineer.

14. Sidewalks will be constructed along Piermont Avenue and Prospect Avenue.

15. The warehouse design shall match the design of the Westwood Banana Company building across the street.

16. The Applicant will provide 11 parking spaces for employees with 1 space EV/make ready.

17. The trailer and container parking spaces shall accommodate only trailers or containers only, not truck cabins.

18. The Applicant shall submit revised plans with the correct easterly property line setback and the relocated dumpster, as well as landscaping in consultation with the Environmental Commission and Shade Tree Commission.

19. The Applicant will install a seepage pit and will comply with the recommendations of the Borough Engineer as to same.

20. The Applicant will meet all State, County and local requirements regarding noise levels. The parked trailers will be electric only, not diesel, and the noise source will be pointed away from the adjacent residential uses.

21. The Applicant shall apply for a Flood Hazard Area Permit.

22. There will be no spillover from the building lighting onto neighboring properties.

In the event the PSE&G lighting is removed, the Applicant agrees to put in additional lighting and would seek approval/permits from the Borough.

23. The HVAC unit shall be roof mounted and will be screened.

BE IT FURTHER RESOLVED that the Chairman, Vice Chairman and Secretary of the Planning Board are hereby authorized to affix their signatures to this Resolution granting variances for impervious coverage and setback to property lines, as set forth herein and in the plans, and the Applicant is authorized to advertise the action taken by way of this Resolution in a local newspaper; and, further, the Secretary of the Board is authorized to send copies of this Resolution to the Construction Code Official and the Applicant.

MOVED BY: Mayor John Ruocco

SECONDED BY: Ed Alter

VOTE: FOR 6 AGAINST 0 ABSTAIN

MEMORIALIZATION VOTE:

MOVED BY:

SECONDED BY:

VOTE: FOR AGAINST ABSTAIN

APPROVED

Attest:

Meredith Kates, Secretary

Dewey Burleson, Chair

I certify that the foregoing is a true copy of the Resolution adopted on _____,
2023.

Meredith Kates, Secretary

Dated: _____, 2023