

**RESOLUTION OF THE PLANNING BOARD OF
THE BOROUGH OF NORTH PLAINFIELD
SPR 07-004 ANITA BUILDERS, LLC**

WHEREAS, ANITA BUILDERS, LLC (hereinafter the "Applicant"), located at 366 Vale Avenue, Piscataway, NJ, has applied to the Planning Board of the Borough of North Plainfield (hereinafter the "Board"), for preliminary and final site plan approval to permit construction of a commercial building on property known as 37-39 Harmony Street, which is also designated as Block 83, Lot 16 on the Tax Map of the Borough of North Plainfield, which property is located in the B-1 Zone on the Zoning Map of the Borough of North Plainfield; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and the Applicant's witnesses and of adjoining property owners and the general public, if any, and the reports of various officers and agencies of the Borough, whose reports are incorporated herein by reference, has made the following factual findings:

1. The Applicant seeks to construct a commercial building which will be used in full conformity with the requirements of the B-1 business zone;

2. The Applicant had previously applied to the Board of Adjustment for permission to construct a single-family dwelling on the property. This application was denied by the Board of Adjustment and upon appeal to the Superior Court of New Jersey, the denial was affirmed;

3. The Applicant has agreed to limit construction to the footprint shown on plans prepared by Monmouth Design Associates, Inc. dated May 1, 2008, and the building will be limited to one story;

4. The Applicant does not presently have an occupant planned for the property. However, the Applicant is aware that any use of the property must not only comply with the commercial uses permitted in the B-1 zone, but also the parking requirements in that zone;

5. The Applicant addressed certain objections stated by neighbors to the property by agreeing to increase plantings and buffering on the lot and to limit hours of operation to 7 am to 8 pm. Also, lighting will be shielded so as not to shine on neighboring properties. The Applicant will use an architectural design that fits in with the mixed residential and commercial character of the neighborhood; and

WHEREAS, the Board has determined that reasons DO exist for the relief sought by the Applicant for the following reasons:

1. The Applicant requests no variances, the proposed use will be permitted in the B-1 zone, and the Applicant will comply with all engineering requirements, including drainage requirements of the Borough Engineer;

2. The Applicant will install landscaping and buffering that will reduce the impact of the use upon neighboring properties, and will utilize an architectural design that will minimize the impact of the appearance of the commercial building to the neighboring residences.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of North Plainfield that, for the foregoing reasons, the Application of ANITA BUILDERS, LLC, for preliminary and final site plan approval be and hereby is GRANTED, subject, however, to the following conditions:

1. The use of the property shall be limited to commercial uses permitted in the B-1 zone at the time the application was granted, and in full compliance with parking requirements for the use of the property without the necessity of any variances or waivers.

2. The footprint of the building shall not exceed 996 square feet and the footprint shown on the plans prepared by Monmouth Design Associates, LLC, dated May 1, 2008.

3. The Applicant shall provide the engineering details required by the site plan checklist in the Borough Ordinance, including but not limited to #10, #15 and #19.

4. The Applicant shall comply with each of the requirements of the Report by Birdsall Engineering Inc. dated May 27, 2008 to the satisfaction of the Borough Engineer.

5. The building shall be limited to one story and the basement of the building will be used only for mechanical equipment and storage for the occupant of the property;

6. The hours of operation of the use of the building will be limited to not before 7 am and not after 8 pm, and all exterior lighting except for minimal security lighting shall be turned off one hour before opening and one hour after closing;

7. All lighting shall comply with the Borough Ordinance and shall be shielded so as not to shine on neighboring properties;

8. The architectural design of the building on the property shall be attractive and appropriate to blend into the mixed residential and commercial character of the neighborhood as determined by the Borough Engineer;

9. The entire side yards and rear yard shall be grass area;

10. A privacy hedge will be installed around the perimeter of the property as a buffer and additional foundation landscaping shall be provided to the extent permitted without interfering with handicapped access to the building;

11. The trash enclosure shall be for trash cans and not for a dumpster, shall comply with the Borough Ordinance, and shall blend with the architectural style of the building;

12. All signs shall comply with the Borough sign ordinance and shall blend with the appearance of the building;

13. The fence in the rear yard shall be removed in favor of hedges along the lot line;

14. All conditions shall be satisfied to the reasonable satisfaction of the Borough Engineer;

15. All bonds and guarantees shall be posted as required by Borough Ordinance;

16. No certificate of occupancy shall be issued until all conditions to this Resolution are satisfied.

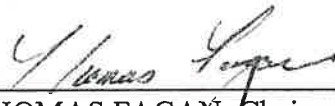
ROLL CALL VOTE:

THOSE IN FAVOR: Members Brannan, Coxwell, W. Kreder, B. Kreder, and Chairman Fagan.

THOSE OPPOSED: Members Mitchell, Righetti and Hollod

ABSTAIN: Member Stabile

APPLICATION APPROVED:


THOMAS FAGAN, Chairman

 7/23/08
DAWN GAEBEL, Secretary