

**HAMILTON TOWNSHIP PLANNING BOARD
RESOLUTION 2007-27**

IN THE MATTER OF DEER PATH ENTERPRISES, LLC and EYD, INC. FOR A REVISED PRELIMINARY AND FINAL SITE PLAN APPROVAL, FOR THE PURPOSE OF REPLACING THE EXISTING HARRY'S ARMY/NAVY STORE WITH 15,510 SQUARE FEET OF NEW RETAIL SPACE.

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

Map 301 Section 2712, Lot 139
Hamilton Township, Mercer County
Zone: HC, Highway Commercial

Application No. 03-07-069C
Approval Date: April 12, 2007

BE IT RESOLVED, by the Planning Board of the Township of Hamilton (Board) that the action of this Board on April 12, 2007, in this matter is hereby memorialized by the adoption of this amended written decision setting forth the Board's findings and conclusions.

RELIEF SOUGHT AND JURISDICTION

1. The applicant is requesting revised preliminary and final site plan approval, for the purpose of replacing the existing Harry's Army navy store with 15,510 sq. ft. of new retail, adding 21,967 sq. ft. of retail space and 1,000 sq. ft. of office space to an existing shopping center.
2. The subject of this application is within the jurisdiction of this Board and the Board has acted within the time required by law.
3. The subject property is located at Crosswicks-Hamilton Square Road, Hamilton Township, Mercer County, State of New Jersey.
4. Map 301, Section 2712, Lot 139-142 is located in the HC zone, as designated on the Hamilton Township Zoning Map.

THE APPLICANT

5. The owner and applicant is Deer Path Enterprises, LLC and EYD, Inc.
6. The owner/applicant has certified that all property taxes for the subject property and all escrow fees required under the applicable ordinance(s) for such an application have been paid. This certification includes an agreement to pay all future monies due under the escrow ordinance for consultants and other professional work on the property.
7. The owner/applicant has submitted an Affidavit of Proof of Service of Notice published in the Trenton Times. The Proof of Service comports with the notice before the Board that this matter is of the character that the applicant has presented to the Board.

THE HEARINGS

8. On April 12, 2007, a public hearing took place with respect to this application before the Hamilton Township Planning Board at the Township Municipal Building located on Greenwood Avenue, Hamilton, New Jersey.

PLANS PRESENTED

9. The following documents were reviewed:
- a. Preliminary and Final Site Plan (sheets 1-14), prepared by Hopewell Valley Engineering, PC, dated May 11, 2006, revised December 12, 2006 (sheets 1 to 16), revised April 2, 2007 (sheets 1 to 18);
 - b. Construction Phasing Plan, prepared by Hopewell Valley Engineering, PC, dated April 2, 2007;
 - c. Boundary and Topographic Survey, prepared by Hopewell Valley Engineering, PC, dated March 1, 2006 and revised August 21, 2006;

OTHER DOCUMENTS REVIEWED BY THE PLANNING BOARD

10. The Board reviewed the following documents:
- ✓ a. Drainage Calculations, prepared by Hopewell Valley Engineering, PC, dated May 11, 2006;
 - b. Soils and Foundation Investigation, prepared by Melick-Tully and Associates, PC, dated May 18, 2006;
 - c. Building Elevations and Floor Plans (sheets A-1 to A-4), prepared by Richard J. Finch Associates, PA, dated March 16, 2006, revised December 12, 2006 (sheets A-2, A-6 and A-7) and March 28, 2007 (sheets A-2, A-7 and A-8);
 - d. Additional Seating Area Plan for Spigola Restaurant, prepared by Miller Architects and Planners, not dated (sheet A-2);
 - e. Draft Easement for Cross Access and Parking;
 - f. Traffic Impact Analysis, prepared by Orth-Rodgers Associates, Inc., dated May 19, 2006;
 - g. Addendum to Traffic Impact Analysis, prepared by Orth-Rodgers Associates, Inc., dated March 30, 2007;
 - h. Letter from Lynn A. Ashton, Senior Environmental Consultant with Habitat Management & Design, Inc., dated March 20, 2006;
 - i. Signage information for Rite Aide, prepared by Blair Sign Company, dated November 30, 2006 and April 10, 2007 (9 sheets);
 - j. Building elevations for Rite Aide, prepared by FORM Architectural Group, dated January 19, 2007, revised April 10, 2007 and
 - k. Plan review response letter prepared by Hopewell Valley Engineering, PC, dated April 2, 2007.

EXHIBITS PRESENTED

11. The following exhibits were presented to the Board:
- a. A-1, plan of site (original approval)
 - b. A-2, current site plan
 - c. A-3, proposed site plan
 - d. A-4, architecture of front of Phase I
 - e. A-5, architecture of proposed Phase II
 - f. A-6, architectural drawing showing Phase II height elevations
 - g. A-7, architectural drawings of
 - h. A-8, color rendering of proposed Rite Aid
 - i. A-9, monument sign example
 - j. A-10, freestanding sign for the stores
 - k. A-11, construction phasing plan

TOWNSHIP EXPERT REPORTS

12. At the hearing, the Board considered the following reports presented by Township officials:
- a. Memorandum from the Division of Planning to Michael Guhanick, Land Use Coordinator, dated July 6, 2006, revised March 2, 2007 and April 12, 2007.
 - b. Memorandum from Thomas Dunn, Township Engineer, to Michael Guhanick, Land Use Coordinator, dated June 27, 2006, revised February 15, 2007 and April 12, 2007.

TESTIMONY AND PUBLIC INPUT

13. The testimony given by and on behalf of the applicant was as follows:
- a. Applicant was represented by Richard Hamilton of Stark & Stark, who presented the following witnesses:
 - b. Rick Finch, applicant's architect, who reviewed the proposed stores with the Board.
 - c. Thomas Dwyer, Rite Aid representative, who reviewed the operations of Rite Aid with the Board.
 - d. James Findley, Hopewell Valley Engineering, who reviewed all engineering issues at the site, including stormwater drainage.
 - e. Brian Stankus, applicant's traffic engineer, who reviewed traffic movement at the site.
 - f. Charles Brown, Rite Aid's regional construction coordinator, who reviewed how the store would be constructed.
14. The following Township staff gave advice to the Board:
- a. Allen Schectel, Township Planner, reviewed his memorandum with the Board.

- b. Tom Dunn, Township Engineer, reviewed his memorandum with the Board.
 - c. Michael W. Herbert, Esq., Planning Board Attorney, gave advice to the Board.
15. Members of the public who commented on the application were:
- a. Mr. Hoyt asked questions regarding stormwater management.
 - b. Unidentified woman – asked if buildings were to be of Leadership in Energy and Environmental Design.
16. Members of the Board who had comments on the application were:
- a. None.

**FINDINGS AND CONCLUSIONS REGARDING APPROVAL OF
REVISED PRELIMINARY AND FINAL SITE PLAN**

17. Nature of the application:
- a. The applicant is requesting revised preliminary and final site plan approval, for the purpose of replacing the existing Harry's Army navy store with 15,510 sq. ft. of new retail, adding 21,967 sq. ft. of retail space and 1,000 sq. ft. of office space to an existing shopping center.
 - b. The applicant proposes to replace the existing Harry's Army navy store (to be demolished) with 15,510 square feet of new retail space (Rite Aid), construct 21,967 square feet of retail space and 1,000 square feet of second floor office space (Phase II) to an existing shopping center, known as Deer Path Pavilion. In addition, the applicant proposes to add an additional forty (40) seats to the existing Spigola restaurant.
 - c. There are no wetlands on the property and the site is not in the floodplain. In addition, there are no issues with steep slopes. Consequently, the Stream Buffer Conservation Zone and Steep Slopes Ordinance do not apply.
 - d. In terms of bulk and yard requirements, the revised plan meets or exceeds ordinance requirements. The applicant proposes to consolidate all lots under this application.
 - e. In terms of parking for the proposed Rite Aide and the Phase I and II buildings, 295 parking spaces are shown on the site, where 295 spaces are required by ordinance. This parking need is based on the following:
 - 1. Phase I Building
 - 6,701 sq. ft. of retail @ 1 space/200 sq. ft. = 34 spaces
 - 165 seats (existing) and 42 seats (proposed) of restaurant @ 1 space/3 seats = 69 spaces
 - 2. Phase II Building
 - 21,967 sq. ft. of retail @ 1 space/200 sq. ft. = 110 spaces
 - 1,000 sq. ft. of office @ 1 space/250 sq. ft. = 4 spaces
 - 3. Rite Aid Building
 - 15,510 sq. ft. retail @ 1 space/200 sq. ft. = 78 spacesThe parking as proposed meets ordinance requirements.
 - f. The Board hereby approves the site plan requested.

CONDITIONS REQUIRED

18. The Board finds that in order to address the concerns expressed in the course of the hearing, and to limit the relief to that which is reasonably necessary to satisfy the applicant's legitimate requirements, the relief granted is subject to the following conditions:
- a. The 10 spaces behind the Phase II building shall be dedicated for employee parking only. The plans have been revised to satisfy this condition.
 - b. No merchandise, products, equipment or similar material or objects shall be displayed or stored outside. Commercial vehicle parking shall be limited to the area to the rear of the building. This must be noted as such on the plans. All outdoor displays of canoes, kayaks, etc. must cease at the existing property. This was a condition of a prior approval. This note has been added to sheet 2 of 18, see comment #10 and #16.
 - c. Revised Phase II building elevations dated March 28, 2007 now show that 11 facade signs are proposed. The elevation drawing shall be revised to show only one sign for tenant A, B, C and D. The ordinance states that each tenant is permitted one facade sign mounted on the front facade not to exceed ten (10%) percent of the front area. To contain the proliferation of signage within commercial properties such as the one proposed, no facade signage should be permitted on the west elevation (sheet A-7), which faces Route 130.
 - d. In terms of facade signage for the Rite Aid, the applicant proposes to locate eight (8) facade signs totaling 190.5 square feet on the following elevations:
 1. Entry corner: Three (3) signs proposed at a total of 81.08 square feet.
 2. Short side front (Crosswicks-Hamilton Square): One (1) sign proposed at a total one 17.1 square feet.
 3. Long side front (Route 130): Two (2) signs are proposed at a total of 34.2 square feet.
 4. Long side rear (facing parking lot): Two (2) signs are proposed at a total of 58.12 square feet.
 - e. The applicant is permitted to have one (1) sign shall be placed upon only the front facade of a building, provided that such sign shall not exceed an area equal to ten (10) percent of the area of the facade. In addition, where a business is located at the intersection of two public streets, an additional sign may be erected or inscribed upon the side wall on the street side, provided that the combined areas of the two (2) signs do not exceed the sign area permitted in that zone for one (1) facade. Therefore, Rite Aid is permitted to have one (1) facade sign, with an area of 306 square feet or two (2) facade signs mounted on the front (Route 130 elevation) and the side (Crosswicks-Hamilton Square elevation) with a cumulative area of the same. The plan as presented is acceptable.
 - f. In terms of directional signage, two (2) signs are shown on the Rite Aid piece of the property. They are each three and nine-tenths (3.9) square feet in area, which exceeds the maximum allowable size for directional signage. Directional signs having areas less than two (2) square feet are exempt from

location and area regulations, provided that they do not constitute a hazard to the traveling public. These signs shall be revised to meet this requirement. If not, then these signs count towards the permitted allotment of freestanding signage and variances will be needed for the number of signs. New directional sign details submitted (dated April 10, 2007) have not been reduced in size as per our previous recommendations.

- g. The applicant proposes two (2) additional freestanding signs on site. As part of the Phase II building, the applicant proposes to construct a 12.7-foot-high, a 62-square-foot monument sign set back 30 feet off the Route 130 right-of-way line. For the Rite Aid, an 8-foot-high, 47.8-square-foot sign is to be set back five feet from the property line. The new monument sign detail should be designed to match the colors/materials used on the Rite Aid building and the overall shape of the other two Deer Path Plaza signs.
- h. The ordinance permits only one freestanding sign on a property, provided that each sign shall not exceed 50 square feet on any one side and not exceed 25 feet in height. Any such signs shall not be located in the area within 30 feet from the street line of a public street.
- i. All façade and ground signage submitted by the project architect(s) and engineer must be to scale and all dimensions, colors and materials must be clearly shown on said drawings.
- j. Additional ground signs, banners, sandwich boards, real estate signs, etc. are not permitted on the property to advertise tenants which are not on a main identification sign.
- k. In terms of lighting, the submitted plan meets ordinance requirements. The underlying site improvements (curbing, buildings, etc.) should be darkened and not in a gray scale.
- l. The applicant shall demonstrate compliance with the Route 130 Vision Plan. The landscape plan should clearly show the existing trees along Route 130, the eight (8) foot wide bike path and the new decorative lights as they relate to the existing overhead utilities along the roadway. This information has now been provided and is acceptable.
- m. In regards to the landscaping, the Board requires the following:
 - 1. The landscape plan (sheet 4A of 18) should be solely for landscape graphics only. The grading, utility and drainage graphics/information should be deleted from this sheet for clarity purposes. The sheet as drawn is very busy. However, the underlying site improvements (curbing, buildings, etc.) shall be darkened and not in a gray scale.
 - 2. All site work, including landscaping, must be completed in accordance with the applicant's plan prior to occupancy. This shall be a condition of approval.
 - 3. The proposed transformers shall be screened on all sides with the arborvitae. All transformers shall be labeled as such on the landscape plan for clarity purposes.
 - 4. The new monument sign must be landscaped at its base. This is an ordinance requirement. The existing and proposed monument signs should be labeled for clarity purposes.

5. The height of the basin wall (by Route 130) varies in height from seven to nine feet; so therefore, a few more taller items are needed to break up this wall expanse.
 6. The conifers must be sized a minimum of 6'-8' at time of planting, deciduous trees 2-1/2-3" caliper and ornamentals 2" caliper (multi-stemmed items min. 6') at time of planting. The plant schedule should be revised accordingly.
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- n. At the front door to the Rite Aid, a checkerboard pattern is graphically represented on the site plan. The plans should describe what this represents.
 - o. The applicant shall provide a truck turning movement plan for the entire site, and especially for the rear loading/unloading zone behind this Phase II building. The plan should clearly demonstrate as to how deliveries will be made and how trucks will circulate through this confined space. A truck turning circulation diagram (sheet 17 of 18) has been submitted addressing our comments.
 - p. The applicant is subject to the tree replacement ordinance (Section 160-117). All areas of trees cleared (including utilities, access roads, etc.) with acreage totals for each, must be shown on the plans. The applicant has indicated that tree removal consist of individual trees and not masses. Therefore, an exact replacement value would be difficult to determine. To address this concern, the applicant should comply with those additional landscaping comments in #15 previous — as it pertains to the placement of additional shade trees.
 - q. Only one 19 x 19-foot trash enclosure (inside dimensions) is proposed for the Phase I building with at least five (5) different tenants, one (1) of them being a 205 seat restaurant. A second 19 x 19-foot trash enclosure (inside dimensions) is proposed for the new 22,967-square-foot Phase II building. The applicant must testify that these two enclosures are of sufficient size for all trash, recycling, grease, food waste and cardboard for tenants of both buildings. The placement of additional dumpsters or similar containers outside the enclosure in parking spaces shall not be permitted. If additional enclosures are needed in the future for more dumpsters, then the applicant should agree to providing the same, contingent on prior approval from this office. The applicant has indicated that trash removal schedules will be adjusted as use warrants, so that no overflow situations occur. However, the new enclosure footprint shows a configuration of dumpsters stacked two deep and two wide, i.e. four dumpsters total within the 19 x 19-foot trash enclosure. As this is not a typical configuration, we have concerns that waste haulers will leave other dumpsters outside the enclosure to gain access to their specific units. Trucks jockeying various dumpsters around to empty one (1) specific unit would not be expected by any hauler.
 - r. Also, a third 12 x 32-foot trash enclosure is proposed for the new Rite Aid building. Access to the dumpsters within the enclosure is at a 45 degree angle, accessed via the bypass drive-thru lane. The applicant shall indicate if a waste hauler could access the dumpsters within this enclosure. A detail for this sized enclosure must be submitted for review.

- s. In terms of architecture the Board requires the following:
1. The Phase I building has no downspouts carrying water from the roof to the ground. Currently, the water drops off a lower roof and falls at least 10 feet to the ground, causing large areas of washouts and subsequently eroding the lawn. Both buildings must provide downspouts that connect into underground piping that send this water to the basin. For the Phase I building, the installation of downspouts and the elimination of the washouts should be done immediately to correct existing problems. The applicant has indicated that a gutter will be installed to drain to a downspout, which will connect to a storm drain pipe.
 2. The Phase I building has been constructed with a stucco façade (front, sides, rear). Recent site visits revealed that numerous cracks have developed on the side, front and especially on the rear elevations. A new building such as this one should not be experiencing this type of pre-mature wear. This is a significant issue that must be addressed and corrected by the applicant. The applicant has stated that he has/is addressing the problem.
 3. The Phase II building will essentially match the existing Phase I building in terms of design, color and materials.
 4. Additional comments will be made once the plans have been revised to reflect our previous comments.
- t. In terms of architecture for the Rite Aid building, the applicant has recently submitted a new color rendered elevation of a "New England prototype", slightly revised as per Township comments. In addition, the following comments will also need to be addressed:
1. The building corners show that they are to be "scored" to resemble quoins; however, previous discussions with the applicant concluded that these were to be extensions of the stone base on the building. The plan shall be revised accordingly.
 2. The non-operable windows (about 19) shall be spandrel glass windows and not stucco inserts as shown on the plans.
 3. The color of the EWS area below the storefront windows shall be noted.
 4. The four (4) windows on the short side rear elevation shall also include for shutters.
 5. The plan shows louvered and solid style shutters. The exact style chosen shall be clarified.
 6. The type/manufacturer of wall-hung lights shall be provided.
 7. The raceway for any façade sign shall be colored to match the finished wall surface behind it.
 8. The small white rectangles above the service doors shall be labeled as to what they are.
 9. All rear service doors shall be painted to match the surrounding wall finish colors.

10. The elevations shall clearly label the types and colors of all materials (shutters, stone veneer, stone sill cap, roofing materials, door and window trim, stucco/EIFS, etc.) to be used — a color/material legend would be helpful. Material samples shall be submitted as well to better understand paint/material colors.
 11. Any proposed HVAC mechanical equipment to be located on the rooftop must be shown on the architectural elevations at this time so that we can determine if roof screening will be needed. A rooftop plan or sight lines would be helpful in determining if screening is needed.
 12. The exterior locations of any building mounted mechanicals, i.e. gas meters, electric meters/transformers, etc. must be noted as to their location and shown on the appropriate building elevation. Any such mechanicals must be screened from view with appropriate landscape material.
 13. The locations and materials/colors of any gutters, scuppers and downspouts should be shown on the elevations.
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- u. All temporary signage for the existing tenants within the Phase I building shall be removed. These businesses have been operating for some time now and these signs are only cluttering up the site. The two (2) large Spigola “Now Open” and “Open for Lunch” signs must be removed immediately. Sign such as these are illegal.
 - v. This property is subject to the payment of Transportation Improvement District (TD) fees in the amount of \$89,647.20. The breakdown is as follows:

21,967 sq. ft. of retail x \$3.60/sq. ft.	= \$79,081.20
1,000 sq. ft. of office x \$2.25/sq. ft.	= \$2,250.00
2,310 sq. ft. of retail (Rite Aid) x \$3.60/sq. ft.	= \$8,316.00
(15,510 sq. ft. of new space - 13,200 sq. ft. existing space = 2,310 sq. ft.)	
 - w. The applicant is also subject to the affordable housing fees for commercial properties.
 - x. The applicant is required to provide recycling facilities under the New Jersey Statewide Mandatory Source Separation and Recycling Act. A recycling plan must be submitted in accordance with Section 160-134 (4). This shall be a condition of approval.
 - y. The applicant shall be required to submit the following upon completion of construction and prior to release of any performance guarantees:
 1. As-built drawings prepared by a NJ licensed Land Surveyor for the drainage system and detention facilities.
 2. Engineer’s certification that the detention facilities have been constructed in accordance with approved plans and appropriate detention size and volume of storage is provided. The certification should include a table comparing the design storage volumes to the as-built conditions. Applicant shall provide.

- z. The applicant shall clarify how the delivery vehicles will utilize loading zones.
- aa. The Application has been revised. The new Bond Estimates are as follows:
 - “A” Bond - \$289,386 00
 - “B” Bond - \$452,954.75
- bb. The following approvals will be required:
 - 1. Mercer County Planning Board
 - 2. Mercer-County Soil Conservation District
 - 3. Township Department of Water Pollution Control
 - 4. Compliance with Township Fire Officials comments

Approvals shall be obtained by the Applicant.

- cc. The Board requires that the applicant include the application number within the subject line of all correspondence relating to this application, and that the application number be shown adjacent to the title block on all plans
- dd. All resubmissions of plans, reports and other documents shall be accompanied by a cover letter which describes the purpose of the resubmission, includes appropriate references and list the specific changes and additions included with the resubmission. Along with the listing there shall be a reference to the related page number where the change/addition was incorporated. The change /addition shall be highlighted. Also, the transmittal letter shall specifically state there are no other changes, modifications or additions to the plan, report, etc.
- ee. In the pavement repair strip detail, “Hot Mix Asphalt” shall be used instead of Bituminous Concrete. Plan has been revised.
- ff. The Thickness of Hot Mix Asphalt Stabilized Base Mix 1-2 shall be a minimum of 4” instead of 1-1/2”. Plan has been revised.
- gg. This development is along Route 130; NJ DOT approval and Major Access Permits are required (permits are pending). The project has been designed in two phases. The first phase is the new building to the rear of the site and the second phase is the Rite Aid. The plans shall be signed, construction started and certificates of occupancy issued on the first phase while NJDOT approvals are being finalized. NJDOT approvals and improvements must be in place prior to the second phase occupancy.
- hh. The existing curve radius at the intersection of Crosswicks-Hamilton Square Road and Route 130 is small and it creates difficulty in turning movements of buses and trucks. The Applicant shall address this as part of the NJDOT approval.
- ii. The Applicant’s engineer has certified that site is accessible by WB-50 trucks and provided a plan showing WB-50 truck movements throughout the site.
- jj. The stacking lane for the exiting traffic at Route 130 driveway is too short. It can accommodate only one exiting car without interrupting cross traffic in the parking lot.
- kk. Signs R5-1 and R6-1 are required to enforce one-way traffic movement.

- ll. The stop bar shall be 24" wide.
- mm. The radii shall be 40' at the driveway on Crosswicks-Hamilton Square Road.
- nn. Revise the parking area so when entering the site off Rte. 130 and turning right into the first parking area traffic will not be required to back out of this area if there are no spaces available.
- oo. The application is made for preliminary and final site plan, variance relief from number of freestanding signs and buffer along residential zone. The applicant has submitted revised plans and drainage calculations.
- pp. The revised plans and drainage calculations have addressed the issues and comments under hydraulic and hydrology in the memorandum dated June 27, 2006.
- qq. However there are still minor inconsistencies regarding the outlet structure elevation in the construction details, (Sheet 12/16). The grading plans (Sheet 3/16) and the drainage calculation (page 53). The applicant must correct these so that all the information is consistent. The retaining walls for the basins are as high as 8 feet for most sections.
- rr. The stability for the walls must be ensured by guy lines or anchoring rods.
- ss. The applicant is subject to any township fees that may be applicable.
- tt. The applicant must satisfy any and all conditions set forth in the Division of Planning Memorandum from the Division of Planning to Michael Guhanick, Land Use Coordinator, dated July 6, 2006, revised March 2 and April 12, 2007.
- uu. The applicant must satisfy any and all conditions set forth in the Memorandum from Thomas Dunn, Township Engineer, to Michael Guhanick, Land Use Coordinator, dated June 27, 2006, revised February 15 and April 12, 2007).
- vv. The applicant must satisfy all requirements contained in the April 10, 2007 memo from Frank Seney, P.E., on behalf of the Township.
- ww. The applicant is subject to compliance with all applicable local, state and federal laws.

VARIANCES AND WAIVERS REQUESTED AND GRANTED

19. The applicant requested and received waiver and variance relief as follows:
- a. Number of free standing signs, one is permitted and three were requested and approved. The property consists of two separate developments which are being combined. Both currently have free standing signs. The signs are being replaced with ground signs and therefore are appropriate for this project fronting on two major roads.
 - b. Size of proposed ground sign on Route #130 is approved to be 62 sq. ft. as opposed to 50 sq. ft. permitted because the sign will be a ground sign and the traffic along Route #130 warrants a larger sign.
 - c. Distance of sign to the right-of-way is approved to be 5 ft. as opposed to 20 ft. required, because of the large right-of-way area at the corner where this sign would be placed.

- d. Number of proposed façade signs are approved to be 11 as opposed to the 2 permitted by ordinance. The overall size of the signage proposed is far less than the 10% permitted by the ordinance and the proposed placement and combination of signage is appropriate.
 - e. The requirement for compliance with Chapter 169 of the Hamilton Township Land Development Ordinance was waived based upon the applicant's certification and the fact that the majority of the site has been developed and disturbed.
20. The Board grants the waivers and variances, finding that the applicant has satisfied both the positive and negative criteria required for this application. Applicant has also presented testimony that the proposal will not have an adverse impact upon the public's health, safety and welfare, nor will it have a negative impact on local zoning ordinances.

CONCLUSION

Based upon the foregoing, the Hamilton Township Planning Board, at its April 12, 2007, meeting voted to approve the application.

This Resolution of Memorialization was adopted on May 24, 2007, by a vote of the majority of the members present, who voted to grant the relief sought by the applicant.

The date of decision shall be April 12, 2007, except that the date of the adoption of this memorializing resolution is the date of decision for the purpose of (1) mailing a copy of the decision to the applicant within ten (10) days of the date of this decision; (2) filing a copy of the decision with the administrative officer; and, (3) publication of a notice of decision. The date of the publication of the notice of decision shall be the date for the commencement of the vesting protection.

We do hereby certify that the Hamilton Township Planning Board at its regular meeting held on May 24, 2007, adopted the foregoing resolution. This resolution memorializes formal action taken by the Board at its regular meeting held on April 12, 2007.



Cheryl Durelli, Secretary
Hamilton Township Planning Board