

**MEMORIALIZING RESOLUTION OF THE
BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF FREDON
APPROVING THE APPLICATION
OF HRISTOS AND KATHY KALTSAS
TO EXTEND/REAPPROVE A USE VARIANCE
AND MINOR SUBDIVISION FOR PROPERTIES
KNOWN AS BLOCK 404, LOTS 10.05 AND 10.06**

**DECIDED: JANUARY 14, 2014
MEMORIALIZED: FEBRUARY 11, 2014**

WHEREAS, Hristos and Kathy Kaltsas, with the address of 428 Route 94, Newton, New Jersey 07860 (hereinafter the “Applicant”) previously received, by memorializing Resolution adopted on May 8, 2012, approval of a use variance and related relief to allow construction of a residential dwelling on property known as Block 404, Lot 10.06, and for a lot line adjustment between Block 404, Lots 10.05 and 10.06, all as set forth in detail in the aforesaid May 8, 2012 Resolution, the provisions of which are specifically incorporated herein by reference; and

WHEREAS, the time within which a deed or deeds perfecting the minor subdivision, as well as the time within which construction is required to be commenced in order to perfect the use variance has expired; and

WHEREAS, the Applicant has applied to the Fredon Township Board of Adjustment (hereinafter the “Board”) for an extension of the minor subdivision and related use and bulk variance approval; and

WHEREAS, the matter was heard before the Board at a public hearing of the Board of Adjustment on January 14, 2014; and

WHEREAS, it has been determined that the Applicant has complied with all of the procedural requirements, rules and regulations of the Board of Adjustment of the Township of Fredon and that all required submissions and proof of procedural compliance have been filed with the Board; and

WHEREAS, the Board of Adjustment of the Township of Fredon hereby makes the following findings and conclusions based upon the evidence submitted to the Board at the hearing:

1. The Applicant was represented by Eileen Born, Esq. This application and the history of the Applicant's efforts to develop the underlying property have a long and complicated history, which is set forth in detail in the Board's May 8, 2012 Resolution, and need not be repeated here. For purposes of the present application, it is sufficient to state that in its May 8, 2012 Resolution, the Board approved the Applicant's requests for a use variance pursuant to N.J.S.A. 40:55D-70d(1) to allow construction of a single family residential dwelling on Block 404, Lot 10.06, for a variance from the riparian buffer conservation requirements of Ordinance Section 550-112, and for a lot line adjustment/minor subdivision to subdivide part of Block 404, Lot 10.06 and merge that subdivided portion with adjoining Block 404, Lot 10.05.

2. Pursuant to N.J.S.A. 40:55D-47d, approval of a minor subdivision expires 190 days from the date on which the Resolution of approval is adopted unless within that period either a plat in conformity with the Map Filing Law, or a deed or deeds clearly describing the approved minor subdivision, is filed with the County Clerk, Township Engineer and Township Tax Assessor. In addition, pursuant to Ordinance Section 45-22, any variance approval granted by the Board automatically expires unless construction of

the improvements authorized by the variance actually commences within nine months of the date of adoption of the authorizing Resolution.

3. One of the conditions of the Board's May 8, 2012 Resolution of approval was that the Applicant obtain approval from any other governmental agencies with jurisdiction relating to the property, specifically including the County of Sussex, the approval of which was required for the proposed access drive, to eliminate a portion of an existing sight triangle easement within Lot 10.06, and to reconfigure the sight triangle easement over the intersection of Route 94 and County Route 614.

4. As it turned out, although the Applicant made reasonably prompt application to the County of Sussex for the required approvals, it took a considerable amount of time to obtain them. In fact, the final County approval was not obtained until December 2, 2013, when the Sussex County Planning Board adopted a memorializing Resolution granting a waiver from its typically applicable sight distance requirements, permitting the driveway proposed as part of the application to be constructed in the location proposed by the Applicant. The extension application before the Board followed almost immediately thereafter, with the Applicant submitting its request, with supporting documentation, under cover of letter dated December 11, 2013.

5. Pursuant to N.J.S.A. 40:55D-47f, a Board is permitted to extend the 190 day period for filing a minor subdivision plat or deed if the Applicant proves to its reasonable satisfaction that it was barred or prevented, directly or indirectly, from filing the deed because of delays in obtaining legally required approvals from other governmental entities or quasi-governmental entities, and that the Applicant applied promptly for and diligently pursued the required approvals. The length of the extension

is required to be equal to the period of delay caused by the wait for the required approvals, as determined by the Board. Although not specifically provided for by Ordinance, the Board also has the authority to extend the time period for commencement of construction under Ordinance Section 45-22 if the Applicant is prevented from proceeding because of delays in obtaining other required governmental approvals.

6. The Board finds that the Applicant has demonstrated entitlement to the grant of the requested relief, as it promptly applied for and diligently pursued the required approvals from the County of Sussex, and could not proceed with the construction contemplated by its application until after the adoption by the Sussex County Planning Board of its December 2, 2013 Resolution.

7. Although the Board could engage in the complicated mathematical exercise of calculating the exact number of days that the application was placed on hold while the County approvals were pursued, which could be in excess of one year, the Board finds that it is simpler to just extend the time for perfecting the minor subdivision and commencing construction of the improvements until December 31, 2014, a date that was indicated by the attorney for the Applicant to be more than adequate to allow the Applicant to accomplish these required tasks. The Board accordingly approves the application.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Township of Fredon, County of Sussex, State of New Jersey, that the application of Hristos and Kathy Kaltsas for an extension/reapproval of their application, originally memorialized in a Resolution adopted May 18, 2012, for a use variance to allow construction of a single family residential dwelling on Block 404, Lot 10.06, for a

variance from the riparian buffer conservation requirements of Ordinance Section 550-112, and for a lot line adjustment/minor subdivision to subdivide part of Block 404, Lot 10.06 and merge that subdivided portion with adjoining Block 404, Lot 10.05, is hereby granted subject to the following terms and:

1. The Applicant shall comply with the Approved Plans as defined in the Board's May 8, 2012 Resolution, a copy of which is attached hereto and specifically incorporated herein by reference, and shall also comply with the representations made to the Board during the hearing on this extension/reapproval request.

2. Except to the extent as may be specifically inconsistent with the provisions of this Resolution, the Applicant shall comply with all other conditions and requirements of the May 8, 2012 Resolution of the Board.

3. This approval shall expire on December 31, 2014, unless prior to that date either a plat in conformity with this Resolution and the provisions of the Map Filing Law, or a deed or deeds clearly describing the approved minor subdivision, which have been approved by the Board Engineer and Board Attorney, and signed by the Chairman and Secretary of the Board is filed with the Sussex County Clerk, the Township Engineer, and the Township Tax Assessor.

4. The use and bulk variance relief granted herein permitting the construction of the residential dwelling shall expire on December 31, 2014, unless construction shall actually have been commenced on the residential dwelling.

5. The Applicant shall obtain approval from any other governmental agencies with jurisdiction relating to the property.

6. The Applicant shall comply with all rules, regulations, statutes and ordinances of the United States of America, State of New Jersey, County of Sussex and the Township of Fredon.

7. All fees, taxes, escrows and other monies due to the Township of Fredon shall be paid in full.

SO RESOLVED, as aforesaid:

AYES: 4

NAYS: 0

ABSTENTIONS: 0

The foregoing is a true and correct copy of the Resolution of Memorialization of the Fredon Township Board of Adjustment made pursuant to N.J.S.A. 40:55D-10(g) and adopted at a regular meeting assembled on February 11, 2014 memorializing the Resolution of Intent of the Fredon Township Board of Adjustment at a regular meeting assembled on January 14, 2014.

FREDON TOWNSHIP BOARD OF ADJUSTMENT

BY: _____

**MEMORIALIZING RESOLUTION OF THE
BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF FREDON
APPROVING THE APPLICATION
OF YELLOW FRAME PRESBYTERIAN CHURCH
TO EXPAND A NON-CONFORMING USE
AND FOR SITE PLAN APPROVAL
FOR PROPERTY KNOWN AS BLOCK 1903, LOT 6**

**DECIDED: AUGUST 12, 2014
MEMORIALIZED: SEPTEMBER 9, 2014**

WHEREAS, Yellow Frame Presbyterian Church, with the address of 1 Yellow Frame Road, Newton, New Jersey 07860 (hereinafter the “Applicant”) applied to the Fredon Township Board of Adjustment (hereinafter the “Board”) for a variance to permit the expansion of a non-conforming use in connection with the proposed construction of an addition to its existing facility, and for related site plan approval, for property located at 1 Yellow Frame Road, Fredon Township, which is known and designated as Block 1903, Lot 6 on the tax maps of Fredon, in accordance with a site plan prepared by Robert L Campbell Associates, consisting of four sheets, dated June, 2014, and a preliminary architectural plan prepared by Charles Schaffer Associates, LLC, with the latest revision date of June 9, 2014, consisting of three sheets (hereinafter the “Approved Plans”); and

WHEREAS, the matter was heard before the Board at a public hearing of the Board of Adjustment on August 12, 2014; and

WHEREAS, it has been determined that the Applicant has complied with all of the procedural requirements, rules and regulations of the Board of Adjustment of the Township of Fredon and that all required provisions of procedural compliance have been filed with the Board; and

WHEREAS, the Board of Adjustment of the Township of Fredon hereby makes the following findings and conclusions based upon the evidence submitted to the Board at the hearing:

1. The Applicant was represented by Kenneth C. Krause, Esq. Sworn testimony in support of the application was given by Allen J. Campbell, whose qualifications as a licensed Professional Engineer and Professional Planner were accepted by the Board, and by Peggy Schaberg, the Chair of the Applicant's Revision Committee.

2. In terms of the proposed construction, the application is relatively simple and straight forward. The existing church facility is essentially divided into two sections, with an upper level containing the church sanctuary, and a lower or downstairs level which the Applicant refers to as Fellowship Hall. The Applicant proposes to construct an addition to the Fellowship Hall portion of the building to improve the kitchen facilities, and to provide restrooms on the lower level that will meet ADA requirements. Currently, the only restrooms at the facility are located on the upper level. Upgrades to the stairways are also proposed, along with some driveway improvements in a portion of the property that is actually located in Green Township.

3. Houses of worship are not a permitted use in the R-4 zone district in which the property is located, but the church, which was constructed at its current location in approximately 1887, enjoys preexisting nonconforming use status. Because the proposed construction will expand the size of the existing facility, variance relief is required pursuant to N.J.S.A. 40:55D-70d(2) to allow an expansion of this nonconforming use.

4. According to Mr. Campbell, the intensity of the church use is based upon the amount of pew space in the sanctuary, and since no changes are proposed to increase

the amount of pew space, the granting of the application will not result in any increase in the intensity of the church use. The granting of the application should not result in any need for additional parking. Currently, parking for the facility is mainly on the street. Yellow Frame Road is wider than most roads, and a significant portion of its paved area is actually located on church property. Handicapped spaces have already been provided, and a gravel parking area on the “right” side of the facility serves the Fellowship Hall portion of the facility. Ms. Schaberg testified that during the 10 years in which she has been involved with the Applicant, she could not recall a single instance where there were two simultaneous events taking place at the property (i.e. one in the sanctuary area, and another in the downstairs Fellowship Hall portion). Typically, people using the church or sanctuary area would go downstairs afterward and gather on a less formal basis. The Applicant’s testimony was that the parking has worked for the last 30 odd years, and there is no reason to believe that it will not continue to work.

5. Mr. Campbell testified that the proposed addition should not have any impact of any significance on any neighboring property. The improvement is in the rear of the property, and there will be no visual impact in terms of the view from the street. The Board Engineer discussed the application during the course of the hearing, and opined that the application will not create any drainage issues.

6. An applicant for a use variance pursuant to N.J.S.A. 40:55D-70d(2) ordinarily has to demonstrate both the so-called positive criteria and negative criteria to prove its case for variance relief. Case law has held, however, that houses of worship are inherently beneficial uses. As such, under the case law applicable to use variances, the positive criteria are deemed to be satisfied as a matter of law. As to the negative criteria,

an applicant is still required to demonstrate that the requested variance relief can be granted without substantial detriment to the public good and that it will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. When an application involves an inherently beneficial use, however, an applicant need not provide the enhanced quality of proof, required by the Supreme Court of New Jersey in Medici v. BPR Co., 107 N.J. 1 (1987), to reconcile the grant of the use variance with the continued omission by the ordinance of the use from those permitted in the zone.

7. Based upon the evidence produced at the hearing, the Board finds that the Applicant has satisfied the negative criteria. In assessing whether the grant of the variance application will cause substantial detriment to the public good, the focus is on the impact of the grant of the variance on neighboring properties. Here, the Board finds that there would be little or no harmful impact from this relatively minimal expansion. The proposed addition will not impact the view from the street side, and it will also comply with all of the bulk standards applicable to the property. The Board further finds that there will be no substantial impairment of the intent and purpose of the zone plan and zoning ordinance. Again, all bulk standards have been complied with. Although the use is not one that is permitted in the zone, the proposed addition is relatively minimal in size, approximately 18 feet by 62 feet. Moreover, the Township's Master Plan in its Historic Preservation Plan lists the Yellow Frame Presbyterian Church as a historically significant property that should be preserved. In order to preserve the property, it has to be adapted to comply with the requirements of current codes, which the enhanced kitchen and bathroom facilities will do. Accordingly, the Board finds that the Applicant has satisfied the criteria for the grant of the required variance relief.

8. As noted above, a small portion of the construction/improvements will actually be on that portion of the property that is located in Green Township. The Board has no jurisdiction to grant approval for any construction in Green Township, and as noted below, it will be a condition of this approval that the requisite authorizations for that portion of the project be obtained.

9. The Board further finds that the application otherwise complies with all applicable provisions of the Ordinance relating to zoning and site plan standards and requirements, and that it therefore merits site plan approval. The Board notes that the Applicant apparently applied only for preliminary site plan approval, but the Board, given the limited nature of the proposed improvements, deems it appropriate, subject to the conditions set forth below, to grant both preliminary and final site plan approval. The Applicant will, however, be required to submit the additional fees required by ordinance for final site plan approval, unless waived by the Township Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Township of Fredon, County of Sussex, State of New Jersey, that the application of Yellow Frame Presbyterian Church for a use variance pursuant to N.J.S.A. 40:55D-70d(2) and for preliminary and final site plan approval to construct the proposed addition with related improvements is hereby granted, subject to the following terms and conditions:

1. The Applicant will comply with the Approved Plans as modified by this Resolution and with all representations made to the Board during the course of the hearing, which are specifically incorporated herein by reference.

2. The Applicant will provide and record a cross easement, to the satisfaction of the Board Attorney and Board Engineer, for parking on the subject property and on adjoining Block 1, Lots 1 and 2, which are also owned by it.

3. The Applicant will, to the satisfaction of the Board Attorney and Board Engineer, file a form of corrective deed to eliminate the gore areas within the property.

4. The HVAC equipment for the proposed addition is to be located inside the structure, except for a compressor to be located outside. The compressor will be located in the back of the addition to the satisfaction of the Board Engineer.

5. The Applicant will relocate the existing propane tank by the rear double doors in accordance with the requirements of the Township's Construction Official.

6. The Applicant will obtain approval from the land use board in Green Township with jurisdiction over the application for all improvements that are to be located in the Green Township portion of the property, with said approval to be to the satisfaction of the Board Attorney and the Board Engineer.

7. The Applicant shall provide such other plan details as may be requested by the Board Engineer.

8. Upon completion of all construction, the Applicant shall provide an as-built survey to the satisfaction of the Board Engineer.

9. The Applicant shall obtain approval from any other governmental agencies with jurisdiction relating to the property or the application.

10. All fees, taxes, escrows and other monies due to the Township of Fredon shall be paid in full. This shall include all fees and escrows required by ordinance for final site plan approval, unless waived by the Township Committee.

11. The Applicant shall comply with all rules, regulations, statutes and ordinances of the United States of America, State of New Jersey, County of Sussex and the Township of Fredon.

SO RESOLVED, as aforesaid:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

The foregoing is a true and correct copy of the Resolution of Memorialization of the Fredon Township Board of Adjustment made pursuant to N.J.S.A. 40:55D-10(g) and adopted at a regular meeting assembled on September 9, 2014 memorializing the Resolution of Intent of the Fredon Township Board of Adjustment at a regular meeting assembled on August 12, 2014.

FREDON TOWNSHIP BOARD OF ADJUSTMENT

BY: _____
Lori Schutte

**MEMORIALIZING RESOLUTION OF THE
BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF FREDON
APPROVING THE APPLICATION
OF YELLOW FRAME PRESBYTERIAN CHURCH
TO EXPAND A NON-CONFORMING USE
AND FOR SITE PLAN APPROVAL
FOR PROPERTY KNOWN AS BLOCK 1903, LOT 6**

**DECIDED: AUGUST 12, 2014
MEMORIALIZED: SEPTEMBER 9, 2014**

WHEREAS, Yellow Frame Presbyterian Church, with the address of 1 Yellow Frame Road, Newton, New Jersey 07860 (hereinafter the “Applicant”) applied to the Fredon Township Board of Adjustment (hereinafter the “Board”) for a variance to permit the expansion of a non-conforming use in connection with the proposed construction of an addition to its existing facility, and for related site plan approval, for property located at 1 Yellow Frame Road, Fredon Township, which is known and designated as Block 1903, Lot 6 on the tax maps of Fredon, in accordance with a site plan prepared by Robert L Campbell Associates, consisting of four sheets, dated June, 2014, and a preliminary architectural plan prepared by Charles Schaffer Associates, LLC, with the latest revision date of June 9, 2014, consisting of three sheets (hereinafter the “Approved Plans”); and

WHEREAS, the matter was heard before the Board at a public hearing of the Board of Adjustment on August 12, 2014; and

WHEREAS, it has been determined that the Applicant has complied with all of the procedural requirements, rules and regulations of the Board of Adjustment of the Township of Fredon and that all required provisions of procedural compliance have been filed with the Board; and

WHEREAS, the Board of Adjustment of the Township of Fredon hereby makes the following findings and conclusions based upon the evidence submitted to the Board at the hearing:

1. The Applicant was represented by Kenneth C. Krause, Esq. Sworn testimony in support of the application was given by Allen J. Campbell, whose qualifications as a licensed Professional Engineer and Professional Planner were accepted by the Board, and by Peggy Schaberg, the Chair of the Applicant's Revision Committee.

2. In terms of the proposed construction, the application is relatively simple and straight forward. The existing church facility is essentially divided into two sections, with an upper level containing the church sanctuary, and a lower or downstairs level which the Applicant refers to as Fellowship Hall. The Applicant proposes to construct an addition to the Fellowship Hall portion of the building to improve the kitchen facilities, and to provide restrooms on the lower level that will meet ADA requirements. Currently, the only restrooms at the facility are located on the upper level. Upgrades to the stairways are also proposed, along with some driveway improvements in a portion of the property that is actually located in Green Township.

3. Houses of worship are not a permitted use in the R-4 zone district in which the property is located, but the church, which was constructed at its current location in approximately 1887, enjoys preexisting nonconforming use status. Because the proposed construction will expand the size of the existing facility, variance relief is required pursuant to N.J.S.A. 40:55D-70d(2) to allow an expansion of this nonconforming use.

4. According to Mr. Campbell, the intensity of the church use is based upon the amount of pew space in the sanctuary, and since no changes are proposed to increase

the amount of pew space, the granting of the application will not result in any increase in the intensity of the church use. The granting of the application should not result in any need for additional parking. Currently, parking for the facility is mainly on the street. Yellow Frame Road is wider than most roads, and a significant portion of its paved area is actually located on church property. Handicapped spaces have already been provided, and a gravel parking area on the "right" side of the facility serves the Fellowship Hall portion of the facility. Ms. Schaberg testified that during the 10 years in which she has been involved with the Applicant, she could not recall a single instance where there were two simultaneous events taking place at the property (i.e. one in the sanctuary area, and another in the downstairs Fellowship Hall portion). Typically, people using the church or sanctuary area would go downstairs afterward and gather on a less formal basis. The Applicant's testimony was that the parking has worked for the last 30 odd years, and there is no reason to believe that it will not continue to work.

5. Mr. Campbell testified that the proposed addition should not have any impact of any significance on any neighboring property. The improvement is in the rear of the property, and there will be no visual impact in terms of the view from the street. The Board Engineer discussed the application during the course of the hearing, and opined that the application will not create any drainage issues.

6. An applicant for a use variance pursuant to N.J.S.A. 40:55D-70d(2) ordinarily has to demonstrate both the so-called positive criteria and negative criteria to prove its case for variance relief. Case law has held, however, that houses of worship are inherently beneficial uses. As such, under the case law applicable to use variances, the positive criteria are deemed to be satisfied as a matter of law. As to the negative criteria,

an applicant is still required to demonstrate that the requested variance relief can be granted without substantial detriment to the public good and that it will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. When an application involves an inherently beneficial use, however, an applicant need not provide the enhanced quality of proof, required by the Supreme Court of New Jersey in Medici v. BPR Co., 107 N.J. 1 (1987), to reconcile the grant of the use variance with the continued omission by the ordinance of the use from those permitted in the zone.

7. Based upon the evidence produced at the hearing, the Board finds that the Applicant has satisfied the negative criteria. In assessing whether the grant of the variance application will cause substantial detriment to the public good, the focus is on the impact of the grant of the variance on neighboring properties. Here, the Board finds that there would be little or no harmful impact from this relatively minimal expansion. The proposed addition will not impact the view from the street side, and it will also comply with all of the bulk standards applicable to the property. The Board further finds that there will be no substantial impairment of the intent and purpose of the zone plan and zoning ordinance. Again, all bulk standards have been complied with. Although the use is not one that is permitted in the zone, the proposed addition is relatively minimal in size, approximately 18 feet by 62 feet. Moreover, the Township's Master Plan in its Historic Preservation Plan lists the Yellow Frame Presbyterian Church as a historically significant property that should be preserved. In order to preserve the property, it has to be adapted to comply with the requirements of current codes, which the enhanced kitchen and bathroom facilities will do. Accordingly, the Board finds that the Applicant has satisfied the criteria for the grant of the required variance relief.

8. As noted above, a small portion of the construction/improvements will actually be on that portion of the property that is located in Green Township. The Board has no jurisdiction to grant approval for any construction in Green Township, and as noted below, it will be a condition of this approval that the requisite authorizations for that portion of the project be obtained.

9. The Board further finds that the application otherwise complies with all applicable provisions of the Ordinance relating to zoning and site plan standards and requirements, and that it therefore merits site plan approval. The Board notes that the Applicant apparently applied only for preliminary site plan approval, but the Board, given the limited nature of the proposed improvements, deems it appropriate, subject to the conditions set forth below, to grant both preliminary and final site plan approval. The Applicant will, however, be required to submit the additional fees required by ordinance for final site plan approval, unless waived by the Township Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Township of Fredon, County of Sussex, State of New Jersey, that the application of Yellow Frame Presbyterian Church for a use variance pursuant to N.J.S.A. 40:55D-70d(2) and for preliminary and final site plan approval to construct the proposed addition with related improvements is hereby granted, subject to the following terms and conditions:

1. The Applicant will comply with the Approved Plans as modified by this Resolution and with all representations made to the Board during the course of the hearing, which are specifically incorporated herein by reference.

2. The Applicant will provide and record a cross easement, to the satisfaction of the Board Attorney and Board Engineer, for parking on the subject property and on adjoining Block 1, Lots 1 and 2, which are also owned by it.

3. The Applicant will, to the satisfaction of the Board Attorney and Board Engineer, file a form of corrective deed to eliminate the gore areas within the property.

4. The HVAC equipment for the proposed addition is to be located inside the structure, except for a compressor to be located outside. The compressor will be located in the back of the addition to the satisfaction of the Board Engineer.

5. The Applicant will relocate the existing propane tank by the rear double doors in accordance with the requirements of the Township's Construction Official.

6. The Applicant will obtain approval from the land use board in Green Township with jurisdiction over the application for all improvements that are to be located in the Green Township portion of the property, with said approval to be to the satisfaction of the Board Attorney and the Board Engineer.

7. The Applicant shall provide such other plan details as may be requested by the Board Engineer.

8. Upon completion of all construction, the Applicant shall provide an as-built survey to the satisfaction of the Board Engineer.

9. The Applicant shall obtain approval from any other governmental agencies with jurisdiction relating to the property or the application.

10. All fees, taxes, escrows and other monies due to the Township of Fredon shall be paid in full. This shall include all fees and escrows required by ordinance for final site plan approval, unless waived by the Township Committee.

11. The Applicant shall comply with all rules, regulations, statutes and ordinances of the United States of America, State of New Jersey, County of Sussex and the Township of Fredon.

SO RESOLVED, as aforesaid:

AYES: 3

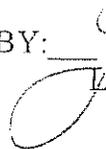
NAYS: Ø

ABSTENTIONS: Ø

The foregoing is a true and correct copy of the Resolution of Memorialization of the Fredon Township Board of Adjustment made pursuant to N.J.S.A. 40:55D-10(g) and adopted at a regular meeting assembled on September 9, 2014 memorializing the Resolution of Intent of the Fredon Township Board of Adjustment at a regular meeting assembled on August 12, 2014.

FREDON TOWNSHIP BOARD OF ADJUSTMENT

BY:

 Lori Schutte

