

Applicant: Herring Land Group, LLC

Work Site Address: _____

Block: 371 Lot(s): 3.04 & 3.05 New Lot(s) _____

Land Use Application # PB10-012

Description: Pre site plan approval w variances for two four-story medical office buildings.

Control # _____

PRIOR APPROVALS CHECK LIST

FINAL PERMIT				
Required	Letter of Approval or no interest	Date	Initials	Received
	Zoning Board			
XX	Planning Board			
	Site Review			
XX	ELSA			
XX	Trenton Water			
	Health Dept.			
XX	MC Soil			
XX	D & R Canal			
XX	County Planning Bd			
XX	NJ DEP			
	NJ DOT			
XX	Fire Dist Chief			
	Redev. Agency			
XX	Ewing Twp Envir Com			
	Historical Bldg			
XX	Taxes Current			
XX	Bond, Insp. Fees			
	COAH Fees			
XX	Escrow Current			
	Sidewalk Fees			
XX	Township Engineer			
XX	Any other approval or condition required by resolution/Engineer			
XX	Misc FAA			
	Misc			

FINAL C.O.				
Required	Letter of Approval or no interest	Date	Initials	Received
	Zoning Board			
XX	Planning Board			
	Site Review			
XX	ELSA			
XX	Trenton Water			
	Health Dept.			
XX	MC Soil			
XX	D & R Canal			
XX	County Planning Bd			
XX	NJ DEP			
	NJ DOT			
XX	Fire Dist Chief			
	Redev. Agency			
XX	Ewing Twp Envir Com			
	Historical Bldg			
XX	Taxes Current			
XX	Bond, Insp. Fees			
	COAH Fees			
XX	Escrow Current			
	Sidewalk Fees			
XX	Township Engineer			
XX	Any other approval or condition required by resolution/Engineer			
XX	Signed C/O or C/A App			
XX	Misc FAA			

APPLICANT MUST SUBMIT THIS FORM ALONG WITH ALL FINAL APPROVALS OR LETTERS OF NO INTEREST AND CONSTRUCTION PERMIT APPLICATIONS. ALL REQUIRED APPROVALS MUST BE OBTAINED PRIOR TO ISSUANCE OF PERMITS AND C.O.'S.

**EWING TOWNSHIP PLANNING BOARD
RESOLUTION 2011-01**

<p>In the Matter of Herring Land Group, LLC for preliminary major site plan approval with variances, exceptions and waivers to construct two four-story medical office buildings.</p>	<p>FINDINGS OF FACT AND CONCLUSIONS OF LAW</p> <p>Block 371, Lots 3,04 & 3.05 Ewing Township, Mercer County Zone: IP-1 Approval Date: March 3, 2011</p>
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BE IT RESOLVED by the Planning Board of the Township of Ewing (Board) that the action of this Board on March 3, 2011 in this matter is hereby memorialized by the adoption of this written decision setting forth the Board's findings and conclusions.

RELIEF SOUGHT AND JURISDICTION

1. The applicant is seeking (1) preliminary site plan approval to construct, on Block 371, Lot 3.05, two four-story medical office buildings containing a total floor area of 165,792 square feet (70,060 sq. ft. and 95,732 sq. ft. respectively), together with 717 parking spaces, including 406 surface parking spaces, 165 parking spaces below the buildings, and 146 "banked" surface parking spaces, modifications to an existing detention basin, and related site improvements including, but not limited to landscaping and a wall sign of 323 square feet on the 70,060 square-foot (Phase 1) building; (2) preliminary site plan approval to construct on Block 371, Lot 3.04 and within an easement located on Block 371, Lot 13, an entrance road to Lot 3.05 that connects to the existing internal street on Lot 3.04 and provides access to Sam Weinroth Road; and (3) any and all variances and/or exceptions/waivers (submission or design) from the zoning, site plan and subdivision standards applicable to the IP-1 zoning district as are required and/or necessary to permit the proposed development on Lots 3.05 and 3.04 as described above.
2. The subject of this application is within the jurisdiction of this Board and notice was published and served in the manner and within the time prescribed in the MLUL on all parties entitled to receive notice and GF Princeton, LLC. The Board has acted within the time required by law.
3. The applicant's property is a vacant parcel, comprising approximately 22.6± acres located in the IP-1 zoning district, located south of New Jersey State Highway I-95, with access to Sam Weinroth Road via an existing "internal street" located on a

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portion of the premises, and is designated on the Township Tax Map as Block 371, Lots 3.04 and 3.05. The subdivision creating Lots 3.04 and 3.05 was approved on September 3, 2009 and memorialized in Resolution 2009-07 adopted on October 1, 2009. The resolution also contains the Board's finding that the "internal street" met the definition of a "street" under N.J.S.A. 40:55D-35.

THE APPLICANT AND APPEARANCES

4. The owner and applicant is Herring Land Group, LLC, 23 Orchard Road, Skillman, NJ 08558.
5. The applicant has certified that all property taxes for the subject property have been paid. The applicant has certified that it has paid all escrow fees required by ordinance for such an application. This certification includes an agreement to pay all future monies due under the escrow ordinance for consultants and other professional work on the property.
6. The applicant was represented by Frank J. Petrino, Esq., Sterns & Weinroth, 50 West State Street, Trenton, NJ 08607. Testimony for the applicant was provided by William A. Lane, P.E., Menlo Engineering Associates, 261 Cleveland Avenue, Highland Park, NJ 08904; John A. McDonough, 101 Gibraltar Drive, Morris Plains, NJ 07950; and John H. Rea, P.E., McDonough and Rea Associates, 1431 Lakewood Road, Manasquan, NJ 08736. Robert M. Mannix, P.E., of Remington Vernick and Arango Engineering, Planning Board Engineer, and Charles Latina, DWL Planning, Township Planner, testified for the Board. Meryl Gonchar, Esq., Greenbaum Rowe Smith & Davis, P.O. Box 5600, Woodbridge, NJ 07095, appeared for objectors G.F. Princeton, LLC, which has a leasehold interest in a portion of Lot 3.04.

THE APPLICANT'S PROPOSAL

7. The applicant's proposal consisted of:
 - a. Preliminary site plan approval to construct on Block 371, Lot 3.05, two 4-story medical office buildings containing a total floor area of 165,792 square feet (70,060 sq. ft. and 95,732 sq. ft. respectively), together with 717 parking spaces, including 406 surface parking spaces, 165 parking spaces below the buildings and 146 "banked" surface parking spaces, modifications to an existing detention basin (outside the D&R Stream Corridor Buffer), various related site improvements and a wall sign of 323 square feet on the 70,060-square-foot (Phase 1) building;
 - b. Preliminary site plan approval to construct on Block 371, Lot 3.04 and within

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an easement located on Block 371, Lot 13, an entrance road to Lot 3.05 that connects to the existing internal street on Lot 3.04 and provides access to Sam Weinroth Road; and

- c. Any and all variances and/or exceptions/waivers (submission or design) from the zoning, site plan and subdivision standards applicable to the IP-1 zoning district as are required and/or necessary to permit the proposed development on Lots 3.05 and 3.04 as described above, including but not limited to variances from:
 - i. Section 215-37(P)(c), which states that not more than one freestanding sign shall be placed on any property unless the property fronts on more than one street, whereas the applicant proposes three signs (two on Lot 3.04 and one on Lot 3.05);
 - ii. Section 215-37(P)(6)(e), which establishes 25 feet as the minimum setback from the right-of-way for freestanding signs, whereas the applicant proposes to erect a freestanding sign two feet from the property line adjacent to Sam Weinroth Road;
 - iii. Section 215-37(P)(6)(d), which permits a wall/façade sign on 40 square feet, whereas the applicant proposes a 323-square-foot wall/façade sign and permits the height of the wall/façade sign to be 3 feet, whereas the applicant proposed a height of 15'2"; and
- d. Waivers from:
 - i. Providing missing elevations;
 - ii. Providing a Tree Survey;
 - iii. Section 215-57(B)(16) imposes a requirement that 5% of the parking lot be landscaped, whereas 1.3% of the parking lot shall be landscaped and that one tree be planted for each ten parking spaces, whereas one tree be planted for each 20 parking spaces.
 - iv. Section 215-56(B)(11), which limits illumination at property line of one foot candle, whereas 3.2 foot candles are proposed in limited locations along the railroad right-of-way contiguous to Lot 3.05.
 - v. Section 215-36C(2), which calls for 9' x 20' parking stalls, whereas 9' x 18' are proposed for head-to-head spaces where there is no island between the spaces.
- e. The applicant also submitted an Alternate Site Plan which eliminates all parking below the buildings, and by utilizing a "banked" parking area shown on the Site Plan provides 571 surface parking spaces.

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PLANS PRESENTED

8. The Board reviewed the following documents:
 - a. A complete set of site plan drawings, Sheets 1 through 29, from Menlo Engineering, last revised February 14, 2011.
 - b. A copy of the Stormwater Management Plan prepared by Menlo Engineering, revised November 15, 2010.
 - c. Façade sign drawings consisting of three sheets, dated February 1, 2011, prepared by Effective Sign Works.
 - d. December 22, 2010 Menlo Engineering submission letter and revised plan sheets, including Geometry Plan -3, Landscape Plan 1 through 3, and Detail Sheets 3 and 4, all revised December 22, 2010.
 - e. Aerial rendering, Building 1 and 2, I-95 Elevation with surface parking only, and preliminary first floor plan, all 8-2/1 x 11", unsigned and not dated.

Additional, reports, plans and other writings which were available for review prior to the public hearing are identified in the February 28, 2011 letter to the Board from its engineer.

EXHIBITS PRESENTED

9. The following exhibits were presented:
 - a. A-1, Aerial photo with development completed.
 - b. A-2, February 1, 2011 Elevations of Buildings.
 - c. A-3, February 1, 2011 Elevations of Buildings.
 - d. A-4, February 1, 2011 Elevations of Buildings.
 - e. A-5, Projected tenant mix for Phase 1 and Phase 2.
 - f. A-6, March 3, 2011 Alternative Parking Plan, Menlo Engineering Associates.
 - g. A-7, March 3, 2011 Overall Site Plan, Menlo Engineering Associates.
 - h. A-8, Wall sign details (3 sheets).
 - i. A-9, March 2, 2011 Effective Sign Works drawing of freestanding signs.
 - j. A-10, Sketch of turning radius by Menlo Engineer.
 - k. A-11, January 10, 2011 Traffic Impact Study by McDonough & Rea Associates.
 - l. B-1, February 28, 2011 Report of Township Engineer Robert M. Mannix, P.E., Remington Vernick & Arango Engineering.
 - m. B-2, February 25, 2011 Report of Charles Latini, P.P., AICP, CWL Planning, Township Planners.
 - n. B-3, Report of Ralf Brandmaier, West Trenton Fire Chief.
 - o. February 23, 2011 memorandum from the Environmental Commission.
 - p. GFP-1, December 27, 1985 Ground Lease between N.J. National Bank and Textron Financial – New Jersey, Inc.
 - q. GFP-2, December 23, 1986 Second amendment to Ground Lease.

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TESTIMONY AND EVIDENCE PRESENTED

10. The testimony presented by and on behalf of the applicant and by Township officials was given by the following persons:
 - a. Jamie Herring testified that he has been the owner of the property since 2006. He testified that he would like to create medical offices on the site, directly across Route 295 from the new Capital Health hospital, which is expected to open in 2012. His intent was to have offices for medical professionals desirous of being close to the hospital and to have convenient parking for tenants. He testified about Exhibit A-1, the aerial photo of the site, and then proceeded to describe the parking plan including the spaces proposed to be "banked" and how access will be provided for the phased development of the site. He reviewed the architectural plans which depicted the elevations of the proposed building (Exhibits A-2 thru A-4) and explained the reasons why the Applicant might opt to eliminate the 165 below grade parking spaces and satisfy all parking requirements with surface parking. He also testified about the projected tenant mix, including types of practices and projected employee population for the two medical office buildings (Exhibit A-5) and hours of operation. Finally he confirmed that PSE&G had agreed to move the existing utility poles away from the south side of the Phase 1 building
 - b. William Lane, the engineer, who prepared the site plan, Stormwater Management Report and Environmental Impact Statement, testified about those plans, the signage plans and the Alternative Parking Plan (Exhibits A-6 thru A-9). He testified that a portion of Lot 3.05 was located within 1000 feet of the Rt. I-95/Scotch Road Interchange. He described what structures and improvements were proposed to be constructed in Phases 1 and 2 of the overall development. He identified the locations and sizes of the proposed signage, what signage and other variances and design waivers were being requested and the engineering rationale for the waivers. He described what modifications will be made to the existing detention basin and testified that no improvements are required to be made within the portion of the basin located in the D&R Canal Commission Stream Corridor Buffer and no additional stormwater will be discharged onto the portion of Lot 3.04 occupied by GF Princeton as a result of full development of the Medical Campus on Lot 3.05. He testified that the proposed development meets the more significant zoning standards of the IP-1 Zone, including not exceeding the maximum FAR and Lot Coverage. He also testified about the proposed site lighting and the lack of an adverse impact of adjoining lots and uses. Both he and Mr. Herring agreed to various recommendations made by Township Engineer Robert Mannix in his February 28, 2011 report (Exhibit B-1).

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- c. John Rea, Applicant's Traffic Engineer, testified about the January 10, 2011 traffic impact study (Exhibit A-11) and his supervision of its preparation. He testified that an analysis of the signalized intersection of Scotch Road and Sam Weinroth Road and the internal property access intersection with Sam Weinroth Road demonstrated that both had been designed to accommodate the existing traffic generated by the Sierra Office Park, the Courtyard Hotel and the Element Hotel and other existing buildings that access Sam Weinroth Road, plus future build-out traffic volumes, including full occupancy of the existing office buildings on Lot 3.04, the proposed Scotch Road Medical Campus on Lot 3.05 and a general background growth of 2% per annum. He also testified that all movements at both intersections will operate at Level of Service C or better under existing, future no build and future-build conditions. It was his opinion that the improvements to Scotch Road and to Sam Weinroth Road constructed as part of the NJDOT Improvements to the I-95/Scotch Road Interchange were designed and constructed to accommodate the existing and proposed developments that access Scotch Road via Sam Weinroth Road. He also offered a sketch (Exhibit A-10) and testified that it demonstrated that the access to Phase 1 through Lot 3.04 would not cause a reduction in the number of existing parking spaces on Lot 3.04 and that the proposed location of the access to Phase 1 would safely and efficiently serve Phase 1 and have no detrimental impact on Lot 3.04's internal traffic circulation patterns.
- d. John McDonough, applicant's planner, testified that the site plan application conformed with the highest tiers of the IP-1 zoning standards such as use, coverage, height, setbacks, that the variances were relatively minor and the waivers meet the standards of reasonableness. He testified the medical office buildings would be a beneficial use correlated to the opening of the new hospital and therefore met the positive criteria of the Municipal Land Use Law in that it promoted several of the purposes of zoning (i.e., N.J.S.A. 40:55D-2a, i, m and g).. Applying the balancing test of *N.J.S.A. 40:55D.70c(2)*, Mr. McDonough testified that the deviation from the signage requirements of the land use ordinance would be outweighed by the benefits to the public good. He also testified that the unusual size and shape of the lot, especially its frontage on Sam Weinroth Road, prevent strict compliance with the setback requirement for signs, therefore, such variances are justified under *N.J.S.A. 40:55D-70c(1)*. The testimony of Mr. McDonough supporting the requested variances and waivers is more specifically set forth below in Paragraphs 21-30.
- e. The Board also received the report of Township Engineer Robert Mannix (Exhibit B-1), and the Planning Report of Township Planner Charles Latini (Exhibit B-2), who made comments, and except for several comments, modified or eliminated at the hearing, the comments were accepted by the applicant.

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- f. Finally, the report of Ralf Brandmaier, West Trenton Fire Chief, was also admitted into evidence (Exhibit B-3). That report addressed access to the site as well as the fire hydrants. The Chief recommended additional hydrants in the parking lot as well as sprinklers, which were agreed to by the applicant (Exhibit B-3).
11. The following rendered advice on behalf of the Township:
 - a. Robert M. Mannix, P.E.
 - b. Charles Latini, ACIP, P.P.,
 - c. Michael J. Herbert, Esq.
12. Members of the public who testified with regard to this application:
 - a. Meryl Gonchar, Esq., appeared on behalf of the abutting leaseholder, G.F. Princeton. She focused her attention on the proposed access to Lot 3.05 through her client's property. She expressed a concern about light "spillage" which would impact her client's property. She also questioned the witnesses for the applicant concerning those issues. Ms. Gonchar submitted the 1985 ground lease between N.J. National Bank and Textron Financial and the 1986 Second amendment to that lease, which were marked into evidence as Exhibits GFP-1 and GFP-2.
13. There being no other person from the public asking to be recognized for the purpose of addressing this issue, the Chairman declared the Public Session of the meeting closed.

FINDINGS AND CONCLUSIONS REGARDING PRELIMINARY MAJOR SITE PLAN APPROVAL

14. The applicant's property is a vacant parcel consisting of approximately 22.6± acres located in the IP-1 zone, south of State Highway I-95. The parcel was created by a subdivision approved by this Board on September 3, 2009 and memorialized in Resolution 2009-07, adopted on October 1, 2009. The parcel has access to Scotch Road through Sam Weinroth Road via an existing "internal street" located on a portion of the premises.
15. The proposed development consists of two four-story buildings with aggregate square footage of 165,792 square feet. Access to Phase 1 is provided via the internal street and an access easement through Lot 3.04. Any issues related to the easement must be resolved pursuant to condition of approval 7 set forth on Page 31 of Resolution 2009-07. Access to Phase 2 will be provided via the internal street and a new entrance road built on Lot 3.04 and Lot 13, Block 371.
16. The proposed medical office complex is a permitted use within the IP zone. The site plan fully complies with the highest tiers of zoning as it relates to use, coverage,

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height, and setbacks. The only variances relate to the number of free standing signs, the location of one freestanding sign and the size and height of a wall façade sign.

17. The plans submitted by the applicant and the agreement to comply with recommendations of the Township's experts not modified at the March 3, 2011 hearing (e.g., use of porous pavement will not be required) present a beneficial use whose design will conform with stormwater management requirements and the area wide road system was designed to accommodate existing and future traffic volumes.
18. Based on the above, the Planning Board approves the Preliminary Site Plan to develop a medical office building campus and the Preliminary Site Plan for the new entrance road serving Phase 2.

FINDINGS AND CONCLUSIONS REGARDING VARIANCES AND WAIVERS

19. For the reasons and opinions offered by the Applicant's Planner and set forth below, which this Board accepts and adopts as its own findings and conclusions, the sign variances can be granted without substantial detriment to the public good or zone plan and advances and meets the positive criteria for either a c(1) or c(2) variance.
20. For the reasons and opinions offered stated by the Applicant's Planner and set forth below, which the Board accepts and adopts as its own findings and conclusions, the requested waivers are reasonable and do not compromise the overall quality of the proposed development.
21. *N.J.S.A. 40:55D-70c(2)* allows for a variance from bulk standards where the purposes of the Municipal Land Use Act would be advanced by a deviation from zoning ordinance requirements and the benefits of such deviation would outweigh any detriment to the public good. Applying that standard, the Board grants each of the three sign variances sought by the applicant.
22. The applicant seeks three freestanding signs: at the intersection of Sam Weinroth Road and the site entrance, at the split in the access road, where circulation loops to the primary and secondary access, and at a location at the split from the existing office development on Lot 3.04. Since Section 215-37(P)(c) provides that no more than one freestanding sign should be placed on any property, unless the property fronts on more than one street, a variance will be required for the additional two signs.
23. The variance to permit two additional signs is granted, since they provide necessary information to the motoring public in a large interconnected complex. Information about the location of the proposed offices and appropriate signage is particularly important when dealing with medical uses, emergencies and as an aid to drivers

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- when utilizing the medical office complex. In contrast to this benefit, there are no detriments to the public good. In addition, the signs improve safety and are appropriately spaced and do not create visual clutter.
24. Section 215-37(P)(6)(a) establishes a 25-foot minimum setback from the right-of-way for freestanding signs, whereas the applicant proposes to erect a freestanding sign two feet from the property line adjacent to Sam Weinroth Road, which would require a variance.
 25. The benefit of the sign two feet from the roadway would be to provide needed legibility for the public who need appropriate directions within a complex site. The requested variance does not present any detriments to the public good, since there is no interference with lines of sight at the intersection. In addition, the two-foot setback is justified under *N.J.S.A. 40:55D-70c(1)*, because the property line has an unusual configuration at this location and the angled lines at the curved curb create a large property line offset.
 26. Section 215-37(P)(6)(d) limits a wall/façade sign to 40 square feet and a height of three feet, whereas the applicant proposes a 323 square-foot wall/façade sign at a proposed height of 15'2". A variance to permit the larger sign is justified, since it would facilitate visibility for the motoring public on I-95, given the large setback from that roadway. The benefit is not outweighed by any detriment to the public, since there is no residential neighborhood in the area and the proposed sign is consistent with those existing on nearby hotels, with the Marriott having a sign of 250 square feet and the Element a sign of 289 square feet.
 27. The Planning Board can waive design standards based upon the principles of reasonableness. By that standard, the Board grants the waivers from the missing elevations on the site plan and the tree survey. Since the applicant has provided more than adequate and precise information about its application, it can be reviewed by the Township's experts without this additional information. At final approval, the Applicant will provide information on existing trees located adjacent to the Phase 2 access.
 28. The Board finds that a waiver of Section 215-57(B)(16), which imposes a requirement that 5% of the parking lot shall be landscaped with tree islands, one tree planted for each ten parking spaces, can be granted to allow that 1.3% of the parking lot be landscaped with a tree planted for each ten parking spaces. The waiver is further justified, since there are hundreds of plantings proposed on the site, and the benefits of buffering and screening are better achieved by the location of the proposed office complex.
 29. Section 215-56(B)(11) limits illumination at the property line to one foot candle. Given the interior location of the office medical complex, a waiver of the illumination standards to permit illumination at 3.2 foot candles at various location including adjacent to the railroad right-of-way is justified. At final approval, the Applicant shall demonstrate that the illumination at the leasehold limit lines of GF Princeton on Lot 3.04 do not exceed one foot candle.

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30. Section 215-36C(2) requires 9' x 20' parking stalls. The Board grants a waiver to permit 9' x 18' parking stalls, as proposed, for head to head spaces where there is no island between the spaces, since the slightly reduced size meets recognized industry standards for this type of long-term, low turnover land use.

CONDITIONS REQUIRED

31. 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 necessary to satisfy the applicant's legitimate requirements, the relief granted is subject to the following conditions.
- a. As part of this application, an approval or letter of no interest should be obtained from the following agencies, if applicable/required:
 - i. Mercer County Soil Conservation District
 - ii. Mercer County Planning Board
 - iii. Fire Chief (Local District)
 - iv. Any other federal, state, or local agency having jurisdiction.
 - b. As a condition of this application, all review fees shall be paid to Ewing Township within thirty (30) days of receipt of a copy of the invoice on file at the Township. Payment of all fees is required regardless of the approval/denial of this application.
 - c. Applicant agrees to comply with the suggestions and comments contained in the report of Robert M. Mannix, P.E., Remington Vernick & Arango Engineering, dated February 28, 2011, the February 25, 2011 letter of Charles Latini, AICP, P.P., and the January 6, 2011 letter from West Trenton Fire Chief Brandmaier that were not eliminated or modified at the March 3, 2011 hearing.

CONCLUSION

Based upon the foregoing, the Ewing Township Planning Board, at its March 3, 2011 meeting, voted to grant the application for Preliminary Major Site Plan approval with variances and waivers.

This Resolution of Memorialization was adopted on May 5, 2011 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 March 3, 2011, 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 the decision; (2) filing a copy of the decision with the administrative officer; and, (3) publication of a notice of this decision. The date of the publication of the notice of decision shall be the date for

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the commencement of the vesting protection.

ROLL CALL VOTE ON MOTION MARCH 3, 2011

Moved By: Vincent Shea
Seconded By: Harold Moeller
Those in Favor: Fredricka Billups, William G. Erney, Carl McCall, Harold Moeller, George Nickels, Chairman Owen, Vincent Shea, Mayor Bert Steinmann, Councilman Les Summiel
Those Opposed: None
Those Abstaining: None
Those Absent: Bill Hill, David Rose

**ROLL CALL VOTE ON MOTION TO APPROVE
RESOLUTION OF MEMORIALIZATION May 5, 2011**

Moved By: Mayor Steinmann
Seconded By: Fredricka Billups
Those in Favor: Mayor Steinmann, Fredricka Billups, Chairman Owen, William Erney, Carl McCall
Those Opposed: Harold Moeller
Those Absent: David Rose, Vincent Shea, George Nickels, Councilman Summiel, William Hill

CERTIFICATION

The foregoing is a true copy of a resolution of memorialization adopted by the Planning Board of the Township of Ewing on May 5, 2011.

This written resolution memorializes a motion to grant an application for Preliminary Major Site Plan and Variances approval. The motion to grant the application

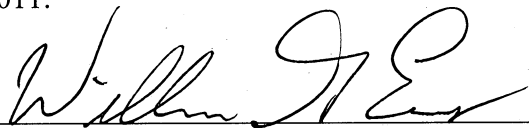
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was made and adopted by the Board on March 3, 2011, and was approved by a vote of 8
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We do hereby certify that the foregoing resolution was adopted by the Ewing Township Planning Board at its regular meeting held on May 5, 2011. This resolution memorializes formal action taken by the Board at its regular meeting held on, March 3, 2011.



William Erney
Secretary, Ewing Township Planning Board

S:ewing-herring resol - 050511 final