

**RESOLUTION OF AMENDMENT**

**PLANNING BOARD**

**TOWNSHIP OF LIVINGSTON, NEW JERSEY**

Decided: November 9, 2017

Re: Application No. 2013-22-PFSPV  
Applicant: Om Divya Realty, LLC  
Premises: 222 North Livingston Avenue  
Block: 1706; Lots: 1, 2 & 55  
Zone: B-1

**WHEREAS**, the Board adopted a Memorializing Resolution in this matter on May 6, 2014; and

**WHEREAS**, Condition of Approval H in that Resolution incorrectly required that there be no serving in the outdoor seating area after sunset, although the hearing transcripts established the Applicant's intent that the outdoor seating area be illuminated and that the restaurant's closing would be at 10:00 P.M.; and

**WHEREAS**, the Board has determined that the correction of such an error in a resolution is not a matter as to which notice, publication or hearing is required; and

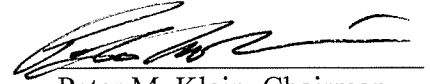
**WHEREAS**, the Board has determined that the Condition H of the Resolution should be amended accordingly;

IT IS NOW THEREFORE, RESOLVED:

1. The Condition H presently in the Memorializing Resolution adopted in this matter on May 6, 2014 be replaced; and
2. The May 6, 2014 Memorializing Resolution is hereby amended by deleting the present Condition H and substituting the following:

H. No live, recorded, transmitted or otherwise audible music shall be played or performed outdoors. Hours of operation of the outdoor seating area shall not be earlier than the hours of operation of the restaurant or later than 10:00 P.M.

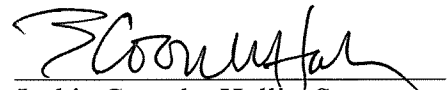
3. All provisions of the Memorializing Resolution of May 6, 2014, except as modified in this Resolution of Amendment shall continue in full force and effect.



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Peter M. Klein, Chairman

I hereby certify this to be a true and correct copy of the Resolution of Amendment adopted by the Planning Board of the Township of Livingston on November 9, 2017, by the affirmative votes of Members Anthony, Kalishman, Ratner, Santola and Klein; they being all of the Members present.



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Jackie Coombs-Hollis, Secretary