

RESOLUTION

PLANNING BOARD

TOWNSHIP OF LIVINGSTON, NEW JERSEY

Decided: August 5, 2014

Memorialized: September 9, 2014

Re: Application No. 2010-25-PFSPV Amendment
Applicant: Daven Avenue, LLC
Premises: 530 West Mt. Pleasant Avenue, Livingston, NJ
Block: 100; Lots: 17 & 18
Zone: CI

SUMMARY OF CASE

1. This Application has been filed by Daven Avenue, LLC, the owner and operator of the subject premises on which are located two separate retail buildings. This Board previously adopted Resolutions dated May 3, 2011, November 3, 2013, and January 7, 2014 approving certain additions to the existing buildings, and other improvements including a reconfiguration and re-striping of the parking area.
2. The Application herein requests a modification to the aforesaid Resolutions to alter the layout of the parking area that would not result in a change in the total number of parking spaces. The Applicant further requests a waiver of the requirements for an Environmental Impact Statement (EIS) and Stormwater Management Plan as there are no significant changes to those Plans as previously approved by the Board.
3. A hearing was held before the Livingston Planning Board with respect to this Application on August 5, 2014.
4. The Applicant was represented by Steven Urban, Esq., of the law firm Connell Foley. Documentation was provided that all taxes have been paid and all necessary parties have been served and that notice of publication has been provided so that all statutory requirements have been met.

5. The Applicant presented as its sole witness Michael Lanzafama, of the firm Casey & Keller, who was admitted as an expert in planning and engineering.
6. The prior Resolutions of the Board approved a Site Plan that provided for 573 parking spaces; granting a variance of 52 parking spaces from the 625 spaces required by Township Code. Of the 573 approved parking spaces, 15 spaces in the southwest corner of the parking field in front of the rear building were to be banked and would not be paved. Part of the approved Site Plan also included 21 parking spaces west of Building C and perpendicular to Daven Avenue. The Applicant now proposes to convert the 15 banked spaces to active use and would reserve them solely for use by employees. Concurrently, the Applicant proposes to eliminate 15 of the 21 spaces planned for the aforesaid area west of Building C perpendicular to Daven Avenue; providing 6 active spaces at that position. These 6 spaces would also be designated for use only as employee parking. The Applicant agreed to install such additional speed limit signs and other speed notices as to be determined by the Township Engineer. The Applicant further agreed to install signs designating the amended parking areas as being for employee only parking.
7. The testimony of Mr. Lanzafama established that certain difficulties had arisen with the Site development due to the need for construction of a retaining wall to prevent collapse of Daven Avenue if the originally approved 21 parking spaces on the west side of Building C perpendicular to Daven Avenue were to be built. The Applicant would remove 15 of those 21 spaces and still construct 6 spaces as shown on the revised Site Plan with a retaining wall that would be relatively low. The remaining 15 spaces would be banked and built only if necessary; as they are now being replaced by the activation of the previously banked 15 spaces in the southwest parking field corner. Lanzafama testified there would be no reduction in the number parking spaces being proposed and would meet the conditions set forth in the Board's 2013 Resolution.

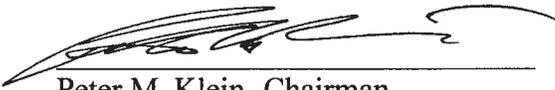
8. No Members of the public had questions for the witness or appeared either for or against the Application.

FINDINGS OF FACT and CONCLUSIONS OF THE BOARD

1. The Board finds that the Applicant has satisfied the statutory authority for preliminary and final approval of the amendment to the Site Plan which is hereby granted and approved.
2. The Applicant has demonstrated that no variances are necessary with respect to the proposed Site Plan amendment.
3. The Board grants a waiver of the requirements for an Environmental Impact Statement and Stormwater Management Plan as the proposed amendment to the prior Board approvals will not have any significant impact on those requirements as previously approved.
4. The findings, provisions and conditions of the previous Resolutions adopted by the Board in this matter, except as specifically modified herein, are continued in full force and effect.
5. The Applicant shall comply with all of the signage requirements of the prior Resolutions and shall include speed limit signage in such form and location as approved by the Township Engineer. The Applicant shall also provide surface traffic markings as are necessary to the satisfaction of the Township Engineer, and shall consider in consultation with the Township Engineer whether installation of speed humps or similar devices to inhibit speed is necessary.
6. All of the 15 parking spaces to be constructed rather than reserved, and the 6 spaces to be constructed west of Building C and perpendicular to Daven Avenue, shall be reserved for employees only and signage to that effect shall be installed.

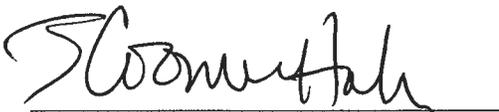
7. The Applicant shall comply with all of the provisions of the Township Engineer memos dated July 31, 2012 and March 25, 2014 before any further permits are issued or any work is commenced on the changes authorized by this Resolution.

This Resolution is a memorialization of the decision of the Planning Board of the Township of Livingston made on August 5, 2014 wherein Board Members Anthony, Dinar, Kalishman, Kimmel, Leopold, Meade, Ratner, Santola and Klein voted to approve the Application as amended in accordance with the action memorialized herein; they being all of the Members of the Board.



Peter M. Klein, Chairman

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Planning Board of the Township of Livingston in Open Conference Meeting on September 9, 2014 memorializing the decision of the Planning Board made on August 5, 2014.



Jackie Coombs-Hollis, Secretary