

**RESOLUTION  
SUBDIVISION/SITE PLAN COMMITTEE  
PLANNING BOARD  
TOWNSHIP OF LIVINGSTON, NEW JERSEY**

Decided: February 18, 2014

Re: Application No. 2013-46-MS  
Applicant: Easy Wind, LLC  
Premises: Block: 103; Lot: 13  
100 Naylor Avenue  
Zone: I – Limited Industrial

**WHEREAS**, an Application has been made by Easy Wind, LLC to the Planning Board of the Township of Livingston (“Board”) for Minor Site Plan approval for installation of a roof to cover one of two loading docks at the building on Lot 13 in Block 103 (hereinafter “Site”), in the I Limited Industrial District;

**WHEREAS**, the Board has a Subdivision/Site Plan Committee (“Committee”), pursuant to Section 170-3 of the Code of the Township of Livingston, with jurisdiction to determine whether an Application meets the definition of “minor” and, if so, to take final action of approval or disapproval of such Application; and

**WHEREAS**, the expansion of the footprint of a non-residential building by not more than the lower of 600 square feet or 10% falls within the Code definition of a minor site plan, the Committee has, on February 18, 2014, determined that the Application is an application for Minor Site Plan approval and that Application notice and public hearing are therefore not required; and

**WHEREAS**, a completed Application has been filed, the fees required by the Township Code have been paid, and it otherwise appearing that the jurisdiction and powers of the Board and the Committee have been properly invoked and exercised, that the Application is in compliance with all statutory requirements, and proof has been submitted that there are no taxes due or delinquent with respect to the Site; and

**WHEREAS**, the Committee has reviewed the check lists and does now grant a waiver of applicable Check List Items 7, 11, 15, 16, 17, 18, 19, 21, 23, 24, 25, 26, 28, and 29, and the filing of an Environmental Impact Statement, while waiver requests for Check List Items 6 and 30 have been mooted by the Applicant’s compliance with them; and

**WHEREAS**, the Committee had reviewed and considered:

1. The "Site Plan" dated 1-24-14 signed and sealed by Richard B. Schommer, Jr., P.E.
2. The architectural drawings dated 2010-11-9 signed and sealed by Janet B. Siegel, Architect of Siegel Architects P.C.; and

**WHEREAS**, the Applicant was represented by Stacy A. Santola, Esq. of 10 Tony Galento Plaza, Orange, New Jersey; and

**WHEREAS**, witnesses for the Applicant were:

Russell Schiafo, Owner of Applicant  
Richard B. Schommer, Jr., P.E & P.P.

**NOW, THEREFORE**, the Committee does make the following findings of facts and conclusions of law with respect to the Application:

1. Under Township Code Section 170-3 a construction for occupancy must have a roof to meet the definition of "building". A loading dock without a roof is, therefore, not a building. Construction of a sloping roof extending from the façade at the building roofline effects an extension of the building footprint by an amount equal to the area of the loading dock being roofed.
2. The loading dock to be roofed has an area of 256 square feet. The expansion of the building footprint by roofing the loading dock would be less than both 600 square feet and 10% of the present footprint of the building.
3. The Minor Site Plan Application is approved subject to the following conditions that have been agreed to by the Applicant:
  - A. The Site Plan shall show the full text of this Resolution.
  - B. **Final Plans.** Prior to the issuance of any Township permit for demolition of any structure preparation of the Site, or construction of any improvement:
    - a. The full text of all of the conditions of this approval, and all plan changes agreed to in the course of the hearing, shall be set out on final plans submitted to the Construction Official, the Township Engineer and the Board Secretary; and
    - b. Such final plans shall have been reviewed by the Board Secretary or the Board's Planner for determination of whether the plans conform to the Board's approvals and shall then have been signed by the Board Chairman, the Board Secretary and the Township Engineer.

c. Such final plans shall comply with the Uniform Construction Code and the Barrier Free Subcode as then in force in the State of New Jersey. If, during performance of work pursuant to the Board's resolution and permits that have been issued, field conditions indicate need for change(s), such need shall be called to the attention of both the Construction Official and the Township Engineer for approval of any such change before it is implemented. If any such change is significant, permission to amend the Site Plan may have to be sought from the Planning Board. Until all requirements under approved plans and the Uniform Construction Code, including accessibility requirements, have been completed or bonded, any certificates of occupancy issued shall be temporary certificates only.

**C. Handicap Parking**

One parking space, at a location on the Site to be approved by the Township Engineer, shall properly delineated and posted as for handicapped parking.

**D. As-built Plans**

A final Certificate of Occupancy shall not be issued until the applicant shall have submitted to the Construction Official four (4) properly signed and sealed copies each of as-built site plans, surveys and building elevations.



---

Richard Dinar, Chairperson  
Subdivision/Site Plan Committee



Peter M. Klein  
Planning Board Chairman

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Subdivision/Site Plan Committee of the Planning Board of the Township of Livingston on February 18, 2014 by the affirmative votes of Members Richard Dinar, Peter Klein, Alternate No. 1 Gregory Alvarez (in place and stead of Member Michele Meade) and Alternate No. 2 Jill Wishnew (in place and stead of Member Samuel Ratner); they being all of the Members.



---

Jackie Coombs-Hollis,  
Planning Board Secretary