

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

Decided: February 12, 2013

Re: Application No. 2013-2- MSUB
Applicant: Township of Livingston
Premises: Block: 5500; Lots: 28 & 29
236-244 Hillside Avenue
Zone: R-3

WHEREAS, application has been made by Township of Livingston, County of Essex, (hereinafter "Applicant"), owner of the premises commonly known as 236-244 Hillside Avenue (hereinafter "Site"), to the Planning Board of the Township of Livingston (hereinafter "Board") for Minor Site Plan approval to subdivide Lot 28 in Block 5500 so as to add approximately 0.236 acres thereof to adjacent commonly-owned Lot 30 in Block 5500.

WHEREAS, the Board has a Subdivision/Site Plan Committee (hereinafter "Committee") pursuant to § 170-3 of the Code of the Township of Livingston (hereinafter "Code"), 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 Committee has, on this date, determined that the Application is an application for minor subdivision plan approval, and that a variance would be required because the subdivision would result in the remainder of Lot 28 being smaller than the lot area required in the R-3 Residence Zone, and therefore notice of the Application and of this Meeting was required; and

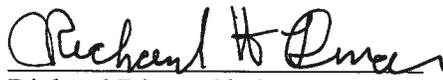
WHEREAS, a completed Application has been filed, any fees required by Code have been paid, proper public notice having been given, and it otherwise appearing that the jurisdiction and powers of the Board and the Committee have been properly invoked and exercised, that the Application is in compliance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

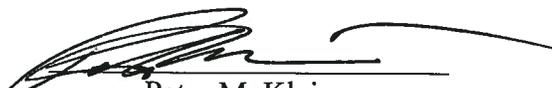
WHEREAS, the Committee has reviewed and considered the Application and the Minor Subdivision Plat dated 05-16-12, revised as of 06-12-12, prepared by Michael T. Lanzafama, P.E., P.P. and Land Surveyor, of Casey & Keller Incorporated;

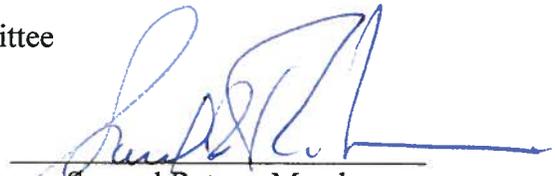
NOW, THEREFORE, the Committee does make the following findings of fact and conclusions of law with respect to this Application:

1. The Site is in the R-3 Residence District. Lots in the District are required to have a minimum of 15,000 sq. ft. within 150 feet from the front street right-of-way line. Lot 30 meets that requirement, but Lot 28 has only 10,911 feet in that area; an existing non-conforming condition.
2. Lot 30 consists of approximately 99,406 sq. ft. in total area and is public open space. Lot 28 is a flag lot consisting of approximately 15,107 sq. ft. in total area and contains a residential building on its front portion.
3. Applicant seeks to subdivide Lot 28 and to add the rear flag portion to Lot 30 so that Lot 30's open space would have a total area of approximately 109,659 sq. ft., and the remainder of Lot 28 would have a total area of approximately 6,787 sq. ft. That would increase the non-conformity of the area of Lot 28 in respect of distance from the front street right-of-way line and would require a variance.
4. Adjacent Lot 27 has an even greater non-conformity in respect of area within 150 feet of the front street right-of-way line.
5. No members of the public appeared in support of, or opposition to, the Application.
6. The subdivision would result in an increase of the Township's open space, while the reduction in the size of Lot 28 would still leave it larger than adjacent Lot 27.
7. Because of the resultant increase in public open space, the purposes of the Township Code would be advanced by a further deviation from the zoning ordinance requirement that there be 15,000 sq. ft. of land on Lot 28 within 150 feet from the front street right-of-way line; and there would be no detriment to the public good and no substantial impairment of the intent and purpose of the zone plan and the zoning ordinance by the grant of a variance.
8. A variance of 8,213 sq. ft. is granted from the Township Code § 170-98.C.(5) requirement that Lot 28 have a minimum lot area of 15,000 sq. ft. within 150 feet of the front street right-of-way line.

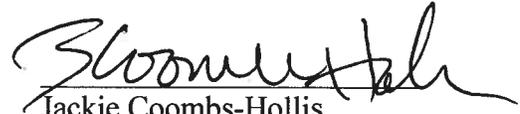
NOW, THEREFORE, BE IT RESOLVED by the Committee that for the reasons set forth herein the Application for Minor Subdivision with variance is hereby granted and approved by the Subdivision/Site Plan Committee of the Planning Board of the Township of Livingston..


Richard Dinar, Chairperson
Subdivision/Site Plan Committee


Peter M. Klein
Planning Board Chairman


Samuel Ratner, Member

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 12, 2013 by the affirmative votes of Members Dinar, Klein and Ratner; they being all of the Members of the Committee present.


Jackie Coombs-Hollis
Planning Board Secretary