

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

Decided: October 15, 2013

Re: Application No. 2013-41-MS
Applicant: MARSAG, LP
Premises: Block: 101; Lot: 43
277 Eisenhower Parkway
Zone: D-S2

WHEREAS, application has been made by MARSAG, LP to the Planning Board of the Township of Livingston (“Board”) for Minor Site Plan approval for expansion of a segment of the front of the primary building to create an enlarged vestibule, for establishment of outdoor seating at that segment of the building, and for redesign and enlargement of a freestanding monument sign, all at the non-residential property known as The Village at Livingston (Site”) in the D-S2 Designed Shopping Center District; and

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 Committee has, on October 15, 2013, determined that the Application is an application for Minor Site Plan approval and that Application notice and public hearing are therefore not required; although this meeting of the Committee on the subject Application has been noticed; 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 Preliminary Check List Items 15, 16, 21, 23, 25, 26, 28, 29, Final Check List Items 1, 2, 8, and 9, and the filing of an Environmental Impact Statement; and

WHEREAS, the Committee had reviewed and considered:

1. Casey & Keller Land Title Survey dated 12-14-12 updated through 08-13-13; Minor Site Plan dated 09-16-13; and Signage Plan dated 09-18-13; all prepared, signed and sealed by Michael T. Lanzafama, PP, PE and LS.
2. The Dietz Partnership Proposed Façade Alterations Sheets A-1, A-2 and A-3 all dated 09-24-13 and prepared, signed and sealed by Charles P. Dietz, Architect.
3. A colorized undated computer generated depiction of the proposed façade change prepared by The Dietz Partnership.
4. A colorized depiction of the present monument sign reconfigured to the proposed v-shape.
5. A color aerial view of Livingston Circle with prospective lines of sight of the v-shaped sign.

WHEREAS, Stephen A. Geffner, Esq. appeared for the Applicant. Michael T. Lanzafama, Charles P. Dietz, and MARSAG, LP representatives Peter Schofel and Michael Schofel explained the Application and responded to questions, and the Applicant agreed to the conditions of approval set forth herein:

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

1. The Application as to expansion of the building footprint is limited to 599 square feet at the front to create a new vestibule for a proposed tenant, and is under the 600 square feet expansion limit for a minor site plan.
2. The changes to the façade proposed are solely limited to 100 feet and 8 inches of linear frontage for that proposed tenant, and any other façade changes depicted in exhibits are not before the Committee for approval.

3. The transparent glass in that linear façade, between the heights of 3 feet and 8 feet above grade, is 40%, which is less than the 60% required by Township Code Section 170-92.F.(1)(c) and the Applicant requested a design waiver. A waiver of 1/3 of the requirement to permit 40% of that linear façade to be transparent glass is granted.
4. The 30-foot proposed height of the modified area of façade is permitted in the zoning district.
5. The proposed outdoor seating is a minor site plan application because it is for seating other than the seasonal seating that can be authorized under Township Code Section 170-92.1.
6. The monument sign proposed to be changed to a v-shape with an angle of separation of 128 degrees is part of a comprehensive sign package, and the definition of minor site plan includes comprehensive sign packages.
7. The Minor Site Plan Application is approved subject to the following conditions:
 - A. A note shall be added to all plans and drawings showing facades that only the façade change applicable to the 100 feet and 8 inches of linear façade are submitted for approval and that no wall signs shown have been submitted for approval.
 - B. The site plan shall be revised to show handicap access from the parking area to the proposed tenancy.
 - C. The site plan shall be revised to show ability to provide lighting at the outdoor seating areas if business conditions call for such lighting.
 - D. The site plan shall be revised to show the dimensions, and materials of, the base of the segment to be added to the monument sign and how it will be landscaped.
 - E. The site plan shall be revised to show the dimensions and materials of the base of the segment to be added to the monument sign and how it will be landscaped.

- F. A description of all materials to be used in the changed façade shall be added to the architectural plans.
- G. The Board retains jurisdiction over wall signs for the changed façade.
- H. Applicant shall comply with all provisions of the Township Assistant Engineer's October 8, 2013 memorandum.
- I. Numbers 3 "Cleanliness During Demolition or Construction", 6 "Final Plans", 8 "Guarantees and Bonds", 11 "Other Governmental Approvals", and 19 "As-built Plans" of the Board's Model Conditions of Approval are incorporated herein by this reference.



Richard Dinar, Chairperson
Subdivision/Site Plan Committee

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 October 15, 2013 by the affirmative votes of Members Richard Dinar, Peter Klein, Michele Meade and Samuel Ratner; they being all of the Members.



Jackie Coombs-Hollis,
Planning Board Secretary