

RESOLUTION OF AMENDMENT

PLANNING BOARD

TOWNSHIP OF LIVINGSTON, NEW JERSEY

Decided: March 20, 2012
Memorialized: April 17, 2012
Corrected: July 31, 2012

Re: Application No. 2007-3-MAJ
Applicant: Josephine Marie Ventola
Premises: 46 McCall Avenue
Block: 1700; Lot: 34
Zone: R-4

WHEREAS, a Resolution memorialized in the within matter by the Livingston Planning Board on February 5, 2008 granted Preliminary Major Subdivision Approval, and a further Resolution memorialized on October 7, 2008 granted Final Major Subdivision Approval of division of the subject premises into two separate lots which both conform to the requirements of the R-4 zone; and

WHEREAS, said prior approved Resolutions required that the Applicant plant an aggregate of 79 replacement trees on the two lots; and

WHEREAS, the Board has heard the Applicant's request, on March 20, 2012, to amend said prior Resolutions so that the number of replacement trees would be reduced to a total of 45 (~~25~~ 20 at 49 McCall Avenue and ~~20~~ 25 at 48 McCall Avenue);

NOW, THEREFORE, the Board does make the following findings of fact and conclusions of law regarding this Application.

1. The change sought by the Applicant in respect of the approvals previously granted does not require notice, publication or formal hearing.

2. The Applicant has provided testimony that the required cul-de-sac, and driveways and stormwater detention for the two lots which were created by the subdivision in this matter have been installed, and that due to said improvements there is not enough space on the lots to plant a total of 79 replacement trees, as required by the prior Resolutions in this matter.

3. The Applicant further satisfied the Board that planting a total of 79 trees would create an over planting; a condition that would actually be detrimental to the health and life of both the existing trees and the replacement trees.

4. The Board hereby grants the application to amend its prior Resolutions in this matter so that ~~20~~ **25** replacement trees shall be planted at 48 McCall Avenue (Lot: 34.01; Block: 1700) and ~~25~~ **20** replacement trees shall be planted at 49 McCall Avenue (Lot: 34.02; Block: 1700).

5. The Board further finds that the subdivision has created two lots, each of which is less than one acre in size; and that if the subdivision had been requested and granted prior to requesting the other development approvals the number of replacement trees hereby authorized would have met or exceeded the standards for such lots under then applicable Township Code provisions.

6. All the provisions of the Resolutions previously adopted by the Board in this matter, except as modified herein, shall continue in full force and effect.

This Resolution is a memorialization of the decision of the Livingston Planning Board made on April 17, 2012 wherein Board Members Klein, Leopold, Kimmel, Anthony, Rieber, Alternate No. 1 Ratner (in place and stead of Member Dinar), and

Alternate No. 2 Wishnew (in place and stead of Member Kalishman) voted in accordance with the action memorialized herein; the remaining Members being absent from said hearing. On July 31, 2012 the corrections shown in bold were made upon the affirmative votes of Members Anthony, Ratner, Rieber, Klein and Alternate No. 2 Wishnew (in placer and stead of Member Kalishman ; they being all of the Members both present and eligible to vote.


Peter M. Klein, Chairperson

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Planning Board of the Township of Livingston on July 31, 2012 memorializing the decision of the Planning Board made on March 20, 2012 with corrections made on July 31, 2012.


Jackie Coombs Hollis, Secretary