

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

Decided: October 14, 2011

Re: Application No. 2011-38-MS
Applicant: Pleasant Associates, LLC
Premises: Block: 2100; Lots 47 & 48
339 East Mt. Pleasant Avenue
Zone: R-1 & R-3

WHEREAS, an Application has been made by Pleasant Associates, LLC (“Applicant”) regarding the premises commonly known as 339 East Mt. Pleasant Avenue (“Site”) for minor subdivision approval to enlarge Lot 47 in Block 2100 by reducing the size of Lot 48 in Block 2100, and to simultaneously subdivide the reduced Lot 48 to create two new lots; and

WHEREAS, the Planning Board of the Township of Livingston (“Board”) has established a four-member Subdivision/Site Plan Committee (“Committee”) pursuant to the Code of the Township of Livingston (“Code”) with authority to determine whether the 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 approval and that, therefore, notice and public hearing are not required; and

WHEREAS, a completed application has been filed, the fees required by the 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, 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 Applicant requests subdivision of Lot 48 consisting of approximately 1.84 acres, so as to create: Lot 48.01 consisting of 19,432 square feet and Lot 48.02 consisting of 17,238 square feet with the remainder of Lot 48 to be added to Lot 47; thereby increasing the size of Lot 47 to 85,314 square feet; and

WHEREAS, resulting Lots 48.01 and 48.02 would be conforming R-3 Residence District lots wholly within that district and fronting upon Prospect Road, and resulting enlarged Lot 47 would be a conforming R-1 Residence District lot wholly within that district and fronting on East Mt. Pleasant Avenue; and

WHEREAS, the Committee has reviewed and considered the Land Title Survey dated 05-26-11 and the Minor Subdivision Plat dated 06-24-11 revised through 10-5-11; both prepared by Michael T. Lanzafama, P.E., Land Surveyor and P.P.;

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

1. The Site has frontage on both East Mt. Pleasant Avenue and Prospect Road and is located in both the R-1 Residence District and the R-3 Residence District, with Lot 47 entirely in the R-1 District and Lot 48 in both the R-1 and R-3 Districts.
2. Subdivision would result in proposed Lots 48.01 and 48.02 being entirely within the R-3 Residence District with proposed Lot 48.01 being a corner lot and with both lots fronting on Prospect Road; and with an enlarged Lot 47 entirely within the R-1 Residence District and continuing to have its frontage on East Mt. Pleasant Avenue.
3. Lots 48.01 and 48.02 both would have conforming front yard set backs of 50 feet from Prospect Road. Lot 48.01 would be a corner lot with a 40-foot set back from East Mt. Pleasant Avenue. That set back complies with the requirements of the Code so long as the residence on that Lot faces Prospect Road.

NOW, THEREFORE, BE IT RESOLVED, by the Committee that:

1. The Application for Minor Subdivision approval is hereby granted and approved.
2. This approval is subject to the following conditions agreed to by the Applicant:
 - A. The residence on Lot 48.01 shall face Prospect Road.
 - B. Applicant shall obtain all necessary Soil Erosion and Sediment Control Certifications.
 - C. If the subdivision is accomplished by Deed, Condition A shall be set forth in the Deed in regard to Lot 48.01 and the Deeds shall have received the approval of the Board's Attorney prior to signing and filing for recordation.
 - D. Applicant shall comply with all applicable Federal, State and local laws and regulations and obtain any other governmental approvals required for implementation of this application as approved. If any other governmental agency or authority grants a waiver of or variance from any law, rule or regulation, or imposes any condition or requirement, which affects this approval or any of the conditions contained herein, then this Committee shall have the right to review such action as it relates to this Committee's approval or conditions and to modify, amend or revoke its approval and/or conditions.

No Township permit for demolition of any structure, preparation of the

Site or construction of any improvement shall be issued until proof of request for such approvals, and any action thereupon, shall have been presented to the Construction Official by the Applicant.

NOW, THEREFORE, for the reasons set forth herein, it is hereby resolved by the Minor Subdivision/Site Plan Committee of the Planning Board of the Township of Livingston that the Minor Subdivision Application set forth herein be, and hereby is, granted and approved subject to the Conditions set forth in this Resolution.



Richard Dinar, Committee Chairman
& Board Vice Chairman



Peter M. Klein, Member &
Board Chairman



Michele Meade, Member

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Minor Subdivision/Site Plan Committee of the Planning Board of the Township of Livingston on October 14, 2011 by the affirmative votes of Members Dinar, Klein and Meade; they being all of the Members present and eligible to vote.



Jackie Coombs-Hollis,
Planning Board Secretary