

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

Decided: March 21, 2017

Re: Application No. 2017-8-MS
Applicant: Newark Academy
Premises: Block: 3001; Lot 135
91 South Orange Avenue
Zone: R-L

WHEREAS, application has been made by Newark Academy (“Applicant”), of 91 South Orange Avenue (“Site”), to the Planning Board of the Township of Livingston (“Board”) for Minor Site Plan approval to install a play area for Applicant’s Middle School at the Site; and

WHEREAS, the Board has a Subdivision/Site Plan Committee (“Committee”) pursuant to § 170-3 of the Code of the Township of Livingston (“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 a minor site plan application for installation of a playground at a non-residential use and that notice of the Application and public hearing are not required; although notice of this open public meeting of the Committee has been provided; and

WHEREAS, 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, Applicant was represented by Stephen A. Geffner, Esq. of Schenck Price Smith & King LLP, and the Committee has considered:

1. The Application dated 2/2/17.
2. Amended Preliminary & Final Site Plan Drawings 1, 4, and 6.1 of 9 originally dated 10-24-06, revised through 3-17-17, with changes agreed to in the course of the presentation.
3. The March 10, 2017 memorandum of the Township Planner.
4. The testimony of Michael T. Lanzafama, PP & PE who prepared the Site Plan.
5. The testimony of Tom Washburn, Middle School Principal.

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

1. The Applicant conducts both a Middle School and an Upper School on the Site. The Middle School is for Grades 6-8, the Upper School is for Grades 9-12.
2. The proposed play area is at the rear of the Middle School and would be separated from the Middle School by an existing emergency access drive. It would be 76 feet wide by 30 feet deep, and would back on others of the Applicant's recreational facilities that include a softball field. The play area and the 76 feet of the access drive between it and the school building would be paved.
3. The Play Area would be for the Middle School students and have the following equipment and facilities: 1 or 2 basketball hoops, a Four Square Court, and Parkour equipment such as a pull-up bar.
4. The Committee finds the proposed play area to be a playground, and further finds that age-appropriate playgrounds are customary and incidental to the operation of a Middle School.
5. The Application for Minor Site Plan approval is hereby approved and granted with the changes agreed to in the course of the presentation and subject to the following Conditions agreed to by the Applicant:

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 Planning Consultant 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.

Other Governmental Approvals

- a. 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 Board shall have the right to review such action as it relates to this Board's approval or conditions and to modify, amend or revoke its approval and/or conditions.
- b. No Township permit for demolition of any structure, or preparation of the Site or construction of any improvement shall be issued until proof of request for such required approvals and any action thereupon, shall have been presented to the Construction Official and the Board Secretary by the Applicant.

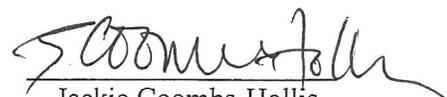
As-built Plans

A Certificate of Occupancy for the playground 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 and the survey. The as-built site plans shall include photographs of the installed recreational courts and equipment.


Peter M. Klein
Planning Board Chairman


Richard Dinar,
Chairman,
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 Livingston Township on March 21, 2017 by the unanimous affirmative votes of Members Dinar, Klein and Ratner, they being a quorum of the Committee.


Jackie Coombs-Hollis
Planning Board Secretary