

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

Decided: August 16, 2016

Re: Application No. 2014-90-MS  
Applicant: Rambling Brook, LLC  
Premises: Block: 1903; Lot: 18  
          237 East McClellan Avenue  
Zone: R-3

**WHEREAS**, application has been made by Rambling Brook, LLC (“Applicant”) of 88 East Main Street, Mendham, New Jersey, owner of the premises commonly known as 237 East McClellan Avenue (“Site”), to the Planning Board of the Township of Livingston (“Board”) for Minor Subdivision approval to subdivide Lot 18 in Block 1903 so as to create two conforming lots; 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 an application for minor subdivision approval 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 Richard C. Stewart, Esq., and the Committee has reviewed and considered

1. The Application.
2. The three drawings “Cover Page”, “Property & Topographic Survey, and “Proposed Minor Subdivision”, each signed on Apr. 27, 2016 by Douglas B. Smith, Professional Land Surveyor, of DAB Surveying, Inc.
3. The June 27, 2016 memorandum of the Township Engineer and the Township Planner

4. The July 12, 2016 memorandum of the Livingston Environmental Commission;

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

1. Lot 18 consists of 55,660 sq. ft. equal to 1.278 acres and is in the R-3 Residence District with an existing residence, an additional frame building of 291 sq. ft., and a shed of 63 sq. ft.
2. Lot 18 has frontage of 165.30 feet on East McClellan Avenue and 351.45 feet on Laurel Avenue. Each of those streets is an Essex County Road.
3. Since filing of the Application in 2014, Applicant has accomplished extensive renovation of the existing residence, has abandoned the initially proposed creation of a flag lot behind the residence and with a driveway from East McClellan Avenue, and now proposes a more conventional subdivision.
4. Proposed Lot 18.02 would consist of 17,500 sq. ft. equal to 0.402 acre, would have frontage only on Laurel Avenue, and would have both of its side lines at right angles to Laurel Avenue.
5. Proposed Lot 18.01 would consist of 38,160 sq. ft. equal to 0.876 acre and would continue to have frontages on the two streets. The residence had, and continues to have, a narrow façade with entrance toward East McClellan Avenue and the longer façade toward Laurel Avenue. The only access to the building continues to be from East McClellan Avenue.
6. Both new lots would be conforming R-3 Residence District lots in terms of dimensions and frontage.
7. Canoe Brook transits Lot 18. It has a 60 feet wide flood control easement.
8. On October 31, 2013 the Federal Emergency Management Agency issued a Letter of Map Amendment effecting a determination that the then-existing residence was not in the identified Special Flood Hazard Area, but that other portions of Lot 18 remained in that area.
9. Code §170-73.A.(10) mandates that the Board require that all lots on a plat shall be adaptable for the intended purpose without danger to health or peril from flood, fire, erosion or other menace.
10. Such danger or perils do not apply to proposed Lot 18.01.

11. To achieve both vehicular and pedestrian access/egress for proposed Lot 18.02, a bridge from Laurel Avenue will have to be constructed over the brook and flood control easement. Such bridge must be capable of accommodating, and supporting the weight of, Township Fire Department vehicles unless the Fire Chief shall have determined that fire vehicle access onto the site is not required.
12. The Livingston Environmental Commission (“LEC”), by memorandum dated July 12, 2016, recommends that an Environmental Impact Statement (“EIS”) be provided. However, Code Chapter 130 excludes minor subdivisions in residential districts from the EIS requirement.
13. Absent a determination by the Fire Chief that there will be adequate fire-fighting access to any building on proposed Lot 18.02, the Board cannot find proposed Lot 18.02 to be free of danger or peril from fire.
14. The Application for Minor Subdivision approval is hereby approved subject to the terms herein and the following Conditions:
  - a. Prior to signing of any deed or approval of any plat, the Applicant shall have obtained and provided to the Board’s Secretary the certification by the Township Fire Chief of whether or not a bridge capable of accommodating, and supporting the weight of, Township Fire Department vehicles is required for necessary access onto the Site; and whether or not there will be adequate fire-fighting access to any building on proposed Lot 18.02.
  - b. The approval contained in this Resolution shall not be effective until the certification by the Fire Chief shall have been obtained and provided to the Board’s Secretary.
  - c. The full text of this Resolution and the full text of the certification by the Fire Chief shall be included in the final plat and/or in any deed signed and executed to accomplish the subdivision.
  - d. Any such deed shall have received the approval of the Board’s Attorney as to sufficiency prior to signing and shall be filed for recordation. The Applicant shall submit proof of such recordation to the Board’s Secretary, the Township Engineer and the Construction Official. No permits shall be issued prior to submission of such proof.
  - e. Other Governmental Approvals.
    - (1). 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.

- (2). 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.

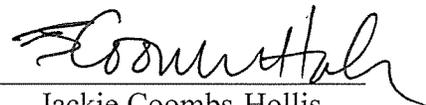


Richard Dinar, Chairperson  
Subdivision/Site Plan Committee



Peter M. Klein,  
Planning Board Chairman

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 August 16, 2016 by the unanimous affirmative votes of Members Dinar, Klein, Ratner and Alternate No. Rieber (in place and stead of Member Meade).



Jackie Coombs-Hollis  
Planning Board Secretary