

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

Decided: March 15, 2016

Re: Application No. 2016-6-MS
Applicant Michael Behrouzian
Premises: Block: 590; Lot:10
471 West Mt. Pleasant Avenue
Zone: B-1

WHEREAS, application has been made by Michael Behrouzin (“Applicant”), an individual person, to the Planning Board of the Township of Livingston (“Board”) for Preliminary and Final Minor Site Plan approval to construct a vestibule as part of an entrance to a building on the premises and to install a new fence; and

WHEREAS, the Board has a Subdivision/Site Plan Committee (“Committee”), pursuant to § 170-3 of the Code of the Township of Livingston, with jurisdiction to determine whether a site plan 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 determined that the Application is an Application for Minor Site Plan approval and that notice by the Applicant and public hearing are not required; although public notice of this Meeting of the Committee and its agenda have been provided; and

WHEREAS, Applicant is represented by Alan Berliner, Esq., of Rothenberg, Rubinstein, Berliner & Shinrod LLC, and the Board has considered the presentation of Mr. Behrouzian, the Site Plan T-1 dated 09/14/2015 with final revision dated 03/02/16 and Drawing No. A-100 of 09/14/2015 with final revision of 03/02/16, both prepared by Applicant’s architect James Chai;

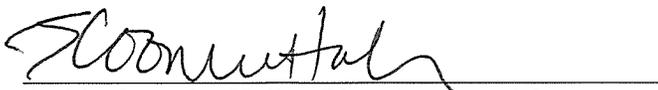
NOW THEREFORE, the Committee does make the following findings of fact and conclusions with respect to the Application:

1. The building on the premises is presently vacant and had been the location of a restaurant. The premises has shared parking with the businesses on adjacent Lot 7.
2. A dentist is intended to occupy a portion of the building that will have its own entrance. Applicant seeks to construct a vestibule to that entrance. The vestibule would have a footprint of 85 square feet. Applicant also seeks to replace and relocate an existing fence.
3. As originally submitted, the Application included relocation of a refuse area. That request has been withdrawn.

4. The fence as proposed was to be privacy style. Applicant has agreed that it shall be of the board-on-board type. The material may be vinyl and the color shall be beige, grey, green or an earth tone.
5. The Application, with the changes agreed to, is hereby approved subject to the following conditions:
 - A. Parking area paving on the premises shall be repaired to the satisfaction of the Construction Official.
 - B. At the close of each work day the site shall be thoroughly cleaned and all trash and construction debris, including that within building under alteration, shall be placed in covered dumpsters. Dumpsters shall be removed from the site, and replaced, before they overflow.
 - C. 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.
 - D. 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 four (4) properly signed and sealed as-built final plans submitted to the Construction Official, the Township Engineer and the Board Secretary.
 - E. A final Certificate of Occupancy shall not be issued until the Applicant shall have submitted the as-built site plans.


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 the Township of Livingston on March 15, 2016 by the affirmative votes of Member Ratner, Alternate No. 2 Wishnew (in place and stead of Member Dinar) and Member Klein; they constituting a quorum and being all of the Members present and voting.


Jackie Coombs-Hollis, Planning Board Secretary