

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

Decided: June 21, 2016

Re: Application No. 2016-21-MS
Applicant: Cocco Bello Café / Antonio Poto
Premises: Block: 3500; Lots: 17 & 18
155 South Livingston Avenue
Zone: B-1

WHEREAS, application has been made to the Planning Board by Antonio Poto, (T/A as Cocco Bello Café, owner of the premises commonly known as 155 South Livingston Avenue, and hereinafter referred to as the “Applicant”); and

WHEREAS, Applicant seeks site plan approval of proposed Cocco Bello Café seasonal outdoor seating for a number of seats in excess of the number that would be permitted under Township Code § 170-92.1 on an annual permit basis; and also seeks temporary seasonal redesign of internal traffic flow to accommodate such seating; and

WHEREAS, the Board has a Subdivision/Site Plan Committee (“Committee”) with jurisdiction to determine whether a site plan Application meets the definition of “minor”, pursuant to §170-3 of the Code of the Township of Livingston, and, if so, to take final action of approval or disapproval of such Application; and

WHEREAS, the Committee has determined that because the Application is for outdoor seating in excess of the number allowed by annual permit, and also seeks redesign of the internal traffic flow in a nonresidential district, it is an Application for approval of a Minor Site Plan as defined in Code §170-3 and that Application notice and public hearing are not required; although public notice of this Meeting of the Committee has been provided; and

WHEREAS, the Board has considered the presentations of Mr. Antonio Poto, Mr. Phil Poto and Christine L. Miseo, Architect; and has viewed and considered Drawing SP-1 prepared by Ms. Miseo of original date 05-18-16 revised through 06-21-16, and the June 10, 2016 memo report of the Township’s Planner Veena Sawant;

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

1. Township Code § 170-92.1 permits seasonal outdoor seating, by annual permit, for up to the greater of 20 seats or 15% of indoor seating. The Applicant proposes seating in excess of that number and without need for annual seasonal permits.
2. The proposed outdoor seating would satisfy all of the requirements for an annual permit under Township Code § 170-92.1 except for two factors:
 - a. 28 seats are proposed; and
 - b. 20 of the seats would be within a front yard internal parking area with the need that such parking area be closed to traffic while that seating is in use.
3. That parking area contains 5 striped parallel parking spaces, all of which are posted as reserved for a tenant bank. That parking is in addition to the parking field behind the building.
4. The bank has its customer entrance at the front of the building at the structure's northwesterly end. All other building tenants, including the restaurant, have entrances both at the front and in the rear; except that the tenant at the southerly front corner of the building has its second entrance on that side of the building; and the dental office at the southerly rear corner of the building has its primary entrance on that side of the building.
5. Vehicular access to the rear off-street parking area is via a two-way driveway on the southerly side of the site, or from the off-street parking areas of two retail lots to the south of the site. There is an exit-only driveway at the northerly side of the building. That exit driveway has both a thru lane to So. Livingston Avenue and a lane for access to the drive-up window of the bank. There is no pedestrian walkway on the northerly side of the building. There is a pedestrian walkway on the southerly side of the building.
6. Both of the traffic lanes on the northerly side of the building provide exit to So. Livingston Avenue. However, drivers coming through either lane have the option of turning left within the site to access the parking spaces in the front yard.
7. The outdoor seating would consist of up to six (6) tables, having an aggregate of not more than twenty (20) seats, in the front yard parking area, plus up to four (4) tables, with two (2) seats each, on the internal sidewalk between the building and that parking area's drive aisle. Thus, up to twenty-eight (28) seasonal outdoor seats could be provided.
8. The outdoor seating within the parking area would be provided only when the bank is closed. When the bank is open, the tables and chairs for seating within the parking area would be stored out of the parking area and not used. The outdoor seating would not physically displace or impinge upon any parking spaces.

9. The front yard parking area aisle is one-way and would be closed to traffic when outdoor seating is in place in the front yard parking area. Closure would be accomplished by three (3) chain link barriers. One (1) barrier would close the access from the two (2) one-way exit lanes in the north driveway. One (1) would be at the southerly end of that parking area. The third would close the northerly access driveway from South Livingston Avenue to that parking area.
10. Operation and maintenance of the outdoor seating area would conform to and be in compliance with this Application as amended in the course of the hearing and with the requirements of Township Code §170-92.1.
11. The bank is closed on Sunday. On Saturday, the bank closes at 1:00 P.M. On Monday, Tuesday, Wednesday and Friday the bank closes at 4:00 P.M. On Thursday, the bank does not close until 7 P.M.
12. The traffic aisle would be closed, with a resulting limited temporary change of internal traffic flow, and outdoor seating would be provided in the front yard off-street parking area, after the bank closes. The traffic aisle would be reopened when food and beverage service ends.
13. The up to four (4) two-seat tables on the sidewalk adjacent to the front of the building would be provided without regard to whether the traffic aisle is closed and would not be subject to the bank's hours.
14. The Application is hereby approved subject to the following conditions agreed to by the Applicant:
 - A. The approval of closing the front yard parking area is only for the limited purpose of providing outdoor seasonal seating when a bank tenant is closed. Should the bank be replaced by another use the approval will automatically expire.
 - B. The temporary chain link barrier to close the northerly access from South Livingston Avenue shall be placed as close as physically possible to the public sidewalk, shall bear a sign reading "Driveway Temporarily Closed", and shall either be illuminated or of a reflective material.
 - C. The two (2) temporary chain link barriers to close access to the front yard parking area itself shall bear similar signs.
 - D. The temporary chain link barriers shall be activated no sooner than when the bank closes; and shall be opened when the restaurant closes.

- E. Planters or other temporary barriers shall be placed at the southerly and northerly sides of the temporary seating area to establish clear demarcation from the adjacent parking spaces.
- F. Four (4) copies of a properly signed and sealed Final Site Plan with changes and conditions agreed to in the course of the hearing shall be submitted to the Board Secretary within ten (10) business days. The full text of this Resolution shall be included in such plan.
- G. Four (4) properly signed and sealed As-built Site Plans in respect of the activity and installations approved, and containing the full text of this Resolution, shall be delivered to the Construction Official.

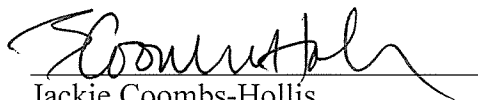


Richard Dinar, Chairperson
Subdivision/Site Plan Committee



Peter M. Klein, Chairman
Planning Board

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 June 21, 2016 by the affirmative votes of Members Dinar, Klein, Ratner and Alternate No. 1 Rieber (in place and stead of Member Meade); they being all of the Members present.



Jackie Coombs-Hollis
Planning Board Secretary