

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

Decided: October 6, 2015

Re: Application No. 2015-32-MS
Applicant: NY SMSA LP d/b/a Verizon Wireless
Premises: 2 West Northfield Road
Block: 4701; Lot: 5
Zone: B

WHEREAS, application has been made by NY SMSA LP d/b/a/ Verizon Wireless (“Applicant”), represented by its Attorney Kevin Jones, Esq., to the Planning Board of the Township of Livingston (“Board”) for Minor Site Plan approval for installation of a 9-foot by 4-foot concrete pad at the location shown on Dewberry Engineers Inc. Drawing No. Z-1 revised as of 08/27/15, and installation of a 208V natural gas emergency generator on such pad, a gated brown vinyl stockade fence, and protective bollards; all in conjunction with upgrade and installation of wireless telecommunications equipment at an existing roof-top facility.

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 Zoning Officer has determined that the concrete pad would constitute an increase in a non-residential building footprint of less than 600 sq. ft. and less than 10%; and

WHEREAS, the facility itself is subject only to federal regulation and is exempt from zoning regulation; and

WHEREAS, the Committee has determined that, because the Application before it is for an emergency generator, an increase in a non-residential building footprint of only 36 square feet on which the generator would be installed, fencing and bollards, all in a non-residential zone, it is an Application for Minor Site Plan approval and that both Application notice by the Applicant and public hearing are not required; although notice of this Meeting of the Committee and its agenda have been provided; and

WHEREAS, the Committee has heard testimony of the Applicant's expert Mario Iannelli, P.E. and has the reviewed:

1. The Application.
2. The Site Plan, prepared and signed by Christopher M. Cirrotti, P.E., dated 03/27/15, revised through 08/27/15 and consisting of 8 Drawings numbered T-1 and Z-1 through Z-7.
3. The June 12, 2015 letter from Kevin Jones, Esq., of the Law Offices of Alan B. Zublatt, representing the Applicant.
4. The May 13, 2015 letter from the County of Essex Department of Public Works.
5. MTU 4.3L GM Genset Noise Analysis.
6. The September 22, 2015 report from the Township Engineer and the Township Planner.

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

1. The jurisdiction of the Committee is limited to the concrete pad, the generator, the fencing and the bollards.
2. The Application for Minor Site Plan approval is hereby approved subject to the terms and provisions herein and the following conditions that have been agreed to by the Applicant:
 - a. At the close of each work day the Site shall be thoroughly cleaned and all construction trash and debris shall be removed from the site or placed in covered dumpsters to be removed when construction is completed.
 - b. Site Plan Drawing No. Z-6 shall be revised to show protective bollards for the generator location and a drawing shall be submitted to the Township Engineer depicting details of the crossing of the natural gas service pipe and the sanitary sewer trunk line.
 - c. Upon installation and testing of the emergency generator, the Applicant shall present to the Construction Official and the Township Engineer the certification of a qualified engineer that the generated sound does not exceed 58.3 dB(A) at the nearest residential property line.

d. The full text of this Resolution shall be added to the Site Plans; and such revised Site Plans shall be submitted to the Township Engineer, the Township Construction Official and the Essex County Planning Board before any permits are issued by the Township.

e. Four (4) properly signed and sealed As-built Site Plans in respect of the installations approved herein shall be delivered to the Construction Official.

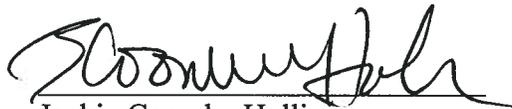


Richard Dinar, Chairperson
Subdivision/Site Plan Committee



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 October 6, 2015 by the affirmative votes of Members Dinar, Klein, Ratner and Alternate No. 2 Wishnew (in place and stead of Member Meade); they being all of the Members present.



Jackie Coombs-Hollis
Planning Board Secretary