

RESOLUTION

PLANNING BOARD

TOWNSHIP OF LIVINGSTON, NEW JERSEY

Decided: October 18, 2011
Memorialized: November 29, 2011

Re: Application No. 2009-49-PFSPV
Applicant: Newark Academy
Premises: 91 South Orange Avenue
Block: 6001; Lot: 135
R-L Zone

WHEREAS, an Application has been made by Newark Academy (hereinafter referred to as the “Applicant”), owner of the subject premises commonly known as 91 South Orange Avenue, Livingston, New Jersey (hereinafter referred to as the “Site”), for final approval of Phase II of a Site Plan previously having received Preliminary and Final Site Plan approval of Phase I, but only Preliminary Site Plan approval of Phase II and Phase III, from this Board by Resolution dated January 5, 2010; and

WHEREAS, the Applicant is now prepared to proceed with Phase II of the development including improvements to its athletic facilities, construction of a combined storage facility and concession stand, and parking spaces not included in Phase I; and

WHEREAS, the Board has noted that there are proposed changes from Site Plan provisions that were in the preliminary approval, but has determined that the changes are neither so substantial nor so significant as to require a new Preliminary Site Plan approval application; and

WHEREAS, a public hearing was heard before this Board on October 18, 2011 with regard to the Application for Phase II Final Site Plan approval; and

WHEREAS, the Applicant, represented by its attorney, Stephen A. Geffner, Esquire, of Schenck Price Smith & King, LLC, has demonstrated that the Application is in conformance and compliance with all statutory requirements and has submitted proof that there are no taxes due or delinquent with respect to the Site; and

WHEREAS, the Board has heard and considered the testimony of the Applicant and its expert witnesses Rocco Palmieri, Engineer and Walter Knies, Architect; and there being no members of the public appearing either in support of or in opposition to the Application.

NOW, THEREFORE, the Board does make the following findings of fact and conclusions of law regarding this Application:

1. The Applicant is the owner of the Site, on which it operates a private educational facility for middle school and high school students. On January 5, 2010, the Board adopted a Resolution giving Final and Preliminary Site Plan approval for Phase I of a three-phase development plan. The Applicant had met all requirements concerning Site Plan approval, and variances as requested were granted then as to all three phases.
2. The Board adopted a further Resolution, memorialized on January 4, 2011, to modify the approved Plan to permit an increase in the square footage of the main building to be constructed on the Site in Phase I.
3. The Applicant now proposes to complete Phase II which would provide for improvement of athletic facilities, combining two accessory buildings into one building, renovating the parking facilities to add additional spaces that will result in total parking exceeding Township Code requirements by 6 spaces, adding a walkway from the combined concession stand and storage building to the new bleachers to be installed on the westerly side of the football field, and enlarging and extending patio and sidewalks around the concession building.
4. Testifying on behalf of the Applicant were:
 - A: Rocco Palmieri, admitted as an expert in engineering.

B: Walter Kneis, admitted as an expert in the field of architecture.

5. The Resolution adopted by the Board on January 5, 2010 included Phase II Preliminary Site Plan approval for two separate accessory buildings, one to contain a concession stand and the other for storage. The Applicant now proposes to combine those two buildings into one structure that will measure approximately 65 feet by 22 feet. This would replace the two approved separate buildings measuring 30 feet by 22 feet for the storage structure and 39 feet by 22 feet for the concession stand. The net result would be 81 square feet less of building footprint than would be provided by two separate buildings. The combined building would be at the location of the previously approved storage building. The redesign and relocation became necessary when it was determined that the proposed concession stand would be located in a flood hazard area. It will allow enlarging the sidewalks around the new concession stand and providing a crosswalk connecting the school building to the concession area. There will also be a sidewalk connecting the concession stand area to the bleachers. The sidewalk will also be extended from the concession stand area to the tennis courts.

6. The revised Site Plan will add 2,000 square feet of impervious coverage, but that coverage will still be within permissible limits.

7. A fence previously located by the football field and extended along the bleacher area to the running track will be removed.

8. The Applicant agreed, at the suggestion of the Township Engineer, to add a loop drainage system under the new football field; which design will be subject to approval by the Township Engineer.

9. The Applicant will also install 204 replacement trees during the Phase II construction. Total parking spaces after completion of Phase II will be 338, which exceeds Township Code requirements.

10. Additional planting of another 65 required replacement trees was represented by the Applicant as to be included when Phase III construction is implemented.

11. Although Applicant agreed, on the record in the course of the hearing on the original application, that there would be portable generator-power emergency lighting for night-time events, that was not made a condition of approval in the January 5, 2010 Resolution. Applicant has agreed that an appropriate condition shall be included in any approval of this Application.

NOW THEREFORE, BE IT RESOLVED by the Board, having reviewed the Plans submitted by the Applicant, having heard the testimony of the witnesses presented by the Applicant, and having reviewed the exhibits presented by the Applicant during the course of the hearing, the Board concludes as follows:

1. Final Site Plan Approval is granted as to the proposed Phase II of the development which consists of renovations and additions to the athletic fields, construction of a combined storage and concession stand accessory building, installation of sidewalks as set forth herein and on the Plans, the construction of additional parking spaces, and the planting of 204 replacement trees.

2. No additional variances were requested or are required in connection with this Application.

3. This approval is subject to the following conditions:

A: A loop drainage system shall be incorporated beneath the football field, and the design of such system shall be subject to approval by the Township Engineer.

B: The provisions and conditions of the prior Resolutions in this matter adopted by the Board on January 5, 2010 and January 4, 2011 are hereby continued in full force and effect except as specifically amended or modified herein.

C. When outdoor events after nightfall are scheduled, the Applicant shall ensure that there are sufficient mobile generator-powered emergency lighting units on the Site for safety of participants and attendees should there be a power failure.

D. The full text of all conditions of this Approval shall be incorporated into the Final Plans to be submitted to the Construction Officer and the Board Secretary prior to the issuance of any permits with respect to construction of any improvements approved herein.

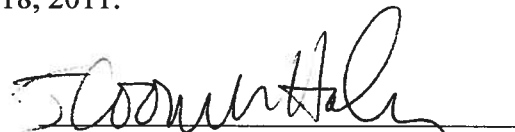
NOW, THEREFORE, for the reasons set forth herein and as stated on the record by the Members of the Planning Board of the Township of Livingston, and consistent with the proofs and testimony presented at the hearing, it is resolved that the Application for Final Site Plan approval for Phase II of the development be and hereby is granted and approved subject to the further terms and conditions set forth herein.

This is a memorialization of the decision of the Planning Board made on October 18, 2011 wherein Members Kalishman, Kimmel, Klein, Leopold, Rieber, Alternate No. 1 Ratner (in place and stead of Member Meade) and Alternate No. 2 Anthony (in place and stead of Member O'Neill) voted in the affirmative; they being all of the Members present.



Peter M. Klein, Chairman

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Planning Board of the Township of Livingston on November 29, 2011 memorializing the decision of the Planning Board made on October 18, 2011.



Jackie Coombs-Hollis, Secretary