

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

Decided: May 16, 2017

Re: Application No. 2017-9-MS  
Applicant Christian Evangelical Church  
Premises: Block: 5900; Lot: 30  
71 Old Road  
Zone: R-4

**WHEREAS**, application has been made by Christian Evangelical Church (“Applicant”), to the Planning Board of the Township of Livingston (“Board”) for Preliminary and Final Minor Site Plan approval to construct and install a playground with a 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 Stephen A. Geffner, Esq., of Schenck, Price Smith & King, LLP and the Board has considered the presentations of Applicant’s Rev. Stephen Lin and of J. Peter Borbas, P.P. and Professional Land Surveyor, and the Survey and Proposed Playset Location Plan dated November 7, 2016;

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

1. The Applicant is a church at a location that is in a residential zone and is a legal non-conforming use on a lot that is 2.1029 acres or 91,603 sq. ft. in area.

2. The playground would be located in the rear yard and beyond the parking area. It would be 26 feet by 24 feet (624 sq. ft.) and enclosed by a black 48-inch-high gated chain link fence. Both Mr. Borbas and Rev. Lin stated that State and Federal guidelines for playground construction and equipment would be followed.

3. While their parents are at the church, the playground would be used by congregant children under supervision by teachers. In response to Committee concerns, the Applicant agreed to install either bollards or concrete planters between the playground and the parking spaces opposite to it.

4. The playground would be in subordination to the primary role of the church and an incidental and customary use, and the 620 sq. ft. area of the playground would be less than .0069 percent of the total area of the church property.

5. The Committee finds that the proposed playground would be a negligible and insubstantial enlargement of the non-conforming use and that no variance is required.

6. The Application, with the plan changed to add bollards or concrete planters as agreed to, is hereby approved subject to the following Conditions:

A. 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 preparation of the Site or construction of any improvement shall be issued until proof of request for any such required approvals, and any action thereupon, shall have been presented to the Construction Official and the Board Secretary by the Applicant.

B. Final Plans

Prior to the issuance of any permits, or the commencement of any work:

(1) The full text of this Resolution and all plan changes agreed to in the course of the hearing shall be set out on final plans submitted to the Construction Official and the Board Secretary.

(2) Such final plans shall have been reviewed by the Board Secretary or the Township Planner for determination of whether the plan conforms to the Committee's approvals, and shall then have been

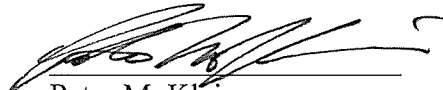
signed by the Board Chairman, the Board Secretary and the Township Engineer.

C. As Built Plan

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.

D. Certificate of Occupancy

Any final Certificate of Occupancy required for the playground shall not be issued until the Applicant shall have submitted the as-built plan.



Peter M. Klein  
Chairman, Planning Board

I 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 May 16, 2017 by the affirmative votes of Members Ratner, Dinar and Klein; they being all of the Members of the Committee.



Debra Coonce  
Planning Board Assistant Secretary