

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

Decided: November 21, 2017

Re: Application No. 2017-63-MSUB
Applicant: Bel Air Associates, Inc.
Premises Block: 2400; Lot: 47
Grasmere Court & Westmount Drive
Zone: R-1

WHEREAS, application has been made by Bel Air Associates, Inc. (“Applicant”) of 1325 Morris Avenue, Union, New Jersey, owner of the premises (“Site”), to the Planning Board of the Township of Livingston (“Board”) for Minor Subdivision approval to subdivide Lot 47 in Block 2400 so as to create two conforming lots; and

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

WHEREAS, it otherwise appearing that the jurisdiction and powers of the Board and the Committee have been properly invoked and exercised, that the Application is in compliance with all statutory requirements, and proof has been submitted that there are no taxes due or delinquent with respect to the Site; and

WHEREAS, the Committee has, on this date, determined that the Application is an application for minor subdivision approval and that notice of the Application and public hearing are not required; although notice of this open public meeting of the Committee has been provided; and

WHEREAS, Applicant was represented by Stephen A Geffner Esq., of Schenck Price Smith & King, and the Committee has reviewed and considered:

1. The Application.
2. The Minor Subdivision Plan dates 09/07/2017, revised 10/03/17, signed and sealed by David B. Dixon, PLS.
3. The testimony of William B. Hamilton, PP.

4. The testimony of Steven Katz, Bel Air Associates, Inc.
5. The recommendations of Veena Sawant, Township Planner and Rocco Marucci, Township Assistant Engineer;

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

1. Lot 47, consisting of 187,774 sq. ft., equal to 4.6 acres, is a vacant lot in the R-1 District and part of a previously approved development that used the residential cluster option permitting lots to have smaller areas than otherwise required.
2. Lot 47, with frontage on both Grasmere Court and Westmont Drive, is proposed to be subdivided into Lots 47.02 and 47.03 for potential residential construction.
3. Proposed Lot 47.02 would consist of 36,361 sq. ft., equal to 0.8347 acre; and proposed Lot 47.03 would consist of 149,011 sq. ft., equal to 3.4760 acres.
4. Each proposed Lot would meet the applicable minimum lot area of 25,000 sq. ft. measured within 200 ft. of the front street right-of-way line.
5. Although Lot 41 is undeveloped, it is not property designated and preserved as open space under the residential cluster zoning option. The applicable zoning regulation, Code §117-96.C.(5)(a), requires that the Bel Air development not have more than 1.1 building lots per acre, including all lands to be set aside for open space. No witness could testify, with planning certainty, that the proposed subdivision would not result in violation of that Code provision
6. The Application for Minor Site Plan approval is hereby approved subject to the following Conditions:
 - a. The Minimum Lot Requirements table on the Minor Subdivision Plan shall be amended to reflect that the requirement is 25,000 sq. ft. measured within 200 feet of the front street right-of-way line.
 - b. 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 Committee shall have the right to review such action as it relates to this Committee's approval or conditions and to modify, amend or revoke its approval and/or conditions.
 - c. Not later than 60 days after the date of this Resolution, the Applicant shall submit to the Planning Board Secretary the certification of a Professional Planner that the

subdivision approved herein will not create a buildable lot in excess of those permitted by Code §117-96.C.(5)(a).

- d. Condition "c" above is a condition precedent to the Minor Subdivision Approval herein becoming effective.



Richard Dinar, Chairman
Subdivision/Site Plan Committee



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 November 21, 2017 by the unanimous affirmative votes of Members Dinar, Klein and Ratner; they being all of the Members of the Committee.



Jackie Coombs-Hollis
Planning Board Secretary