

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

Decided: October 15, 2013

Re: Application No. 2013-37-MS
Applicant: George M. Volpe & Grace M. Volpe, Trustees
Premises: Block: 102; Lot: 7
50 Okner Parkway
Zone: CI

WHEREAS, application has been made by George & Grace Volpe(“Applicants”), Trustees of the Volpe Living Trust, to the Planning Board of the Township of Livingston (“Board”) for Minor Site Plan approval of installation of an emergency power generator at 50 Okner Parkway (“Site”); and

WHEREAS, the Board has a four person Subdivision/Site Plan Committee (“Committee”), pursuant to §170-3 of the Code of the Township of Livingston, with jurisdiction 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, the Committee has, on October 15, 2013, determined that the Application is an application for Minor Site Plan approval and that Application notice and public hearing are therefore not required; although this meeting of the Committee has been noticed; and

WHEREAS, a completed Application has been filed, the fees required by the Township Code have been paid, and 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 reviewed the check lists and does now grant a waiver of Preliminary Check List Items 7, 15, 16, 17, 19, 20, 23, 24 25, 26, 28, 29 and 30, Final Check List Items 1, 2, 8, and 9, and the filing of an Environmental Impact Statement; and has reviewed all plans and other documents submitted by the Applicant; and

WHEREAS, the Committee had reviewed and considered:

1. Teunisen Surveying & Planning Co., Inc. and Kensho Resources, LLC

Preliminary and Final Site Plan revised through 10/07/13 and signed on 10-14-2013 by Edward Teunisen, PLS and PP and James J. Chmielak, Jr., PE and PP.

2. The August 27, 2013 memorandum of Livingston Township Assistant Engineer Jeannette Harduby, P.E. updated on October 11, 2013
3. Kohler specifications for emergency generator model 100REZGD.

WHEREAS, R. Scott King, Esq. appeared for the Applicants and Edward Teunisen, PLS and PP, was present to explain details and respond to questions, and the Applicant agreed to the conditions of approval set forth herein;

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

1. Approval of the natural gas emergency generator does not require any variance.
2. Installation of a natural gas powered Kohler Model 100REZGD emergency generator with manufacturer's weather and sound enclosures and with a capacity of 100KW at the location shown on Sheet 2 of 4 of the Site Plan on a concrete pad shown on Sheet 3 of 4 is approved subject to the following conditions:
 - A. The operation of the generator shall not produce acoustic sound pressure in excess of 75 dB(A) at the source or 65 dB(A) at any property line of the Site.
 - B. Compliance with Condition A after installation and testing shall be certified by Applicant's engineer in a written report to the Township Engineer.
 - C. The generator shall not be tested between 5:00 P.M. and 9:00 A.M.
 - D. Applicant shall install additional bollards, to the satisfaction of the Township Engineer, to protect the emergency generator.
 - E. Applicant's Site Plan shall be further revised to: identify the generator model; include the Kohler data sheets provided to the Committee; show and comply with all the Committee's conditions; and to remove all site plan details, references and notes inconsistent this Resolution.
 - F. Certified "as built" plans shall be submitted to the Township Engineer.

- G. Numbers 6, 8, 10, 11 & 19 of the Board's Model Conditions of approval attached hereto are incorporated herein.
- H. No permits shall be issued prior to compliance with E above and no CO shall be issued prior to compliance with B and F.



Richard Dinar, Chairperson
Subdivision/Site Plan Committee

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 15, 2013 by the affirmative votes of Members Richard Dinar, Peter Klein, Samuel Ratner and Alternate No. 1 Alvarez (in place and stead of Member Meade); they being all of the Members present.



Jackie Coombs-Hollis,
Planning Board Secretary

PLANNING BOARD
MODEL CONDITIONS OF APPROVAL

6. Final Plans

Prior to the issuance of any Township permit for demolition of any structure, preparation of the Site, or construction of any improvement:

- a. 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 final plans submitted to the Construction Official, the Township Engineer and the Board Secretary; and
- b. Such final plans shall have been reviewed by the Board Secretary or the Board's Planning Consultant for determination of whether the plans conform to the Board's approvals and shall then have been signed by the Board Chairman, the Board Secretary and the Township Engineer.
- c. Such final plans shall comply with the Uniform Construction Code and the Barrier Free Subcode as then in force in the State of New Jersey. If, during performance of work

pursuant to the Board's resolution and permits that have been issued, field conditions indicate need for change(s), such need shall be called to the attention of both the Construction Official and the Township Engineer for approval of any such change before it is implemented. If any such change is significant, permission to amend the Site Plan may have to be sought from the Planning Board. Until all requirements under approved plans and the Uniform Construction Code, including accessibility requirements, have been completed or bonded, any certificates of occupancy issued shall be temporary certificates only.

8. Guarantees and Bonds

- a. The approval of this Application is subject to the posting, with terms acceptable to the Township Engineer, of any and all required performance guarantees, bonds, soil erosion and sediment control approvals, and any other requirements of Township ordinances prior to the issuance of any permits for commencement of site preparation or construction.
- b. This approval is also conditioned upon the Applicant's providing, prior to issuance of the first Certificate of Occupancy, a performance guarantee acceptable to the Township Engineer for any aspects of the approved landscaping or fencing that has not been completed by the time of issuance of such certificate.

10. Noise

- a. No site preparation, demolition or construction activity shall be performed on the Site on Sundays, or before 7:30 a.m. or after 5:00 p.m. on weekdays, or before 9:00 a.m. or after 5:00 p.m. on Saturdays or federal holidays.
- b. All vehicles and motorized machinery operated on the Site shall be equipped with properly operating mufflers.
- c. No site preparation, demolition or construction activity (other than authorized blasting) shall produce, at the property line, (i) continuous airborne sound at a sound level in excess of 65 dBa, or which has an octave band sound pressure level in decibels which exceeds the standards provided in 32 N.J.R. 2230 et. seq., or (ii) impulsive sound in air which has a peak sound pressure level in excess of 80 decibels, or (iii) impulsive sound in air which repeats more than four times in any hour and has a peak sound pressure level in excess of 50 decibels.

- d. Relief from these noise conditions may be permitted, temporarily, by the Township Engineer upon his finding that a circumstance constituting an emergency exists and necessitates such permission.

11. Other Governmental Approvals

- a. 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.
- b. No Township permit for demolition of any structure, or preparation of the Site or construction of any improvement shall be issued until proof of request for such required approvals and any action thereupon, shall have been presented to the Construction Official and the Board Secretary by the Applicant.

19. As-built Plans

A final Certificate of Occupancy shall not be issued until the Applicant shall have submitted to the Construction Official four (4) properly signed and sealed copies each of as-built site plans.