

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

Decided: December 6, 2011

Re: Application No. 2011-55-MS
Applicant: Investors Bank.
Premises: Block: 2505; Lot: 2
371 East Northfield Road
Zone: PB-3

WHEREAS, application has been made by Investors Bank (hereinafter "Applicant"), owner of the premises commonly known as 371 East Northfield Road (hereinafter "Site"), to the Planning Board of the Township of Livingston (hereinafter "Board") for Minor Site Plan approval to permit installation of a drive-through automatic teller machine in a presently closed drive-up lane; and

WHEREAS, the Board has a Subdivision/Site Plan Committee (hereinafter "Committee") pursuant to § 170-3 of the Code of the Township of Livingston (hereinafter "Code"), 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 this date, determined that the Application is an application for minor site plan approval and that notice and public hearing are therefore not required; and

WHEREAS, a completed Application has been filed, the fees required by 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 and considered as part of the Application:

A Boundary Survey, prepared by Peter K. Korzen, P.E. and Land Surveyor of Korzen Engineering, LLC, dated 9/22/2011;

Landscape Plan, signed and sealed by Mark Alan Haas, Architect, dated 9-30-10;
and

Floor Plan, signed and sealed by Mark Alan Haas, Architect, of Haas Associates, P.C., dated 7/12/10.

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

1. The Site is in the PB-3 Professional Office District, not the B-1 Business District, and the Application has been amended accordingly, and the bank is a permitted use.
2. The installation of a drive-through automatic teller machine in the presently closed drive-up lane will improve and increase barrier free access for persons with disabilities.
3. Approval of such installation does not require or involve the approval of any new variances.

NOW, THEREFORE, BE IT RESOLVED by the Committee that:

1. The following check list waivers are granted:

Preliminary Site Plan Nos. 15, 16, 18 through 21, 25, 26, 28 & 29.

Final Site Plan No. 1

2. The following check list waivers are denied:

Preliminary Site Plan No. 30 and Final Site Plan No. 9.

3. The Application for Minor Site Plan approval is hereby granted and approved.

4. This approval is subject to the following conditions agreed to by the Applicant:

- a. Any removal of trees shall be effected in compliance with the Trees Ordinance in effect on the date that the Application was filed.
- b. No construction permit shall be issued until Applicant has satisfied Preliminary Site Plan Check List item No. 30 and Final Site Plan Check List item No. 9 by submitting to the Construction Official a written narrative detailing how all solid trash and recyclables will be handled and disposed of.
- c. Post a "No Thru Traffic" sign at the entrance driveway on Herbert Terrace.
- d.. Replace all damaged curbing within the Site.
- e. Upon completion of the approved work, and before any Certificate of Occupancy shall be issued, Applicant shall submit four (4) properly signed and sealed copies of as-built plans to the Township's Engineer.
- f. The following of the Board's Model Conditions of Approval are incorporated herein:

1. Cleanliness

- a. At the close of each work day the Site shall be thoroughly cleaned and all

trash and construction debris, including that within buildings under construction, shall be placed in covered dumpsters which shall be removed from the Site, and replaced, before they overflow.

- b. Not less often than weekly, and whenever else required by the Construction Official or the Township Engineer, the public streets adjacent to the Site, and within 500 feet of the Site, shall be manually or mechanically broom swept to remove dirt, mud or debris originating from the Site.
- c. Dust suppression methods acceptable to the Construction Official and the Township Engineer shall be utilized on the Site.

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.

8. Guarantees

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

9. Landscaping & Environmental Protection

- a. All deciduous trees planted shall have a caliper of not less than 2.5 inches measured at a height of 4.0 feet above the root ball. All evergreen trees planted shall have a height of 6.0 to 8.0 feet.
- b. Street shade trees shall be planted in front yards and outside the right-of-way and shall not be included in the calculation of replacement trees required by the Trees Ordinance.

- c. Any tree or other planting installed in accordance with the plans which dies shall be replaced, within the current or next planting season, in kind and at the same size as it had reached at the time of death; except that if it died more than three years after planting its replacement need not be larger than the size it had reached three years after planting. The same replacement requirements shall apply to a tree or other planting removed because of damage or disease.
- d. No tree existing on the Site at the time of filing of the application shall be removed except as identified for removal on an approved plan. Every existing tree to be preserved shall be tagged and shall be shown on the Site Plan or Subdivision Plan. During site preparation and during construction, each such tree shall be protected by snow fencing or a more substantial means approved by the Construction Official. No soils, excavated materials, or any construction equipment or building materials, shall be stored or operated within a root protection zone that shall be the greater distance of (i) the crown drip line, or (ii) a distance equal to caliper multiplied by one (1) foot, (but never less than eight (8) feet from the trunk of a tree to be preserved), or anywhere else where such soil or materials can adversely affect the health of trees to be preserved. All work done within the root protection zone shall be accomplished with hand tools.
- e. The grade of land located within the root protection zone shall not be raised or lowered more than three (3) inches unless compensated for by welling or retaining wall methods; but in no event shall welling or retaining walls be installed less than eight (8) feet from the trunk of a tree.
- f. During site preparation or construction, no fuel storage, and no refueling, maintenance, repair or washdown of construction equipment, shall occur within fifty (50) feet of any tree to be preserved.
- g. Any provision of the Trees Ordinance, § 170-53 et seq. of the Code of the Township of Livingston, that establishes a higher or more restrictive standard or requirement shall control.
- h. No mulch shall be placed, or allowed to accumulate, within six inches of the trunk of any tree or shrub planted on the Site in compliance with this resolution. Mulch shall not be applied, or allowed to accumulate, elsewhere within the drip line of the tree or shrub to a depth in excess of four inches.

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



Peter M. Klein
Planning Board Chairman



Richard Dinar, Chairperson
Subdivision/Site Plan Committee



Samuel Ratner

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 December 6, 2011 by the affirmative votes of Members Richard Dinar, Peter Klein and Alternate No. 1 Samuel Ratner (in place and stead of Member Michele Meade); they being all of the Members of the Committee present.



Jackie Coombs-Hollis
Planning Board Secretary