

Town Hall --357 South Livingston Avenue - 8:00 P.M.

Notice of this meeting has been given in accordance with the "Open Public Meetings Law."

"Annual Notice" was faxed to the West Essex Tribune and the Star-Ledger on January 2, 2014. "48-hr. Notice" was faxed to these same publications on August 29, 2014.

Statement of Decorum

Pursuant to Township Code Section 2-15, while the Township Council is in session, any person who desires to address the Council must first be recognized by the presiding officer. Recognized speakers must make their statements within six cumulative minutes, unless such time is extended by the Council.

Appropriate decorum is to be observed at all times.

1. Roll Call
2. Silent Meditation and Pledge of Allegiance
3. Presentations
 - a) Pancreatic Cancer Awareness Month Packet
4. Essex County Update/Questions
5. Public Comments on Agenda Items
- 6*. Resolution - Consent Agenda [Includes All Items Marked "***R-14-187] Packet
- 7*. Approval of Minutes
 - a) October 6, 2014 Packet
- 8.* Approval of Licenses
9. Final Hearing Ordinances
 - a) Ord. 22-2014 Further Amending Definition of Minor Site Plan
Purpose: Adds installation, replacement or relocation of electric docking ports to service vehicles to definition of minor site plan Packet
 - b) Ord. 23-2014 Amending and Revising the Definition of Front Yard in Ch.170 of the Township Code
Purpose: Makes it clear that porches and other named appurtenances can be built as long as there remains 15 feet to the sidewalk or right-of-way Packet
10. Proposed Ordinances
 - a) Ord. 24-2014 Amending Chapter 170 of the Township Code (Re-Zoning 11 Split Lots on W. Mt. Pleasant Ave.) Packet
Purpose: Rezones lots that are split between two zones to the zone most appropriate for the lot.
 - b) Ord. 25-2014 Amending and Supplementing Section 92 of Chapter 170 of the Township Code (Portable Signs) Packet
Purpose: Revision of sections of Special Improvement District ordinance pertaining to temporary and portable signs
 - c) Ord. 26-2014 Amending and Supplementing Ch. 170 of the Township Code by Further Amending Section 170-117 I Limited Industrial District and Section 170-94 Off-Street Parking and Loading Provisions Packet
Purpose: Amending I Limited Industrial District uses and related off street parking requirements
11. Resolutions
 - a) R-14-180 Authorizing a Contract with Advanced Public Safety, Inc. (Electronic Traffic Ticketing)
 - b) R-14-188 Amend Adopted 2014 Municipal Budget to Include Special Items of Revenue and Appropriation
Not Determined at Time of Budget Adoption Packet
 - c) R-14-189 Establishing Notification Fees for Electronic Tax Sale Packet
 - d) R-14-190 Establishing a Complete Streets Policy Packet
 - e) R-14-191 Naming of "Brendan Tevlin Memorial Field" Packet
12. Public Comment
13. Remarks by Mayor and Members of the Council
14. Recess

GLENN R. TURTLETAUB
Township Clerk

10/20/14 R
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R-14-187

RESOLUTION

Accepting, Approving and/or Adopting the Consent Agenda of October 20, 2014

WHEREAS, the Township Council of the Township of Livingston has determined that certain items on its agenda which have the unanimous approval of all Councilmembers and do not require comment shall be termed the "Consent Agenda"; and

WHEREAS, the Township Council has determined that to increase its efficiency, the Consent Agenda shall be adopted with one resolution;

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the items on the regular agenda for October 20, 2014, attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Approved as to form:

Michael Rieber

Mayor

Sharon L. Weiner
Township Attorney

Glenn R. Turtleaub Township Clerk

Adopted: 10/20/14

10/20/14-R
qa

ORDINANCE NO. 22- 2014

**ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING
AND SUPPLEMENTING CHAPTER 170 OF THE CODE OF THE
TOWNSHIP OF LIVINGSTON BY FURTHER AMENDING THE
DEFINITION OF "MINOR SITE PLAN"**

WHEREAS, the Planning Board has recommended that the definition of Minor Site Plan in § 170-3 Terms Defined of the Code of the Township of Livingston be further amended as set forth herein to expand and clarify the scope of the definition; and

WHEREAS, such expansion would make the simplified Minor Site Plan approval procedure more available to the public;

THEREFORE, BE IT ORDAINED by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, as follows:

Section 1. § 170-3 Terms Defined of the Code of the Township of Livingston is hereby amended by inserting the language indicated by *italicized bold type* and deleting language indicated by ~~strikethrough~~ as follows:

MINOR SITE PLAN - A site plan of one or more lots only for approval of one or more of the following:

- (1) Pursuant to § 170-94.E.(6) or § 170-94.G.(2), of a change in use from one previously approved to another within the scope of development specifically permitted in the zoning district by this chapter;
- (2) Establishment of outdoor seating for consumption of food or beverages by patrons in excess of the number of seats that can be authorized by seasonal permit pursuant to § 170-92.1;
- (3) Erection or replacement or relocation of a fence or retaining wall in a nonresidential district or at an existing nonconforming nonresidential use in a residential district;
- (4) Outdoor installation, replacement or relocation, in a nonresidential district of:
 - (a) A refuse or solid waste storage and collection area and its screening; and/or
 - (b) Emergency power generation capacity not exceeding 2,000 kW; and/or
 - (c) Wall or window signage or a comprehensive sign package when such signs do not include exposed light-emitting diode (LED) technology;

(5) Redesign of the layout or internal traffic flow of an existing parking area in a nonresidential district or at an existing nonconforming, nonresidential use in a residential district;

(6) Site improvements to provide, increase or improve barrier free access for persons with disabilities;

(7) An accessory storage structure not exceeding 100 square feet gross floor area and a height of 10 feet in a nonresidential district;

(8) Approval of entrance, exit or condition of use signs of an off-street parking area.

(9) An increase in a non-residential building's footprint not exceeding the lesser of 600 square feet or 10 percent (10%);

(10) Façade alteration or increase in height in a nonresidential district;

(11) Installation or expansion of a ground-mounted small solar energy system serving an existing on-site building in a nonresidential district;

(12) An agreement for shared parking on-site or off-site for uses in a nonresidential district;

(13) Installation, replacement or relocation of one or more electric docking ports to service vehicles parked in an existing parking area in a nonresidential district or at an existing nonconforming residential use in a residential district.

provided always, that such site plan contains the information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval of a minor site plan and of the improvements proposed have been met and that the application does not involve approval of:

(a) A use or other variance;

(b) A planned development;

(c) Any new street or extension of any off-tract improvement which is to be pro rated pursuant to N.J.S.A. 40:55D-42 or ordinance.

Section 2. Except as hereby amended, revised and supplemented, the Code of the Township of Livingston shall remain in full force and effect.

Section 3. This Ordinance shall take effect upon final passage and twenty days from the date of publication in accordance with law.

Michael Rieber, Mayor

Glenn R. Turtleaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Introduced: 10/6/14

Adopted:

10/20/14-R
9b

ORDINANCE NO. 23-2014

**ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND REVISING
THE DEFINITION OF FRONT YARD IN CHAPTER 170 OF THE CODE OF THE
TOWNSHIP OF LIVINGSTON**

WHEREAS, the 2007 Master Plan recommends that roofed open porches be permitted to extend into residential front yards without need for a variance, and the Zoning Board of Adjustment recommended that the distance by which such porches be permitted to extend into residential front yards without a variance be 72 inches; and

WHEREAS, Ordinance No. 19-2010 was enacted to accomplish such change in the definition of Front Yard, but the definition as so amended and revised may be interpreted as applying only to front yards that meet the required setback for the zoning district as established by the Township Code;

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, as follows:

Section 1. §170-3 "Definitions" of the Code of the Township of Livingston is hereby further amended and revised by deleting language shown in ~~striketrough~~ and adding language shown in ***bold italics*** as follows:

YARDS –

- (1) **FRONT YARD** – An open, unoccupied space, unless occupied by a use hereinafter specifically permitted, extending across the full width of any lot and lying between the front street right-of-way line and the nearest line of any building on said lot; provided, however, that where there is a proposed widening of the right-of-way of any street as shown on the Master Plan of the Township, the front yard setback requirement shall be measured from the proposed right-of-way line as shown on said Master Plan rather than from the existing front street right-of-way line. No steps, fence, wall or any other aboveground object which is appurtenant to the private property shall extend into any street right-of-way in any zone district. Front steps, terraces, porches or balconies extending not more than 72 inches from the front line of any building and ~~are~~ within the required front yard ***or a front yard not conforming as to set back*** shall not be construed as part of said building ***or as in violation of a required front yard setback if not closer than 15 feet to the public sidewalk or the front street right-of-way line*** unless said ~~projections are~~ enclosed on one or more sides ***by a wall (other than***

the building front façade), railing, screen, or other means, higher than 36 inches.

Section 2. Except as hereby amended and revised, the Code of the Township of Livingston shall remain in full force and effect.

Section 3. This Ordinance shall take effect upon final passage and 20 days from the date of publication in accordance with the law.

Michael Rieber, Mayor

Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Introduced: 10/6/14

Adopted:

10/20/14R
10a

ORDINANCE NO. 24-2014

**ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 170 OF
THE CODE OF THE TOWNSHIP OF LIVINGSTON**

WHEREAS, the 2007 Master Plan notes that zone district lines sometimes run through a lot with the result that the lot is a split-zoned lot that straddles two or more districts, thus necessitating variances in order that the lot can be developed; and

WHEREAS, a review of lots fronting on West Mount Pleasant Avenue between the Livingston Avenue intersection and the Route 10 traffic circle has identified lots in Tax Blocks 601 and 700 that are split-zoned and that the Master plan recommends be rezoned to the R-4 Residence District;

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, as follows:

Section 1. The Zoning Map referenced in § 170-86 of the Code of the Township of Livingston, as heretofore amended, is further amended to achieve the rezoning and designation of specific lots as follows:

- A. Rezone and designate Lots 17 and 18 in Tax Block 601, each presently a split-zoned lot in both the R-4 Residence District and the R-2 Residence District, to the R-4 Residence District; and
- B. Rezone and designate Lots 37, 40, 41, 42, 43, 44, 45, 46, and 47 in Tax Block 700, each presently a split-zoned lot in both the R-4 Residence District and the R-2 Residence District, to the R-4 Residence District.

Section 2. Except as hereby amended, the Code of the Township of Livingston shall remain in full force and effect.

Section 3. This ordinance shall take effect upon final passage and twenty days from the date of publication in accordance with law.

MICHAEL RIEBER, Mayor

GLENN TURTLETAUB, Township Clerk

Approved as to Form:

SHARON L. WEINER, Township Attorney
Adopted:

**ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND
SUPPLEMENTING SECTION 92 OF CHAPTER 170 OF THE CODE OF THE
TOWNSHIP OF LIVINGSTON**

WHEREAS, the Livingston Community Partnership was established as a Special Improvement District to enhance the safety, welfare and economic growth of the businesses and residents of the Township of Livingston, and Section 92 of Chapter 170 of the Code of the Township of Livingston established design standards applicable in the Special Improvement District that protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community and promote safety and wellbeing; and

WHEREAS, ongoing review of that Section demonstrates the need for revision of certain provisions;

NOW, THEREFOR, BE IT ORDAINED by the Township Council of the Township of Livingston, in the County of Essex, as follows:

Section 1. Section 170-92.J of the Code of the Township of Livingston is hereby amended by deleting language indicated by ~~striketrough~~ and adding language indicated in **bold** as follows.

J. Temporary and Portable Signs. Signs are an important factor **affecting** ~~in~~ the aesthetics of the community **and the economic and business climate**. Visual clutter can negatively impact such aesthetics **and climate**. In addition, the physical location, size and visual elements of signs can have an adverse impact upon ~~public-safety of pedestrians and motorists~~. **Temporary signs and portable signs not expressly permitted herein are prohibited**. The following signs, when professionally prepared or having a professional appearance are permitted for commercial properties subject to this § 170-92 in addition to signs regulated under "F.(1).(e)" above and signs regulated under § 170-90:

(1) Temporary Signs

- (a) **Temporary wall signs.** A permit for a temporary wall sign may be issued by the Zoning Official for a period not to exceed 60 days

pending approval and installation of a permanent sign. One extension of up to 30 days may be granted. **A Such a** temporary wall sign may be constructed of canvas or other fabric, or of plastic with a fabric appearance, and may contain only such information or graphics as would be permitted for a permanent wall sign. The temporary sign shall not exceed the permitted dimensions of a permanent wall sign and shall be securely affixed to the façade of the building at the location permitted for a permanent wall sign.

(b) **Sale or Lease of Premises.**

[1] A temporary window sign announcing that the premises are for sale or for lease may be posted in one ground floor front façade window. ~~The sign size shall not exceed the lesser of 25% of the area of the window glazing or 9 square feet in area.~~

- (e) **[2]** A temporary non-illuminated sign announcing that the premises is for sale or for lease may be displayed in the front yard and not less than **six (6)** feet from the street curb; provided always that it does not physically interfere with pedestrian or vehicle traffic, or with vehicle lines of sight at corners or driveways. The face of such sign shall not exceed **nine (9)** square feet in area, nor shall such sign have an over-all height in excess of **six (6)** feet including its supports. When a multi-tenant retail or office property has a permitted monument sign to identify tenants, that portion of the sign that had identified a tenant that has vacated the premises may be utilized to announce that the vacated space is available for lease.

(c) **Other Temporary Window Signs.** Temporary window signs:

[1] ~~Advertising an Promoting commercial on-premises sales, of merchandise or services, or an on-premises events., not governed by Chapter 244 Sales Special of the Code of the Township of Livingston, may be displayed for up to 30 days. No such sign shall exceed the lesser of 25% of the glazing in which displayed or 9 square feet in area.~~

- (e) ~~Temporary window signs~~
[2] ~~In the nature of public service announcements. of community events may be displayed for up to 30 days. No such sign shall exceed 330 square inches. Announcing or promoting community events.~~

(f) ~~Temporary window signs~~

[3] a Announcing new ownership, new management, new name, or grand opening, of a business. ~~may be displayed for up to 21 days. No such sign shall be larger than 25% of the area of the glazing of the window in which displayed.~~ In addition to such allowed announcement, a permit may be issued by the Zoning Officer for:

(i) A temporary wall-mounted banner not more than fifteen (15) feet wide by three (3) feet tall announcing that change or event, and/or

(ii) aA temporary decorative string pennant banner with having only triangular pennants no longer than 18 inches in length. ~~may be issued by the Zoning Official, and~~

sSuch banner(s) may then be displayed in front of the business during that the same period that the window sign is displayed. The fee for a banner permit is \$100.00. ~~up to 21 days. The banner and every portion of its securing elements shall be removed by the close of business on the 21st day. Balloons, streamers, banners and pinwheels will be allowed as part of the grand opening sign, but must be removed when the grand opening sign is removed.~~

~~(g) Signs and banners not expressly permitted are prohibited.~~

(2) Dimensions, Period of Display, and Removal of Temporary Signs.

(a) The size of a temporary window sign, or the aggregate area of signage if more than one (1) such sign is displayed, shall not exceed the lesser of 25% of the glazing of the window in which displayed or nine (9) square feet.

(b) Temporary window signs and temporary banner signs may be displayed for the lesser of 30 days or until the second business day after the sale, event or other promotion communicated by the sign.

(c) A temporary sign for the sale or lease of the premises shall be removed not later than two (2) business days after closing of the contract of sale or lease.

~~(2) Removal of Temporary signs.~~

~~(a) — Signs permitted under (b) or (c) above shall be removed not later than 2 business days after the property has been leased or under contract, and signs or banners permitted under (d), (e) or (f) above shall be removed not later than 2 business days after the sale or event.~~

~~(b) — Graffiti negatively impact community aesthetics. Property owners shall remove graffiti from their premises within 7 days of its appearance.~~

~~(3) — Portable signs.~~

~~(a) — One portable sign meeting the requirements of “(b)” below and recommended by the BID may be authorized for display in the front yard of a retail business upon a finding by the BID that the sign would be consistent with the streetscape, the aesthetics of the area in which such sign would be displayed, and that it will not interfere with pedestrian or vehicular traffic or safety. Upon such a finding, a permit, valid for not more than 30 days, shall be issued by the Zoning Official. The permit number and expiration date shall be displayed in a lower right hand corner of the sign.~~

~~(b) — Portable signs may be two sided, and shall be mounted on a wheeled base or as sandwich boards. They shall not be more than 36 inches wide or 48 inches high (with an additional 12 inches of height allowed for the wheeled base). Such signs shall be displayed no less than 6 feet from the roadway curb. Any such sign shall only be used to bear text communicating the presence of a retail business (including a restaurant) or to announce a special event or offer at that business. No such sign shall be designed to imply traffic controls or resemble a traffic control device or sign.~~

~~(c) — A portable sign shall be displayed only during hours that the business is open to the public.~~

(4) Portable signs. Portable signs present particular challenges to safety and aesthetics, and permits are required.

(a) The only portable signs permitted are of the sandwich board A-frame type that meet the following specifications:

Overall vertical length unopened 48 inches.

Overall width 30 inches.

Maximum display area 6 square feet per side.

Maximum display area width 24 inches and height 36 inches.

All materials of the sign's structure shall be white or black in color, or uncolored natural wood; except that if the display area is a chalkboard or dry-erase board that area may be black, grey or white. Wood frames shall be solid wood and not veneer.

- (b) No more than one (1) portable sign shall be displayed at or for any building; except that if the building has frontage of 100 linear feet or more and contains more than one (1) business, then two (2) portable signs may be displayed provided that both are not for the same business.**
- (c) A portable sign may be utilized to promote (i) the business, or (ii) a particular sale or service, or (iii) a special event; including activities regulated under Chapter 244 SALES, SPECIAL.**
- (d) A portable sign may not be illuminated internally or by directed external lighting, or have electrical or battery power. It shall be displayed only during daylight business hours of the business utilizing the sign. The sign may not be attached to or stand upon any structure or support, inserted into the ground, or anchored to the ground by a weight or in any other manner.**
- (e) No balloons, banners, streamers, pinwheels, reflective or bright colors, sound generating or broadcasting device, or any other device or display that may potentially unsafely distract motorists or pedestrians shall be attached to or incorporated into a portable sign. No graphic, symbol or text that could be mistaken for a traffic control sign or symbol shall be used.**
- (f) A portable sign may be placed adjacent to, but not blocking, the entrance to the business utilizing it, or placed within the front yard of that business, or on a township sidewalk or a street sidewalk of the Special Improvement District in front of that business; so long as there is no interference with or obstruction of at least four (4) feet of the width of the pedestrian walking area. A portable sign shall always be not less than six (6) feet from the curb of the public street, and stand at a right angle to the building.**
- (g) If a building is constructed so that the business entrance(s) do not face the street; any portable sign(s) for which there has been a permit**

issued may be placed either as provided in (f) above or adjacent to, but not blocking, the business entrance(s).

- (h) The owner of the property at which the sign is displayed shall be responsible for ensuring that the sign constructed of weather-resistant materials and is maintained in good order and repair.
- (i) The form of application for a portable sign permit shall contain the applicant's affirmation of agreement to indemnify and hold harmless the Township and the Livingston Community Partnership, and their respective officers, agents and employees, from any claim or liability arising from the presence, placement, design or construction of a sign or signs. The applicant shall also submit with the application a certificate of insurance establishing that the Township and the Livingston Community Partnership, and their respective officers, agents and employees, are named as additional insureds under the applicant's liability policies covering such risks.
- (j) The portable sign permit application of the owner of a property shall be made to the Zoning Officer. The portable sign permit fee is \$100.00. The Zoning Officer shall issue such a permit upon determining that the applicable criteria and standards established by this ordinance are met. The permit shall be valid for a six (6) month period; either January through June or July through December. The Zoning Officer shall provide to the property owner a form of notice to be affixed to a lower right hand corner of the sign stating the number and expiration date of the permit.
- (k) Upon receipt of a permit, the owner of a property on which there is more than one (1) business wishing to display a portable sign may decide which business or businesses, and for what period(s) of time consistent with this § 170-92.J while the permit is valid, may utilize the sign.

(4) General Provisions.

- (a) Temporary and portable signs not expressly permitted are prohibited; as are all balloons, streamers, pinwheels or other devices that are capable of movement due to air flow and are not attached to a sign but have the effect of attracting attention to commercial activity.

- (b) **Nothing in this §170-92.J is intended to prohibit noncommercial copy in the display area of a permitted sign.**
- (c) **If any sign or device is installed, erected, constructed or displayed in violation of this §170-92.J, the Zoning Officer or his delegate shall, by personal notice or registered mail, notify the property owner and/or the business utilizing such sign or device of the violation and order the correction or removal of the sign or device.**

[1] If any sign or device in violation is not corrected or removed within five (5) business days, or such additional time as may be allowed by the Township, a summons and complaint shall then be issued against the person, persons, entity or entities so notified.

[2] However, a portable sign that presents a safety hazard or is not expressly permitted may be removed and impounded by the Zoning Officer or his delegate. Once impounded the sign shall be placed in appropriate storage. Within five (5) business days after such impoundment, the Zoning Officer shall, by ordinary mail, notify the owner of the sign (if known) that the impounded sign may be redeemed within ten (10) days from the date of such notice for the sum of \$25.00. If the impounded sign remains unclaimed or unredeemed for a period of fifteen (15) days beyond the date fixed for redemption, the Zoning Officer is authorized to make appropriate arrangements for disposition of such sign.

[3] Any person or entity who shall violate any of the provisions of this § 170-92.J shall, upon conviction after issuance of a summons and complaint, be punished as provided for in §1-7 General Penalty of the Code of the Township of Livingston. Each violation of any provisions of this §170-92.J shall be deemed a separate and distinct offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues after expiration of the time for cure allowed under [2] above.

Section 2. Section 170-92 of the Code of the Township of Livingston is further amended by adding the following as indicated in **bold**:

- K. Graffiti. Any drawing, painting or making of any mark or inscription on real or personal property without prior written permission of the property owner is graffiti. Graffiti negatively impacts community**

aesthetics and the economic and business climate. Property owners should expeditiously remove graffiti that is on their property.

Section 3. Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4. Except as hereby amended, revised and supplemented, the Code of the Township of Livingston shall remain in full force and effect.

Section 4. This Ordinance shall take effect upon final passage and twenty (20) days after publication in accordance with law.

Michael Rieber, Mayor

Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Wiener, Township Attorney

10/20/14 R
10c

ORDINANCE NO. 26-2014

**ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING
AND SUPPLEMENTING CHAPTER 170 OF THE CODE OF THE
TOWNSHIP OF LIVINGSTON BY FURTHER AMENDING SECTION 170-117
I LIMITED INDUSTRIAL DISTRICT AND SECTION 170-94 OFF-STREET PARKING AND
LOADING PROVISIONS**

WHEREAS, the Planning Board has recommended that the permitted uses in the I Limited Industrial District established in Section 170-117 of the Code of the Township of Livingston be increased to permit greater viability of the district, and the Planning Board has also recommended changes to the minimum number of off-street parking spaces required by Section 170-94 of the Code of the Township of Livingston be further amended as set forth herein;

THEREFORE, BE IT ORDAINED by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, as follows:

Section 1. § 170-117 I Limited Industrial District of the Code of the Township of Livingston is hereby further amended by inserting the language indicated by *italicized bold type* and deleting language indicated by ~~strikethrough~~ as follows:

§ Section 170-117 I Limited Industrial District

A. Primary intended use. ~~The I Limited Industrial District is designed for offices of business and professional uses, research laboratories and limited industrial and manufacturing uses.~~ The intensity of operations *of any permitted use* shall not exceed the limitations imposed by the performance standards hereinafter set forth in this section. Before a construction or occupancy permit is issued for any use in the I Zone, the Planning Board shall review and approve a preliminary and final site plan of the proposed use. *The I Limited Industrial District is designed for:*

- (1) business and professional offices*
- (2) research laboratories.*
- (3) limited industrial, manufacturing, assembly and packaging uses.*
- (4) maintenance and warranty servicing of finished products.*
- (5) direct sale of supplies to tradesmen, such as plumbing, heating, air conditioning and electrical contractors.*
- (6) moving and storage operations and self-storage facilities.*
- (7) postal, parcel and courier mailing, shipping and delivery services.*

- (8) printing and duplicating.*
- (9) health and fitness centers.*
- (10) bowling alleys not exceeding 15 lanes.*
- (11) indoor sports training facilities for tennis, handball, basketball, volley ball, soccer, baseball, softball.*
- (12) studios for dance, music, art, crafts, photography, martial arts and other skills.*
- (13) an event hall that rents space, providing tables, chairs, décor, sound systems and other related services, to individuals or legal entities for the purpose of having a banquet, meeting, celebration, wedding, birthday or other private event. An event hall may offer packages that include food, beverages, flowers, photography, printed invitations and other items related to a particular event on the premises, provided that each of those services is offered by a person or business entity having any necessary Township occupation license or permit and complies with all applicable Township, County and State law. Whenever the event hall operator seeks to provide additional services not listed in this paragraph it shall be necessary that the operator obtain any additional license or permit necessary for those particular services*

B. Prohibited uses.

- (1) Unless there is compliance with the performance standards set forth in § 170-117E, no land or building shall be used, or occupied for a use which will in any manner create any:
 - (a) Dangerous, injurious, noxious or other objectionable condition.
 - (b) Fire, explosive, radioactive or other hazard.
 - (c) Noise or vibrations.
 - (d) Smoke, dust, odor or other form of air pollution.
 - (e) Heat, cold, dampness or movement of air.
 - (f) Electrical or other disturbance.
 - (g) Glare.
 - (h) Liquid or solid waste in any manner or amount.
- (2) In addition, the following uses are specifically prohibited:
 - (a) Residential use of any kind.
 - ~~(b) Mink or fox farms.~~ **Breeding, raising, sale or slaughtering of animals or birds.**
 - (c) ~~Piggeries.~~ **Personal services.**

- (d) Commercial incineration.
- (e) Junkyards.
- (f) Rubbish, garbage or trash dumps, except by the Township or its agent.
- (g) Retail sales, *other than sales of clothing or equipment accessory to activities on premises pursuant to any of (9) through (12) in A above.*
- (h) The outdoor storage of construction or contractor's equipment and materials, except during the course of construction at or on the premises. The provisions of § 170-87N shall not be deemed or construed to apply to the outdoor storage of the equipment or materials referred to in this subsection.
- (i) *Outdoor recreational or sports facilities.*
- (j) *Event halls are prohibited to operate, or permit utilization of, the premises for an event open to the general public, and no entrance/admission fee shall be charged at any event.*

C. Required conditions.

- (1) No building shall exceed a maximum height of 28 feet.
- (2) Front yard. *There shall be a front yard of not less than 50 feet. Off-street parking is permitted in the front yard, provided that:*
 - ~~(a) There shall be a front yard of not less than 50 feet. Off street parking is permitted in the front yard, provided that:~~
 - ~~[1]~~ (a) No parking area shall be located within 50 feet of the front street right-of-way line *or of the Eisenhower Parkway right-of-way line.*
 - ~~[2]~~ (b) No parking area shall be nearer than 10 feet to any building.
 - ~~[3]~~ (c) No parking *area* on a corner lot shall be closer than 50 feet to a side street right-of-way line.
 - ~~(b) Notwithstanding any other provisions of this section to the contrary, no building or structure or automobile parking lot shall be located closer than 125 feet to the right of way line of Mount Pleasant Avenue (Route No. 10), except signs as herein regulated.~~
- (3) Side yards. There shall be two side yards, neither of which shall be less than 40 feet, provided, however, that if the lot has an average width of less than 200 feet, a side

yard shall not be less than 20% of such average width, and further provided that no side yard shall be less than 20 feet. The aggregate width of the two side yards must equal at least 35% of the lot width at the building line. The side yards may be used for off-street parking, provided that no parking area shall be nearer than 10 feet to any building nor 50 feet to a side street right-of-way line.

- (4) Rear yard. There shall be a rear yard of at least 60 feet. The rear yard may be used for off-street parking, provided that no parking area shall be nearer than 10 feet to any building nor 50 feet to a side street right-of-way line on any corner lot.
- (5) Minimum lot area. There shall be a minimum lot area of 40,000 square feet, which must be measured within 270 feet of the front street property line.
- (6) Maximum floor area ratio. The total floor area within all structures on any lot within the I Zone shall not be more than 40% of the total lot area.
- (7) Maximum total impervious coverage. The total impervious coverage on any lot within the I Zone shall not be more than 75% of the total lot area.
- (8) Off-street parking. Off-street parking shall be provided as required in § 170-94 of this chapter.

D. Permits and operations. An application for any construction permit or certificate of occupancy in the I Zone shall be submitted, in duplicate, to the Construction Official. The applicant shall also submit, in duplicate, all plans of the proposed construction and development, including a description of the proposed machinery operation and products as well as an affidavit of the applicant acknowledging his understanding of the applicable performance standards and his agreement to conform to the same at all times. The Construction Official shall investigate any alleged violation of the performance standards and, if there are reasonable grounds to believe that a violation exists, shall notify the Township Manager. The Township Manager shall investigate the alleged violation and for such investigation may employ qualified experts. If the experts find such a violation exists, the cost of the experts' service shall be paid by the violator. If there was no violation, the Township shall pay said costs.

E. Performance standards. Before the issuance of any construction or occupancy permit for any use in the I Zone, all of the following regulations must be complied with:

(1) Fire and explosion hazards. All activities shall be carried on only in buildings classified as fireproof by the BOCA Basic Building Code which is part of the New Jersey State Uniform Construction Code, and the operations shall be carried on in such a manner and with such precaution against fire and explosion hazards, as to produce no such hazard, as determined by the New Jersey Inspection Bureau, to a use on an adjacent property. All raw materials, fuels and finished products shall be stored within an entirely closed building. Flammable liquids, other than fuels used for heating, shall be stored in an entirely closed building which shall be used for no other purpose, or in underground tanks; provided, however, that:

(a) Such storage building is not closer than 100 feet to any building occupied by one or more humans.

(b) The storage of more than 250 gallons of any flammable liquid in said storage building is prohibited.

(2) Smoke, fumes, gases, dust and odors. There shall be no emission of any smoke, fumes, gas, dust, odors or any other atmospheric pollutant which will disseminate beyond the boundaries of the lot occupied by such use.

(3) Liquid or solid waste. No industrial operation shall discharge industrial waste of any kind into any reservoir, pond or lake. The discharge of untreated industrial waste into a stream is prohibited. All methods of sewage and industrial waste treatment and disposal shall be approved by the Township and the State Department of Environmental Protection.

(4) Vibration. There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site upon which such use is conducted.

(5) Noise. There shall be no noise emanating from the operation or use which will be audible beyond the boundaries of the immediate site.

(6) Glare. There shall be no direct or sky-reflected glare exceeding 0.5 footcandle, measured as *at* the property line of the lot occupied by such use. This regulation shall

not apply to lights used at the entrance or exits of service drives leading to a parking lot.

(7) Nuisances. No store, shop, *facility*, ~~or~~ office *or other use* within the district shall use any noise-making instruments, such as phonographs, loudspeakers, amplifiers, radios, television sets or similar devices, which are so situated as to be heard outside the building. No smoke, fumes or objectionable odors shall be emitted from any building. The display of merchandise placed on the exterior premises of any building is prohibited.

(8) *Bowling alleys, indoor tennis, handball, basketball, volley ball and sports training facilities, studios for crafts, dance, music, art, photography, martial arts and other skills may be used by affinity groups not exceeding 40 persons for events of such a sport or skill; provided always that at no time shall more than one (1) such event be held in a building.*

Section 2. The Schedule in §170-94.E.(1) of the Code of the Township of Livingston is further amended by inserting the language indicated by *italicized bold type* and deleting language indicated by ~~strike through~~ as follows:

Use	Required Parking Spaces
Animal hospitals and clinics	1 per 150 square feet GFA
Art galleries and libraries	1 per 200 feet GFA
Assembly hall/community center/auditorium/theater	1 per 3 seats or 1 per 150 square feet where no fixed seats
Automobile sale	1 per 300 square feet of showroom, plus 4 per service bay
Banks and financial; institutions	1 per 200 square feet NFA
Beauty culture facilities/recreation centers/clubs/health and fitness centers	1 per 75 square feet GFA

Bowling alley	5 per alley <i>plus 1 per 250 square feet NFA of accessory use</i>
Building and <i>or</i> construction contractor equipment storage buildings	1 per 1,000 square feet GFA
Catering facilities	1 per 100 square feet GFA
Churches and houses of worship	1 per 3 seats or 1 per 72 inches of bench seating
Country clubs/golf courses	10 per tee, plus required spaces for other uses
Day-care facilities, including child- and adult-care centers	1 per 100 square feet GFA
<i>Event facility</i>	<i>1 per 25 square feet GFA</i>
Farm or nursery	10
Funeral home/mortuary	10, plus 1 per 100 square feet of chapel or viewing room
Hospital	1 per 250 square feet of GFA <i>3.2 per bed plus required spaces for other uses.</i>
Hotel/motel and lodging facilities	1.5 per room.
<i>Indoor training facilities for badminton, handball, tennis, racket ball</i>	<i>2 per court, plus 1 per 3 seats or 1 per 150 square feet GFA when there are no seats</i>
<i>Indoor training facilities for baseball, basketball, soccer, softball, volley ball</i>	<i>2 per 250 square feet of court, plus 1 per seat or 1 per 150 square feet GFA when there are no seats.</i>
Industrial/manufacturing	1 per 800 square feet GFA
Moving and storage operations	1 per 1,000 square feet GFA
Office – general	1 per 250 square feet NFA
Office – medical	1 per 100 square feet GFA
Physical and mental health and rehabilitation centers	1 per 250 square feet GFA

Postal, parcel and courier mailing, shipping and delivery services	1 per 200 square feet GFA
Printing and duplicating	1 per 200 square feet GFA
Professional studios for dance, music, art, photography, <i>crafts, martial arts</i> , etc.	1 per 200 square feet GFA
Research laboratory	1 per 1,000 square feet GFA
Restaurant/tavern	1 per 3 seats
Retail sales and service	1 per 200 square feet NFA
Schools	
High school	2.5 per classroom, but not less than 1 per full time employee
Elementary school	2 per classroom, but not less than 1 per full time employee
Business and vocational school	5 per classroom
Service station	4 per bay, but not less than 4
Showroom sales ¹	1 per 400 square feet GFA
Storage warehouse/shipping and Receiving/wholesale distribution	1 per 1,000 square feet GFA
Tradesmen products sales ²	1 per 400 square feet GFA
Truck terminal	2 per loading bay
Wholesale sales ³ /furniture stores	1 per 400 square feet NFA

NOTES:

¹ Showrooms intended for display of merchandise, but where the merchandise is only ordered by the purchaser.

² Such as *sales to* plumbing, heating, air conditioning and electrical contractors.

³ Sale in bulk or quantity to retailers or others for resale to the ultimate consumer.

Section 3. Except as hereby amended and revised, the Code of the Township of Livingston shall remain in full force and effect.

Section 4. This Ordinance shall take effect upon final passage and 20 days from the date of publication in accordance with the law.

Michael Rieber, Mayor

Glenn R. Turtleaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

10/20/14 R
11a

R-14-180

**RESOLUTION AUTHORIZING A CONTRACT WITH ADVANCED PUBLIC SAFETY, INC.
(A TRIMBLE COMPANY)**

WHEREAS, the Township of Livingston ("Township") has a need to retain a company to provide an electronic traffic ticketing (e-Ticket) system; and

WHEREAS, August 7, 2014, the Township of Livingston issued RFP No. 020-2014, as a competitive contract to solicit proposals from companies experienced in providing e-ticketing systems; and

WHEREAS, the rfp was advertised on the Township of Livingston website and West Essex Tribune and as a result five (5) rfp packages were requested and mailed; and

WHEREAS, on September 9, 2014, one (1) proposal was received by the rfp deadline and publicly read; and

WHEREAS, Advanced Public Safety, Inc. (A Trimble Company) submitted a proposal that meets all of the requirements of the RFP, complies with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq., and is the most advantageous to the Township; and

WHEREAS, an Evaluation Committee evaluated the proposal and recommends the award of a contract to Advanced Public Safety, Inc. (A Trimble Company); and

WHEREAS, the Police Chief is recommending the award of a contract to Advanced Public Safety, Inc. (A Trimble Company); and

WHEREAS, the Township Manager is recommending the award of a contract to Advanced Public Safety, Inc. (A Trimble Company) to provide an e-ticketing system an amount not to exceed \$69,714.80; and

WHEREAS, the Chief Financial Officer has certified that funds are available in capital accounts C-04-55-010-006-011, C-04-55-011-014-007 and C-04-55-014-007-04B.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, that it authorizes the Township Manager to enter into a contract with Advanced Public Safety, Inc. (A Trimble Company) in an amount not to exceed \$69,714.80.

BE IT FURTHER RESOLVED that the resolution and contract are on file and available for public inspection in the Office of the Clerk as required by law; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed in the West Essex Tribune as required by law.

Michael Rieber, Mayor

Glenn R. Turtleaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: October 6, 2014

Certification Of Availability of Funds

This is to certify to the of the TOWNSHIP OF LIVINGSTON that funds for the following resolutions are available.

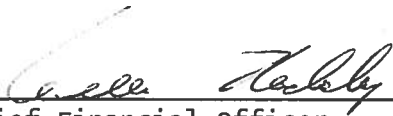
Resolution Date: 10/06/14
Resolution Number: R-14-180

Vendor: ADV ADVANCED PROMOTIONS
PO BOX 3046
718 CRESCENT PARKWAY
WESTFIELD, NJ 07090

Contract: C1400028 Electronic Traffic Ticketing

Account Number	Amount	Account Description
C-04-55-010-006-011	2,515.08	POLICE DEPT. EQUIPMENT
C-04-55-011-014-007	4,199.72	POLICE DEPARTMENT EQUIPMENT
C-04-55-014-007-04B	63,000.00	ELECTRONIC TICKETING SYSTEM
Total	69,714.80	

Only amounts for the 2014 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.



Chief Financial Officer

10/20/14R
116

R-14-188

**RESOLUTION TO AMEND ADOPTED 2014 MUNICIPAL
BUDGET TO INCLUDE SPECIAL ITEMS OF REVENUE
AND APPROPRIATION NOT DETERMINED AT THE
TIME OF BUDGET ADOPTION**

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the municipal budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township will receive the revenues specified below and wishes to amend its 2014 Municipal Budget to include these amounts as revenues;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Livingston does hereby request the Director of the Division of Local Government Services to approve the insertion of the following items of revenues in the 2014 Municipal Budget:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with prior
written consent of Director of Local Government Services

Public and Private Programs Offset by Revenues:

State of New Jersey Body Armor Replacement Fund	\$ 6,235.89
	<u>\$ 6,235.89</u>

BE IT FURTHER RESOLVED that a like sum be and the same is hereby appropriated under the captions of:

General Appropriations

(A) Operations Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

Body Armor Replacement Fund – Other Expenses	\$ 6,235.89
	<u>\$ 6,235.89</u>

BE IT FURTHER RESOLVED that two certified copies of this resolution be forwarded to the Director, Division of Local Government Services.

Michael Rieber, Mayor

Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: October 20, 2014

10/20/14 R

(11c)

R-14-

R-14-189

**RESOLUTION ESTABLISHING NOTIFICATION FEES
FOR ELECTRONIC TAX SALE**

WHEREAS, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the rules and regulations require a municipality to mail three (3) notices of the electronic tax sale to all properties to be included in said sale; and

WHEREAS, the rules and regulations permit a municipality to charge a fee of \$25.00 per notice to offset the costs of creating, printing and mailing said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to overdue taxpayers included in the electronic tax sale, the Township of Livingston wishes to charge the fee of \$25.00 per notice mailed which will be assessed specifically to properties included in the electronic tax sale and not to general taxation;

NOW, THEREFORE, BE IT RESOVED, by the Township Council of the Township of Livingston, County of Essex, State of New Jersey, that a fee of \$25.00 per tax sale notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is mailed for the 2014 electronic tax sale.

Michael Rieber, Mayor

Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: October 20, 2014

ESTABLISHING A COMPLETE STREETS POLICY

WHEREAS, the Township of Livingston is committed to creating a pedestrian and bikeway system that makes walking and cycling a viable alternative to driving and that improves bicyclist and pedestrian safety by creating street corridors that can safely accommodate road users of all abilities and disabilities; and

WHEREAS, a Complete Street is defined as a means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options; and

WHEREAS, the benefits of Complete Streets include improving safety for pedestrians, bicyclists, children, older citizens, non-drivers and the mobility challenged as well as those that cannot afford a car or choose to live car free; providing connections to bicycling and walking trip generators such as employment, education, residential, recreation, retail centers and public facilities; promoting healthy lifestyles; creating more livable communities; reducing traffic congestion and reliance on carbon fuels thereby reducing greenhouse gas emissions; and saving money by incorporating sidewalks, bike lanes, safe crossings and transit amenities into the initial design of a project, thus sparing the expense of retrofits later; and

WHEREAS, the Township Council supports this Complete Streets initiative and wishes to reinforce its commitment to creating a comprehensive, integrated, connected street network that safely accommodates all road users of all abilities and disabilities for all trips.

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LIVINGSTON, COUNTY OF ESSEX, STATE OF NEW JERSEY;

1. That the Township of Livingston recognizes the benefits of Complete Streets and hereby creates an advisory committee comprised of representatives selected from the Township Council, Planning Board, Planning Department, Police Department, Engineering Department, Transportation Advisory Committee and Livingston Environmental Commission – each entity volunteering an individual to serve.
 - a. The advisory committee shall develop a Complete Streets Policy that aims to have all streets designed to accommodate travel by pedestrians, bicyclists, public transit and motorized vehicles and their passengers of all ages and abilities.
 - b. The policy shall include provisions for the Township of Livingston Planning Board and the Zoning Board of Adjustment, along with their respective planning and engineering professionals, to incorporate Complete Streets policies into their reviews of major site plans and redevelopment projects, including such elements as sidewalks, crosswalks, barrier free ramps, street furniture, pedestrian signals and signage, street lighting, street landscaping and roadway surfaces.
 - c. The policy may include exceptions under the following conditions:
 - i. Pedestrian and bicycle facilities shall not be required where they are prohibited by law.

- ii. Where scarcity of population, travel and attractors, both existing and future, indicate an absence of need for such accommodations, they may not be required.
 - iii. Where the detrimental environmental or social impacts outweigh the need for these accommodations, they shall not be required.
 - iv. Proposed bike lanes and sidewalks shall have connections to adjoining Township and County roads. Bike lanes and sidewalks with no planned connectors may not be considered.
 - v. In any project, should the cost of pedestrian, public transit, and/or bicycle facilities cause an excessive increase in project costs as determined by engineering estimates, that would have to be funded with local tax dollars, then and in that event, approval by the Council must be obtained for same prior to bidding of the project.
 - vi. The safety or timing of a project may not be compromised by the inclusion of Complete Streets.
2. The advisory committee should complete the Complete Streets Policy within one year of the committee being created.

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in the West Essex Tribune as required by law.

Michael Rieber, Mayor

Glenn R. Turteltaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted:

10/20/14 R
(11e)

R-14-191

RESOLUTION

Naming of "Brendan Tevlin Memorial Field"

WHEREAS Brendan Tevlin was born and raised in Livingston and attended the Hillside Elementary School and Livingston Middle Schools; and

WHEREAS Brendan participated in the Livingston Youth Soccer, Lacrosse and Baseball Clubs; and

WHEREAS Brendan volunteered for Special Olympics, helping to tutor underprivileged children and mentoring children with Autism; and

WHEREAS while in High School, and at Seton Hall Prep, Brendan was an exemplary student, achieving a GPA over 4.0 for all four years; and

WHEREAS Brendan was a member of the National Honor Society, of the Student Council, of the Math Honor Society, and of the Spanish Honor Society; and

WHEREAS Brendan had just completed his freshman year at the University of Richmond where he was a member of the Lacrosse Club; and

WHEREAS the Township of Livingston has lost a role model, someone who excelled in his relations with his peers, who was committed to helping others, who led by example, and who displayed modesty about his accomplishments, both academic and athletic; and

WHEREAS those who knew and worked with Brendan saw his maturity, dedication, and the respect he earned from teammates and coaches in all the sports he played; and

WHEREAS Brendan was an exemplary young man who was truly something special; and

WHEREAS the Livingston Youth Sports Council has asked that that the Township rename Okner Field One as the "Brendan Tevlin Memorial Field"; and

WHEREAS it is a rare and special event when the Township names a facility in honor of any person; and

WHEREAS, since the field is used primarily by the youth sports groups of Livingston, the renaming of the field would provide an ever-lasting teaching moment to future generations about the value of sports as embodied by Brendan; and

WHEREAS signs will be placed on the scoreboard and on the fencing honoring Brendan, the life he lived, and the example he set;

NOW, THEREFORE, the Township Council of the Township of Livingston does hereby rename Okner Field One, which shall hereafter be known as "Brendan Tevlin Memorial Field".

Michael Rieber

Mayor

Approved as to form:

Sharon L. Weiner
Township Attorney
Adopted: 10/20/14

Glenn R. Turtletaub

Township Clerk