

**Planning Board  
Minutes of the Meetings  
January 2, 2018**

The Livingston Planning Board met for a Conference Meeting at 7:30 P.M. in the Conference Room of the Municipal and Police Building, 357 S. Livingston Avenue, with a Regular Meeting scheduled to follow at 8:00 P.M. in Chambers. Notice of both Meetings was published in the West Essex Tribune and posted on the Municipal and Police Building bulletin board.

**Conference Meeting:**

At 7:34 P.M. Secretary Jackie Coombs-Hollis announced that proper notice had been given and called the Roll:

Present:	Peter Klein, Chairman	Absent:	Alfred Anthony
	Richard Dinar, Vice Chairman		
	Rudy Fernandez		
	Martin Kalishman		
	Nathan Kiracofe		
	Sanjay Nambiar		
	Samuel Ratner		
	Michael Rieber		
	Stephen Santola		
	Jill Wishnew		
	Jackie Coombs-Hollis, Secretary		
	Richard Vallario, Attorney		
	Veena Sawant, Planner		
	Rocco Marucci, Assistant Engineer		
	Trevor Corrado, Temp. Admin. Assistant		

1. Organizational Matters.

- a. Administration of Oaths. By oath the following individuals were qualified as indicated: appointed Class III Member Rudy Fernandez, reappointed as Class IV Member Michael Rieber, reappointed as Class II Member Nathan Kiricofe, and reappointed as Alternate No. 2 Jill Wishnew.
- b. Other Organizational Actions. Upon motions made and seconded, and on the unanimous votes of the Members present, the following actions were taken:
  - Election of Klein as Chairman to serve until January 8, 2019.
  - Election of Dinar as Vice Chairman to serve until January 8, 2019.
  - Re-appointment of Jackie Coombs-Hollis as Board Secretary to serve until January 8, 2019.
  - Acknowledgement of Richard Vallario, Esq. as Board Attorney, to serve at the pleasure of the Board for a term expiring on January 8, 2019.

- Designated Dinar as Chairman, and Klein and Ratner to serve as the Minor Subdivision/Site Plan Committee, and Nambiar and Wishnew to serve as alternate members of that committee, all until the earlier of January 8, 2019 or the expiration of their respective service on this Board.
  - Designated Dinar to serve as Chairman of the Technical Review Advisory Committee (TRAC) until the earlier of the January 8, 2019 or the expiration of his service on this Board.
  - Designated Klein as liaison to the Livingston Community Partnership Corporation (the BID) until the earlier of January 8, 2019 or the expiration of his service on this Board.
  - Recognition of Ratner as the Member also serving on the Livingston Environmental Commission as provided in Code § 170-4.D and N.J.S.A. 40:56A-1 and who shall, as provided in Township Code § 170-5.B, serve until completion of his term on this Board or until completion of his term as a member of the Environmental Commission, whichever occurs first.
  - Acknowledged that Ratner is the Member also serving as a member of the Open Space Trust Committee until the earlier of December 31, 2018 or the expiration of his service on this Board.
- c. The following schedules of Board and TRAC meetings for 2018 were unanimously ratified:

## **2017 PLANNING BOARD SCHEDULE**

**Regular Meetings and any Special Meetings will commence at 8:00 PM**

**All such Meetings and Workshop Meetings will be preceded by a  
Conference Meeting beginning at 7:30 PM**

**Formal Action may be taken at any Meeting**

**All Meetings will be at the Livingston Municipal & Police Building  
357 South Livingston Avenue, Livingston, New Jersey**

### **REGULAR MEETING DATES**

JANUARY 2, 2018 \*  
 FEBRUARY 6, 2018  
 MARCH 6, 2018  
 APRIL 4, 2018  
 MAY 1, 2018  
 JUNE 5, 2018  
 JULY 17, 2018  
 THURSDAY AUGUST 8, 2018  
 THURSDAY SEPTEMBER 6, 2018  
 OCTOBER 2, 2018  
 THURSDAY, NOVEMBER 8, 2018  
 DECEMBER 4, 2018  
 JANUARY 8, 2019 \*

### **WORKSHOP MEETING DATES**

JANUARY 16, 2018  
 FEBRUARY 20, 2018  
 MARCH 20, 2018  
 APRIL 17, 2018  
 MAY 15, 2018  
 JUNE 19, 2018  
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 AUGUST 21, 2018  
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 OCTOBER 16, 2018  
 NOVEMBER 20, 2018  
 DECEMBER 12, 2018

\*Organizational Meeting

## 2017 Technical Review Advisory Committee (TRAC) Schedule

January 10, 2018  
February 7, 2018  
March 7, 2018  
April 18, 2018  
May 9, 2018  
June 13, 2018  
July 25, 2018  
August 8, 2018  
September 12, 2018  
October 10, 2018  
November 7, 2018  
December 12, 2018

2. Minutes. The Minutes of December 5, 2017 were accepted as presented.
3. Old Business.
  - a. James Amorosi – Application No. 2017-60-MSUBV – Consideration of Memorializing Resolution - The Board having received in advance of the Meeting a draft of a Resolution memorializing the decision reached at a hearing on November 21, 2017 and each Member otherwise eligible to vote having acknowledged reading and understanding the Resolution, having no questions and considering the Resolution ready for a vote; upon motion by Member Kalishman and second by Member Ratner, the Memorializing Resolution was adopted by the unanimous votes of Members Dinar, Kalishman, Ratner, Rieber, Klein and Alternate No. 2 Wishnew.
  - b. Master Plan The Board reviewed the 12/21/17 draft Section III – LAND USE PLAN ELEMENT and agreed to a number of changes. A final review will be conducted on January 16<sup>th</sup>.
4. New Business.
  - a. Special Meeting - Secretary Coombs-Hollis reviewed the significant number of applications that are awaiting hearing dates. In order to speed up the process, she suggested that January 16<sup>th</sup> be a Special Meeting so that two of those applications can be heard. After considering the Board's own Workshop issues to be dealt with and the likely continuance to that date of the Cider Mill property hearing, it was agreed to hear one subdivision application after the Workshop if an applicant is ready and timely notice of the Special Meeting can be given. The Board unanimously agreed that, since all staff would be present for the

Workshop, the Special Meeting fee normally paid by an applicant would be waived for the subdivision application.

- b. Porto Mural - The Chairman provided the following to the Board re the Porto Restaurant mural.

There is dismay and misunderstanding among residents about the Porto mural. As Members of the Planning Board, it is important that you be able to communicate correct information to those who may speak to you about it.

Back in 2003, the owner of the building came before the Planning Board with a request for a mural sign for a new restaurant name Cosi. The mural was to cover the entire westerly wall of the building, and would only depict various foods, beverages and other items to be sold by the restaurant.

The owner requested that the Board grant special permission called a variance to permit that mural sign. The Business Improvement District supported the concept, and the Board agreed.

A variance was needed because the mural would be on a wall where signs were not permitted by the Township's Land Use Code and would exceed the size permitted by the Code.

The Board, without any member voting against it, granted the necessary variance for that specific mural.

Cosi never installed the mural, but the variance for it remained in effect even after Cosi closed. It is still in effect for use for any successor restaurant in the building.

The Planning Board does not have any authority to enforce a variance that it has granted.

The Township officials responsible for enforcing the Land Use Code provisions created by the Township Council about signs informed the tenant that there was a violation of those provisions.

The tenant could have complied with the variance, been in compliance, and not faced any penalties.

Or, the tenant could have made an application to the Planning Board for an amendment to the variance to allow changes in what could be depicted on the mural. There would then have been opportunity for members of the

public to offer their views to the Board about the proposed Porto mural. No such application was submitted.

5. Adjournment. The Conference Meeting was adjourned at 8:12 P.M.

**Regular Meeting:**

At 8:28 P.M. it was announced that proper notice had been given and the Roll was called:

Present:	Peter Klein, Chairman	Absent:	Alfred Anthony
	Richard Dinar, Vice Chairman		
	Rudy Fernandez		
	Martin Kalishman		
	Nathan Kiracofe		
	Sanjay Nambiar		
	Samuel Ratner		
	Michael Rieber		
	Stephen Santola		
	Jill Wishnew		
	Jackie Coombs-Hollis, Secretary		
	Richard Vallario, Attorney		
	Veena Sawant, Planner		
	Rocco Marucci, Assistant Engineer		
	Trevor Corrado, Temp. Admin. Assistant		

1. Preliminary & Final Site Plan with Variances (Amendment)  
Block: 5700; Lot: 1  
395 West Northfield Avenue  
Application No. 2014-86-PFSPV (Amendment)  
395 West Northfield Ave., LLC (d/b/a/ Livingston Carwash) B-1 Zone

Applicant proposes to move the westerly curb line (along Eisenhower Parkway) 6ft to the west to coincide with the property line. Applicant also proposes to relocate the previously approved parking along the westerly side of the property to other areas. Two proposed parking spaces are on the easterly side of the retail center and three proposed parking spaces about the detail center.

Appearing for the Applicant: Steven C. Schepis, Esq.

Witnesses for the Applicant:

David J. Egarian, P.E.  
Anthony Garrett, P.P. and Architect  
Laurence Ritter, Sole Owner of Applicant

No members of the public had questions for witnesses or offered sworn statements in support of or opposition to the application.

The Applicant having amended the Application on the record to correct the street address from "395 West Northfield Avenue" to "395 West Northfield Road", the site plan having been amended in the course of the hearing, conditions to apply if the application were to be approved agreed to, Attorney Schepis having made a closing statement, the evidentiary record having been closed, and with discussion by the Board; upon motion by Member Dinar and second by Member Kalishman, the Application was approved and granted with variances and conditions and subject to a Memorializing Resolution by the unanimous vote of Members Dinar, Fernandez, Kalishman, Kiricofe, Ratner, Rieber, Santola, Alternate No. 1 Nambiar (in place and stead of Member Anthony), and Member Klein.

Members Dinar, Kalishman and Klein then left the meeting room.

2. Recess. The Board was in recess from 9:28 P.M. to 9:34 P.M.

3. Lots Merger and Preliminary & Final Site Plan  
Block: 7600; Lots: 7, 8, & 16  
40 Old Short Hills Road  
Applications Nos. 2017-41-LM & 2017-42-PFSP  
Cider Mill Townhouses

R-5J Zone

Applicant proposes to merge existing Lots 7, 8, and 16 to create a single lot for the construction of 56 new stacked townhouses of which 44 would be market rate units and 12 affordable units.

Member Santola took the chair as Chairman Pro Tempore. The absence of disqualified Members Dinar, Kalishman and Klein was noted.

Appearing for the Applicant: Stephen A. Geffner, Esq.

Witnesses for the Applicant:

Jeffery G. Hiller, of Premier Development  
Michael Lanzafama, P.P., P.E. and Land Surveyor

No members of the public has questions for witness Heller.

At the conclusion of direct testimony by witness Lanzafama, the Chair determined that the hearing will be continued to a Special Meeting at 8:00 P.M. on January 16, 2017, at which time members of the public will have opportunity to question Mr. Lanzafama.

4. Adjournment. The Regular Meeting was adjourned at 10:57 P.M.

Respectfully submitted,

Jackie Coombs-Hollis, Secretary