

**Planning Board
Minutes of the Meeting
February 20, 2018**

The Livingston Planning Board met for a Conference/Workshop Meeting at 7:30 P.M. in the Conference Room of the Municipal and Police Building, 357 S. Livingston Avenue. Notice of the Meeting was published in the West Essex Tribune and posted on the Municipal and Police Building bulletin board.

Conference Meeting:

At 7:32 P.M. Secretary Jackie Coombs-Hollis announced that proper notice had been given and called the Roll:

Present:	Peter Klein, Chairman	Absent:	Rudy Fernandez
	Richard Dinar, Vice Chairman *		Stephen Santola
	Alfred Anthony		Jill Wishnew
	Martin Kalishman		Richard Vallario,
	Nathan Kiracofe		Attorney
	Sanjay Nambiar		
	Samuel Ratner		
	Michael Rieber		
	Jackie Coombs-Hollis, Secretary		
	Veena Sawant, Planner		

*Joined the Meeting at 7:36 P.M.

1. Minutes. The Minutes of February 6, 2018 were accepted as presented.
2. Old Business.
 - a. Consideration of Memorializing Resolution - 395 West Northfield Avenue, LLC /dba Livingston Car Wash - Application No. 2014-86-PFSPV (Amendment) - All Members present and eligible to vote having acknowledged that they had read the Resolution, had no questions, and felt that it was ready for a vote; upon motion made and seconded the Resolution was adopted by the unanimous votes of Members Dinar, Kalishman, Kiracofe, Ratner, Rieber, Alternate No. 1 Nambiar (in place and stead of Member Anthony) and Member Klein.
 - b. Jay Green – Application No. 2017-61-MSUBV – Consideration of Re-opening the Record - On December 5, 2017 the Board granted subdivision approval, with variances, subject to a memorializing resolution. The resolution was on the Board’s Open Conference Meeting agenda for January 16, 2018. Based upon repeated oral requests by the Applicant’s attorney Stephen A. Geffner, Esq., the

Board deferred action on the resolution while he explored whether there was a sufficient record to permit additional language.

On February 7, 2018, the Secretary received from Attorney Geffner a letter, mis-dated February 7, 2017, requesting that the record be reopened despite the fact that more than 45 days have passed since the Board reached its decision. The letter explains why a limited rehearing is requested.

The Board's Rule 3:2-1 requires that such a letter be submitted within 45 days after a decision by the Board. Rule 3:2-3 makes the grant or denial of the relief requested a matter within the Board's discretion.

The Board noted that the time in which a party may seek judicial review of a Board decision expires 45 days after publication of notice of the adoption of the decision resolution in the newspaper of record. No such notice has been given because adoption of a memorializing resolution has not yet taken place.

Upon motion by Member Ratner and second by Member Rieber, and after discussion, Members Kalishman, Klein, Kiracofe, Ratner, and Alternate No. Nambiar (in place and stead of Member Silverman) being all of the Members present who reached the decision of the Board on December 5, 2007 voted unanimously to adopt the following resolution:

Resolved, the Board finds:

1. No formal adoption and publication of a decision having yet happened, the letter request is not time-barred.
2. The record is reopened for the limited purpose of presentation of testimony and evidence as to whether variance relief, with conditions, should be granted to allow reduction in size of the existing house not to be accomplished until a proposed new house on the new lot has received a certificate of occupancy.
3. Applicant shall serve and publish timely notice of a date, confirmed with the Secretary, of a hearing reopening the record for the limited purpose.

Workshop

The Board proceeded immediately into the Workshop with no change in attendees.

1. Master Plan Review
 - a. Housing Element & Fair Share Plan - Ms. Coombs-Hollis presented, and the Board reviewed, the 49-page draft distributed in advance of the meeting. The Board made some textual suggestions. The Vacant Land Analysis process and conclusions were explained by Ms. Sawant. It was the sense of the Board that with the suggested changes, and subject to review by Special Counsel, the HEFSP should be included in the Master Plan now in final stages of preparation.
 - b. The Board agreed on a revised Statement of Strategy, revised recommendations regarding the D-S District, and a new recommendation concerning electric vehicle charging stations; all to be included in the Land Use Element Plan.
2. Adjournment. The Meeting was adjourned at 8:20 P.M.

Respectfully submitted,

Jackie Coombs-Hollis, Secretary