

**MINUTES OF THE  
COMBINED CONFERENCE AND REGULAR MEETING  
March 2, 2021**

The Livingston Planning Board met for a Combined Conference and Regular Meeting, by means of Zoom Webinar and a link to Facebook Live, called for 7:30 P.M. Notice of the Meeting was published pursuant to the Open Public Meetings Act and guidance provided by the State's Division of Local Government Services for meetings during the current state of emergency.

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:	Richard Dinar, Vice Chairman
	Rudy Fernandez		
	Martin Kalishman		
	Nathan Kiracofe		
	Barry Lewis		
	Sanjay Nambiar		
	Samuel Ratner		
	Michael Rieber		
	Stephen Santola		
	Jill Wishnew		
	Jackie Coombs-Hollis, Secretary		
	Catherine Maddrey, Assistant Secretary		
	Richard Vallario, Board Attorney		
	Andrew Janiw, Planning Consultant		
	Barbara J. Ehlen, Planning Consultant		

1. Minutes. The Minutes of February 16, 2021 were accepted as presented.
  
2. Old Business. Preliminary & Final Site Plan with Variances (Continued from 1/21/2021)  
Block: 3100; Lot 58  
101 South Livingston Avenue  
Application No. 2020-61-PFSPV  
Santander Bank, N.A.  
The Applicant proposes the following:
  - Replace existing wall signs (name and logo)
  - Add three logos to the drive thru canopy
  - Add two signs for dedicated Drive Thru Teller and ATM Lanes

At the request of the Applicant a further continuance to a Special Meeting to be held on March 16, 2021 at 7:30 P.M. was granted with no further notice by the Applicant required.

3. New Business.

a. JMZ Enterprises, LLP. - Application No. 2018-72-MSUBV - Corner East McClellan Avenue and Scott Terrace – Block: 1900; Lot. 2 – Request for Extension of Time to File Deed

Mathew P. Posada, Esq. appeared for the Applicant representing that filing of the minor subdivision Deed with the County should have been completed by February 14, 2021 but has been delayed because while the COVID-19 public health emergency has been in effect the necessary actions by the Township office to which the Deed has been submitted for review before the Applicant can make the County filing is still pending completion. An extension pursuant to the MLUL and the Permit Extension Act is requested.

Noting that the Permit Extension Act is not applicable because it applies only to approvals in existence prior to when this Application was approved, that the MLUL permits the Board to grant an extension of up to one year, and that the COVID-19 Emergency restrictions may expire in less time; upon motion by Member Lewis and second by Alternate No. 1 Nambiar (in place and stead of Member Dinar) it was resolved that an extension for a period of the lesser of (a) one year and (b) the time to termination of the Permit Extension Act extension period because of termination of the COVID-19 Emergency, was granted by the vote of Members Fernandez, Kiracofe, Lewis, Ratner, Rieber, Santola, Alternate No. 1 Nambiar (in place and stead of Member Dinar) and Klein; they being all of the Members present and eligible to vote on this matter.

b. Referral from Township Council for Review – Ord. No. 4-2021 and 304 South Livingston Avenue Overlay District Redevelopment Plan.

Upon motion by Member Ratner and second by Member Lewis, and by the vote of Members Fernandez, Kalishman, Kiracofe, Lewis, Ratner, Rieber, Santola, Alternate No. 1 Nambiar (in place and stead of Member Dinar) and Klein (they being all of

the Members present and eligible to vote), both documents were found to be in substantial compliance with the Master Plan; and pursuant to authority under the Local Redevelopment and Housing Law, at N.J.S.A. 40A12A-7(8)e, the Board recommended the following modifications to the Plan:

On Page 12 In the Permitted Principal Uses table delete “healthcare facilities” in the first line and change “health” in the third line to “healthcare”.

On Page 13 Include in permitted accessory uses “seasonal tents not exceeding 2,000 sq. ft. and used in conjunction with the play fields and/or the early learning play area”.

In Table 2 add to the last line “for storage of sport and field related equipment”.

On Page 14 In Note \*\*\*\* Add at end “Height exceptions shall only be permitted as outlined in Township Code § 170-87.S.(3)”.

In 3.6A.3 Correct “250” to “240”.

- c. Preliminary& Final Site Plan with Variances  
Block: 4701; Lot 55  
2 West Northfield Road  
Application No. 2021-1-PFSPV  
**Roosevelt Realty Associates, LLC**

The Applicant is proposing to utilize 1,223 square feet within the existing building’s first floor level for use as a nail salon. 169 parking spaces are required where 134 spaces exist and are proposed. Approval of a 35 space parking deficiency is requested.

Appearances: For Applicant – Susan R. Rubright, Esq.

For Opponent Jo Ann Schnitzer – Stephen Schnitzer, Esq.

Witnesses for the Applicant: Michael T. Lanzafama, P.P., P.E., Land Surveyor  
Tommy Lee Duong – Operator of proposed tenant  
Thanh N. Le - Operator of proposed tenant  
Anthony Lauro, SVP of Affiliated Management,  
owner of Applicant

Witness for the Opponent: Stephen Schnitzer, 40 E. Northfield Road

Member of the Public with Questions: Hayden Tiger, 40 Overlook Road

In response to jurisdictional issues raised by Attorney Schnitzer; having heard his argument and the argument of Attorney Rubright, and having received guidance from Board Attorney Vallario, upon motion by Member Santola and second by Member Fernandez the Board found that it has jurisdiction over the Application and can proceed; Members Fernandez, Kalishman, Kiracofe, Lewis, Ratner, Rieber, Santola, Alternate No. 1 Nambiar (in place and stead of Member Dinar) and Klein having voted in the affirmative; they being all of the Members present and eligible to vote.

There were no members of the public making sworn statements.

Attorneys Rubright and Schnitzer having presented closing statements, and there having been opportunity for the parties, public and the Board to be heard, the evidentiary record was closed.

Upon motion by Member Lewis and second by Member Rieber, upon grounds set forth on the record the Application was approved with the parking variance requested, and subject to a memorializing resolution, by the unanimous vote of Members Fernandez, Kalishman, Kiracofe, Lewis, Ratner, Rieber, Santola, Alternate No. 1 Nambiar (in place and stead of Member Dinar) and Klein; they being all of the Members present and eligible to vote.

4. Adjournment. The Meeting was adjourned at 9:59 P.M.

Respectfully submitted,

Jackie Coombs-Hollis, Secretary