

**Planning Board
Minutes of the Meeting
June 19, 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 Special Meeting scheduled to follow at 8:00 P.M. in Chambers. Notice of the Meetings was published in accordance with law and posted on the Municipal and Police Building bulletin board.

Conference Meeting:

At 7:30 P.M. Secretary Coombs-Hollis announced that proper notice had been given and called the Roll:

Present:	Peter Klein, Chairman Richard Dinar, Vice Chairman Rudy Fernandez Martin Kalishman Nathan Kiracofe Barry Lewis, Jr. Sanjay Nambiar Samuel Ratner Michael Rieber Jackie Coombs-Hollis, Secretary Richard Vallario, Attorney Rocco Marucci, Assistant Engineer Catherine Maddrey, Administrative Assistant	Absent:	Stephen Santola Jill Wishnew
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1. Minutes The Minutes of June 5, 2018 were accepted with correction of the word “Baum’s” to “Baums” in each of five places.
2. Personnel The Chairman advised the Board that Michael J. Pessolano, P.P. has been engaged as Planning Consultant until a decision is reached on hiring of a Township Planner.
3. Old Business Consideration of Proposed Memorializing Resolution – Garden State Property Management IV, LLC – Application No. 2018-7-MSUBV - All eligible Members present having confirmed that they had read the Resolution, had no questions or comments, and felt that it was ready for a vote; upon motion made and seconded the Memorializing Resolution was adopted by the affirmative votes of Members Lewis, Ratner, Rieber and Klein. Members Dinar and Alternate No.1 Nambiar, having voted in the negative at the hearing did not vote in favor.

4. New Business
 - a. Proposed Amendment to Township Code § 170-92.1.C.(3) – Members of the Business Improvement District’s Board having demonstrated uncertainty and confusion as to whether the ordinance that governs seasonal outdoor seating allow a purveyor, which may not have any indoor seating to have seasonal outdoor seating; the Board determined that language clarifying the original intent that such outdoor seating is permitted would be appropriate. Accordingly, the Board unanimously approved recommending the proposed amendment presented in advance of the Meeting to the Township Council.
 - b. Special Conference Meeting Request - Member Township Manager Lewis reported that last night the Township Council had held a First Reading on Ordinance No. 8-2018 that would prohibit certain sales of electronic smoking devices, vapor products and defined drug paraphernalia. He recommended that a Conference Meeting be added to the Special Meeting on June 28th so that the Board can review the ordinance on referral. The Board unanimously agreed, and directed the Secretary to publish and post proper notice.
 - c. Saint Barnabas Medical Center – Application No. 2012-30-PFSPV (Amendment) - Both the Chairman and the Vice Chairman being among the Members disqualified from hearing this Application, upon motion made and seconded the Board unanimously designated Member Santola to act as Chairman Pro Tempore on this matter.
5. Education A Primer on Variances prepared by the Board Attorney and Chairman was distributed.
6. Waivers The Board unanimously granted the application check list waivers requested in respect of the three Applications to be heard during the Special Meeting.
7. Adjournment The Conference Meeting was adjourned at 8:52 P.M.

Special Meeting:

At 8:00 P.M. Secretary Coombs-Hollis announced that proper notice had been given and called the Roll:

Present:	Peter Klein, Chairman Richard Dinar, Vice Chairman Rudy Fernandez Martin Kalishman	Absent:	Stephen Santola Jill Wishnew
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Nathan Kiracofe
Barry Lewis, Jr.
Sanjay Nambiar
Samuel Ratner
Michael Rieber
Jackie Coombs-Hollis, Secretary
Richard Vallario, Attorney
Rocco Marucci, Assistant Engineer
Catherine Maddrey, Administrative Assistant

With consent of the Board and all Applicants, there was a departure from the sequence of Applications on the Agenda.

1. Preliminary and Final Site Plan with Variances (Amendment)
Block: 100; Lot: 15
8-10 Microlab Road
Application No. 2012-48-PFSPV
LifeTown, Inc.

C-I Zone

Applicant was previously granted a variance to permit installation of a sign on the building entrance canopy that would be 30 feet wide and extend not to exceed 3 feet 4 inches above the canopy, and now seeks an increase in the variance to 4 feet.

Appearance for the Applicant: Lindsay P. Cambron, Esq., of Brach Eichler, L.L.C.

Witnesses for the Applicant:

Rabbi Zalman Grossbaum, CEO of Owner Friendship Circle
Greg Gallimore, of Signarama

Applicant had received a variance permitting a sign atop the building canopy with a width of 30 feet and a height of 3 feet 4 inches. That sign has not been installed.

Applicant seeks approval of a sign with a width of 23 feet 4 inches and a height of 4 feet. That would decrease the width variance from 10 feet to 3 feet 4 inches and would increase the height variance by 8 inches to 4 feet.

For the reasons stated by the Applicant's witnesses, upon motion by Member Rieber and second by Member Kalishman, and after discussion, the requested revised variances were granted, subject to a memorializing resolution, by the unanimous votes of Members Dinar, Fernandez, Kalishman, Kiracofe, Lewis, Alternate No. 1 Nambiar (in place and stead of Member Santola), Ratner, Rieber and Klein; they being all of the Members present.

2. Amendment to Resolution
Block: 3903; Lot: 112.04.01
19 Cornerstone Way
Application No. 2002-55-PSVP (Amendment)
Qiang & Yali Sun

R-3 Zone

Applicants propose to add a raised patio constructed in a required tree buffer band. The patio would not conform to the approved resolutions in Applications Nos. 2002-55-PSVP and 2007-44-MS. Applicants seek amendment of the Condition regarding the tree buffer and elimination of a Condition requiring a fence.

Appearance for the Applicants: Donna R. Shahrabani, Esq., of Buckalew Frizzell & Crevina LLP

Witness for Applicants: James Watson, P.P. and Land Surveyor

Member of the Public with questions and a statement: Robert W. Manganelli,
8 Scotland Road

It was noted that the patio is existing and that a corner protrudes into the tree buffer. Applicants seek to be relieved of a portion of that buffer, but to have 74.83-foot length of it to be required to remain. Applicant sought relief from the fence requirement in consideration of an evergreen trees buffer having been planted where the fence would be required.

For the reasons stated by the Applicant's witness, and in consideration of the public statement, upon motion by Member Dinar and second by Member Lewis, and after discussion, the requested revised variances were granted with Conditions, subject to a memorializing resolution, by the unanimous votes of Members Dinar, Fernandez, Kalishman, Kiracofe, Lewis, Alternate No. 1 Nambiar (in place and stead of Member Santola), Ratner, Rieber and Klein; they being all of the Members present.

At the request of Applicants, the Board unanimously granted a further 90 days extension of the time in which to perfect and file the subdivision deed.

3. Recess The Board was in recess from 8:52 P.M. to 8:59 P.M.

4. Preliminary and Final Site Plan with Variances
Block: 1800; Lot: 13
133-135 East McClellan Ave
Application No. 2018-29-PFSPV
Jorge Taboada

BN Zone

Applicant proposes to construct a new four-car garage and parking area to replace the present garage and parking for an existing mixed-use building

Appearance for the Applicant: John P. Wyciskala, Esq. of Inglesino, Webster, Wyciskala & Taylor, LLC

Witness for the Applicant: Marc Remo, P.E.

No Members of the public had questions or offered statements.

The Applicant was informed that the Board could not approve the location of the proposed refuse area absent a waiver of Fire Code setback requirements by the Fire Chief.

For the reasons stated by the Applicant's witness, upon motion by Member Kalishman and second by Member Ratner, and after discussion, the Site Plan and variances were granted with Conditions, subject to a memorializing resolution, by the unanimous votes of Members Dinar, Fernandez, Kalishman, Kiracofe, Lewis, Alternate No. 1 Nambiar (in place and stead of Member Santola), Ratner, Rieber and Klein; they being all of the Members present.

5. Adjournment The Special Meeting was adjourned at 9:28 P.M.

Respectfully submitted,

Jackie Coombs-Hollis, Secretary