

**PLANNING BOARD
MINUTES OF THE MEETING
October 3, 2019**

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 in Chambers at 8:00 P.M. Notice of both Meetings had been published as required by law and posted on the Municipal and Police Building bulletin board.

Conference Meeting:

At 7:31 P.M. Secretary Jackie Coombs-Hollis announced that proper notice had been given and called the Roll:

Present:	Peter Klein, Chairman	Absent:	Nathan Kiracofe
	Richard Dinar, Vice Chairman		
	Rudy Fernandez ***		
	Martin Kalishman		
	Barry Lewis		
	Sanjay Nambiar		
	Samuel Ratner		
	Michael Rieber *		
	Stephen Santola **		
	Jill Wishnew		
	Jackie Coombs-Hollis, Secretary		
	Richard Vallario, Attorney		
	Rocco Marucci, Assistant Engineer		
	Donna Holmqvist, Planning Consultant		

*Joined the Meeting at 7:37
**Joined the Meeting at 7:38
***Joined the Meeting at 7:39

1. Minutes. The Minutes of September 5, 2019 were accepted as presented.

2. Old Business.
 - a. CP Management Group II, LLC – Application No. 2017-73-MSUB – Resolution of Correction - Upon motion made and seconded, The Resolution was adopted by the affirmative votes of Members Fernandez, Kalishman, Lewis, Ratner, Rieber, Alternate No. 1 Nambiar (in place and stead of Member Kiracofe) and Klein; they being all of the Members both present and eligible to vote.

 - b. CP Management Group II, LLC – Application No. 2017-83-PFSPV (Bifurcated for Lightbridge Academy – Resolution of Correction - Upon motion made and seconded, the Resolution was

adopted by the affirmative votes of Members Fernandez, Kalishman, Lewis, Ratner, Rieber, Alternate No. 1 Nambiar (in place and stead of Member Kiracofe) and Klein; they being all of the Members both present and eligible to vote.

- b. Checklists - It was the sense of the Board that the 9/25/19 redlined draft ordinance and the checklists with the comments distributed and reviewed were all acceptable subject to final review by the Engineering Department and the Planning Consultant. Such review will be followed by preparation of an ordinance for submission to the Township Council.
3. New Business. Green Terrace Homes, LLC –Application No. 2003-93-PSPV (Amendment) – Requested Checklist waivers granted.
4. Future Meetings. October 17 - Special Meeting for JKHA & SBMC
October 24 - Special Meeting for Drop Fitness
November 7 - Sunrise
November 14 - Special Meeting if required for Sunrise
5. Adjournment. The Conference Meeting was adjourned at 7:51 P.M.

Regular Meeting:

At 8:00 P.M. Secretary Jackie 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 Barry Lewis Sanjay Nambiar Samuel Ratner Michael Rieber Stephen Santola Jill Wishnew Jackie Coombs-Hollis, Secretary Richard Vallario, Attorney Rocco Marucci, Assistant Engineer Donna Holmqvist, Planning Consultant	Absent:	Nathan Kiracofe
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1. Minor Subdivision
Block: 1405; Lot 9
14 North Ashby Avenue
Application No. 2019-29-MSUBV
Su Jeen Kim & Sam Hwang R-4 Zone

Applicants propose to subdivide an existing residential parcel at 14 North Ashby Avenue into two lots. The parcel is a through lot with frontage on Preston Drive, to the east, and North Ashby Avenue to the west. The plan calls for retaining the existing dwelling at 14 North Ashby Avenue and creating an additional building lot to the rear, with frontage on Preston Drive.

Upon calling of the Application, neither the Applicants nor anyone on their behalf appeared.

Member Kalishman then left the room because his home is within 200 feet of property the subject of the Applications to be heard next.

2. Minor Subdivision with Variances
Block: 1900; Lot: 21
Corner of East McClellan Ave & Scott Terrace
Application No. 2018-72-MSUB
JMZ Enterprises, LLC R-4 Zone

Applicant seeks to subdivide Lot 21 to create four (4) new lots designated as proposed lots 21.01, 21.02, 21.03, and 21.04 that measure approximately 14,484 square feet, 10,691 square feet, 11,171 square feet, and 18,616 square feet, respectively. Increase the footprint size & storage volume of the new surface detention basin to incorporate the original Scott Terrace Subdivision (Block 1900 – Lots 19 & 20), Green Terrace Homes, LLC, (formerly Kantanas, and Application No. 2003-93-PSPV). This will eliminate the previously approved underground detention basin from beneath the roadway.

and

- Preliminary Site Plan and Major Subdivision with Variances
Block: 1900; Lots: 19 & 20
Scott Terrace
Application No. 2003-93-PSPV (Amendment)
Green Terrace Homes, LLC R-4 Zone

Applicant seeks to maintain the original subdivision approvals with same lot sizes, configurations, etc. Maintain the original approvals of the roadway network design, grading, location, etc. Eliminate the previously approved underground detention basin from beneath the roadway and work together with the adjacent minor subdivision

development, JMZ Enterprises, LLC (Block 1900 – Lot 21), Application No. 2018-72-MSUB, to incorporate one (1) shared surface infiltration detention basin.

Appearing for the two Applicants: Matthew P. Posada, Esq., of Schenck Price Smith & King, LLP:

Appearing in opposition: Robert F. Simon, Esq., of Herold Law PA, on behalf of objecting Thurston Drive residents Matt & Ellen Cohen, Jeff & Susan Fass, Michael & Rebecca Zarabi, Seth & Risa Levine, Les & Arden Melnick and Ron & Lori Lustbader.

Witness for the Applicants: Michael T. Lanzafama, P.E., P.P. & Land Surveyor.

Attorney Simon offered in evidence a letter, accepted in evidence as Exhibit O-1, raising a number of objections to the Applications. By agreement, the first objection addressed was the argument that this Board is without jurisdiction because having a stormwater detention basin in the R-4 Residence District on a lot without a residence requires a use variance.

It was noted on the record that the Objectors had not asked the Zoning Officer for an opinion and had not sought a ruling from the Zoning Board of Adjustment.

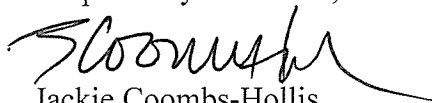
The Board also heard from Attorney Posada, witness Lanzafama, and the Township's Assistant Engineer Rocco Marucci.

At 8:50 P.M. the Chairman called a recess, during which Attorney Posada consulted with his clients. The recess ended at 9:15 P.M., when Attorney Posada requested a continuance to allow further time to address the issue.

Both parties' attorneys indicated that they and their witnesses would be available for the Board's Regular Meeting on December 3, 2019. Advised that the Board was willing to commence that meeting at 7:30 P.M. rather than the usual 8:00 P.M., if the Applicants would provide new notice, the hearing was continued to 7:30 P.M. with new notice to be provided.

3. Adjournment. There being no other business, the Regular Meeting was adjourned at 9:37 P.M.

Respectfully submitted,



Jackie Coombs-Hollis
Secretary