

Township of Livingston
Planning Department
357 S. Livingston Avenue
Livingston, NJ 07039



Phone: 973-535-7954
Fax: 973-535-7989
planning@livingstonnj.org

PLANNING BOARD COMBINED CONFERENCE & REGULAR MEETING

April 21, 2020 at 7:30 PM

1. Call to Order
2. Statement of Compliance with the Open Public Meetings Act
3. Roll Call
4. Approval of Minutes: Minutes of March 3, 2020
5. Old Business:
 - a. Jay Green – Application No. 2017-61-MSUBV (Amendment) – Consideration of Memorializing Resolution
 - b. JMZ Enterprises, LLC - Application No.2018-72-MSUB & Green Terrace Homes, LLC – Application No. 2003-93-PSPV (Amendment) – Consideration of Requests for Continuance to June 2, 2020
6. New Business: Discussion of how to proceed with future meetings
7. Adjournment

**PLANNING BOARD
MINUTES OF THE MEETING
MARCH 3, 2020**

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

Present:	Peter Klein, Chairman Richard Dinar, Vice Chairman Rudy Fernandez Nathan Kiracofe Barry Lewis Sanjay Nambiar Samuel; Ratner Michael Rieber Steven Santola Jackie Coombs-Hollis, Secretary Rocco Marucci, Township Assistant Engineer Richard Vallario, Board Attorney	Absent:	Martin Kalishman Jill Wishnew
----------	--	---------	----------------------------------

1. Minutes. The Minutes of January 21, 2020 were accepted and presented. There were no February minutes, as both Meetings that month were cancelled.
2. Old Business.
 - a. CP Management Group II, LLC – On motion made and seconded, the Applicant having granted a further extension of the Board’s time to decide re Lot 3.01 until May 31, 2020 the Board granted an extension of keeping the record open to that date.
 - b. Checklists The Secretary reported that the new checklists for applications are now in effect and that all attorneys and professionals preparing applications and exhibits have been informed.

- c. Tentative public hearing date on Planner's Area in Need of Redevelopment Investigation Report pursuant to Resolution No. R-18-164 - Although the report has not yet been received, April 21 was tentatively selected as the hearing date.

- 4. New Business. Referral from Township Council - Resolution No. R-20-93. The Board acknowledged receipt of the Resolution directing the conduct of a Preliminary Investigation of whether Lots 12 & 13 in Tax Block 6110, known as 8 Peach Tree Hill Road, constitute an Area in Need of Redevelopment. Upon motion made and seconded, the Board determined to have the study made. The study will be conducted by Beacon Planning and Consulting Services, LLC under contract authorized by the Council.

- 5. Executive Session. At 7:47 P.M., upon motion made and seconded, the Board went into Closed Session to discuss litigation. Open Session resumed at 7:58 P.M.

- 6. Adjournment. The Conference Meeting adjourned at 7:58 P.M.

Regular Meeting:

At 8:07 P.M. Secretary Jackie Coombs-Hollis announced that proper notice had been given and Called the Roll:

<p>Present:</p> <ul style="list-style-type: none"> Peter Klein, Chairman Richard Dinar, Vice Chairman Rudy Fernandez Nathan Kiracofe Barry Lewis Sanjay Nambiar Samuel; Ratner Michael Rieber Jackie Coombs-Hollis, Secretary Rocco Marucci, Township Assistant Engineer Richard Vallario, Board Attorney 	<p>Absent:</p> <ul style="list-style-type: none"> Martin Kalishman Steven Santola Jill Wishnew
--	---

- 1. Minor Subdivision with Variances (Amendment)
Block: 4008; Lot: 15
27 Spring Road
Application No. 2017-61-MSUBV-Amendment
Jay Green

R-4 Zone

Applicant requests amendment of the Memorializing Resolution dated March 20, 2018 so as to revise or terminate certain conditions of approval relating to timing of events.

Mathew P. Posada, Esq., of Schenck Price, appeared for the Applicant and explained that a temporary variance to permit the proposed new house on the Lot before subdivision was accompanied by a Condition that an existing extension on a side of the present house would have to be removed before the subdivision deed could be filed and a CO issued for the new house. The extension having been removed pursuant to a demolition permit so that the proposed subdivision lots would both meet all dimensional and setback requirements of the Memorializing Resolution, and a permit to construct the new building having been issued, the Applicant seeks amendment to the Conditions that prohibit filing of the subdivision deed at this stage.

Upon motion by Member Dinar and second by Member Lewis it was unanimously resolved, subject to an amended Memorializing Resolution, by Members Dinar, Fernandez, Kiracofe, Lewis, Ratner, Rieber, Alternate No. 1 Nambiar (in place and stead of Member Santola) and Klein (they being all of the Members present) that the conditional temporary variance provisions in Condition D be amended, with effect as of this date, so as to remove impediments to filing of the subdivision deed.

- 2. Minor Subdivision with Variances (Continued from December 3, 2019)
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 (Continued from December 3, 2019)

Block: 1900; Lots: 19 & 20

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 new surface infiltration detention basin.

Mathew P. Posada, Esq., of Schenck Price, appeared for the Applicants.

Robert F. Simon, Esq., of Herold Law, P.A., appeared for Objectors.

Witness for the Applicant: Michael T. Lanzafama, P.E. and Land Surveyor, who acknowledged that he remained under oath.

Witnesses for the Objectors; Seth Levine, an Objector with environmental engineering experience, admitted as a fact witness.
Ms. Arden Melnick, an Objector admitted as a fact witness
Les Melnick, an Objector admitted as a fact witness.
Peter P. Stecht, P.P.

The Board was in recess from 8:49 P.M. to 8:55 P.M.

Members of the public with questions for witnesses:

Kershu Tan 9 Trombley Dr.

Matthew Boxer 6 Trombley Dr.

The hearing was continued to the Board's Regular Meeting at 8:00 P.M. on April 7, 2020 with no further notice by the Applicants required.

3. Adjournment. The Meeting was adjourned at 11:00 P.M.

Respectfully submitted

Jackie Coombs Hollis, Secretary

PLANNING BOARD
Supplemental Minutes of the Meeting
In Closed Executive Session
March 3, 2020

The Livingston Planning Board met for a Conference Meeting in the Conference Room of the Municipal and Police Building, and upon motion made and seconded went into a closed session at 7:47 P.M. All Members and Staff present at the Conference Meeting participated in the Closed Executive Session.

The Chairman briefed the Board on the progress of negotiations with Fair Housing and the Special Master in efforts to get Court approval of a Housing Element and Fair Share Plan in the Township's declaratory judgment action filed in Superior Court, Law Division, Essex County, as Docket No. ESX-L-4849-15. The scope of potential settlement was briefly explained.

Although there is not yet full agreement with Fair Housing, the Special Master recommended to the Court that a Fairness Hearing date be set. The Judge has set May 8th as the hearing date.

In response to a question about the status of the Miller litigation regarding the ordinance permitting a hotel at the Mall, Attorney Vallario explained that the trial judge in that matter had ruled in favor of the Township, but the plaintiff has filed an appeal.

Upon motion made and seconded, the Closed Executive Session adjourned at 7:58 P.M.

Respectfully submitted,

Jackie Coombs-Hollis, Secretary

RESOLUTION
PLANNING BOARD
TOWNSHIP OF LIVINGSTON, NEW JERSEY

Decided: March 3, 2020
Memorialized: April 7, 2020

Re: Application No. 2017-61-MSUBV (Amendment)
Applicant: Jay Green
Premises: 27 Spring Road
Block: 4008; Lot: 15
Zone: R-4

WHEREAS, the Board memorialized a Resolution in the above matter on March 20, 2018 approving the Application for a minor subdivision with variances; and

WHEREAS, the Applicant has requested an Amendment to said Resolution; specifically deleting paragraph 3.D of the “Conclusions of the Board” that granted a temporary variance conditioned upon specific actions to be completed and prohibiting the filing of a Subdivision Deed for recording “until both the issuance of a Temporary Certificate of Occupancy for the new residence and removal of the addition on the right side of the existing home”; and

WHEREAS, the Applicant has completed removal of the addition to the existing home on approved Lot 15.02, which removes the non-conforming side yard setback violation; and

WHEREAS, the Applicant has, pursuant to permit, completed installation of the foundation for a new residence on approved Lot 15.01; but has not yet completed further construction that could lead to a temporary certificate of occupancy; and

WHEREAS, the approval of the requested Amendment will remove the necessity for the conditional temporary variance allowing 2 homes on one lot granted by paragraph 3.D of “Conclusions of the Board”; and for good cause being shown;

NOW THEREFORE, for the reasons stated herein and as stated on the record by the Members of the Planning Board of the Township of Livingston, the prior Resolution memorialized on March 20, 2018 is hereby amended to remove in its entirety paragraph 3.D of “Conclusions of the Board” on page 7 thereof, and the Applicant is hereby authorized to file a Subdivision Deed consistent with the terms of the subdivision approval granted by the Board in the Resolution of March 20, 2018; and

All remaining conclusions, findings, and conditions of the aforesaid Resolution memorialized March 20, 2018 are hereby continued in full force and effect.

Peter M. Klein, Chairman

I hereby certify that this Resolution is a memorialization of the decision of the Township of Livingston Planning Board made on March 3, 2020, wherein Board Members Dinar, Lewis, Kiracofe, Ratner, Rieber, Fernandez, Alternate No. 1 Nambiar (for absent Member Santola), and Klein voted in accordance with the action memorialized herein; they being all of the Members then present.

Jackie Coombs-Hollis, Secretary

Draft JMZ/Green Terrace Resolution

Minor Subdivision with Variances (Continued from March 3, 2020)

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 (Continued from March 3, 2020)

Block: 1900; Lots: 19 & 20

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 new surface infiltration detention basin.

WHEREAS, the Applicants having made a written request for a further continuance of their hearing until June 2, 2020 due to the COVID-19 Pandemic, and having agreed to extend the Board's time to decide whether to grant or deny their applications to July 31, 2020; and good cause to grant the continuance having been shown;

NOW, THEREFORE, IT IS RESOLVED that each of the Applicants is hereby granted a further continuance to the Board's Regular Meeting at 8:00 P.M. on June 2, 2020 with no further notice by the Applicants being required.