

MINUTES OF THE
CONFERENCE AND SPECIAL MEETINGS

June 20, 2023

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 in Chambers. Notices of both Meetings were published as required by Law and posted on the Municipal and Police Building as required by law.

Conference Meeting

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

Present:	Rudy Fernandez, Chairman	Absent:	Stephen Santola,
	Peter Klein		Vice Chairman
	Barry Lewis		Richard Dinar
	Samuel Ratner		Ann Cucci
	Michael Rieber		
	Jill Wishnew *		
	Jackie Coombs-Hollis, Secretary		
	Catherine Maddrey, Asst. Secretary		
	Richard Vallario, Board Attorney		

* Joined the Meeting at 7:32 P.M.

1. Minutes. The Minutes of June 6, 2023 were accepted as presented.
2. Old Business Consideration of Memorializing Resolution – Newark Academy – 91 South Orange Avenue – Application No. 2009-49-PFSPV-Amendment-4
Members Bagolie, Klein, Ratner, Rieber, Lewis and Alternate No. 2 Wishnew (in place of Member Rieber) having participated in the decision, having read the Resolution, having no concerns or questions, and feeling that the resolution was ready for a vote, unanimously adopted the Resolution upon motion by Member Bagolie and second by Member Klein.

Adjournment The Conference Meeting adjourned at 7:52 P.M.

Special Meeting Agenda

At 7:56 P.M. Secretary Jackie Coombs-Hollis announced that proper notice had been given and called the Roll:

Present: Rudy Fernandez, Chairman
Peter Klein
Barry Lewis
Samuel Ratner
Michael Rieber
Jill Wishnew
Jackie Coombs-Hollis, Secretary
Catherine Maddrey, Asst. Secretary
Richard Vallario, Board Attorney

Absent: Stephen Santola,
Vice Chairman
Richard Dinar
Ann Cucci

1. Continued Hearing

Preliminary & Final Site Plan with Variances (*Continued from 6/06/2023*) RIAO Zone
389-405 East Mount Pleasant Avenue
Block: 2100; Lots: 22-25, 35.01, 35.02, 35.03
Application No. 2022-65-PFSPV
Mount Pleasant Partners LLC

Applicant seeks site plan approval to permit the construction of 254 multi-family residential units in three (3) buildings, a clubhouse, and related site improvements. (The Board gave non-binding guidance on 4/18/2023 for the attorney to prepare a Resolution.)

The chairman announced that Member Rieber was recused from, and had not participated in, consideration of this Application. He then left the hearing room.

Upon motion made by Member Lewis and second by Member Bagolie, and with opportunity for discussion, the Resolution was adopted by the affirmative votes of Members Klein, Ratner, Lewis, Bagolie, Alternate No. 2 Wishnew (acting in place of vice chair Santola), and Fernandez; all having read the Resolution, having no questions or concerns, and feeling that the Resolution was ready for a vote; they being all of the Members present and eligible to vote.

Member Rieber then rejoined the Meeting.

2. Preliminary & Final Site Plan R-5F Zone
650 South Orange Avenue
Block: 7001; Lots: 1.01 & 1.02
Application No. 2011-58-PFSP (Amendment-3)
Application No. 2017-1-MSV (Amendment-2)
18 Corp. D/B/A Ahavat Torah

Applicant seeks approval of a second wall sign and of a monument sign.

Appearing for Applicant: Carly M. Clinton, Esq., of Schenck Price Smith & King, LLP

Witnesses for Applicant: Edward Dezuzio, Butler Sign Co.
Don Phan, Prolific Design Group

No members of the public had questions for the witnesses or offered statements in support of, or opposition to, the Application.

The hearing was continued to the Board's Special Meeting at 7:30 P.M., on July 18, 2023 with no further notices by the Applicant required.

3. Preliminary & Final Site Plan with Variances (*Re-opened Hearing*) B-1 Zone
212-214-222 North Livingston Avenue
Block: 1706; Lots: 1, 2, & 55
Application No. 2013-22-PFSPV (Amendment)
Om Divya Realty LLC

Applicant is seeking to amend the previously approved application to include a shed in the rear of the building, maximize the current seating of 120 with 60 indoor and 60 outdoor combined as one indoor and outdoor limit, replace spotlights behind the store with down lighting on sidewalk, and reconfigure allocation of parking signs. (The Board gave non-binding guidance on 2/7/2023 for the Board Attorney to prepare a Resolution. On 4/18/2023 Applicant requested, and the Board granted re-opening of the hearing to provide additional testimony.

Appearing for Applicant: Peter Davidson, Esq., of The Davidson Legal Group, LLC

Appearing for Assado Steakhouse & Wilson DeSousa: Michael J. Lipari, Esq., of Mandelbaum Barrett

Witness for the Applicant: Wilson DeSousa, a Principal of Assado Restaurant

Members of the Public with questions for witnesses or sworn statements:

Gail Kelly, 225 N. Livingston Avenue
Thomas Ekelman, 4 Mansfield Court
Veronica Bonder, 17 Mansfield Court
John Bonder, 17 Mansfield Court
Scott Kushel, 14 Mansfield Court
Kim Kushel, 14 Mansfield Court
Ha Hoa Tran, 221 N. Livingston Avenue
Brian Sklar, 11 Mansfield Court
Jeffrey Lichtstein, 46 Heron Road

Recess The Board was in recess from 10:12 P.M. to 10:17 P.M.

After closing statements by Attorneys Davidson and Lipari, and the closing of the evidentiary record; it was, upon motion by Member Klein and second by Member Bagolie, and discussion, and subject to a Memorializing Resolution, resolved to approve the Application as amended in the course of the reopened hearing, with terms and Conditions, on the record, by the affirmative votes of Members Klein, Ratner, Lewis, Bagolie,

Alternate No. 2 Wishnew (acting in place of vice chair Santola), Rieber, and Fernandez; they being all of the Members present.

3. Adjournment. There being no other business, the Meeting adjourned at 10:50 P.M.

Respectfully submitted,

Jackie Coombs-Hollis,
Secretary