

MINUTES OF THE  
COMBINED CONFERENCE AND REGULAR MEETING

July 5, 2022

The Livingston Planning Board met for a Combined Conference and Regular Meeting by means of Zoom Webinar and a link to Facebook Live. The Meeting was called for 7:30 P.M. Notices were published pursuant to the Open Public Meetings Act and guidance provided by the State's Division of Local Governmental Services for meetings during the Covid-19 state of emergency.

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

Present: Peter Klein, Chairman  
Richardt Dinar, Vice Chairman  
Ann Cucci  
Rudy Fernandez  
Martin Kalishman  
Barry Lewis  
Sanjay Nambiar  
Steven Santola +  
Samuel Ratner  
Michael Rieber  
Jackie Coombs-Hollis, Secretary  
Richard Vallario, Board Attorney  
Barbara Ehlen, Planning Consultant

Absent: Jill Wishnew

+ Left the Meeting at 9:30 as disqualified re the next matter on the agenda.

1. Announcement. The Chairman announced that the Seymour's Application No. 2022-41-PFSPV will not be heard tonight, and that a date for a hearing has not been set and will be subject to public notice by the Applicant.
2. Minutes. The Minutes of June 14, 2022, with correction by adding the name of Member Ratner in the list of those present and at two places on page 2, were accepted upon motion by Member Kalishman and second by Member Lewis.

3. Old Business.
- a. Consideration of Memorializing Resolution – Solar Landscape, LLC – Application No. 2018-69-PFSPV – Amendment. Members Cucci, Dinar, Fernandez, Kalishman , Lewis, Rieber, Santola and Klein, having participated in the decision, having read the Resolution, having no comments or questions, and feeling that the Resolution was ready for a vote, unanimously adopted the Resolution upon motion by Member Dinar and second by Member Cucci.
  - b. Consideration of Memorializing Resolution – Spectrum360, LLC – Application No. 2022-9-PFSP. Members Cucci, Dinar, Kalishman, Lewis, Alternate No. 1 Nambiar (in place and stead of Member Ratner) and Klein, having participated in the decision, having read the Resolution, having no comments or questions, and feeling that the Resolution was ready for a vote, unanimously adopted the Resolution as amended in the course of the Meeting upon motion by Member Lewis and second by Alternate No. 1 Nambiar.
  - c. Consideration of Cooperman Barnabas Medical Center - Memorializing Resolution - Application No. 2019-49-PFSP (Amendment). Members Cucci, Fernandez, Lewis, Alternate No. 1 Nambiar (in place and stead of Member Dinar) and Santola, having participated in the decision, having read the Resolution, having no comments or questions, and feeling that the Resolution was ready for a vote, unanimously adopted the Resolution as amended upon motion by Member Cucci and second by Alternate No. 1 Nambiar.
4. New Business.
- a. Consideration of whether the draft “East Northfield Road and South Livingston Avenue Redevelopment Area Assessment Livingston Township, New Jersey” prepared by Beacon Planning and Consulting Services, LLC is ready for a public hearing. Upon motion by Member Dinar and second by Member Kalishman, and after discussion, it was on the affirmative votes of Members Dinar, Cucci, Fernandez, Kalishman, Santola, Rieber and Klein, with

Member Ratner voting in the negative (they being all of the Members both present and eligible to vote):

**Resolved**, that the draft report with amendment as agreed to in the discussion, is ready for a public hearing, that the hearing be held on August 16, 2022 at 7:30 P.M., and that the Secretary provide notice consistent with applicable law.

- b. Pursuant to direction received in Council Resolution 22-182, considering implementation of Preliminary Investigation of Whether a Study Area Consisting of Lots 1, 2, 20, 21, 22, 23, 24 and 25 in Block 4804 is a Non-Condensation Area in Need of Redevelopment - Upon motion by Member Fernandez, second by Member Cucci and discussion, the following Resolution was unanimously adopted by the unanimous votes of Members Fernandez, Cucci, Dinar, Kalishman, Lewis, Santola, Rieber and Klein (they being all of the Members both present and eligible to vote):

**Whereas**, by Resolution 22-182, the Township Council (“Council”) authorized and directed the Board to conduct an investigation of a Study Area consisting of Lots 1, 2, 20, 21, 22, 23, 24, and 25 in Block 4804 to determine whether the Study Area meets the statutory requirements for designation as an area in need of redevelopment as a non-condemnation redevelopment area; and

**Whereas**, the Council, having appointed Beacon Planning and Consulting Services, LLC (“Planner”) as Planner for the Township, has authorized Planner to provide planning services to the Board in the conduct of such investigation and preparation of a report from the Board to the Council;

**Now, therefore**, the Board has determined to conduct the requested investigation of the Study Area utilizing the services of Planner in the investigation and preparation of a report.

- c. Engagement of Experts in Traffic, Water and Sewer – Executive West, LLC (Mosaic of Livingston) 136 & 140 Passaic Avenue, Application No. 2022-39-PFSPV. Upon motion by Member Dinar, second by Member Kalishman and opportunity for discussion, the following Resolution was adopted by the unanimous vote of Members Dinar, Kalishman, Cucci, Fernandez, Lewis, Ratner, Rieber, Alternate No. 1 Nambiar (in place and stead of Member Santola who was disqualified) and Klein (they being all of the Members both present and eligible to vote):

**Resolved**, that the Planning Board of the Township of Livingston hereby finds that the technical review services of an expert in traffic, as well as an expert in water and sewage capacity, each to render advice to the Board, is required for proper consideration of issues that have arisen in connection with Executive West, LLC, Application No. 2022-39-PFSPV; and it is

**Further resolved**, that the Board engage the services of an expert in traffic, as well as an expert in water and sewer capacity, each to conduct a technical review of the plans and the issues that have arisen in respect thereto and to provide expert advice and opinion to the Board; and it is

**Further resolved**, that, pursuant to Section 170-52.B of the Code of the Township of Livingston, Applicant Executive West, LLC is hereby required to file with the Administrative Officer an escrow deposit fee of adequate funds to cover the costs that may be incurred by the Board for such technical review.

- d. 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 requests elimination of the requirement for the installation of a board-on-board fence on Lot 1.01 as set forth in Paragraph 19 of the Findings in the April 4, 2017 Resolution.

Appearing for Applicant: James E. Polles, Esq., of Schenck  
Price Smith & King, LLP

Witnesses for Applicant: Rabbi Mendel Solomon  
Michael T. Lanzafama , P.P., P.E. &  
Land Surveyor

Members of the public with questions or sworn statements:  
Rosalie Rubin, 21 Rippling Brook Dr., Short Hills  
Julia Chen, 17 Rippling Brook Dr., Short Hills  
Michael Iben, 17 Rippling Brook Dr., Short Hills  
Christopher Craig, 15 Rippling Brook Dr. Short Hills

After a closing statement by Attorney Polles and the closing of the evidentiary record, upon motion by Member Rieber, second by Member Cucci, opportunity for discussion, and subject to a memorializing resolution, by the unanimous votes of Members, Rieber, Cucci, Fernandez, Kalishman, Lewis, Ratner, Rieber and Klein (they being all of the Members present and eligible to vote) it was resolved to grant the Application with Conditions agreed to by the Applicant

e. Recess. The Board was in recess from 9:24 P.M. to 9:30 P.M. Member Santola then left the Meeting because of disqualification in regard to the next matter on the agenda.

f. Preliminary & Final Site Plan with Variances B-2 Zone  
599 West Mount Pleasant Avenue  
Block: 3001; Lot: 12  
Application No. 2022-25-PFSPV  
Lidl U.S. Operations, LLC

Applicant proposes to install 2 illuminated wall signs and an illuminated freestanding sign. Variances are requested as to the signs and otherwise.

Appearing for Applicant: John W. Wyciskala, Esq., of Inglesino  
Webster Wyciskala Taylor, LLC

Witnesses for Applicant: Arturo Hernandez, Lidl  
Construction Manager  
Joseph Holzapfel, P.E., of Bohler  
Engineering

No members of the public had questions for witnesses or offered sworn statements.

After a closing statement by Attorney Wyciskala and closing of the evidentiary record, upon motion by Member Rieber, second by Member Cucci, opportunity for discussion, and subject to a memorializing resolution, by the unanimous votes of Members, Rieber, Cucci, Fernandez, Kalishman, Lewis, Ratner, Rieber, Alternate No. 1 Nambiar (in place and stead of Member Santola), and Klein (they being all of the Members present) it was resolved to grant the Application with the variances requested and the Conditions agreed to by the Applicant.

5. Adjournment. The Meeting was adjourned at 10:09 P.M.

Respectfully submitted,

Jackie Coombs-Hollis  
Secretary