

MINUTES OF THE
COMBINED CONFERENCE AND REGULAR MEETING

August 4, 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 7:31 P.M. Secretary Jackie Coombs-Hollis announced that proper notice had been given and called the Roll.

Present:	Peter Klein, Chairman	Absent:	Richard Dinar, Vice Chairman
	Ann Cucci		Steven Santola
	Rudy Fernandez		Jill Wishnew
	Martin Kalishman		
	Barry Lewis		
	Sanjay Nambiar		
	Samuel Ratner		
	Michael Rieber *		
	Jackie Coombs-Hollis, Secretary		
	Rocco Marucci, Assistant Engineer		
	Catherine Maddrey, Assistant Secretary		
	Richard Vallario, Board Attorney		
	Barbara Ehlen, Planning Consultant		
	Lee Klein, Traffic Consultant		

*Joined the Meeting at 7:38 P.M.

1. Minutes. The Minutes of July 19, 2022 were accepted as presented.

2. Old Business.
 - a. Consideration of Memorializing Resolution - 18 Corp. d/b/a Ahavat Torah – Application No. 2011-58-PFSP (Amendment-3) and Application No. 2017-1-MSV (Amendment 2) - Members Cucci, Fernandez, Lewis, Ratner, Kalishman 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 Fernandez and second by Member Ratner.

- b. Consideration of Memorializing Resolution – Lidl U.S. Operations, LLC – Application No. 2022-25-PFSPV – Chairman Klein presented corrections to the Resolution that had been distributed to the Board. Members Lewis, Rieber, Kalishman, Cucci, Fernandez, Alternate No. 1 Nambiar (in place and stead of Member Santola) and Klein having participated in the decision, having read the Resolution, having no comments or questions in regard to the Resolution as corrected, and feeling that the Resolution as corrected was ready for a vote, unanimously adopted the Resolution upon motion by Member Kalishman and second by Member Lewis.

- c. Marsag LP – Application No. 2020-21-PFSPV (Amendment-1) – Correction Upon motion by Member Lewis, second by Alternate No. 1 Nambiar (in place and stead of Member Santola) and opportunity for discussion, by the unanimous votes of Members Lewis, Ratner, Cucci, Fernandez, Kalishman, Klein and Alternate Nambiar the following Resolution was adopted:

WHEREAS, the Resolution adopted on June 14, 2022 memorializing the Board’s decision of May 12, 2022 contains a condition of approval that both the Applicant and the Assistant Township Engineer agree is not required;

NOW, THEREFORE, the Board, in Open Combined Conference and Regular Meeting, hereby makes correction to the Memorializing Resolution of June 14, 2022 by deleting the entirety of Model Condition of Approval numbered 17 “Developer’s Agreement” from page 19 of said Resolution.

The Board finds that the action taken is not so significant as to have required public notice beyond the notice provided by publication of the agenda for the meeting.

All of the terms and conditions of the Memorializing Resolution of July 14, 2022 remain in full force and effect except for deletion of Model Condition of Approval 17.

3. New Business.

a. Ordinance No. 25-2022- Amending Chapter 170 Section 90.Q Temporary New Development Signs – Review upon referral after First Reading -
Upon motion by Member Lewis and second by Member Ratner and the unanimous vote of Members Lewis, Ratner, Cucci, Kalishman, Klein, Alternate No. 1 Nambiar (in place and stead of Member Santola) and Member Rieber (having joined the meeting) it was found that the proposed Ordinance is substantially consistent with the Master Plan.

b. Preliminary & Final Site Plan
457-461 South Livingston Avenue
Block: 2700; Lots: 62 & 63
Application No. 2022-29 PFSP
Equitable Property Ventures, LLC R-50 Zone

Applicant is seeking approval to construct 32 residential units, consisting of townhomes and apartments, within five (5) buildings. Units will consist of a mix of 26 market rate townhouses and 6 affordable apartments.

Appearing for Applicant: Matthew P. Posada, Esq., of Sills Cummis & Gross P.C.

Witnesses for Applicant. Michael T. Lanzafama, P.P., P.E. & L.L.S.,
of Casey & Keller, Inc.

Laurence D. Appel, R.A., of Appel Design
Group

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

Additional Exhibits accepted into evidence:

- A-1 Colorized aerial view
- A-2 Rendering of Building B
- A-3 Site section SS-1
- A-4 Colorized landscape plan

In the course of the hearing the Applicant agreed to site plan and architectural changes that required variances and/or conditions agreed to on the record.

After a closing statement by Attorney Posada, on motion by Member Lewis and second by Member Cucci and subject to a memorializing resolution, the Application with variances and conditions stated on the record was approved by the unanimous votes of Members Lewis, Cucci, Fernandez, Kalishman, Ratner, Rieber, Alternate No. 1 Nambiar, (in place and stead of Member Santola) and Klein; they being all of the Members present.

4. Adjournment. The Meeting adjourned at 10:12 P.M.

Respectfully submitted,

Jackie Coombs-Hollis, Secretary