

**PLANNING BOARD
MINUTES OF THE MEETING
August 8, 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. Assistant Secretary Catherine Maddrey announced that proper notice had been given and called the Roll:

Present:	Peter Klein, Chairman	Absent:	Rudy Fernandez
	Richard Dinar, Vice Chairman		Michael Rieber
	Steven Santola (arrived at 7:35 PM)		Barry Lewis
	Samuel Ratner		Jackie Coombs-Hollis
	Nathan Kiracofe (arrived at 7:36 PM)		Secretary
	Martin Kalishman		
	Jill Wishnew		
	Sanjay Nambiar		
	Catherine Maddrey, Assistant Secretary		
	Richard Vallario, Attorney		

Minutes. The Minutes of July 9, 2019 required one edit: to include Member Kalishman as present. The minutes were accepted as corrected.

- Old Business. a. Consideration of Memorializing Resolution: KRG-USCRF Retail Portfolio – Application No. 2010-25-PFSPV (Amendment) – - All Members present and eligible to vote having acknowledged that they had read and understood the Resolution, had no questions, and felt that it was ready for a vote; upon motion made and seconded, the Memorializing Resolution was adopted by the unanimous votes of Members Kalishman, Ratner, Alternate No.1 Nambiar (in place and stead of Member Fernandez), Dinar and Klein; they being all of the Members present and eligible to vote.
- b. Request for Further Adjournment - JMZ Enterprises, LLC, Application No. 2018-72-MSUBV, and Green Terrace Homes, LLC, Application No. 2003-93-PSPV (Amendment) The request of both Applicants for a further adjournment and continuance to the Board’s Regular Meeting on October 3, 2019 was unanimously granted. However, the Board having noted that the multiple adjournments granted these applicants have affected the ability to schedule other applicants, the Secretary was requested to advise the attorney that further adjournments may not easily be obtained.

New Business. CP Management Group II, LLC, Application No. 2017-83-PFSPV (Starbucks)

With Irv Cyzner, principal of the Applicant, Richard Keller, P.E., and many members of the public who had participated in the hearings on the Application present, CherylLynn Walters, Esq. explained that the Applicant was requesting that the evidentiary record in regard to Lot 3.01 again be reopened so that a replacement to Starbucks could be considered. Upon motion by Member Dinar and second by Member Santola, and opportunity for discussion, the Members present unanimously granted the request to reopen the record for that purpose.

Adjournment. The Conference Meeting was adjourned at 7:55 P.M.

Regular Meeting:

At 8:03 P.M. Assistant Secretary Catherine Maddrey announced that proper notice had been given and called the Roll:

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

Without objection, the Chairman departed from the order of the agenda.

1. 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

and

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

R-4 Zone

The Chairman announced that, at the request of the Applicants, both matters have been further adjourned and continued to the Board's Regular Meeting at 8:00 P.M. on October 3, 2019 with no further notice by the Applicants required.

2. Preliminary & Final Site Plan with Variances (*Continued from August 8, 2019*)
Block: 3803; Lot: 3
92 South Livingston Avenue
Application No. 2017-83-PFSPV
CP Management Group II LLC
Lightbridge Academy and Starbucks

B-1 Zone

Appearing for the Applicant: CherylLynn Walters, Esq., of Nehmad Perillo Davis & Goldstein. Appearing for Intervening Objector Raghav Varma, Richard Sasso, Esq.

The Chairman announced that at the Open Conference Meeting this evening the Board had granted the request of the Applicant to reopen the evidentiary record.

CherylLynn Walters, Esq. requested that the Board allow the Applicant time to submit amended plans and provide testimony for a front-facing building with no drive-through that would be for an occupant other than Starbucks. Since the Applicant cannot predict when the plans will be ready or a new hearing date set, the Applicant requested that the record be kept open and extended the Board's time to decide to the end of November. When a hearing date is known new notice will have to be provided by the Applicant.

Upon motion by Vice Chairman Dinar, and second by Member Ratner, to grant leave to amend the plan the Chairman explained that action on the motion would in no way bind the Board to approve or take any action in regard to what the Applicant will submit. The motion then was adopted by the unanimous votes of Members Dinar, Ratner, Kalishman, Kiracofe, Santola, Alternate No. 1 Nambiar (in place and stead of Member Fernandez), Alternate No. 2 Wishnew (in place and stead of Member Rieber), and Klein.

Upon motion by Member Santola, and second by Member Kalishman, adopted by the unanimous votes of Members Santola, Kalishman, Dinar, Ratner, Kiracofe, Alternate No. 1 Nambiar (in place and stead of Member Fernandez), Alternate No. 2 Wishnew (in place and stead of member Rieber), and Klein, the record shall remain open until the publicly noticed meeting date or a further extention of the Board's time to decide.

3. Adjournment. At 8:10 P.M. the CP Management Group II LLC hearing was continued *sine die* and the Regular Meeting adjourned.

Respectfully submitted,

Catherine Maddrey,
Assistant Secretary