

**MINUTES OF THE  
COMBINED CONFERENCE AND REGULAR MEETING**

**October 6, 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 Government Services for meetings during the Covid-19 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 Rudy Fernandez Martin Kalishman Samuel Ratner Michael Rieber Jackie Coombs-Hollis, Secretary Richard Vallario, Board Attorney	Absent:	Richard Dinar, Vice Chairman Ann Cucci Barry Lewis Sanjay Nambiar Steven Santola Jill Wishnew
----------	---	---------	---

1. Absent objection, the Chairman departed from the order on the Agenda to call the Cooperman Barnabas Medical Center, Application No. 2022-54-PFSP and announced that the hearing is adjourned to a Special Meeting of the Board at 7:30 P.M. next Tuesday, October 11, 2022. No further notice by the Applicant, including notice by mail to owners of property within 200 feet, is required. He explained that information as to links for attendance on line are available at the agenda center page of the Township website and in today's West Essex Tribune.
2. Minutes. The Minutes of September 20, 2022 were accepted as presented.
3. Old Business.
  - a. Continued from August 16, 2022 (Consideration of Resolution)  
Preliminary & Final Site Plan with Variances D-S2 Zone  
277 Eisenhower Parkway  
Block: 100; Lot: 43  
Application No. 2020-21-PFSPV (Amendment-2)  
Marsag LP  
Applicant proposes the construction of a new one-story retail building within the northeastern portion of the site; and the renovation of the existing one-story retail building within the northeast portion of the site.

Associated site improvements, consisting primarily of restriping/reconfiguring parking, in order to accommodate these changes.

Members Fernandez, Kalishman, Ratner, Rieber and Klein, having participated in the hearing and given non-binding guidance to the Board Attorney, and all having read the Resolution, having no concerns about the Resolution, having accepted addition of the text “(including 41 banked spaces)” in paragraph 10 on page 7, and feeling that the Resolution was ready for a vote, unanimously adopted the Resolution upon motion by Member Rieber and second by Member Fernandez.

- b. Minor Subdivision with Variances (Continued from September 8, 2022)  
113 Meadowbrook Road  
Block: 4904; Lot: 38  
Application No. 2022-20-MSUBV R-4 Zone  
Justin Russo  
Applicant proposes a minor subdivision to create proposed lots 38.01 and 38.02. Existing improvements will be removed in anticipation of two single-family dwellings.

Appearing for Applicant: William J. Rush, Esq.

Witness for Applicant: Alexander Dougherty, PP, of Dougherty  
Planning & Development, LLC

There were no members of the public who had questions for the witnesses or who offered sworn statements.

In the course of the hearings the Applicant had previously agreed that if there were approval of the lot area variance there would be a Condition of Approval that no other variances would be sought for construction of the new residences. Subsequent testimony by Witness Dougherty raised an issue of requirement of a habitable floor area ration variance for each proposed residence.

In considering a vote on the application for subdivision with only the lot area variance request it was found that the transcript of the September 8<sup>th</sup> hearing did not show Member Ratner as present and participating, contrary to his belief that he was. In that belief, he had not read the transcript. In view of the uncertainty, the Chairman ruled that there was not a quorum to reach a

vote.

By agreement, the hearing was continued to the Board’s Regular Meeting on November 1, 2022 with no further notice by the Applicant required.

The Secretary repeated the announcement about adjournment of the Cooperman Barnabas Medical Center hearing.

4. Adjournment. The Meeting was adjourned at 8:39 P.M.

Respectfully submitted,

Jackie Coombs –Hollis, Secretary