

**PLANNING BOARD  
MINUTES OF THE MEETING  
May 7, 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 7:32 P.M. Secretary Jackie Coombs-Hollis announced that proper notice had been given and called the Roll:

Present:	Peter Klein, Chairman Richard Dinar, Vice Chairman Rudy Fernandez Martin Kalishman Barry Lewis Sanjay Nambiar Samuel Ratner Michael Rieber Steven Santola Jill Wishnew Jackie Coombs-Hollis, Secretary Rocco Marucci, Assistant Township Engineer Catherine Maddrey, Assistant Secretary Richard Vallario, Attorney	Absent:	Nathan Kiracofe
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1. Minutes. The Minutes of April 11, 2019 & April 16, 2019 were accepted as presented.
  
2. Old Business
  - a. Consideration of Memorializing Resolution – Allwood Associates - Application No. 2018-87-PFSPV 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 Resolution was adopted by the unanimous votes of Members Dinar, Kalishman, Ratner, Santola, Alternate No. 1 Nambiar (in place and stead of Member Fernandez), Alternate No. 2 Wishnew (in place and stead of Member Lewis) and Klein.
  
  - b. Priorities. The Board established four priorities for the balance of the year:
    - Parking Standards
    - HE&FSP acceptable and approved by Court

Study of Need for Redevelopment  
Commercial Signage Standardization

3. New Business. Waivers request – Application No. 2003-82-PSPV – Emerson Drive Properties, LLC – On the recommendation of the Assistant Engineer, the Board waived submission of a new EIS and also deferred provision of guarantee fees and bonds until permits are sought.
  
4. Adjournment. The Conference Meeting adjourned at 7:53 P.M.

**Regular Meeting:**

At 8:02 P.M. Secretary Jackie Coombs-Hollis announced that proper notice had been given and called the Roll:

Present:	Peter Klein, Chairman Richard Dinar, Vice Chairman Rudy Fernandez Martin Kalishman Barry Lewis Sanjay Nambiar Samuel Ratner Michael Rieber Steven Santola Jill Wishnew Jackie Coombs-Hollis, Secretary Rocco Marucci, Assistant Township Engineer Catherine Maddrey, Assistant Secretary Richard Vallario, Attorney Lee Klein, Traffic Consultant	Absent:	Nathan Kiracofe
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1. Final Major Subdivision  
281 North Livingston Avenue & 25, 27, 28 and 20 Emerson Drive  
Block: 1103; Lots: 13, 13.1, 13.2, 13.3, 13.4  
Application No. 2003-82-PSPV (Final)  
**Emerson Drive Properties, LLC & Joseph Battista** R-4 Zone

Applicant is seeking to extend the approval of the preliminary major subdivision with variance relief pursuant to the Permit Extension Act and approval of the final major subdivision plat and building plans. Applicant is also seeking approval to amend the resolution which permitted the building footprint of 40'x30' to 40'x40' in order to stay consistent with the 2011 Master Plan's amendment to the R-4 Zoning District.

Upon motion made and seconded, and after opportunity for discussion, the Applicant having had the benefit of the Permit Extension Act, the Board granted a further extension to June 30, 2019 pursuant to Township Code §170-65.D.(3).

The Chairman then announced that at the request of the Applicant the hearing on the application for final major subdivision is continued to the Board's Special Meeting at 8:00 P.M. on May 21, 2019 without further notice by the Applicant required.

2. Preliminary & Final Site Plan with Variances (Continued from 3/19/2019)  
Block: 6100; Lot: 30.01  
110 South Orange Avenue  
Applications No. 2016-10-PFSPV (Amendment)  
Joseph Kushner Hebrew Academy, Inc. R-L Zone

Applicant proposes to re-grade the portion of the site that lies generally to the east of the existing school building, install a new track/circular path around track/soccer field facility with amphitheater-style spectator seating, 3 new basketball courts, two new tennis courts, and a new one-story bathroom/storage building. Create a fenced-in lawn area/multi-purpose play field at the northeast section of the property. Remove a parking area from the western side of the northern parking field and replace with 7 new ADA parking spaces and 28 standard spaces. Remove 337 existing trees and replace with 152 new trees on-site. Install ancillary sidewalks and ADA accessible route improvements and fencing. In conjunction with the Application of Pulte Homes of NJ, Limited Partnership, Applications Nos. 2014-75MSUBV and 2014-76- PFSPV, 0.2155 acres of Lot 30.01 would be transferred to Lot 30.03.

On March 19<sup>th</sup> the Board gave non-binding guidance to the Board Attorney to prepare a resolution of approval. The draft Resolution was distributed to the Board in advance of this Meeting. The Members present otherwise eligible to vote confirmed that they had read and understood the draft, had no questions and felt that it was ready for a vote. Upon motion made and seconded they waived reading of the draft aloud. Upon motion made and seconded, and after opportunity for discussion, the Resolution was adopted by the affirmative votes of Members Dinar, Fernandez, Kalishman, Lewis, Santola, Rieber, Alternate No. 1 Nambiar (in place and stead of Member Kiracofe), Alternate No. 2 Wishnew (in place and stead of Member Ratner) and Klein; they being all of the Members present and eligible to vote.

3. Minor Subdivision and Preliminary & Final Site Plan with Variances (Continued from 4/11/2019)  
Block: 3803; Lot: 3  
92 South Livingston Avenue  
Applications Nos. 2017-73-MSUB and 2017-83-PFSPV  
CP Management Group II, LLC  
Lightbridge Academy and Starbucks B-1 Zone

Applicant proposes to subdivide existing Lot 3 to create two new lots. The presently vacant building would be expanded on one of the new lots to be a childcare center. A drive-thru Starbucks is proposed to be constructed on the second new lot.

- a. Upon motion made and seconded, and after opportunity for discussion, the Board granted the request of the Applicant for bifurcation of the site plan application so that the application for subdivision, and then the requested development of each of resultant lots would then be acted upon separately.
- b. Upon motion made and seconded, and after opportunity for discussion, Application No. 2017-73-MSUB subdividing Lot 3 into Lots 3.01 and 3.02 was approved, subject to a memorializing resolution, by the unanimous votes of Members Dinar, Fernandez, Kalishman, Lewis, Santola, Rieber, Alternate No. 1 Nambiar (in place and stead of Member Kiracofe) and Klein; they being all of the Members present and eligible to vote.
- c. Upon motion made and seconded, and after discussion, Application No. 2017-83-PFSPV as bifurcated, in regard to Lot 3.02 was approved, with conditions and subject to a memorializing resolution, by the unanimous votes of Members Dinar, Fernandez, Kalishman, Lewis, Santola, Rieber, Alternate No. 1 Nambiar (in place and stead of Member Kiracofe) and Klein; they being all of the Members present and eligible to vote.
- d. After discussion, the Board gave non-binding guidance to the Board Attorney to prepare a resolution denying Application No. 2017-83-PFSPV as bifurcated in regard to Lot 3.01.
- e. The hearing was then continued to 8:00 P.M. at the Board's Regular Meeting on June 4, 2019 with no further notice by the Applicant required.

4. Minor Subdivision with Variances & Preliminary & Final Site Plan with Variances  
110 South Orange Ave & Peach Tree Hill Road  
Block: 6100; Lots: 30.01, 30.02 & 30.03  
Application Nos. 2014-75-MSUBV (Amendment) & 2014-76-PFSPV (Amendment)  
Pulte Homes of NJ, Limited Partnership R5-G Zone

Applicant seeks amended minor subdivision approval to: decrease the size of Lot 30.01 (JKHA School Site) from 20.9684 acres to 20.7429 acres; to increase the size of Lot 30.02 (Livingston Square-Pulte Townhouse Site) from 10.3762 acres to 10.5459 acres; to increase the size of Lot 30.03 (Affordable Housing Site) from 1.2714 acres to 1.4610 acres; to annex a portion of the Eisenhower Parkway right-of-way acquired from Essex County so as to add 0.0016 acres of such land to Lot 30.02 and 0.1338 acres to Lot 30.03; and, to establish an access easement across a portion of Lot 30.01 for the benefit of Lot 30.03 for vehicle and pedestrian access. Applicant also seeks Amended Preliminary and Final Site Plan approval for Lots 30.02 and 30.03.

The hearing continues from March 19, 2019.

Appearing for Applicant: David M. Hutt, Esq. of Hutt & Shimanowitz, PC

Witnesses for the Applicant: Eric Keller, P.E.  
Joseph Delucia, Architect

Expert to Advise the Board: Martin L. Chiarolanzio, Construction Official  
& Zoning Officer

No members of the public had questions or offered statements.

The hearing was continued to the Board's Regular Meeting at 8:00 P.M. on June 4, 2019 with no further notice by Applicant required.

5. Adjournment.            The Meeting was adjourned at 10:15 P.M.

Respectfully submitted,

  
Jackie Coombs-Hollis, Secretary