

**MINUTES OF THE
CONFERENCE MEETING
September 23, 2021**

The Livingston Planning Board met for a Conference Meeting, by means of Zoom Webinar and a link to Facebook Live, called for 7:30 P.M. Notice of the Meeting and of cancellation of the combined Regular Meeting portion 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 state of emergency.

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

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

1. Minutes. The Minutes of September 9, 2021 were accepted as presented.

2. New Business.
 - (a) Four (4) Ordinances for Review After First Reading.
 - (1) Ordinance No. 7-2021 Amending & Supplementing Ch. 170 of the Code of the Township of Livingston by Establishing a New Inclusionary Development Zone Designated as the R-5 Residence Overlay District, Block 6101, Lots 25 and 26. (Passaic Ave & Volker Lane Area)

In response to the Chairman's question, no Member indicated a lack of opportunity to read both the September 22, 2021 letter from Kenneth D. McPherson, Esq. and the enclosed professional opinion of Peter G. Steck, P.P., bearing the same date.

The Chairman reviewed with the Board the standards for review of whether an Ordinance is substantially consistent with the Master Plan, and the Board Attorney responded to Member questions.

It was noted that Page 1 of the Housing Element and Fair Share Plan states “This amended Third Round Housing Element and Fair Share Plan (“HEFSP”) has been prepared in accordance with the February 9, 2021 Order of the Superior Court of New Jersey, Essex County approving the Settlement Agreement reached between Livingston Township and Fair Share Housing Center...” and that the purpose of the Settlement and the HEFSP is providing additional affordable housing.

There was a review of: the provisions of the Ordinance, the issues raised by Mr. Steck, the standards to be applied in determining whether an ordinance is in compliance with the Master Plan, and the relevant provisions of the Housing Element and Fair Share Plan. Upon motion by Member Lewis and second by Member Fernandez, it was resolved that the Ordinance is substantially consistent with the Master Plan and the Housing Element and Fair Share Plan by the votes of Members Fernandez, Kiracofe, Lewis, Ratner, Santola, Alternate No. 1 Nambiar (in place and stead of Member Kalishman), Alternate No. 2 Wishnew (in place and stead of Member Rieber) and Klein. Member Dinar abstained.

- (2) Ordinance No. 31-2021 Amending and Supplementing Ch. 170 of the Code of the Township of Livingston by Establishing a New Inclusionary Development Zone Designated as the R-5N Residence Overlay District. (651 Old Mount Pleasant Ave)

Upon consideration of the Ordinance, the standards to be applied in determining whether an ordinance is in compliance with the Master Plan, and the relevant provisions of the Housing Element and Fair Share Plan, it was resolved, upon motion by Alternate No. 1 Nambiar (in place and stead of Member Kalishman) and second by Member Fernandez, that the Ordinance is substantially consistent with the Master Plan and the Housing Element and Fair Share Plan by the unanimous votes of Members Dinar, Fernandez, Kiracofe, Lewis, Ratner, Santola, Alternate No. 1 Nambiar (in place and stead of Member Kalishman), Alternate No. 2 Wishnew (in place and stead of Member Rieber) and Klein; they being all of the Members present.

- (3) Ordinance No. 32-2021 Amending and Supplementing Ch. 170 of the Code of the Township of Livingston By Establishing a New Inclusionary Development

Zone Designated as the R-5R Residence Overlay District. (32 Dickinson Lane).

With consideration of the Ordinance, the standards to be applied in determining whether an ordinance is in compliance with the Master Plan, and the relevant provisions of the Housing Element and Fair Share Plan, it was resolved, upon motion by Member Dinar and second by Alternate No. 1 Nambiar (in place and stead of Member Kalishman) that the Ordinance is substantially consistent with the Master Plan and the Housing Element and Fair Share Plan by the unanimous votes of Members Dinar, Fernandez, Kiracofe, Lewis, Ratner, Santola, Alternate No. 1 Nambiar (in place and stead of Member Kalishman), Alternate No. 2 Wishnew (in place and stead of Member Rieber) and Klein; they being all of the Members present.

(4) Ordinance No. 33-2021 Amending and Supplementing Ch. 170 of the Code of the Township of Livingston By Establishing a New Inclusionary Development Zone Designated as the R-5Q Residence Overlay District (70 S. Orange Ave.)

Upon consideration of the Ordinance, the standards to be applied in determining whether an ordinance is in compliance with the Master Plan, and the relevant provisions of the Housing Element and Fair Share Plan, it was resolved, upon motion by Alternate No. 1 Nambiar (in place and stead of Member Kalishman) and second by Alternate No. 2 Wishnew (in place and stead of Member Rieber) that the Ordinance is substantially consistent with the Master Plan and the Housing Element and Fair Share Plan by the unanimous votes of Members Dinar, Fernandez, Kiracofe, Lewis, Ratner, Santola, Alternate No. 1 Nambiar (in place and stead of Member Kalishman), Alternate No. 2 Wishnew (in place and stead of Member Rieber) and Klein; they being all of the Members present.

b. Discussion of what zoning issues will need to be addressed as the Township Council evaluates where/what Cannabis Uses should be permitted.

The Township Council has requested that the Board identify information the Council should provide so that the Board can make specific zoning ordinance recommendations.

Noting that the Cannabis Regulatory Commission has issued regulations governing 6 classes of cannabis business, it was the sense of the Board that the Council should advise:

- What classes it wishes to permit.

- What distance the permitted classes should be from the closest church, synagogue, temple, or other place used exclusively for religious worship, or from the closest school, playground, park, or child daycare facility.

Members Fernandez and Lewis will brief the Township Council.

3. Adjournment. The Meeting was adjourned at 8:14 p.m.

Respectfully submitted,

Jackie Coombs-Hollis, Secretary