

**Planning Board  
Minutes of the Meetings  
January 3, 2012**

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 at 8:00 p.m. in Chambers. Notice of both Meetings was published in the West Essex Tribune and posted on the Municipal Building bulletin board.

**Conference Meeting:**

At 7:33 p.m. Secretary Jackie Coombs-Hollis announced that proper notice had been given and called the Roll:

Present:	Peter Klein, Chairman	Absent:	Michele Meade
	Richard Dinar, Vice Chairman		Kenneth O'Neill
	Alfred Anthony		Debra Coonce,
	Martin Kalishman		Recording Secretary
	Bill Kimmel		
	Robert Leopold		
	Samuel Ratner		
	Michael Rieber		
	Jill Wishnew		
	Jackie Coombs-Hollis, Secretary		
	Richard Vallario, Attorney		

1. Organizational Matters.

*Administration of Oaths.* The oath was administered by Richard Vallario, Esq. to Class IV Members Alfred Anthony and Peter Klein; Class II member William Kimmel; Class III Member Michael Rieber and Alternate No.2 Jill Wishnew.

*Other Organizational Actions.* Upon motion made and seconded, and on the unanimous votes of the Members present, the following actions were taken:

- Election of Klein as Chairman to serve until January 8, 2013.
- Election of Dinar as Vice Chairman to serve until January 8, 2013.
- Re-appointment of Jackie Coombs-Hollis as Board Secretary, to serve until January 8, 2013.
- Re-appointment of Debra Coonce as Recording Secretary, to serve until January 8, 2013.
- Re-appointment of Richard Vallario, Esq. as Board Attorney, to serve at the pleasure of the Board and subject to appropriation, for a term expiring on January 8, 2013.

- Designated Dinar, Klein, Meade & O’Neill to serve as the Minor Subdivision/Site Plan Committee, and Ratner and Wishnew as alternate members of that committee, all until the earlier of the 2013 Re-Organization Meeting or the expiration of their respective service on this Board.
- Designated Dinar to serve as Chairman of the Technical Review Advisory Committee (TRAC) until the earlier of the 2013 Re-Organization Meeting or the expiration of his service on this Board.
- Designated Kalishman, Klein, Leopold and Meade to serve as the Housing Element and Fair Share Committee until the earlier of the 2013 Re-Organization Meeting or the expiration of their respective service on this Board.
- Designated Leopold as liaison to the Livingston Community Partnership Corporation (the BID) until the earlier of the 2013 Re-Organization Meeting or the expiration of his service on this Board.
- Confirmed that Anthony is the Member also serving on the Livingston Environmental Commission as provided in Code § 170-4.D and N.J.S.A. 40:56A-1 and who shall, as provided in Township Code § 170-5.B, serve until completion of his term on this Board or until completion of his term as a member of the Environmental Commission, whichever occurs first.
- Designated Ratner as the Member also serving as a member of the Open Space Trust Committee until the earlier of December 31, 2014 or the expiration of his service on this Board if he is not reappointed.
- Confirmation of the schedules of the Board and TRAC meetings for 2012 as adopted on December 6, 2011.

2. Minutes. The Minutes of December 20, 2011 were accepted as presented.

3. Communications. The Chairman read the following email he received today from Member Ken O’Neill: “I am so glad I was able to see a lot of the gang yesterday. I was hoping to stop by tonight, but my bones are aching from the infusion I got late yesterday afternoon, plus my brother in town for only a couple of days. So going to take it easy. I really planning on getting out more this year, but that depends on how I am doing. Say hello again to the Board, it was really a boost to my moral. Happy New Year”

4. TRAC Assignments. It was agreed that the Secretary will issue a revised list of TRAC meeting assignments to reflect the resignation of Lou Venza and his replacement by Al Anthony.

5. Hearings Schedule.

January 17	Special Meeting TMB
February 7	Bottle King

- 6. Adjournment. The Conference Meeting adjourned at 7:51 P.M.

**Regular Meeting:**

At 8:03 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 Alfred Anthony Martin Kalishman Bill Kimmel Robert Leopold Samuel Ratner Michael Rieber Jill Wishnew Jackie Coombs-Hollis, Secretary Richard Vallario, Attorney	Absent: Michele Meade Kenneth O’Neill Debra Coonce, Recording Secretary
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- 1. Preliminary & Final Site Plan with Variances  
 Block: 4701; Lots: 51 & 52  
 498 and 504 South Livingston Avenue  
 Application No. 2011-56-PFSPV  
 Sweet Basil Café & Grill, Inc.  
 498 South Livingston Avenue, LLC  
504 South Livingston Avenue, LLC

B Zone

Applicants are seeking approval to replace the façades of the buildings on the two lots, to expand the existing restaurant space, provide a party room, open a take-out retail store, erect a monument sign and other structures, and enter into a shared parking arrangement.

Richard Tonioli, Esq. appeared for the Applicants in place of Stephen A. Geffner, Esq. who was absent due to surgery.

The Chairman explained that on December 6<sup>th</sup> the Applicants asked that the hearing be bifurcated so that three issues (the party room, off-site parking required by that room, and the monument sign) could be determined at another date. The Board granted that request and then gave non-binding guidance to the Board Attorney to prepare a resolution approving the balance of the application with certain variances. The hearing was continued to this evening for consideration of the motion. In addition, proper notice has since been given that the hearing on the three issues would be held this evening.

In preparing that resolution the Board Attorney found that there was insufficient information in the record to allow the approval as to which non-binding guidance had been given.

Upon motions made and seconded, the Board reversed the bifurcation of the Application and reopened the evidentiary record to hear testimony on the insufficient information in conjunction with the hearing tonight on the issues noticed for tonight.

Witnesses for the Applicants:

Michael T. Lanzafama, P.P. and P.E.  
James O'Brien, Architect

Members of the Public questioning witnesses:

Ms. Pat Nave, 16 Concord Drive  
Mr. Howard Gottlieb, 9 Concord Drive

Members of the Public offering comments under oath:

Ms. Pat Nave, 16 Concord Drive

The Meeting was in recess from 9:24 P.M. to 9:37 P.M.

The attorney for the Applicants having made a closing statement, and all interested persons having had opportunity to be heard, the evidentiary record was again closed. The Board reviewed possible findings, conclusions, deviations and variances. Upon motion by made by Vice Chairman Dinar and seconded by Member Leopold, the Board voted to approve the Application as amended in the course of the hearings, with specified deviations, variances and conditions and subject to a memorializing resolution. Members Anthony, Dinar, Kalishman, Klein, Kimmel, Leopold, Rieber, and Alternate No. 1 Ratner (in place and stead of O'Neill) voted in the affirmative; they being all of the Members both present and qualified to vote.

Adjournment. The Meeting was adjourned at 9:50 P.M.

Respectfully submitted,

Jackie Coombs-Hollis  
Secretary