

**PLANNING BOARD
MINUTES OF THE MEETING
February 7, 2023**

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. Secretary Jackie Coombs-Hollis announced that proper notice had been given and called the Roll.

Present:	Rudy Fernandez, Chairman	Absent:	Michael Rieber
	Stephen Santola, Vice Chairman		Jill Wishnew
	Rosy Bagolie		
	Ann Cucci		
	Richard Dinar		
	Peter Klein		
	Barry Lewis		
	Samuel Ratner		
	Jackie Coombs-Hollis, Secretary		
	Richard Vallario, Board Attorney		

1. Minutes. The Minutes of January 3, 2023 were accepted as presented.
2. Old Business. Livingston Corporate Park – Application No. 2020-57-PFSP. The Board reviewed the landscape plan and determined that a public hearing was necessary to act.
3. New Business. Referral from Township Council – Resolution No. R-23-074. The Board acknowledged receipt of the Resolution directing the conduct of a Preliminary Investigation of whether Block 3000, Lot 1.01 constitutes an Area in Need of Redevelopment without condemnation. Upon motion made and seconded, the Board determined to have the study made. The study will be conducted by Beacon Planning and Consulting Services, LLC under contract awarded by the Council.
4. Adjournment. The Conference Meeting adjourned at 7:57 P.M.

Regular Meeting Agenda

Present: Rudy Fernandez, Chairman
Stephen Santola, Vice Chairman
Rosy Bagolie
Ann Cucci
Richard Dinar
Peter Klein
Barry Lewis
Samuel Ratner
Jackie Coombs-Hollis, Secretary
Richard Vallario, Board Attorney

Absent: Michael Rieber
Jill Wishnew

At 8:03 P.M. Secretary Jackie Coombs-Hollis announced that proper notice had been given and called the Roll:

1. Preliminary & Final Site Plan with Variances (*Continued from 12/20/2022*) B-1 Zone
212-214-222 North Livingston Avenue
Block: 1706; Lots: 1, 2, & 55
Application No. 2013-22-PFSPV (Amendment)
Om Divya Realty LLC

Applicant is seeking to amend the previously approved application to include a shed in the rear of the building, amend prior approval of 60 seats inside and 60 seats outside to permit up to 79 seats inside, for no more than a total of 120 seats at any time, and reconfigure allocation of parking signs.

Appearing for the Applicant: Peter Davidson, Esq. of The Davidson Legal Group.

Witnesses for the Applicant: Michael Lanzafama, P.E., P.P. & Land Surveyor, of Casey & Keller.

Wilson DeSousa, a Principal of Assado Restaurant
Shailesh Patel, a Principal of Applicant

Members of the Public with questions for witnesses and sworn statements:

Scott Goldman, 42 North Baums Court
Thomas Ekelman, 4 Mansfield Court
Scott Kushel, 14 Mansfield Court
John Bonder, 17 Mansfield Court
Brian Sklar, 11 Mansfield Court
Ronnie Bonder, 17 Mansfield Court
Joanne Young, 2 Mansfield Court

From 9:00 P.M. until 9:11 P.M. the hearing was in recess to allow Applicant's attorney to consult with his client on inconsistencies between witness testimony and certain conditions.

The Applicant, the public and the Board having had reasonable opportunity to be heard, the Board gave nonbinding guidance to its attorney to prepare a resolution that would grant the variance for the shed and reflect the additional thoughts and certain Conditions of approval as stated on the record for the outdoor seating and signage. The Applicant granted the Board an extension of time to decide to March 31, 2023.

2. Adjournment. The Meeting was adjourned at 11:18 P.M.

Respectfully submitted,

Jackie Coombs-Hollis
Secretary