

MINUTES OF THE
CONFERENCE AND SPECIAL MEETINGS

April 18, 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 Special Meeting scheduled to follow in Chambers. Notices of both Meetings was published as required by Law and posted on the Municipal and Police Building as required by law.

Conference Meeting

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

Present:	Rudy Fernandez, Chairman	Absent:	Richard Dinar
	Steven Santola, Vice Chairman *		
	Rosy Bagolie		
	Ann Cucci		
	Peter Klein		
	Barry Lewis		
	Samuel Ratner		
	Michael Rieber		
	Jill Wishnew		
	Jackie Coombs, Hollis, Secretary		
	Richard Vallario, Board Attorney		
	Rocco Marucci, Township Assistant Engineer		
	Barbara Ehlen, Planning Consultant		

* Joined the Meeting at 7:38 P.M.

1. Minutes. The Minutes of April 4, 2023 were accepted as presented.
2. Old Business. a. Consideration of Memorializing Resolution – John W. Stewart – 23 Harvest Lane – Application No. 2023-1-MSUBV

Upon consideration of concerns about some provisions in the draft Resolution, it was agreed that it was not ready for a vote.

- b. Possible Re-opening of Hearing – Om Divya Realty LLC – Application No. 2013-22-PFSPV (Amendment) - The Board having received letters from the attorney for the Applicant and the attorney for the restaurant, raising issues as to the resolution prepared after non-binding guidance, the Board Attorney has recommended that those lawyers be provided opportunity to seek reopening of the record. Absent objection, the Chairman advised

that the opportunity will be provided at the Special Meeting this evening.

Special Meeting

At 7:53 P.M. Secretary Jackie Coombs-Hollis announced that proper notice had been given and called the Roll:

Present:	Rudy Fernandez Chairman, Steven Santola, Vice Chairman Rosy Bagolie Michael Rieber * Ann Cucci Peter Klein Barry Lewis Samuel Ratner Michael Rieber Jill Wishnew Jackie Coombs, Hollis, Secretary Richard Vallario, Board Attorney Rocco Marucci, Township Assistant Engineer Barbara Ehlen, Planning Consultant Lee Klein, Traffic Consultant	Absent:	Richard Dinar
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*Left the Meeting at 8:20 P.M.

1. Continued Hearing
Preliminary & Final Site Plan with Variances
(Continued from 2/07/2023) 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

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

Appearing for Assado Stackhouse & Wilson DeSousa: Michael J. Lipari, Esq., of Mandelbaum Barrett

Recognizing that if re-opening were denied and the Board were to adopt a resolution based upon the non-binding guidance that was given, the Applicant could subsequently file an application for further amendment and then present the same testimony and evidence that would have been offered on a re-opened record, the Board in its sound discretion and upon motion by Member Lewis and second by Member Klein did unanimously resolve to reopen the record for further testimony in regard to restaurant seating. Alternate No. 2 Wishnew acted in place of Member Dinar.

The re-opened hearing will be conducted at the Board's June 6, 2023 Regular Meeting, with Applicant required to publish and serve proper notice.

2. Announcement. Chairman Fernandez announced that Member Rieber was leaving the Meeting because he is recused from the next matter, and that Alternate Number 2 Wishnew will continue to act in his place on that matter.

3. Continued Hearing

Preliminary & Final Site Plan with Variances

RIAO Zone

389-405 East Mount Pleasant Avenue

Block: 2100; Lots: 22-25, 35.01, 35.02, 35.03

Application No. 2022-65-PFSPV

Mount Pleasant Partners LLC

Applicant seeks site plan approval to permit the construction of 254 multi-family residential units in three (3) buildings, a clubhouse, and related site improvements.

Appearing for Applicant: Peter M. Flannery, Esq., of Bisgaier Hoff LLC

Witnesses for the Applicant:

Michael Lanzafama, P.E., P.L.S., P.P., of Casey & Keller

Laurence D.Appel, R.A., of Appel Design Group

Gary W. Dean, P.E., P.P., of Dolan & Dean

Members of the Public with Questions or Statements:

Venkata Kothapalli, 16 Force Hill Road, Livingston

Hrishsikesh Pippadipally, 18 Force Hill Road, Livingston

Attorney Flannery having made a closing statement and the evidentiary record having been closed, the Board gave non-binding guidance to the Board's Attorney to prepare a resolution of approval of the Application granting two variances and with Conditions agreed to.

The hearing was continued to 7:30 P.M. on May 16, 2023 with no further notice by the Applicant required.

4. Adjournment. The Meeting was adjourned at 9:35 P.M.

Respectfully submitted,

Jackie Coombs-Hollis,
Secretary