

The Regular meeting of the Township Council of the Township of Livingston was held on the above date commencing at 7:37 p.m. The Mayor read the statement of compliance with the Sunshine Law N.J.S.A. 10:4-10 and stated that notice of this meeting has been given in accordance with the "Open Public Meetings Law", and that Annual Notice was faxed to the West Essex Tribune and the Star Ledger on January 6, 2022.

A Quorum Roll Call was held.

	Present	Absent
Mayor Meinhardt	X	
Deputy Mayor Vieira	X	
Councilmember Anthony	X	
Councilmember Fernandez	X	
Councilmember Klein	X	

Also present were professionals Township Manager Lewis, Deputy Township Manager Jones, Township Attorney Kantor, and Township Clerk Mazzucco.

Moment of Silence and Pledge of Allegiance

Mayor Meinhardt asked everyone to stand for a Moment of Silence, followed by the Pledge of Allegiance.

Proclamations & Presentations

1) Alzheimer's and Brain Awareness Month – Cheryl Francione, Executive Director of Alzheimer.org, explained that there are more than six (6) million people living with dementia and alzheimers and that early diagnosis is key. Along with Dorren Monks, a 69 year old Alzheimer sufferer, they mentioned that the key to removing the stigma is raising more awareness, as its the only chronic disease with no treatment or cure.

2) Bob Hunter – A 50 year resident, Township volunteer, and avid Township Council meeting participant, was celebrated for his commitment to the Township of Livingston and was presented with an apple pie from the Ritz.

Essex County Updates & Communications

Ketan Bhuptani, Chanchl Kala, Nilesh Shah, of the Sanskriti Cricket Executive Committee, discussed the exploding cricket community in Livingston and the need for another cricket field. They presented their suggestions to council members and explained that they wanted to enhance the Basin field to include two (2) batting cages, bleachers, scoreboard and fence and add an additional field.

### Approval of Minutes, Pending Any Corrections

On motion duly made and seconded, and on voice vote, the Council approved the following, pending any corrections:

- 1) May 26, 2022 Regular and Conference Minutes
- 2) May 26, 2022 Closed Session Minutes

### Public Portion (Agenda Items Only—4 Minute Limit)

On motion duly made and seconded, and by voice vote, the hearing on the Public Portion was opened.

Seeing no speakers, on motion duly made and seconded and on voice vote, the public portion on Agenda items was closed.

### Passage of Ordinances

#### Final Hearing/2nd Reading

Ord. 12-2022 Ordinance Of The Township Of Livingston Amending Section 170-106.1 Riao Inclusionary Adult Residential Overlay District was read by title.

On motion duly made and seconded, and on voice vote, the hearing was opened on the Ordinance.

Township Manager Lewis discussed the settlement agreement between the Township and Fair Share Housing Corporation, which included this location, and that the ordinance for the zoning change was already adopted in May 2021. He explained that an amended ordinance was adopted in December 2021, when the developer was approached by the owner of the Church to sell their adjacent property. He stated that this current ordinance amendment is a result of the developer's interest to swap Townhouses for apartments.

Milwood Hobbs, 73 Lafayette Dr, inquired about the number of units that would be changing.

Sejal Lakhani-Bhatt, 14 Michelle La, asked about the number of affordable housing units and if there had been any discussion about the impact on the schools.

Justin Alpert, 56 Amherst Pl, stated that the traffic at the schools was already a horrible situation, specifically Mt. Pleasant school, and that it needs to be addressed at a 5 on 5 with the Board of Ed.

Councilmember Fernandez and Township Manager Lewis, both Planning Board members, responded that Fair Share Housing Corp. will not consider impact on school populations as a reason not to build a development, however, there are mostly one (1) and two (2) bedroom units in this proposal.

A resident at 42 Lafayette Dr stated that Force Hill Road will be used a construction route.

Mike Ellis, 88 Force Hill Rd, inquired about the environmental and traffic studies. The Mayor explained that those discussions occur at the Planning Board.

David Ennis, 31 Overlook Rd, asked about the number of units proposed, and how it was derived.

A resident from 80 Force Hill Rd, stated that the set back of 25 feet off of Force Hill Rd was not acceptable. He added that the townhomes should be smaller, 1100 square feet, with no basement so as not to increase tax burden.

A resident from 20 Force Hill Rd asked about the traffic analysis, and again the Township Manager reiterated that these concerns are handled by the Planning Board.

A resident from 64 Force Hill Rd inquired about the reason for the amendment.

The Developer, Jeff Hiller of Premiere Developers, confirmed that he would reduce the maximum number of townhouses from 40 units to 30 units.

On motion duly made and seconded, and on roll call vote, the hearing was closed. Township Attorney Kantor stated that reducing the number of townhouses to thirty (30), (page 1, under "Section A. Purpose"), is considered a substantial modification and requires a new public hearing on the amendment. On motion duly made and seconded, and on roll call vote, all members present voted yes to amend the ordinance. It was announced that the public hearing would be June 20, 2022 and noticed accordingly by law.

	Yes	No	Abstain
Ed Meinhardt	X		
Michael Vieira	X		
Al Anthony	X		
Rudy Fernandez	X		
Shawn Klein	X		

### Introduction of Ordinances

#### Ord 15-2022 Temporary New Development Signs

On motion duly made and seconded, and on Roll Call vote, all members present voted yes. It was ordered advertised according to law, to come up for public hearing second reading and final consideration at a Regular meeting of the Township Council on Monday, June 20, 2022.

	Yes	No	Abstain
Ed Meinhardt	X		
Michael Vieira	X		
Al Anthony	X		
Rudy Fernandez	X		
Shawn Klein	X		

Res 22-170 Consent Agenda for Resolutions

WHEREAS, the Township Council of the Township of Livingston has determined that certain items on its agenda which have the unanimous approval of all Councilmembers and do not require comment shall be termed the “Consent Agenda”; and

WHEREAS, the Township Council has determined that to increase its efficiency, the Consent Agenda shall be adopted with one resolution;

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the items on the regular agenda for June 6, 2022 attached hereto, which are preceded by an “\*” are the Consent Agenda and are hereby accepted, approved and/or adopted.

\*Res 22-171 Resolution Of The Township Of Livingston, In The County Of Essex, New Jersey Designating The Property Identified On The Tax Records As Block 3100, Lot 56, Commonly Known As 321 S. Livingston Avenue, As A Non-Condemnation Area In Need Of Redevelopment

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “Redevelopment Law”), authorizes municipalities to determine whether certain parcels of land located therein constitute an area in need of redevelopment; and

WHEREAS, on April 4, 2022, by Resolution No. 22-136, and in accordance with the provisions of the Redevelopment Law, the Township Council of the Township of Livingston, in the County of Essex, New Jersey (the “Township Council”) authorized and directed the Planning Board of the Township of Livingston (the “Planning Board”) to conduct an investigation of certain property identified on the tax maps of the Township of Livingston as Block 3100, Lot 56, commonly known as 321 S. Livingston Avenue (the “Study Area” or “Block 3100, Lot 56”), and to determine whether all or a portion of the Study Area meets criteria set forth in the Redevelopment Law, *N.J.S.A. 40A:12A-5*, to be designated as a non-condemnation redevelopment area in accordance with the Redevelopment Law, *N.J.S.A. 40A:12A-6*; and

WHEREAS, the Planning Board engaged Beacon Planning and Consulting Services LLC (the “Planning Consultant”) to conduct an investigation to determine whether the Study Area should be designated as a non-condemnation area in need of redevelopment; and

WHEREAS, the Planning Board received a report setting forth the basis for the investigation prepared by the Planning Consultant, entitled, “West Essex YMCA 321 South Livingston Avenue Redevelopment Area Assessment” dated April 2022, concerning the determination of the Study Area as an area in need of redevelopment (the “Report”); and

WHEREAS, the Redevelopment Law requires the Planning Board to conduct a public hearing prior to a determination whether the Study Area should be designated as a non-condemnation area in need of redevelopment, at which hearing the Planning Board shall hear all persons who are interested in or would be affected by a determination that the property is an area in need of redevelopment; and

WHEREAS, on June 2, 2022, the Planning Board reviewed the Report, heard testimony from representatives of the Planning Consultant, conducted a public hearing during which members of the general public were given an opportunity to present their own evidence and/or to cross-examine the Planning Consultant, and to address questions to the Planning Board and its representatives, concerning the potential designation of the Study Area as an area in need of redevelopment; and

WHEREAS, the Planning Consultant concluded in the Report that the Study Area satisfies the criterion for a non-condemnation redevelopment area designation as set forth in the Redevelopment Law based on statutory criterion (a) due to the obsolete characteristics of the structure located within the Study Area and statutory criterion (h) due to the Study Area's outdated and substandard state and proximity to public transportation and public utilities; and

WHEREAS, after the conclusion of the public hearing described above, and as memorialized in a Memorandum of the Planning Board, the Planning Board voted to adopt and accept the recommendation contained in the Report, and to recommend that the Study Area be declared a non-condemnation area in need of redevelopment, in accordance with the Redevelopment Law, and for the reasons set forth in the Report; and

WHEREAS, the Township Council agrees with the conclusion of the Planning Board that the Study Area satisfies the criterion for redevelopment area designation set forth in the Redevelopment Law and finds that such conclusion is supported by substantial evidence; and

WHEREAS, the Township Council now desires to designate Block 3100, Lot 56 as a non-condemnation area in need of redevelopment pursuant to *N.J.S.A. 40A:12A-6*,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, in the County of Essex, New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Based on the Report and the recommendation of the Planning Board, the Study Area satisfies the criterion for redevelopment area designation as set forth in the Redevelopment Law.

Section 3. Block 3100, Lot 56 is hereby designated as a "Non-Condemnation Redevelopment Area" as referenced in the Redevelopment Law. The designation of the Study Area as a "Non-Condemnation Redevelopment Area" shall authorize the Township to exercise all powers under the Redevelopment Law except the power of eminent domain.

Section 4. In accordance with the Redevelopment Law, the Township Council hereby directs the Municipal Clerk to transmit a certified copy of this resolution forthwith to the Commissioner of the Department of Community Affairs and to all record owners and person(s) who filed a written objection with respect to the herein designation.

Section 5. If any part of this resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this resolution.

Section 6. A copy of this resolution shall be available for public inspection at the offices of the Municipal Clerk.

Section 7. This resolution shall take effect in accordance with applicable law.

On motion duly made and seconded, and on roll call vote, all members present voting YES, Resolutions 22-171 was adopted.

	Yes	No	Abstain
Ed Meinhardt	X		
Michael Vieira	X		
Al Anthony	X		
Rudy Fernandez	X		
Shawn Klein	X		

Comcast Hearing: Evaluating the Application of Comcast of New Jersey, II, LLC for the Renewal of its Municipal Consent to Own, Operate, Extend, and Maintain a Cable Television and Cable Communications System in the Township of Livingston. Township Manager Lewis stated that Federal law governs cable franchises in municipalities, and that the Township is continuing to review their contract with Comcast. On motion made and duly seconded, and on voice vote, the hearing will be carried to the June 20, 2022 Township Council meeting.

Q. Public Portion (on any subject—3 minute time limit)

On motion duly made and seconded, and on voice vote, the public portion was opened.

Fred Friedman, 1304 Pointe Gate Drive, reminded everyone that today, June 6<sup>th</sup>, is the 78<sup>th</sup> Anniversary of D-Day, the invasion Normandy, France.

On motion duly made and seconded, and on voice vote, the public portion was closed.

At 9:15 p.m., the Regular meeting was adjourned.

EDWARD MEINHARDT, Mayor

CAROLYN MAZZUCCO, RMC Township Clerk