

**PLANNING BOARD
MINUTES OF THE MEETINGS
JUNE 6, 2017**

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 was published as required by law and posted on the Municipal and Police Building bulletin board.

Conference Meeting:

At 7:34 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 Robert Leopold Samuel Ratner Stephen Santola Michael Rieber Jackie Coombs-Hollis, Secretary Richard Vallario, Attorney	Absent:	Alfred Anthony Martin Kalishman Michael Silverman Jill Wishnew Veena Sawant, Planner
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1. Minutes. The Minutes of May 16, 2017 were accepted as presented.
2. Old Business. Memorializing Resolution – Saber Livingston, LLC – Application No. 2017-30-PFSPV - The transcript has not yet been received; so there was no resolution to be considered.
3. Executive Session. On motion made and seconded, the Board unanimously went into closed session at 7:39 P.M. for discussion of the Livingston Corporate Park Associates Litigation Settlement.

At 7:45 P.M. the Board returned to its open session.

4. New Business.
 - a. Livingston Corporate Park Associates Litigation Settlement
Upon motion by Alternate No. 1 Rieber (in place and stead of Member Kalishman) and second by Member Ratner, and after opportunity for discussion, and all having acknowledged that they had read, understood and had no questions about the proposed resolution and settlement agreement, the following Resolution was unanimously adopted:

WHEREAS, Livingston Corporate Park Associates, LLC (“LCPA”) is an intervenor in a declaratory action filed by the Township of Livingston (“Township”) and pending in the Superior Court of New Jersey, Law Division, Essex County, Docket No. ESX-L-4773-15 (“DJ Action”); and

WHEREAS, the DJ Action seeks a judicial determination of the Township’s compliance with its obligation to provide realistic opportunity for a fair share of housing affordable to lower income households as set forth in decisions of the Supreme Court of New Jersey; and

WHEREAS, LCPA intervened in the DJ Action based on its stated interest in multifamily residential inclusionary development of owned property, consisting of approximately 13.847 acres designated as Block 6101, Lot 45 on the Township Tax Map and located near the intersection of Eisenhower Parkway and South Orange Avenue, that is currently improved with an office building, surface parking and related site improvements; and

WHEREAS, following a series of meetings and communications, representatives of LCPA, Township and the Planning Board (“Board”) have recommended a concept for an overlay rezoning of the LCPA property for multifamily development subject to an affordable housing set aside requirement as described in a proposed Litigation Settlement Agreement (“Agreement”), conditioned upon adoption of an implementing zoning ordinance amendment, to be negotiated in good faith by the parties, that would be the subject of public hearing conducted in accordance with applicable statutory procedural requirements and in compliance with all other requirements; and

WHEREAS, the Agreement is also contingent upon Court approval in the DJ Action of: the Agreement; a separate agreement with intervenor Fair Share Housing Council; the 2016 Housing Element and Fair Share Plan; and Court entry of a new compliance judgment including a ten-year period of repose from builders remedy litigation following a duly noticed judicial fairness/compliance hearing in accordance with applicable legal requirement; and

WHEREAS, on May 22, 2017 the Township Council adopted a resolution approving the Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Agreement in draft form dated 5/17/17 presents an outcome that would be in the best interests of the public good and welfare; and

IT IS FURTHER RESOLVED that the Board Chairman is authorized to sign on behalf of the Board the Litigation Settlement Agreement in final form acceptable to the Board Attorney and the Special Counsel.

b. Code § 170-104.5 R-5J Residence District - After discussion, it was unanimously concluded that the Chairman should convey the Board’s suggestion that the ordinance be further amended so as to limit the number of market rate units permitted to have 3 bedrooms; and to clarify the intent that all units be townhouses.

5. Adjournment. The Conference Meeting was adjourned at 7:58 P.M.

Regular Meeting:

At 8:05 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
Robert Leopold
Samuel Ratner
Stephen Santola
Michael Rieber
Jackie Coombs-Hollis, Secretary
Richard Vallario, Attorney
Veena Sawant, Planner

Absent: Alfred Anthony
Martin Kalishman
Michael Silverman
Jill Wishnew

1. Preliminary & Final Site Plan with Variances (*Continued from 5/2/17*)
Block: 102; Lot: 14
15-17 Microlab Road
Application No. 2017-17-PFSPV
Universal Microlab LLC

CI Zone

Applicant proposes to expand into the currently vacant tenant space; which requires a parking variance.

Robert A. Gaccione, Esq. appeared for the Applicant.

Witnesses for the Applicant: Gerald J. Novak, Architect
Lisa Lasso, Applicant's VP& CFO
Joseph Staiger, P.P. & P.E.

Member of the public with questions for witnesses and with a sworn statement:

David Fettis, Area Manager, B&E Real Estate Corp.
16-18 Microlab Road

The Applicant, the public and the Board having had reasonable opportunity to be heard, the Board gave non-binding guidance to its Attorney to prepare a resolution of approval reflecting 111 parking spaces required, 119 spaces provided, and certain conditions of approval as stated on the record.

The hearing was continued to the Board's Regular Meeting with no further notice by the Applicant required.

2. Adjournment. The Regular Meeting was adjourned at 9:52 P.M.

Respectfully submitted,

Jackie Coombs-Hollis, Secretary