

**Planning Board  
Minutes of the Meeting  
January 5, 2010**

The Livingston Planning Board met for a Conference Meeting at 7:30 p.m. in Craft Room No. 1 in the Livingston Senior-Community Center at 204 North Hillside Avenue, with a Regular Meeting scheduled to follow at 8:00 p.m. in Multi-Purpose Room No. 2. Notice of both Meetings was published in the West Essex Tribune and posted in the Livingston Senior-Community Center.

**Conference Meeting:**

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

Present:	Peter Klein, Chairman	Absent:	Debra Coonce,
	Louis Venza, Vice Chairman		Recording Secretary
	Alfred Anthony		
	Richard Dinar		
	Rudy Fernandez *		
	Martin Kalishman		
	Bill Kimmel		
	Robert Leopold		
	Michele Meade		
	Kenneth O'Neill		
	Samuel Ratner		
	Jackie Coombs-Hollis, Secretary		
	Richard Vallario, Attorney		
	Richard Calbi, Engineer		
	Janice Talley, Planning Consultant		

\* Mr. Fernandez joined the Meeting at 7:44 p.m.

1. Organizational Matters.

*Administration of Oaths.* The oath was administered by Richard Vallario, Esq. to Robert Leopold and Louis Venza, re-appointed Class IV Members; Michele Meade, re-appointed as the Class I Member; William Kimmel, re-appointed as the Class II Member; and Alfred Anthony, re-appointed as Alternate No. 2. Upon his arrival, the oath was administered to Rufino Fernandez, re-appointed as the Class III Member.

*Other Actions.* Upon motion made and seconded, on the unanimous votes of Members Dinar, Kalishman, Kimmel, Klein, Leopold, Meade, O'Neill, Venza, and Alternate No. 1 Ratner (in place and stead of then absent Member Fernandez) the following actions were taken:

- Election of Klein as Chairman.

- Election of Venza as Vice Chairman.
- Appointment of Jackie Coombs-Hollis as Board Secretary.
- Appointment of Debra Coonce as Recording Secretary.
- Appointment of Richard Vallario as Board Attorney, to serve at the pleasure of the Board and subject to appropriation, for a term expiring on January 4, 2011.
- Appointment of Dinar, Meade & O'Neill to serve as the Minor Subdivision/Site Plan Committee until the earlier of the 2011 Re-Organization Meeting or the expiration of their respective service on the Board.
- Appointment of Dinar to serve as Chairman of the Technical Review Advisory Committee (TRAC) until the earlier of the 2011 Re-Organization Meeting or the expiration of his service on the Board.
- Appointment of Kalishman, Klein, Leopold and Meade to serve as the Housing Element and Fair Share Committee until the earlier of the 2011 Re-Organization Meeting or the expiration of their respective service on the Board.
- Designated Leopold as liaison to the Livingston Community Partnership Corporation (the BID) until the earlier of the 2011 Re-Organization Meeting or the expiration of his service on the Board.
- Confirmed that Venza 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 for a term of 3 years or until completion of his term as a member of the Environmental Commission, whichever occurs first.
- Confirmed that Ratner is the Member also serving as a member of the Open Space Trust Committee until the earlier of December 31, 2011 or the expiration of his service on the Board.
- Confirmation of the schedules of the Board and TRAC meetings for 2010 as follows:

## **2010 PLANNING BOARD SCHEDULE**

**Regular Meetings and any Special Meetings will commence at 8:00 PM**

**All such Meetings and Workshop Meetings will be preceded by a**

**Conference Meeting beginning at 7:30 PM**

**Formal Action may be taken at any Meeting**

**All Meetings will be at the Livingston Senior-Community Center, 204 Hillside Avenue,  
until such date as the Town Hall, 357 South Livingston Avenue, reopens.**

<u>REGULAR MEETING DATES</u>	<u>WORK SHOP MEETING DATES</u>
JANUARY 5, 2010**	JANUARY 19, 2010
FEBRUARY 2, 2010	FEBRUARY 16, 2010
MARCH 2, 2010	MARCH 16, 2010
APRIL 6, 2010	APRIL 20, 2010
MAY 4, 2010	MAY 18, 2010
JUNE 1, 2010	JUNE 15, 2010
JULY 6, 2010	JULY 20, 2010
AUGUST 3, 2010	AUGUST 17, 2010
SEPTEMBER 21, 2010	(None)
OCTOBER 5, 2010	OCTOBER 19, 2010
NOVEMBER 2, 2010	NOVEMBER 16, 2010
DECEMBER 7, 2010	DECEMBER 21, 2010
JANUARY 4, 2011**	

\*\* Organization Meeting

## **2010 TRAC SCHEDULE**

<u>MEETINGS</u>
JANUARY 13, 2010
FEBRUARY 10, 2010
MARCH 10, 2010
APRIL 14, 2010
MAY 12, 2010
JUNE 9, 2010

JULY 14, 2010
AUGUST 11, 2010
SEPTEMBER 8, 2010
OCTOBER 13, 2010
NOVEMBER 10, 2010
DECEMBER 8, 2010
JANUARY 12, 2011

2. Minutes. The Minutes of December 15, 2009 were accepted as presented.
  
3. New Business. With consent of the Board, the order of business was changed to first hear the concept presentation of Woodland Manor/Maramark Builders, L.L.C. re Block 5100, Lot 32 on West Hobart Gap Road. The presentation was made by Michael Sullivan, Esq. and Charles J. Stewart, P.E. and Land Surveyor. They were accompanied by owners Mark and Dan Markowitz. A total of 13 lots would be established. The concept includes demolition of one existing house, and construction of 11 new houses. A detention basin lot would be at West Hobart Gap Road; the base of the triangular site. The apex of the triangle would be a lot of 35,961.61 sq. ft. to be dedicated as a conservation zone. Issues discussed included meeting affordable housing requirements, drainage, trees, wetlands, sidewalks, and that NJDEP recent approvals are under appeal in court by neighbors. Applicant's engineer agreed to meet with the Mr. Calbi before an application for development approval is submitted.
  
4. Old Business. Gas Station Sign Ordinance. An example of a signs ordinance was distributed by Member Kimmel. Mr. Ratner and Ms. Talley will provide photographs of existing signs in Town for our January 19 Conference/Workshop.
  
5. Executive Session. Upon motion, the Board went into Executive Session at 8:14 p.m. for discussion of litigation and came out of that session at 8:16 p.m.
  
6. Adjournment. The Conference Meeting adjourned at 8:17 p.m.

**Regular Meeting:**

At 8:28 p.m. Secretary Jackie Coombs-Hollis announced that proper notice had been given and called the Roll:

Present:	Peter Klein, Chairman	Absent:	Martin Kalishman
	Louis Venza, Vice Chairman		Michele Meade
	Alfred Anthony		Debra Coonce,
	Richard Dinar		Recording Secretary

Rudy Fernandez  
Bill Kimmel  
Robert Leopold  
Kenneth O'Neill  
Samuel Ratner  
Jackie Coombs-Hollis, Secretary  
Richard Vallario, Attorney  
Richard Calbi, Engineer

Janice Talley,  
Planning Consultant

1. Preliminary and Final Site Plan with Variances (*Consideration of Resolution*)

Block: 6100; Lot: 135  
91 South Orange Avenue  
Application No. 2009-49-PFSPV  
Newark Academy

R-L. Zone

Applicant seeks approval of a Master Plan which will provide for expansion and improvements to its current facilities, including classrooms, library, middle school, performing arts center, athletic fields, et al.

Stephen A. Geffner, Esq. appeared for Applicant.

Upon motion made and seconded, the Board waived reading of the 23-page Resolution prepared by its Attorney upon guidance given at its December 1, 2009 Meeting. The Chairman then presented a summary of the findings, approvals and conditions set forth in the proposed Resolution. Upon Motion made and seconded, and after opportunity for discussion, the Resolution, hereby incorporated into these Minutes, was adopted by the unanimous votes of Members Dinar, Fernandez, Kimmel, Klein, Venza, Alternate No. 1 Ratner (in place and stead of Member Kalishman), and Alternate No. 2 Anthony (in place and stead of Member O'Neill); they being all of the Members both present and eligible to vote.

2. Preliminary and Final Site Plan with Variances (Continued Hearing)

Block: 6100; Lot: 11  
2 Peachtree Hill Road  
Application No. 2009-51-PFSP  
AIG Global Services, Inc.

R-L Zone

Applicant seeks approval for the construction of two (2) UPS/generator pads as well as an underground detention system and pavement reconstruction.

Stephen A. Geffner, Esq. appeared for Applicant and agreed that the correct response regarding ownership of Applicant is that it is a wholly-owned subsidiary of a publicly traded company that does not have any 10% or more owners.

There was a temporary failure of the voice recording system. Mr. Geffner agreed to proceeding with reliance on the stenographic record.

Applicant's witnesses, who reappeared and confirmed that they remained under oath, were:

Charles J. Witzak  
Jessica Lee Goodson.

They testified as to changes that would result in a further reduction of noise levels.

There were no questions or testimony from members of the public.

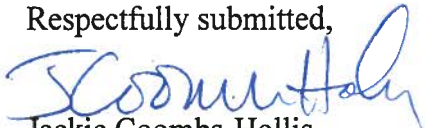
Applicant agreed that the Application requires variances if it is to be approved, and a "V" is added to the Application number.

Applicant agreed to add two more protective bollards at each of the proposed pads and also agreed to conditions of approval both precedent and subsequent as discussed on the record.

Upon motion made and seconded, and after opportunity for discussion, the Board, subject to a memorializing resolution, approved the application, with conditions, and variances permitting the placement of the two pads and their mounted installations at specified locations in the front yard. The motion was adopted by the unanimous votes of Members Dinar, Fernandez, Kimmel, Klein, Leopold, Venza, Alternate No. 1 Ratner (in place and stead of Member Kalishman) and Alternate No. 2 Anthony (in place and stead of Member O'Neill); they being all of the Members both present and eligible to vote.

Adjournment. The Meeting adjourned at 9:27 p.m.

Respectfully submitted,



Jackie Coombs-Hollis,  
Secretary