

**Planning Board
Minutes of the Meeting
November 16, 2010**

The Livingston Planning Board met for a Conference Meeting at in the Conference Room of the Municipal and Police Building, 357 S. Livingston Ave., with a Special Meeting scheduled for 8:00 PM in Chambers, and a Workshop Meeting scheduled to follow at 8:30 PM. Notice of the Meetings was published in the West Essex Tribune and posted on the bulletin board of the building.

Conference Meeting

At 7:30 PM, Recording Secretary Debra Coonce, acting as Secretary of the Meeting, announced that proper notice has been given and called the Roll.

Present: Peter Klein, Chairman
Louis Venza, Vice Chairman
Alfred Anthony
Bill Kimmel
Bob Leopold
Kenneth O'Neill
Debra Coonce, Recording Secretary
Richard Vallario, Attorney

Absent: Richard Dinar
Rudy Fernandez
Martin Kalishman
Michele Meade
Samuel Ratner
Richard Calbi,
Engineer
Jackie Coombs-Hollis
Secretary

1. Minutes. The minutes of November 2, 2010 were approved as presented.
2. Correspondence. The Board discussed the request for an extension of the period of protection of the approval of Application No. 2007-19-PFSP requested in the October 31, 2010 letter from Stephen A. Geffner, Esq. After discussion, and on the motion of Member Leopold and second by Vice Chairman Venza, the following resolution was unanimously adopted with Alternate No. 2 Anthony voting in place and stead of Member Dinar:

Re: Application No. 2007-19-PFSP
Applicant: Berliss Bearing Company
Premises: 644 Route 10
Block: 100; Lot: 2
Zone: CI

Extension of Time

WHEREAS, Preliminary and Final Site Plan approval was granted by the Board on November 13, 2007; and

WHEREAS, the Applicant has now requested an extension of the aforesaid Preliminary and Final Site Plan approval, and the protections thereunder, for a period of two years; and

WHEREAS, Township Code § 170-70.F(1) provides that the Board may, in its discretion, provide up to three one-year extensions of a Final Site Plan approval; and

WHEREAS, Township Code § 170-70.F(3) provides that the developer may apply for the extension either before or after what would otherwise be the expiration date; and

WHEREAS, the Applicant's property is, at least in part, in State Planning Area 5 "Environmentally Sensitive" and automatic extensions under the Permit Extension Act of 2008, as amended, therefore do not apply; and

WHEREAS, the Board has considered the request, and there appearing to be no statutory or other requirement for publication and service of notice;

NOW, THEREFORE, the Board does hereby grant an extension of the Final Site Plan approval of November 13, 2007 for an additional period of one year to November 13, 2010; and the Applicant having requested a further extension, the Board does hereby grant a second one-year extension to expire on November 13, 2011. Said extensions are subject to all the terms and conditions set forth in the aforesaid Resolution of November 13, 2007.

3. Old Business.

a. Facades Ordinance. The Board made further revisions to the draft of November 12th and then, on motion by Member Kimmel with second by Member O'Neill, unanimously directed the Chairman to submit the ordinance to the Township Council with the Board's recommendation that it be enacted.

b. Outdoor Seating Ordinance Amendments. The Board further reviewed the draft last reviewed on October 19, 2010 and, on motion by Member Kimmel with second by Alternate No. 2 Anthony, unanimously directed the Chairman to submit the ordinance to the Township Council with the Board's recommendation that it be enacted.

4. Adjournment. The Conference Meeting adjourned at 8:08 PM.

Special Meeting

At 8:12 PM the Secretary of the Meeting announced that proper notice had been given and called the Roll:

Present: Peter Klein, Chairman
Louis Venza, Vice Chairman
Alfred Anthony
Bill Kimmel
Bob Leopold
Kenneth O'Neill
Debra Coonce, Recording Secretary
Richard Vallario, Attorney

Absent: Richard Dinar
Rudy Fernandez
Martin Kalishman
Michele Meade
Samuel Ratner
Richard Calbi,
Engineer
Jackie Coombs-Hollis
Secretary

1. Preliminary & Final Site Plan
Block: 100; Lot: 19
518 West Mount Pleasant Avenue
Application No. 200-49-PFSPV
Prince Development, Inc.

B-2 Zone

Applicant seeks to make façade changes, including increasing the height of a portion of the façade facing the parking lot and to install new signs.

Stephen A. Geffner, Esq., appeared for Applicant. It being apparent that one or more variances would be sought and the published notice having provided for variances, the number of the application was amended on the record to include the letter V.

Witnesses for Applicant:

Thomas F. Ercolano, Architect
Michael Lanzafama, Planner
Bruce Fish, Signal Sign Co.

No Members of the public had questions for witnesses or offered sworn statements.

Upon motion made by Member Leopold and seconded by Member O'Neill, and after opportunity for discussion, the Board, with the unanimous vote of the Members present and subject to a memorializing resolution, approved the Application subject to applicable model conditions and with grant of a variance from Code § 170-090.C.(7) to permit the two new wall signs to be on extensions of the height of facades that exceed the height of the existing walls; granted a further variance to permit both signs to be illuminated; and found that the two wall signs and the proposed sign on the canopy/awning of the entrance facing the parking lot together with the monument sign constitute a comprehensive sign package and therefore approved the proposed light-emitting diode illumination of the two wall signs.

2. Adjournment. The Special Meeting adjourned at 8.33 PM.

Workshop

At 8:42 PM the Board reconvened in the Conference Room for a workshop session. Attendance was the same as at the two prior meetings of the evening.

1. LEC's proposed new Trees Ordinance. It was the sense of the Members that the present ordinance does need to be amended so as to more effectively accomplish tree protection and preservation. But, that it must be done without burdening residents with excessive costs or paperwork and not excessively infringing on what may be considered to be individual property rights or life-style decisions.

After review of the draft, it was felt that the LEC proposal reflects a maximalist approach to tree preservation with inadequate recognition of the realities of home proper maintenance and consideration of current broad citizen objections to expansive governmental roles. The Board recognized that the drafting approach affords a basis for further revision.

As a Member of the LEC, Vice Chairman Venza was asked to inform the LEC of this Board's willingness to work with them on further drafting efforts.

2. Alternative Energy. Vice Chairman Venza and Member Leopold advised that their committee needs one more session before they make a further report to the Board.
3. Adjournment. The Meeting adjourned at 9:35 P.M.

Respectfully submitted,



Debra Coonce,
Recording Secretary