

**Planning Board  
Minutes of the Meeting  
December 7, 2010**

The Livingston Planning Board met for a Conference Meeting at 7:30 PM in the Conference Room of the Municipal and Police Building, 357 S. Livingston Avenue; with a Regular Meeting scheduled to follow at 8:00 PM in Chambers. Notice of the Meetings was published in the West Essex Tribute and posted on the bulletin board of the building.

**Conference Meeting:**

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

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

\* Member Dinar joined the Meeting at 7:32 PM.

1. Minutes. The minutes of November 30, 2010 were accepted as presented.
2. Old Business. If ready, the recommendations on alternative energy will be presented on January 4, 2011.
3. New Business.

Preliminary Discussion of 2011 Schedule. The Board reviewed the proposed schedule and suggested several changes for Board meeting dates. No changes were suggested for TRAC meetings. A final schedule will be presented for vote at the January 4, 2011 Organization Meeting.

Ordinance No. 37-2010 establishing R-5F Residence District. Upon motion, and after opportunity for discussion, it was, without dissent, unanimously

*RESOLVED, that Ordinance No. 37-2010 having been referred to this Board for review in accordance with Township Code § 170-12.G, the Chairman is directed to provide the following report to the Township Council:*

*At its open conference meeting on December 7, 2010, the Planning Board reviewed proposed Ordinance No. 37-2010, which would establish a new R-5F Residential District.*

*The Housing Element and Fair Share Plan adopted by this Board on September 1, 2009 recommends the development of the subject site for both market rate and affordable housing with a permitted density (for market rate sales units) of 12 dwelling units per acre and a 25% affordable setaside, or with an increased density of 15 dwelling units per acre and a 20% affordable setaside for rental unit development. The rental option maximum density would produce up to 70 dwelling units, of which 14 would be affordable.*

*The specific numbers presented in this recommendation were based on a mistake as to the property size, which was stated to be 4.46 acres. The actual acreage is slightly less: 4.25 acres. Based on the correct acreage figure, the recommended density of 15 units per acre would produce a total of 64 dwelling units, of which 13 would be affordable.*

*The proposed ordinance would permit a total of 62 dwelling units with an affordable setaside of 12 units and a density not exceeding 14.6 units per acre. An affordable setaside of 20% would produce 12.4 units – an obvious impracticality. The 12 unit affordable setaside equals 19.35%. That is a practical compliance with the Master Plan. The total of 62 units results in slightly less density than the maximum recommended in the Master Plan.*

*The Board also noted that the Land Use Plan Element was not amended when the Housing Element was adopted in September 2009; thus none of the zoning changes recommended in the Housing Element were addressed in the Land Use Plan Element. As a result, the proposed Ordinance is inconsistent with the current Land Use Plan Element.*

*Subject to the foregoing comments, the Board found that the proposed Ordinance is reasonably consistent with and designed to effectuate the Housing Element and Fair Share Plan and that any inconsistency is not significant.*

*It is the present intent of the Planning Board that, should the Ordinance be enacted, the Board will amend both the Land Use Plan Element and the Housing Element and Fair Share Plan so as to address any inconsistencies with the re-zoning accomplished under the Ordinance.*

4. Posa LLC, Application No. 2010-15-PFSPV. The Chairman and the Board Attorney alerted the Board to deficiencies in the Application and notice that would have to be dealt with at the Regular Meeting if the Applicant has not sought an adjournment before then.
5. Future Meetings. The Conference/Workshop on December 21<sup>st</sup> will deal with the LEC's proposed Trees Ordinance and with any minutes or memorializing resolutions that may be ready. The January 4, 2011 Conference will be the Board's Organization Meeting. The Regular Meeting agenda will probably include consideration of a resolution on MJK Enterprise, continuation of the G&S hearing and, possibly, an adjourned Posa hearing.

6. Adjournment. The Meeting adjourned at 7:46 PM.

**Regular Meeting:**

At 8:02 PM, Secretary of the Meeting Debra Coonce announced that proper notice had been given and called the Roll:

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

1. Preliminary & Final Site Plan with Variance

Block: 4320; Lot: 12  
256 South Livingston Avenue  
Application No. 2010-15-PFSPV  
Posa LLC

B-1 Zone

Applicant proposes to reduce the number of parking spaces by one and create new driveway connecting the rear of the property with Irving Avenue.

Jack Serpico, Esq., entered an appearance on behalf of Applicant and explained that he was substituting for Daniel DiBenedetto, Esq. Board Attorney Vallario identified deficiencies that he had noted in the Application and in the publication and service of notice and had discussed with Applicant's attorney by telephone. The Chairman gave leave for Mr. Serpico to consult with his client. Mr. Serpico then advised the Board that the Applicant requested an adjournment in order to address the issues raised. He indicated that new filings could be made in time for a hearing on January 4, 2011. The Board granted an adjournment to the Regular Meeting at 8:00 P.M. on January 4, 2011; with Applicant required to file an amended Application and to publish and serve new notice.

2. Amendment to Preliminary & Final Site Plan with Variances

Block: 6001; Lot: 135  
91 South Orange Avenue  
Application No. 2009-49-PFSPV  
Newark Academy

R-L Zone.

Applicant seeks an amendment to the previously approved site plan for the expansion and improvements of its current facilities, including classrooms, multi-purpose room, wider hallways and an increase in the size of the interior courtyard.

Steven A. Geffner, Esq. appeared for the Applicant.

Witnesses heard were:

Donald Austin - Head of School

Ralph Rosenberg - Admitted as an expert in architecture

Rocco Palmieri – Admitted as an expert in civil engineering

There were no questions, or statements in support or opposition, from members of the public.

Upon motion made by Member Dinar and seconded by Member Leopold, and after opportunity for discussion, the Application was unanimously approved by Members Dinar, Fernandez, Kalishman, Leopold, Kimmel, Klein, O'Neill, Venza and Alternate No. 1 Ratner (in place and stead of Member Meade) subject to a memorializing resolution; they being all of the Members both present and eligible to vote.

Adjournment. There being no further business, the Meeting adjourned at 8:46 P.M.

Respectfully submitted,



Debra Coonce  
Recording Secretary