

ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting

January 22, 2019

Conference Meeting Agenda:

At 7:03 PM, Chairman Hochberg announced that proper notice had been given and Planning Assistant, Maddrey called the Roll:

Present: James Hochberg, Chairman
Tony Nardone, Vice Chair
Ed Bier
Michael Vieira
Vineeta Khanna
Lauren Tabak-Fass
Kalpesh Kenia
Pearl Hwang
Alan Ozarow, Board Attorney
Catherine Maddrey, Planning Assistant

Absent: Jared Resnick

1. Reorganization Matters.
 - a. Oaths. Board Attorney Ozarow administered the oaths of office to the following reappointed Board Members:
 - Pearl Hwang (term expires January 2023)
 - Vineeta Khanna, Alternate #1 (term expires January 2021)
 - b. Other Organizational Actions. Upon motions made and seconded, and on the unanimous votes of the Members present, the following actions were taken:
 - Election of Hochberg as Chairman to serve until January 28, 2020.
 - Election of Nardone as Vice Chairman to serve until January 28, 2020.
 - Appointment of Recording Secretary, Lauren Tabak Fass to serve until January 28, 2020
 - Acknowledgement of Alan Ozarow, Esq. as Board Attorney, to serve at the pleasure of the Board for a term expiring on February 28, 2019.
 - Acknowledgement of Richard Vallario, Esq. as Board Attorney, to serve at the pleasure of the Board for a term effective March 1, 2019 and expiring on January 28, 2020.
 - c. Schedules of Meetings. The following schedules of Board meetings for 2019 were unanimously ratified:
 - FEBRUARY 26, 2019
 - MARCH 26, 2019
 - APRIL 30, 2019
 - MAY 28, 2019
 - JUNE 25, 2019
 - JULY 23, 2019
 - AUGUST 27, 2019
 - SEPTEMBER 24, 2019

OCTOBER 22, 2019
NOVEMBER 26, 2019
DECEMBER 10, 2019
JANUARY 21, 2020 (Re-Organization Meeting)

Minutes: The Board required changes to be made to the draft minutes of December 11, 2018.

New Business: None

Regular Meeting Agenda

At 7:37 PM., it was announced that proper notice had been given and the Roll was called: The Regular Meeting continued with the same attendees. Town Planner Consultant, Michael J. Pessolano was also in attendance.

The following Resolutions were memorialized:

- 1) Vipul Sodha – 193 N. Livingston Ave – Application No. 2018-80-V
- 2) Piper Property Management, LLC – 40 Spring Road – Application No. 2018-81-V
- 3) Denise Marcel – 30 Dougal Ave – Application No. 2018-77-V
- 4) Max Homes NJ LLC – 11 Forest Street – Application No. 2018-70-V
- 5) Max Homes NJ LLC – 13 Forest Street – Application No. 2018-71-V

Variance (*Adjourned to February 26, 2019*)

Block 3202; Lot 36
41 Brookside Avenue
Application No. 2018-56-V
Purnima Chakraborty

R-4 Zone

Applicant proposes an addition on the first and second floor in violation of the following sections:

- 170-99C2 Front Yard Setback – 40’ required; 30’ proposed; 10’ variance requested.
- 170-99C3 Left Side Yard Setback – 10’ required; 5.6’ proposed; 4.4’ variance requested.
- 170-87CC44 Habitable Floor Ratio – 30% required; 33.83% proposed; 3.83% variance requested.
- 170-87BB4 – Habitable Floor Area – 3220 sq ft required; 3383 sq ft proposed; 163 sq ft variance requested.

Chairman Hochberg announced that the application for 41 Brookside Avenue was being adjourned to February 26, 2019 and that new notices were not required.

Variance (*Continued from December 11, 2018*)

Block 4305; Lot 2
87 Irving Avenue
Application No. 2018-65-V
Yong Jiang & Xiaoai Sun

R-4 Zone

Applicant proposes an addition in violation of the following sections:

- 170-99C3 Side Yard Setback – 10’ required; 8.6’ proposed; 1.4’ variance requested.
- 170-99C3 Aggregate Side Yard Setback – 30% required; 27.6% proposed; 2.4% variance requested.
- 170-99C4 Rear Yard Setback – 35’ required; 32.1’ proposed; 2.9’ variance requested.
- 170-87CC4 Habitable Floor Ratio – 30% required; 34.33% proposed; 4.33% variance requested.
- 170-3 Private Garage – 12’ in width and 20’ in length required; 7’x.6” in width and 19’ in length proposed; 4’x6” in width and 1’ in length variance requested.

The Board expressed concerns on the size of the new home and advised the applicant to revise the plans to eliminate some of the variances in order to conform to the neighborhood, therefore continuing the hearing to February 26, 2019. No further notices required.

Variance

Block 2906; Lot 52
38 Sycamore Avenue
Application No. 2018-85-V
Tracy Wang

R-3 Zone

Applicant proposes a second floor addition in violation of the following sections:
170-98C2 Front Yard Setback – 50’ required; 40.18’ proposed; 9.82’ variance requested.
170-87CC3 Habitable Floor Ratio – 21% required; 29.8% proposed; 8.8% variance requested.

Christine Miseo (Architect) and the applicant’s spouse, Wei Min Sun appeared and were sworn in and offered testimony. No members of the public appeared in support or objection to the application. The hardships were reconfirmed (undersized and narrow lot) upon motion made by Mr. Viera and second by Mr. Bier. The members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution

Variance

Block 1303; Lot 74
38 Washington Court
Application No. 2018-89-V
Steve Maletos

R-4 Zone

Applicant proposes a rear addition and attached garage in violation of the following sections:
170-99C2 Front Yard Setback – 40’ required; 20.4’ proposed; 19.6’ variance requested.
170-99C3 Left Side Yard Setback – 10’ required; 3.5’ proposed; 6.5’ variance requested.
170-99C3 Right Side Yard Setback – 10’ required; 9’ proposed; 1’ variance requested.
170-99C3 Aggregate Side Yard Setback – 30% required; 25% proposed; 5% variance requested.
170-87CC4 Habitable Floor Ratio – 30% required; 56% proposed; 26% variance requested.

Tsampicos Paredis (Architect) and Steve Maletos appeared and were sworn in and offered testimony. The hardships were reconfirmed (undersized and narrow lot) upon motion made by Mr. Hochberg and second by Mr. Nardone. The members of the Board present and eligible voted and upon vote, the motion was defeated and the application was denied. Members who voted against the application: Pearl Hwang, Vineeta Khanna, Lauren Tabak Fass.

Members of the Public with Questions/Comments:
Catherine Politi – 40 Washington Court

The Board was in recess from 9:06 PM to 9:17 PM

Variance
Block 1405; Lot 7
19 Preston Drive
Application No. 2018-83-V
19 Preston Drive LLC

R-4 Zone

Applicant proposes to construct a single family detached two-story house in violation of the following sections:

- 170-99C3 Side Yard Setback – 10’ required; 9’ proposed; 1’ variance requested.
- 170-99C4 Rear Yard Setback – 35’ required; 30’ proposed; 5’ variance requested.
- 170-87CC4 Habitable Floor Ratio – 30% required; 45.22% proposed; 15.22% variance requested.

The applicant was represented by Stephen Geffner, Esq. Michael Lanzafama (Engineer) and Christine Miseo (Architect) were sworn in and offered testimony. The hardships were reconfirmed (undersized and narrow lot) upon motion made by Mr. Viera and second by Mr. Bier. The members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution

Members of the Public with Questions/Comments:
Alan Russo – 22 N. Ashby Ave

Preliminary Final Site Plan with Use Variance
Block 6100; Lot 17
12 Peach Tree Hill Road
Application No. 2018-49-PFSP-UV
Precision Escalator Products, Inc.

R-L Zone

Applicant proposes to re-configure the space within the existing building to reduce the existing office space to 5,448 sq. ft. and expand the warehouse space to 47,207 sq. ft. The applicant intends to renovate and re-purpose the existing structure to revise the use to include storage, light assembly, warehousing, office, light manufacturing with installation of an emergency generator.

The applicant was represented by Stephen Geffner, Esq. Michael Lanzafama (Engineer), John Buchholz (Architect) and Gregory Marouchkian (Principal of Precision Escalators) were sworn in and offered testimony. Michael Pessolano, P.P., AICP of MJP Land Use Planning LLC reviewed the Application on behalf of Livingston Township. No members of the public appeared in support or objection to the application. Motion was made by Mr. Hochberg and second by Mr. Nardone. The members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

With no further business, the meeting adjourned at 11:05 PM.

Sincerely


Catherine Maddrey, Planning Assistant