

ZONING BOARD
Minutes of the Meeting
January 23, 2018

The Livingston Zoning Board of Adjustment met for a Conference Meeting at 7:00 p.m. in the Conference Room with a Regular Meeting to follow in the Court Room of the Livingston Municipal & Police Building located at 357 South Livingston Avenue. Notice of both meetings was published in the West Essex Tribune and posted at the Livingston Municipal Building.

Conference Meeting:

At 7:03 p.m., Chairman Hochberg announced that proper notice had been given and Vice Chair Nardone called the Roll:

Present: James Hochberg, Chairman

Absent: Kalpesh Kenia

Tony Nardone

Ed Bier

Lauren Tabak Fass

Jared Resnick

Pearl Hwang

Michael Vieira

Vineeta Khanna

Alan Ozarow, Board Attorney

Jackie Coombs-Hollis, Planning Administrator

Organizational Matters

- a) Administration of Oaths. By oath, Jim Hochberg was qualified and reappointed as a member of the Board.
- b) Other Organizational Actions: Upon motion 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 22, 2019
 - Election of Nardone as Vice Chairman to serve until January 22, 2019
 - Election of Tabak-Fass to serve as Recording Secretary to serve until January 22, 2019
 - Acknowledgement of Alan Ozarow, Esq. to serve at the pleasure of the Board for a term expiring on January 22, 2019.
- c) The following 2018 schedule was unanimously ratified:

MEETING DATES

JANUARY 23, 2018

FEBRUARY 27, 2018

MARCH 27, 2018

APRIL 24, 2018

MAY 22, 2018

JUNE 26, 2018

JULY 24, 2018
AUGUST 28, 2018
SEPTEMBER 25, 2018
OCTOBER 23, 2018
NOVEMBER 27, 2018
DECEMBER 11, 2018
JANUARY 22, 2019 *

Unless another time and/or location shall be designated and advertised, Regular Meetings and any Special Meetings shall begin at 7:00 PM prevailing time, and shall be held at the Livingston Municipal & Police Building, 357 South Livingston Avenue, Livingston, New Jersey. All such Meetings will be preceded by a Conference Meeting. Formal action may be taken at any meeting.

Minutes. The minutes of November 28, 2017 and December 12, 2017 were accepted as presented.

Adjournment. The Conference Meeting was adjourned at 7:15 p.m.

Regular Meeting:

At 7:18 p.m., it was announced that proper notice had been given and the Roll was called:

Present: James Hochberg, Chairman

Absent: Kalpesh Kenia

Tony Nardone

Ed Bier

Lauren Tabak Fass

Pearl Hwang

Jared Resnick

Michael Vieira

Vineeta Khanna

Alan Ozarow, Board Attorney

Jackie Coombs-Hollis, Planning Administrator

Variance – 44 Park Drive

Block 4505; Lot 97

Application No. 2017-80-V

Chi Fong Hai

The Applicant and project Architect Michael Relton, Architect of RGM Designs were both sworn in to offer testimony. The credentials of Mr. Relton were accepted by the Board.

The Applicant proposes a second floor addition on the existing first floor footprint and a covered entry to the house in violation of the following sections:

- 170-99-C(2) Front Yard Setback – 40ft required, 37.1ft proposed; 2.9 inches variance requested
- 170-99-C(4) Rear Yard Setback – 35ft required, 29.7ft proposed; variance of 5.3ft requested.
- 170-87L-(1)(d) Side Street /Corner Lot Setback – 35ft required, 34.2ft proposed; variance of 10inches requested.

The Architect testified that the hardship was due to the orientation and placement of the house on the property. No members of the public spoke in favor or against the application. On a motion made

by Mr. Vieira, with a second by Mr. Nardone, the Board approved the variances requested subject to a memorializing resolution by the unanimous votes of the members present and eligible to vote.

Variance – 58 Martin Road
Block 2803; Lot 15
Application No. 2017-78-V
Tao Zhang

Tao Zhang was sworn in to offer testimony on behalf of the owner Shangzh Xiao. The Applicant proposes a second floor addition on the existing garage and to the rear of the house in violation of the following sections:

- 170-98-C(2) Front Yard Setback – 50ft required, 49ft proposed; 1ft variance requested

The Board recognized that due to the placement of the house on the property, the variance was necessary. No members of the public spoke in favor or against the application. On a motion made by Mr. Vieira, with a second by Mr. Nardone, the Board approved the variance requested subject to a memorializing resolution by the unanimous votes of the members present and eligible to vote.

Variance – 17 Rumson Road
Block 3301; Lot 11
Application No. 2017-79-V
Adam & Naomi Sutton

The Applicant proposes a garage and rear addition on the existing footprint in violation of the following sections:

- 170-87-BB(3) Habitable Floor Area – 3520Sq. ft. required, 3535Sq. ft. proposed; 15Sq. ft. variance requested
- 170-87-CC(3) Habitable Floor Ratio – 21% required, 23.6% proposed; variance of 2.6% requested

After being sworn, the Applicants testified regarding the limitations of the current garage and described the proposed addition. No members of the public spoke in favor or against the application. On a motion made by Mr. Nardone, with a second by Ms. Tabak-Fass, the Board approved the variances requested subject to a memorializing resolution by the unanimous votes of the members present and eligible to vote.

Use Variance – 226 West Northfield Avenue (*Continued from December 12, 2017*)
Block 4500; Lot 1
Application No. 2017-57-PFSP-UV
N.J. Energy Corporation

Applicant proposes to redevelop the property into a gas station and convenience store. A gas station with convenience store is not a permitted use in the R-3 Zone.

Also present for this hearing, Township Engineer, Township Planner and Traffic Consultant.

Stephen Geffner, Esq. of Schenck, Price, Smith & King, LLP appeared as attorney for the Applicant and summarized the application and changes made to the plan.

Witnesses sworn, qualified, and testifying for the Applicant:

Joseph McCormick, Licensed Professional Geologist & Environmental Manager, NJ Energy
Scott Parker, Director of Facilities, NJ Energy Corporation
Devang Patel, LSRP, Envocare Environmental Facility Management

Harris S. Feldman, Esq. 2 Dogwood Terrace appeared as an Objector representing himself.

Questions for Mr. McCormick by Members of the Public:

Walter Levine, 345 Walnut Street & Chairman of the LEC
Bill Kressler, 26 Dogwood Terrace
Timothy Osborne, 144 W. Northfield
Roger Brick, 18 Scotland Drive
Ed Camaleri, 23 Burnet Hill Road
Tamara Liechtenstein, 165 Hillside Avenue
Steven Greenberg, 28 Longview Road
Sam Patel, 269 North Livingston Avenue
Richard Praml, 3 Park Drive
Owen Kasmin, 16 Dogwood Terrace
Tom Messina, 201 W. Northfield Road

The Board was in recess from 9:02pm to 9:13pm.

Questions for Mr. Patel by Members of the Public:

Walter Levine, 345 Walnut Street & Chairman of the LEC
Tamara Liechtenstein, 165 Hillside Avenue
Steven Greenberg, 28 Longview Road
Bill Kressler, 26 Dogwood Terrace
Timothy Osborne, 144 W. Northfield

The hearing will continue at a Special Meeting on Thursday, February 22, 2018 at 7pm. No further notice by the Applicant will be published.

The following Resolution was memorialized:

Bao Zhiyong – Application No. 2017-71-V

With no further business to be discussed, the meeting adjourned at 10:34pm

Respectfully Submitted

Jackie Hollis
Planning Administrator