

ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting

March 23, 2021

The Livingston Township Zoning Board of Adjustment met for its Conference and Regular Meeting by means of Zoom Webinar telecommunications at 7:07 PM. Chairman Hochberg announced that proper notice had been given pursuant to the Open Public Meetings Act and guidance provided by the State's Division of Local Government Services. Secretary Fass called the Roll:

Present: James Hochberg, Chairman
Anthony Nardone, Vice Chair
Ed Bier
Pearl Hwang
Lauren Tabak-Fass
Kalpesh Kenia
Laurie Kahn
Ketan Bhuptani
Richard Vallario, Esq., Board Attorney
Jackie Hollis, Planning Administrator
Catherine Maddrey, Planning Assistant
Barbara Ehlen, AICP, PP, Beacon Planning and Consulting Services, LLC

Absent: Jared Resnick

Communications: None

Minutes: The minutes of February 23, 2021 was accepted.

Old Business:

The Board voted unanimously in favor of memorializing the following Resolutions:

- a) 50 Oakwood Avenue; Application No. 2020-65-V; Novel Jersey Homes LLC / Yanchun Song
- b) 75 Mounthaven Drive; Application No. 2020-56-V; Bogdan Kwoczka
- c) 320 Beaufort Avenue; Application No. 2021-3-V; Meiting Huang
- d) 228 E McClellan Avenue; Application No. 2020-63-V; Odilon & Wlliana Bragatto
- e) 45 North Ridge Road; Application No. 2021-2-V; Fern Felsenheld
- f) 13 Volker Lane; Application No. 2021-4-V; Inga & Oriel Cohen
- g) 43 Morningside Drive; Application No. 2021-6-V; Adam & Ashley Kessler

New Business:

Variance

Block 3901; Lot 106.18

13 Marisa Court

Application No. 2021-12-V

Falak & Pooja Pandit

The Applicant seeks approval for a deck in violation of the following Section:
170-99C4 Rear Yard Setback – 35' required; 19.6' proposed; 15.4' variance requested.

Falak Pandit, Applicant appeared and was sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. The hardship was reconfirmed (shallow lot) upon motion to approve made by Member Kenia and second by Member Fass. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Minor Subdivision with Variances (Continued from January 26, 2021)
Block 1302; Lot 5
17 Congressional Parkway
Application No. 2020-55-MSUBV
Craig Naylor; John & Rebecca Tsihlas

The Applicant proposes the following:

Subdivide Lot 5 to create two (2) new lots designated as proposed lots 5.01 and 5.02.
Lot 5.01 would contain the existing house with the existing driveway and 1-car detached garage.
The plans denote a small existing enclosed porch on the left side of the existing house is noted to be removed.
Lot 5.02 would be a vacant building parcel for construction of a new single family home.

Member Kenia and Board Attorney Vallario were recused from this Application. Thomas DiBiasi, Esq. acted as Board Attorney for this Application.

Appearing for the Applicant: Matthew Posada, Esq. of Schenck, Price, Smith & King, LLP

Witnesses for the Applicant: Dan Governale of Barlo, Governale, & Associates, AIA
Michael Lanzafama of Casey & Keller, Inc., P.E./P.P.

Members of the Public with Questions or Statements: Bernard Searle – 14 Washington Ct.

A motion to approve the Application was made by Chairman Hochberg and second by Member Kahn. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

There was a change in the order of agenda from 13 Taconic Road to 13 Dogwood Terrace.

Board Attorney Vallario, Esq. returned to the meeting.

Variance
Block 5602; Lot 17
13 Dogwood Terrace
Application No. 2021-9-V
Amy & Sean Mahoney

The Applicant seeks approval for an addition in violation of the following Sections:
170-99C3 Left Side Yard Setback – 10' required; 7.82' existing/proposed; 2.18' variance requested.
170-99C3 Right Side Yard Setback – 10' required; 2.81 existing/proposed; 7.19' variance requested.
170-99C4 Rear Yard Setback – 35' required; 26.3' existing/proposed; 8.7' variance requested.
170-99C4 Aggregate Side Yard Setback – 30% required; 21.3% existing/proposed; 8.7% variance requested.
170-87CC4 Habitable Floor Ratio – 30% allowed; 38.59% proposed; 8.59% variance requested.

Amy & Sean Mahoney, Applicants and William Hidlay, AIA appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. The hardships were reconfirmed (undersized and shallow lot) upon motion to approve made by Member Bier

and second by Vice Chair Nardone. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance

Block 4304; Lot 14
13 Taconic Road
Application No. 2021-7-V
Xuezheng Wu

Applicant seeks approval for an addition in violation of the following Sections:

170-99C3 Left Side Yard Setback – 10’ required; 8.54’ proposed/existing; 1.46’ variance requested.

170-87L(1)(d) Corner Lot Setback – 35’ required; 15.5’ proposed; 19.5’ variance requested.

170-87BB4 Habitable Floor Area – 3220 sq ft allowed; 3294 sq ft proposed; 74 sq ft variance requested.

Xuezheng Wu, Applicant and Christine Miseo, AIA appeared and were sworn in to offer testimony.

Member(s) of the Public with Statements:

Jennifer Weiss – 3 Macopin Drive

The Applicant agreed to eliminate the Habitable Floor Area variance being requested and comply with Zoning requirements. The Applicant is required to submit new architectural plans for building permits. A conditions of approval as added that the attic space will remain as storage only and not be used as a habitable living area. A motion to approve was made by Member Fass and second by Member Bier. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance

Block 2903; Lot 2
43 Lee Road
Application No. 2021-11-V
Yehuda Borochoy

Applicant seeks approval to construct a pool house/shed in violation of the following Sections:

170-87E(1)(a) Accessory Building Height – 13’ allowed, 14’ proposed; 1’ variance requested.

170-87BB3 Habitable Floor Area – 3520 sq ft allowed; 3804 sq ft proposed; 284 sq ft variance requested.

170-87CC3 Habitable Floor Ratio – 21% allowed; 25% proposed; 4% variance requested.

Yehuda & Dikla Borochoy, Applicants appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. The Board felt the proposed shed was too large. The Applicants requested an adjournment to revise plans. The Application was adjourned to May 25, 2021; new notices not required.

Adjournment

With no further business, the meeting adjourned at 9:08 PM.

Respectfully submitted,

Catherine Maddrey, Planning Assistant