

**ZONING BOARD OF ADJUSTMENT**  
**Minutes of the Meeting**  
**March 27, 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 7:00 p.m., Chairman Hochberg announced that proper notice had been given and Secretary Tabak-Fass called the Roll:

Present: James Hochberg, Chairman  
Lauren Tabak Fass  
Pearl Hwang  
Jared Resnick  
Ed Bier (7:04pm)  
Kalpesh Kenia  
Alan Ozarow, Board Attorney  
Veena Sawant, Planner

Absent: Tony Nardone  
Michael Vieira  
Vineeta Khanna  
Jackie Hollis, Planning Administrator

Minutes. The minutes of February 27, 2018 were accepted as presented.

Adjournment. The Conference Meeting was adjourned at 7:12 p.m.

**Regular Meeting:**

At 7:20 p.m., it was announced that proper notice had been given and the Roll was called:

Present: James Hochberg, Chairman  
Lauren Tabak Fass  
Pearl Hwang  
Jared Resnick  
Ed Bier  
Kalpesh Kenia  
Alan Ozarow, Board Attorney  
Veena Sawant, Planner

Absent: Tony Nardone  
Michael Vieira  
Vineeta Khana  
Jackie Hollis, Planning Administrator

Variance (*Continued from 2/27/18*)

Block: 2700; Lot: 3

10 Wardell Road

Application No. 2018-4-V

Cindy Plawner

R-4 Zone

Applicant proposes construction of an attached garage and rear addition in violation of the following sections:

- 170-99C(2) Front Yard Setback – 40’ required, 29.8’ proposed; 10.2’ variance requested.
- 170-99C(3) Side Yard Setback (Left) – 10’ required, 4.6’ proposed; 5.4’ variance requested.
- 170-99C(3) Side Yard Setback (Right) – 10’ required, 5’ proposed; 5’ variance requested.
- 170-99C(3) Side Yard Aggregate – 30% required, 29.2% proposed; .8% variance requested
- 170-87CC(4) Habitable Floor Ratio – 30% allowed, 46%; 16% variance requested
- 170-3 Garage Size Inside Dimensions – 12’x20’ required, 12’x18.6’ proposed; 0’x1.4’ variance requested

Architect Tsampicos Perides, and applicant Cindy Plawner were both sworn in. The Architect confirmed that the plans were revised based on the comments from the previous meeting. No variance was now needed for the new garage and the habitable floor ratio was reduced to 40% proposed and a 10% variance was being sought. The Board recognized that this was a narrow and undersized lot.

Questions for the applicant:

Andrew Vitoria, 12 Wardell

On a motion made by Mr. Hochberg and second by Mr. Resnick, the Board approved the amended variances requested subject to a memorializing resolution by the unanimous votes of the members present and eligible to vote.

Variance

Block 2501; Lot 13

2 Marberne Terrace

Application No. 2018-1-V

Ira M. Sonet

R-3 Zone

Applicant proposes to construct a deck in violation of the following section:

- 170-96C(4) Rear Yard Setback – 40’ required, 18’ proposed; 22’ variance requested

Sworn in to provide testimony was Ira Sonet. Mr. Sonet stated that due to the irregular shaped lot, the variance was necessary for the construction of the deck. The Board also noted that it was a shallow lot. No members of the public spoke in favor or against the application. On a motion made by Mr. Resnick and second by Mr. Bier, the Board approved the variance requested subject to a memorializing resolution by the unanimous votes of the members present and eligible to vote.

Variance (*Adjourned from 2/27/18*)

Block: 4603; Lot: 5

6 Salem Place

Application No. 2017-81-V

Jason Dworkin

R-4 Zone

Applicant proposes an addition to the existing house in violation of the following sections:

- 170-99C(2) Front Yard Setback – 40’ required, 35.3’ proposed; 4.9’ variance requested
- 170-99C(3) Side Yard Setback – 10’ required, 4.3’ proposed; 5.7’ variance proposed
- 170-99C(3) Side Yard Aggregate – 15’ required; 15.1’ proposed; .1’ variance requested

Architect Yuval Wellisch and applicant Jason Dworkin were both sworn in. The applicant clarified that they were not seeking demolition of the existing structure but doing an expansion to the rear of the property. The side yard aggregate variance was not needed. The Board recognized that this was an existing nonconforming structure on a narrow lot.

Questions for the Applicant:

Brian Rummel, 4 Salem Place

On a motion made by Mr. Hochberg and 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, and with the condition to not remove the tree that is between 4 and 6 Salem Place as long as it was determined to be a living tree.

Conditional Variance

Block 200; Lot 6

354 Beaufort Avenue

Application No. 2018-5-CV

Joseph & Stacey Moore

R-2 Zone

Applicant seeks approval to temporarily permit two principal structures on the same Lot. House to be demolished after certificate of occupancy received for new construction.

Joseph and Stacey Moore were both sworn in to offer testimony.

Questions for the applicant:

Linda Berman, 44 Rainbow Ridge Drive

The Board discussed the time frame for the existing house to be demolished. On a motion made by Mr. Hochberg and second by Mr. Bier, the Board approved the conditional variance requested subject to a memorializing resolution by the unanimous votes of the members present and eligible to vote, and with the condition that the existing house to be demolished within 30 days of receipt of a temporary certificate of occupancy on the new house. An additional condition is for the existing chicken coop to be removed.

Variance  
Block 2200; Lot 66  
5 Oxford Drive  
Application No. 2018-9-V  
Matthew Moore

R-2 Zone

Applicant proposes to construct s 2<sup>nd</sup> story deck in violation of the following section:

- 170-97C(4) Rear Yard Setback – 50’ required, 32’ proposed; 18’ variance requested

Matthew Moore was sworn in to offer testimony. The Board recognized that the lot was extremely shallow and granting of the variance would not be a detriment to the zoning ordinance. On a motion made by Mr. Resnick and second by Ms. Tabak-Fass, the Board approved the variance requested subject to a memorializing resolution by the unanimous votes of the members present and eligible to vote,

Variance  
Block 2906; Lot 20  
5 Kathay Drive  
Application No. 2018-11-V  
Tiantian Fu

R-3 Zone

Applicant proposes addition in violation of the following section:

- 170-96C(2) Front Yard Setback – 50’ required, 28.2’ proposed; 21.8’ variance requested

Tiantian Fu was sworn in to offer testimony. Due to the existing non-conformity of the existing house, and the position of the house, the Board recognized those hardships. The lot is also irregularly shaped. No members of the public appeared in support of, or objection to the application. On a motion made by Mr. Bier and second by Mr. Resnick, the Board approved the variance requested subject to a memorializing resolution by the unanimous votes of the members present and eligible to vote,

The following Resolutions were memorialized:

Hui Lu – Application No. 2018-2-V  
John & Susanna Shen – Application No. 2018-3-V  
Xiangyang Ha – Application No. 2017-76-V  
Jason Dworkin - Application No. 2017-81-V  
Ira Sonet – Application No. 2018-1-V

With no further business to be discussed, the meeting adjourned at 8:14pm

Respectfully Submitted

Jackie Hollis  
Planning Administrator