

ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting

April 24, 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 Agenda:

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 Tony Nardone Lauren Tabak Fass Michael Vieira Pearl Hwang Jared Resnick Ed Bier Vineeta Khanna Kalpesh Kenia Alan Ozarow, Board Attorney Jackie Hollis, Planning Administrator Catherine Maddrey, Planning Assistant	Absent: None
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Minutes. The minutes of March 27, 2018 were accepted as presented.

Regular Meeting Agenda

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

Present: James Hochberg, Chairman Tony Nardone Lauren Tabak Fass Michael Vieira Pearl Hwang Jared Resnick Ed Bier Vineeta Khanna Kalpesh Kenia Alan Ozarow, Board Attorney Jackie Hollis, Planning Administrator Catherine Maddrey, Planning Assistant	Absent: None
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Variance
Block 4902; Lot 36
139 W. Northfield Road
Application No. 2018-10-V
Debasmita Pradhan

R-4 Zone

Applicant proposes building a single family home in violation of the following sections:

- 170-87BB(4) Habitable Floor Area – 3220 sqft required; 4561 sqft proposed; 1341 sqft variance requested.
- 170-87E(1)(a) Other: Existing Shed – 13’ height allowed; 14’ height proposed; 1’ height variance requested.
- 170-87E(1)(d)B1 Other: Setback – Existing Shed – 5’ required; 0.5” proposed; 4.5’ variance requested.

Applicant Debasmita Pradhan and Ranjan Pradhan were both sworn in to offer testimony. The Board questioned the applicants regarding the hardship for the height of the new house. The Board also expressed some concern about the location of the existing shed and the recreation area. The applicant was asked to revise the plans and return to the meeting on May 22, 2018. No further notice by the applicant was needed.

Variance
Block 3802; Lot 4
11 South Ashby Ave
Application No. 2018-18-V
Brad Gutch

R-4 Zone

Applicant proposes to build a 16’x27’ deck in violation of the following section:

- 170-99C(4) Rear Yard Setback – 40’ required; 13’ proposed; 27’ variance requested.

Brad Gutch was sworn in to offer testimony. The applicant testified and the Board noted that the hardship was due to the size, shape, and shallowness of the lot. No members of the public had questions or gave statements regarding the application. Upon motion made by Mr. Nardone, 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
Block 3901; Lot 105.05
17 Norman Court
Application No. 2018-20-V
Zhihong Wu & Jue Wang

R-5E Zone

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

- 170-99C(4) Rear Yard Setback – 40’ required; 29’ proposed; 11’ variance requested.

Applicants Zhihong Wu and Jue Wu were sworn in. The applicant testified that the lot was shallow and how the house was situated in the rear of the lot, a variance was needed.

Members of the public with questions:

Shan Lin – 164 Hillside Avenue
Catherine Fitzpatrick – 166 Hillside Avenue

Exhibit P-2 (3 photos) were presented and marked.

The Board discussed the privacy concerns raised by the neighbors. Upon motion made by Mr. Resnick and second by Mr. Nardone, the Board approved the variance with the condition that the applicant will plant 5 green giant arborvitae or year round trees along the rear property line. The trees will be between six and eight feet high. The motion was approved subject to a memorializing resolution by the unanimous votes of the members present and eligible to vote.

Variance
Block 4203; Lot 5
83 Belmont Drive
Application No. 2018-22-V
Carlo & Audrey Hipol

R-4 Zone

Applicant proposes to build a two story addition to side of existing split level dwelling in violation of the following section:

- 170-99C(3) Side Yard Setback – 10’ required; 7’ proposed; 3’ variance requested.

Applicants Carlo and Audrey Hipol were sworn in to offer testimony. Architect Janet Siegel was also sworn.

Exhibit A-1 (photo board) was presented and marked.

Sheldon Derrick of 85 Belmont Drive was sworn in to give a statement. Hung Feng Liao of 12 Spaulding Drive had questions for the applicant.

The Board recognized the hardship being the existing placement of the house on the property. Upon motion made by Mr. Vieira and second by Mr. Bier, the variance was granted subject to a memorializing resolution by the unanimous votes of the members present and eligible to vote.

Variance
Block 1700; Lot 63
91 Keyes Road
Application No. 2018-24-V
Anthony Ialeggio

R-4 Zone

Applicant proposes to build a 2nd story addition in violation of the following section:

- 170-99C(2) Front Yard Setback – 40’ required; 32.1’ proposed; 7.9’ variance requested.

Applicant Anthony Ialeggio was sworn in and testified that he was building a second floor addition and the hardship was due to the placement of the house. No members of the public had questions or made any statements.

The Board recognized that the lot was undersized and the house was uniquely positioned on the lot. Upon motion made by Mr. Resnick and second by Ms. Fass, the variance was granted subject to a memorializing resolution by the unanimous votes of the members present and eligible to vote.

Variance

R-4 Zone

Block 5001; Lot 74

21 Burnett Hill Road

Application No. 2018-26-V

Frank & Cheryl Paredes

Applicant proposes to add to existing 2nd floor addition in violation of the following section:

- 170-99C(2) Front Yard Setback – 40’ required; 29.6’ proposed; 10.6’ variance requested.

Applicant Frank Paredes and architect Rui Amaral were sworn in. The Board recognized that this was a shallow lot. Upon motion made by Mr. Vieira and second by Mr. Nardone, the variance was granted subject to a memorializing resolution by the unanimous votes of the members present and eligible to vote.

Board was in recess 8:36pm – 8:47pm

At this point, the order on the Agenda was modified.

Variance

Block 4601; Lot 15

30 Hazelwood Ave

Application No. 2018-17-V

Gary Ng

R-4 Zone

Applicant proposes to add 2nd floor addition in violation of the following sections:

- 170-99C(2) Front Yard Setback – 40’ required; 30.2’ proposed; 9.8’ variance requested.
- 170-99C(3) Side Yard Setback – 10’ required; 4/8.4’ proposed; 6’/1.6’ variance requested.
- 170-99C(3) Side Yard Aggregate – 30’ required; 23.26’ proposed; 6.74’ variance requested.
- 170-87CC(4) Habitable Floor Area – 30% required; 32.5% proposed; 2.4% variance requested.

Applicant Gary Ng and architect Christine Miseo were sworn in. Applicant noted the existing shed to be removed.

Members of the public with questions:

Elizabeth O’Hare – 32 Hazelwood Avenue

Joan Higgins – 38 Hazelwood Avenue

The Board noted this was an existing nonconforming undersized lot. Upon motion made by Mr. Vieira and second by Mr. Bier, the variances were granted subject to a memorializing resolution by the unanimous votes of the members present and eligible to vote.

Variance

Block 2100; Lot 31

20 Force Hill Road

Application No. 2018-14-V

Applicant proposes to build a new single family residence in violation of the following sections:

- 170-96C(2) Front Yard Setback – 75’ required; 60’ proposed; 15’ variance requested.
- 170-96C(3) Side Yard Setback – 15’/15’ required; 10’/12’ proposed; 5’/3’ variance requested.

Applicant Bhavaharan Nanabolu and architect Christine Miseo were sworn in. The existing house, shed, hut and pool would be removed.

Giea Rohyana of 22 Force Hill Road appeared to make a statement. The Board recognized that this was a narrow lot and the front yard setback will be keeping with the others on the block; keeping it uniform. Upon motion made by Mr. Nardone and second by Mr. Resnick, the variances were granted subject to a memorializing resolution by the unanimous votes of the members present and eligible to vote.

Variance

Block 2100; Lot 29

16 Force Hill Road

Application No. 2018-12-V

Venkata Kothapalli

R-1 Zone

Applicant proposes to build a new single family residence in violation of the following sections:

- 170-96C(2) Front Yard Setback – 75’ required; 60’ proposed; 15’ variance requested.
- 170-96C(3) Side Yard Setback – 15’/15’ required; 10’/12’ proposed; 5’/3’ variance requested.
- 170-87CC Habitable Floor Ratio – 15% required; 18% proposed; 3% variance requested.

Applicant Venkata Kothapalli and architect Christine Miseo were sworn in. No members of the public had questions or gave sworn statements. The lot is narrow and undersized.

Upon motion made by Mr. Hochberg and second by Mr. Nardone, the variances were granted subject to a memorializing resolution by the unanimous votes of the members present and eligible to vote.

Variance

Block 2100; Lot 30

18 Force Hill Road

Application No. 2018-13-V

Hrishikesh Pippadipally

R-1 Zone

Applicant proposes to build a new single family residence in violation of the following sections:

- 170-96C(2) Front Yard Setback – 75’ required; 60’ proposed; 15’ variance requested.
- 170-96C(3) Side Yard Setback – 15’/15’ required; 10’/11.66’ proposed; 5’/3.33’ variance requested.
- 170-87CC Habitable Floor Ratio – 15% required; 18% proposed; 3% variance requested.

Architect Christine Miseo appeared in the absence of the applicant. She noted as the applicant was travelling, she was granted the authority to present the case to the Board. No members of the public had questions or made any statements. The Board noted the hardship being the lot was shallow.

Upon motion made by Mr. Vieira and second by Mr. Bier, the variances were granted subject to a memorializing resolution by the unanimous votes of the members present and eligible to vote.

Variance
Block 4707; Lot 2
19 Yorktown Terrace
Application No. 2018-21-V
Eric & Barbara Cheifet

R-4 Zone

Applicant proposes to demolish existing covered porch (108 sqft) and replace it with a larger enclosed porch (162 sqft) built on a concrete block foundation in violation of the following sections:

- 170-99C(2) Front Yard Setback – 40’ required; 33.8’ proposed; 6.2’ variance requested.
- 170-99C(3) Side Yard Setback – 10’ required; 7.8’ & 8.3’ proposed; 2.2’ & 1.7’ variance requested.
- 170-99C(3) Side Yard Aggregate – 30% required; 25.56% proposed; 4.44% variance requested.

Applicant Eric Cheifet and architect Douglas Aseroll were sworn in. No members of the public appeared to ask questions or give statement. Upon motion made by Mr. Hochberg and second by Mr. Nardone, the variances were granted subject to a memorializing resolution by the unanimous votes of the members present and eligible to vote.

The following resolutions were memorialized:

Cindy Plawner – Application No. 2018-4-V
Joseph & Stanley Moore – Application No. 2018-5-V
Matthew Moore – Application No. 2018-9-V
Tiantian Fu – Application No. 2018-11-V

With no further business, the meeting adjourned at 9:26pm.