

ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting

July 27, 2021

The Livingston Township Zoning Board of Adjustment met for its Conference and Regular Meeting by means of Zoom Webinar telecommunications at 7:05 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	Absent:	Laurie Kahn
	Anthony Nardone, Vice Chair		
	Jared Resnick		
	Ed Bier		
	Pearl Hwang		
	Lauren Tabak-Fass		
	Kalpesh Kenia		
	Ketan Bhuptani		
	Richard Vallario, Esq., Board Attorney		
	Jackie Hollis, Planning Administrator		
	Catherine Maddrey, Planning Assistant		

Communications: None

Minutes: The minutes of June 22, 2021 was accepted.

Old Business:

The Board voted unanimously in favor of memorializing the following Resolutions:
519 South Livingston Avenue Application No. 2021-22-AA; Supreme K9 Training LLC
12 Dougal Avenue; Application No. 2020-43-V; Kemal Reyhan
6 Arlington Drive; Application No. 2021-13-V; Yanzhon Niu

New Business:

Variance (Adjourned to August 24, 2021)
Block 2402; Lot 19
2 Hadrian Drive
Application No. 2021-20-V
Bruce & Marla Nagel

Applicant seeks approval for an addition in violation of the following Section:
170-97C2 Front Yard Setback – 60' required; 46' proposed; 14' variance requested.

Chairman Hochberg announced that the Application was adjourned to September 28, 2021; new notices would be required.

Variance (*Adjourned to September 28, 2021*)
Block 3703; Lot 3
2 Fredon Drive
Application No. 2021-36-V
Rajiv & Carrie Parikh

Applicant seeks approval for a shed in violation of the following Section:

170-87L(c) Corner Lot Setback – 40’ required; 22’ proposed; 18’ variance requested.

179-87E(1)(C) Accessory Building – shall not be erected nearer to the side street than the front yard requirement of that street.

After announcing the adjournment of Application, the Board allowed the Applicant to address the Board to request to be added onto the August 24, 2021 agenda as the last application. The Board voted in favor of the request. The Applicant was required to re-notice the missed neighbor.

Extension of Resolution (Adjourned from June 22, 2021)

Block 5701; Lot 9

305-307 West Northfield Road

Application No. 2021-30-EXT

Crystal Plaza Group, Inc.

The Applicant seeks approval for an Extension of Resolution (Application No. 2018-16-PFSP-UV; Decided July 24, 2018; Memorialized August 28, 2018).

The Applicant was represented by Michael Lipari, Esq. of Mandelbaum Salsburg. Hunter Janoff, Project Coordinator of Crystal Plaza Group, Inc. appeared and was sworn in to offer testimony. A motion to extend the Resolution for two (2) years running until July 24, 2023 was made by Member Fass and second by Vice Chair Nardone. Members The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution. No members of the public appeared in support of or against the extension of the Resolution.

Variance

Block 7402; Lot 4

7 Brayton Road

Application No. 2021-27-V

7 Brayton Road, LLC

Applicant first appeared before the Board on May 25, 2021 where the application was denied. Formal Resolution vote was not taken. Applicant amended the plans and now seeks the following variances for a pool cabana in violation of the following Sections:

170-87BB1 Habitable Floor Area – 6200 sq ft allowed; 7274 sq ft proposed; 1074 sq ft variance requested.

170-87CC1 Habitable Floor Ratio – 15% allowed; 19.99% proposed; 4.99% variance requested.

Appearing for Applicant: James Polles, Esq. of Schenck, Price, Smith & King, LLP

Witnesses for Applicant: Jon Mandelbaum
Larry Appel, AIA of Appel Design Group
Michael Lanzafama, P.E. & P.P. of Casey & Keller, Inc.

Chairman Hochberg was recused from this Application. The Board voted unanimously in favor to reopen the record for the Application. After acknowledging to have read the transcripts from May 25, 2021, Vice Chair Nardone acted as Chairman for this Application.

Members of the Public with Questions/Comments: None

A motion to approve the Application was made by Member Resnick and seconded by Member Kenia. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance
Block 3001; Lot 22
21 Montgomery Road
Application No. 2021-31-V
DAS Properties 1 LLC / Dior Silva

Applicant seeks approval for a first and second floor addition in violation of the following Sections:
170-98C2 Front Yard Setback – 50’ required; 34.7’ proposed; 15.3’ variance requested.
170-87CC3 Habitable Floor Ratio – 21% allowed; 29% proposed; 8% variance requested.
The Applicant is also proposing to expand the driveway to accommodate a two-car garage.

Appearing for Applicant: Stephen Scipione, Esq. of Scipione & Berg

Witnesses for Applicant: Hayk Ekshian, AIA
Dior Silva, Owner/Applicant

Members of the Public with Questions/Comments: None

The hardship was reconfirmed (narrow and undersized lot) upon a motion to approve made by Member Kenia 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.

The Board was in recess from 8:37 PM to 8:48 PM.

Variance
Block 3901; Lot 106.17
17 Marisa Court
Application No. 2021-34-V
Pratik Patel

Applicant seeks approval for a deck in violation of the following Section:
170-99C4 Rear Yard Setback – 35’ required; 21.59’ proposed; 13.41’ variance requested.

Christine Miseo, AIA and Pratik Patel, Applicant appeared and were sworn in to offer testimony.

Members of the Public with Questions/Comments: Peter Weisman – 142 Hillside Avenue

The hardship was reconfirmed (steep slopes/topography) upon a motion to approve made by Vice Chair Nardone 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.

Variance
Block 900; Lot 70
146 Adams Court
Application No. 2021-29-V
Tingyan Zeng & Xiuqing Liu

Applicant seeks approval to construct a new single family house in violation of the following Sections:

170-99C2 Front Yard Setback – 40’ required; 18’ proposed; 22’ variance requested.
170-87CC4 Habitable Floor Ratio – 30% allowed; 50.9% proposed; 20.9% variance requested.

Hayk Ekshian, AIA and Tingyan Zeng, Applicant appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. A variance for 170-87B1 - Building Coverage for 181 sq ft was added. The hardship was reconfirmed (undersized lot) upon a motion to approve made by Member Kenia 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 6001; Lot 71
42 Walnut Street
Application No. 2021-32-V
Timothy J. Politowicz

Applicant seeks approval for a first and second floor addition and to keep existing shed in violation of the following Sections:

170-97C3 Right Side Yard Setback – 15’ required; 7.7’ proposed; 7.3’ variance requested.
170-87E Accessory Building – 6’ away from any other accessory building or structure required; 1’ existing between structures proposed/existing; 5’ variance requested between structures.

Matthew Huber, AIA and Timothy J. Politowicz, Applicant appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. A motion to approve the application was made by Member Kenia 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.

With no further business, the meeting adjourned at 10:05 PM.

Respectfully submitted,

Catherine Maddrey, Planning Assistant