

ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting

September 28, 2021

The Livingston Township Zoning Board of Adjustment met for its Conference and Regular Meeting by means of Zoom Webinar and a link to Facebook at 7:02 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. Ms. Hollis called the Roll:

Present:	James Hochberg, Chairman	Absent:	Kalpesh Kenia
	Anthony Nardone, Vice Chair		Ketan Bhuptani
	Edward Bier		
	Lauren Tabak-Fass (<i>Joined meeting at 8:12 PM</i>)		
	Laurie Kahn		
	Jared Resnick (<i>Joined meeting at 7:59 PM</i>)		
	Pearl Hwang		
	Richard Vallario, Esq., Board Attorney		
	Jackie Hollis, Planning Administrator		
	Catherine Maddrey, Planning Assistant		

Communications: None

Minutes: The minutes of August 24, 2021 was accepted as presented.

Old Business:

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

- 245 Hillside Drive; Application No. 2021-39-V; Shefali & Puneet Goel
- 18 Dickinson Lane; Application No. 2021-23-V; Marcelino Lopez
- 7 Cliffside Drive; Application No. 2021-41-V; Santhosh Shetty
- 56 Beverly Road; Application No. 2021-43-V; Matthew Perlman
- 8 Harding Place; Application No. 2021-38-V; Phillip & Jamie Sperling
- 16 West Lawn Drive; Application No. 2021-40-V; Joshua & Meredith Schwartz
- 346 E Cedar Street; Application No. 2014-46-PFSPV (Amendment); Livingston ALF AMPROP, LLC
- 19 Midway Drive; Application No. 2021-48-V; Jon & Holly Anderson

New Business:

Variance

Block 200; Lot 6

354 Beaufort Avenue

Application No. 2018-5-V (Amendment)

Joseph & Stacy Moore / Todd Weinberger

The Applicant seeks approval to disturb an existing wooded Riparian Zone as prohibited by Ordinance No. 08-2011.

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

Witnesses for the Applicant: Andrew Cangiano, P.E. of Greenman-Pedersen, Inc.
Todd Weinberger

Jeannette Harduby, Township Engineer, joined the meeting at 7:46 PM.

Members of the Public with Questions/Comments: Linda Berman – 44 Rainbow Ridge Drive
Lawrence Sandak – 40 Rainbow Ridge Drive
Adam Karp – 42 Rainbow Ridge Drive

After hearing testimony, a motion to approve was made by Member Bier and second by Member Kahn. Members Resnick and Fass did not vote as they did not hear the full testimony. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

The Chairman requested a change of order in the agenda and called 10 Cornerstone Way.

Variance
Block 3903; Lot 112.03
10 Cornerstone Way
Application No. 2021-47-V
Elliott S. Kerven

Applicant seeks approval for an addition, front entrance porch, and deck in violation of the following Sections:

170-98C3 Aggregate Side Yard Ratio – 30% required; 21% proposed; 9% variance requested.
170-87CC3 Habitable Floor Ratio – 21% required; 22.4% proposed; 1.4% variance requested.

It was explained to the Applicant that in order to proceed with a variance application before the Zoning Board, an application to amend the Major Subdivision Resolution for Cornerstone Realty Investors, LLC must be filed and then granted by the Planning Board. The Application was adjourned without a new date; new notices will be required.

Variance
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.

Appearing for the Applicant: Jay Rice, Esq. of Nagel Rice, LLP

Witnesses for the Applicant: Ronald Weiss, AIA of Weiss Design Group
Bruce Nagel

Members of the Public with Questions/Comments: None

The Applicant requested an adjournment to November 23, 2021 with no further notices required.

The Board went into recess from 9:24 PM to 9:37 PM.

Variance
Block 4702; Lot 14
19 Midway Drive
Application No. 2021-48-V
Jon & Holly Anderson

Applicant seeks approval an second story addition over existing partial footprint in violation of the following Sections:

170-99C3 Side Yard Setback – 10’ required; 7.84’ proposed; 2.16’ variance requested.

Jon & Holly Anderson, Applicants and Michael Thompson, Contractor appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. A second variance was granted for a Rear Yard Setback (Code Section 170-99C4): 35’ required; 30’ proposed; 5’ variance requested. The hardship was reconfirmed (undersized and narrow lot) upon a motion to approve made by Member Nardone and second by Member Bier. The remaining members of the Board present and eligible voted in favor of the motion.

The Board voted on memorializing a draft resolution as requested by the Applicant; A motion to memorialize the resolution was made by Member Nardone and second by Member Fass. The remaining members of the Board present and eligible voted in favor of the motion.

Variance
Block 2400; Lot 22
225 East Cedar Street
Application No. 2021-50-V
Daniel Fremed

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

170-91A (3)(a) Side Yard Fence – 60” allowed; 72” proposed; 12” variance requested.

170-91A (2)(b) Front Yard Fence –

48” allowed; 72” proposed; 24” variance requested.

Plantings required; Retain current plantings with no additional plantings proposed

50% open required; board on board proposed

Daniel and Stephanie Fremed, Applicants appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. During the course of the hearing, having heard the Board’s concerns, the Applicant requested an adjournment to November 23, 2021; no further notices required.

Variance
Block 2501; Lot 9
45 West Lawn Road
Application No. 2021-51-V
Suzanne Fein

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

170-98C2 Front Yard Setback – 50’ required; 35.1’ proposed; 14.9’ variance requested.

170-98C3 Right Side Yard Setback – 10’ required; 7.5’ proposed; 2.5’ variance requested.

170-98C3 Left Side Yard Setback – 10’ required; 7.1’ proposed; 2.9’ variance requested.

170-98C3 Aggregate Side Yard Setback – 30% required; 29% proposed; 1% variance requested.

170-87CC3 Habitable Floor Ratio – 21% allowed; 22% proposed; 1% variance requested.

Suzanne Fein, 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 (narrow lot) upon a motion to approve made by Member Kahn and second by Member Bier. The remaining members of the Board present and eligible voted in favor of the motion.

With no further business, the meeting adjourned at 10:43 PM.

Respectfully submitted,

Catherine Maddrey, Planning Assistant