

**ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting**

February 28, 2023

The Livingston Township Zoning Board of Adjustment met for its Conference, Re-organization and Regular Meeting by means of Zoom Webinar telecommunications at 7:03 PM. Chairwoman Fass 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, Kahn called the Roll:

Present:	James Hochberg Lauren Tabak-Fass Jared Resnick Ed Bier Pearl Hwang Laurie Kahn Ketan Bhuptani (<i>left meeting at 9:29 PM</i>) Michael Affrunti Louis P. Rago, Esq. Jackie Hollis, Planning Administrator	Absent:	Anthony Nardone
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**Note: the Board went into Recess from 9:15 PM to 9:25 PM.*

Communications: None

Minutes: The minutes of January 24, 2023 were accepted as presented.

Old Business:

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

- 3 Notch Hill Drive; Application No. 2022-67-V; Igor & Taisiya Faynzilbert
- Appointing Board Attorney, Louis P. Rago, Esq. for a term expiring January 23, 2024

The adoption of the Resolution for 293 North Livingston Avenue; Application No. 2022-63-PFSPV; Public Service Electric & Gas Co. (PSE&G) was adjourned to March 28, 2023.

New Business –

Variance

Block 5000; Lot 1

23 Longview Road

Application No. 2022-68-V

Joseph & Megan Paradiso

Applicant seeks approval for a garage addition, second floor addition, partial finished attic, and shed in violation of the following Sections:

170-99C2 Front Yard Setback – 40' required; 32.3' proposed; 7.7' variance requested.

170-99C3 Left Side Yard Setback – 10' required; 5' proposed; 5' variance requested.

170-99C3 Aggregate Side Yard – 30% required; 12% proposed; 18% variance requested.

170-87CC4 Habitable Floor Ratio – 30% allowed; 37.3% proposed; 7.3% variance requested.

170-87E(1)(d)[4] Accessory Structure (Shed) – 5' required; 2.5' proposed; 2.5' variance requested.

Joseph & Megan Paradiso, Applicants and Daniel Dubinett, Architect appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. After hearing testimony and closing of the evidentiary record, the hardships were reconfirmed (existing non-conforming 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, subject to a memorializing resolution.

Variance

Block 1604; Lot 1
41 Ashwood Drive
Application No. 2022-73-V
41 Ashwood Drive, LLC

Applicant seeks approval to construct a new single-family residence in violation of the following Section: 170-87L(1)(d) Front/Side Yard Setback (Corner Lot) – 35’ required; 20’ proposed; 15’ variance requested.

Appearing for Applicant: Dennis Francis, Esq.

Witnesses for Applicant: John Giammarino, Architect

Member(s) of the Public with Questions/Comments:

Carlos Guevara – 43 Ashwood Drive
Eileen Maier – 47 Ashwood Drive

After hearing testimony the Board added a condition of approval that the Applicant must modify driveway. The hardship was reconfirmed (irregular shaped lot) upon a motion to approve made by Member Resnick and second by Member Hochberg. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance

Block 801; Lot 14
4 Vista Terrace
Application No. 2022-74-V
Murray Kushner

Applicant seeks approval for an addition to service an elevator in violation of the following Sections: 170-87BB2 Habitable Floor Area – 4870 sq ft allowed; 5712.4 sq ft proposed (5419.8 sq ft existing); 842.4 sq ft variance requested.
170-87CC2 Habitable Floor Ratio – 18% allowed; 18.7% proposed; 0.7% variance requested.

Appearing for Applicant: Benjamin Wine, Esq.

Witnesses for Applicant: Eric Gartner, Architect
Charles Heydt, Planner

Member(s) of the Public with Questions/Comments: None

This application was adjourned to March 28, 2023 to allow the applicant to address some of the concerns raised.

Variance
Block 3900; Lot 78
9 Scotland Drive
Application No. 2022-72-V
9 Scotland Drive, LLC

Applicant seeks approval to construct a new single-family residence in violation of the following Section:
170-87CC3 Habitable Floor Ratio – 21% allowed; 24% proposed; 3% variance requested.

Appearing for Applicant: Dennis Francis, Esq.

Witnesses for Applicant: John Giammarino, Architect

Member(s) of the Public with Questions/Comments: None

After hearing testimony and closing of the evidentiary record, a motion to approve the application was made by Member Hochberg and second by Member Kahn. Members Affrunti & Fass voted in favor to the motion. Members Hwang, Resnick, and Bier voted against the motion of approval resulting in a denial of the application, subject to a memorializing resolution.

Variance
Block 2903; Lot 16
40 Oakwood Avenue
Application No. 2022-69-V
40 Oakwood Avenue, LLC

R-3 Zone

Applicant proposes to construct an addition to the existing single-family dwelling, in violation of the following Sections:

170-98C2 Front Yard Setback – 50' required; 30' proposed/existing; 20' variance requested.

170-98C3 Right Side Yard Setback – 10' required; 9.3' proposed/existing; 0.7' variance requested.

170-87CC3 Habitable Floor Ratio – 21% allowed; 42.9% proposed; 21.9% variance requested.

Appearing for Applicant: Robert Gaccione, Esq.

Witnesses for Applicant: Kamil Kyrzykowski, Applicant
Mark Sherodon, P.E.
Charles Baldanza, Architect
Steve Lydon, P.P.

Member(s) of the Public with Questions/Comments: None

The application was adjourned to April 25, 2023 to allow the applicant to address some of the concerns raised.

Adjournment. With no further business, the meeting adjourned at 11:07 PM.

Respectfully submitted,

Jackie Coombs-Hollis, Planning Administrator