

ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting

March 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 7:04 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: Lauren Tabak-Fass
Edward Bier
James Hochberg (*Left meeting at 7:18 PM*)
Anthony Nardone (*Joined meeting at approximately 8:30 PM*)
Pearl Hwang
Laurie Kahn
Ketan Bhuptani
Michael Affrunti
Louis P. Rago, Esq.
Jackie Hollis, Planning Administrator
Catherine Maddrey, Planning Coordinator

Absent: Jared Resnick

Communications: The Board was asked to review and comment on 2022 Annual Report as drafted by Attorney Richard Vallario.

The Board unanimously granted a re-hearing for 9 Scotland Drive, LLC; Application No. 2022-72-V. Applicant will be required to send notice of new date for re-hearing.

Minutes: The minutes of February 28, 2023 were accepted as presented.

Old Business:

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

23 Longview Road; Application No. 2022-68-V; Joseph & Megan Paradiso
41 Ashwood Drive; Application No. 2022-73-V; 41 Ashwood Drive, LLC (with an amendment to include that the front yard setback encroaches less than the current dimensions).

On March 28, 2023 the Board received communication from PSEG regarding the draft Resolution for Application No. 2022-63-PFSPV 293 North Livingston Avenue. At the applicant's request, the Board unanimously agreed to grant the request to delay the adoption of the Resolution. Applicant has agreed to extend the Board's time for decision.

**Note: Board Member Hochberg left the meeting at 7:18pm.*

Continued Hearing

Variance (*Continued from February 28, 2023*)

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; 5471.6 sq ft proposed (5419.8 sq ft existing); 601.6 sq ft variance requested.

Appearing for Applicant: Benjamin Wine, Esq.

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

No members of the public appeared in support of or in objection to the application.

After hearing testimony, a motion to approve the application was made by Member Kahn and second by Member Bhuptani. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

New Business

Request for Extension of Resolution

Block 2402; Lot 19

2 Hadrian Drive

Application No. 2021-20-V

Bruce & Marla Nagel

Applicant seeks approval for a 1 year Extension of Resolution of approval which expired on January 25, 2023.

Appearing for Applicant: Jay Rice, Esq.

No members of the public appeared in support of or in objection to the request for extension.

A motion to approve the Extension of Resolution with an expiration date of January 25, 2024 was made by Member Bier and second by Member Affrunti. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance

Block 3604; Lot 18

25 Broadlawn Drive

Application No. 2022-40-V

25 Broadlawn LLC / Preetam Bajaj

Applicant seeks approval for an addition, deck, and covered porch in violation of the following Section:
170-98C2 Front Yard Setback – 50' required; 41.4' proposed; 8.6' variance requested.

170-87CC3 Habitable Floor Ratio – 21% allowed; 22.6% proposed; 1.6% variance requested.

The application was adjourned without a new hearing date. The applicant would be required to publish notice of the new date once set.

Variance

Block 5601; Lot 25

10 Dogwood Terrace

Application No. 2022-71-V

Sharon Shliechkorn

Applicant seeks approval for a left side second story addition in violation of the following Sections:
170-99C3 Left Side Yard Setback – 10' required; 4.1' proposed; 5.9' variance requested.
170-99C3 Side Yard Aggregate – 30% (15') required; 18% (9.1') proposed; 12% (5.9') variance requested.
170-87CC4 Habitable Floor Ratio – 30% allowed; 39.6% proposed; 9.6% variance requested.

Sharon Shliechkorn, Applicant and Paul Anderson, P.E. appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. This application was adjourned to May 23, 2023 to allow the applicant to address some of the concerns raised. No further notices required.

**Note: Member Nardone joined the meeting at approximately 8:30 PM during the application hearing for 8 Alpine Way.*

Variance
Block 2502; Lot 53
8 Alpine Way
Application No. 2023-4-V
Jonathan Salzinger & Michele Weinberger

Applicant proposes to construct a three car garage with addition above, portico, and deck with covered portion in violation of the following Sections:
170-98C2 Front Yard Setback – 50' required; 43.08' proposed (to portico enclosed); 6.92' variance requested.
170-98C4 Rear Yard Setback – 40' required; 36.5' proposed; 3.5' variance requested.
170-87BB3 Habitable Floor Area – 3520 sq ft allowed; 3778 sq ft proposed; 258 sq ft variance requested.

Jonathan Salzinger, Applicant and Laurence Appel, 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 (irregular shaped lot) upon a motion to approve made by Member Affrunti and second by Member Kahn. Member Nardone did not vote on this application as he joined after testimony started. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance
Block 300; Lot 15
98 North Hillside Avenue
Application No. 2023-6-V
Shuchita & Nitin Mirwani

Applicant seeks approval for a one story addition, second story raising the attic and extending into the front setback in violation of the following Sections:
170-97C2 Front Yard Setback – 60' required; 58' proposed; 2' variance requested.
170-97C4 Rear Yard Setback – 50' required; 26' proposed; 24' variance requested.

Nitin Mirwani, Applicant and Ritu Sohal, 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, a motion to approve the application was made by Member Nardone and second by Member Bhuptani. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance
Block 4701; Lot 50
1 Concord Drive
Application No. 2023-5-V
Meiyan Ni

Applicant seeks approval for an 8' x 12' x 9.5' high second floor deck in violation of the following Section:
170-99C4 Rear Yard Setback – 35' required; 23.2' proposed; 11.8' variance requested.

Meiyan Ni, Applicant and Po Wu, 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, a motion to approve the application was 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 1600; Lot 28
25 Briar Cliff Road
Application No. 2023-7-V
Nicholas Bruton

Applicant proposes to extend existing deck and stairs 3.5' into rear yard in violation of the following Section:
170-99C4 Rear Yard Setback – 35' required; 31.5' proposed; 3.5' variance requested.

Appearing for Applicant: Jon Rory Skolnick, Esq.

Witness for Applicant: Danial Dubinett, Architect

No members of the public appeared in support of or in objection to the application.

This application was adjourned to May 23, 2023 to allow the applicant to address some of the concerns raised. No further notices required.

Adjournment. With no further business, the meeting adjourned at 9:28 PM.

Respectfully submitted,

Catherine Maddrey, Planning Coordinator