

ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting

May 23, 2023

The Livingston Township Zoning Board of Adjustments 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 (*joined 7:11*)
Pearl Hwang
Laurie Kahn
Anthony Nardone
Jared Resnick
Michael Affrunti
Ketan Bhuptani
Louis P. Rago, Esq.
Jackie Hollis-Planning Administrator
Catherine Maddrey, Planning Coordinator

Minutes:

Motion to approve minutes made by Mr. Nardone, seconded by Mr. Bier.
The minutes of April 25, 2023 were accepted as presented.

Old Business:

Mr. Nardone made a motion to approve the following Resolutions and was seconded by Mr. Bhuptani. The remaining members of the Board present and eligible voted in favor of the motion (Mr. Affrunti abstaining):

- 40 Oakwood Avenue; Application No. 2022-69-V; 40 Oakwood Avenue, LLC
- 10 Millbrook Court; Application No. 2021-63-V; Jin "James" Hu
- 2 Mellon Place; Application No. 2023-8-V; Saranath Narasimhan

Ms. Fass confirmed that PSEG is in agreement with all the language in the Resolution. Changes were made to include Roseland. Mr Bier made a motion to approve the revised Resolution and was seconded by Mr. Hochberg. The remaining members of the Board present and eligible voted in favor of the motion.

- 293 North Livingston Avenue; Application No. 2022-63-PFSPV; Public Service Electric & Gas Co. (PSE&G)

Re-Opened Hearing

Variance (*Continued from February 28, 2023*)

Block 3900; Lot 78

9 Scotland Drive

Application No. 2022-72-V

9 Scotland Drive, LLC

Applicant proposes to construct a new single family residence in violation of the following Section:

170-87CC3 Habitable Floor Ratio- 21% allowed; 23.2% proposed; 2.23% variance requested

Appearing for the Applicant- Dennis J. Francis, Esq.- Attorney
Witness for the Applicant-Peter Steck-Professional Planner to provide additional insight for the D4 variance requested.

**Correction to plan: Ms. Hwang noted on page 4, the HFAR of 3,250 should be revised to read 3,520- changing the variance request to 23.2% not 24%*

After hearing testimony on revised plans, a motion to approve the application was made by Mr. Hochberg and seconded by Mr. Nardone. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Continued Hearing

Variance (*Continued from March 28, 2023*)

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; 6.1’ proposed; 3.9’ variance requested.

170-99C3 Side Yard Aggregate – 30% (15’) required; 22% (11.4’) proposed; 8% (3.6’) variance requested.

170-87CC4 Habitable Floor Ratio – 30% allowed; 39.3% proposed; 9.3% variance requested.

Appearing for the Applicant-Paul Anderson, Engineer and Planner

(Note: Mr. Hochberg recused. Not present at March 28th meeting.)

After hearing testimony on revised plans, a motion to approve the application was made by Mr. Bhuptani and seconded by Mr. Nardone. Six members of the Board present and eligible voted in favor of the motion, with Member Kahn voting no, subject to a memorializing resolution.

Continued Hearing

Variance (*Continued from March 28, 2023*)

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.

Nicholas Bruton-Owner/General Contractor

Daniel Dubine- Architect

Marilynn R. Greenberg-Attorney

(Note: Mr. Hochberg recused. Not present at March 28th meeting.)

After hearing testimony on revised plans, a motion to approve the application was made by Mr. Bier and second by Ms. Kahn. Members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Continued Hearing

Variance (*Continued from April 25, 2023*)

Block 2903; Lot 5

35 Lee Road

Application No. 2023-13-V

Property Maintenance Group, LLC

Applicant proposes to construct of a new 2-story single family home in violation of the following Section: 170-87CC3 Habitable Floor Ratio – 21% allowed; 37.58% proposed; 16.58% variance requested.

Adam Faiella-Attorney

Hayk Ekshian-Architect

Richard Keller-Planner/Engineer

Comment from the public:

Lori Siminovich, 37 Lee Road, expressed concern that the house as presented will extend into her backyard, creating unfavorable conditions. She also shared her concern about water runoff onto her property.

After presenting testimony and hearing feedback from the Board, Applicant agrees to eliminate the 2nd floor primary suite and relocate it to the attic and cut back on entry way space. Applicant will return on June 27th with a redesign, decreasing mass of the house.

New Business

Variance

Block 3902; Lot 36

25 Hillside Avenue

Application No. 2023-11-West Hobart, LLC

Applicant proposes to construct a new single family residence in violation of the following Section: 170-87CC4 Habitable Floor Ratio – 30% allowed; 34.4% proposed; 4.4% variance requested.

Adam Faiella-Attorney

Jose Carballo-Architect

After hearing testimony, a motion to approve the application was made by Mr. Hochberg and seconded by Mr Bier. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Meeting adjourned 10:38

Respectfully submitted,

Laurie Kahn, Board Secretary