

ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting

June 28, 2022

The Livingston Township Zoning Board of Adjustment met for its Conference, Re-organization and Regular Meeting by means of Zoom Webinar telecommunications 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. Secretary Bier called the Roll:

Present:	James Hochberg	Absent:	Laurie Kahn
	Anthony Nardone		Lauren Tabak-Fass
	Jared Resnick		
	Edward Bier		
	Pearl Hwang		
	Ketan Bhuptani		
	Richard Vallario, Esq., Board Attorney		
	Jackie Hollis, Planning Administrator		
	Martin Chiarolanzio, Zoning Officer		

Communications: None

Minutes: The minutes of May 24, 2022 was accepted as presented.

Old Business:

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

- 12 Spalding Drive; Application No. 2022-17-V; Hengfeng Liao & Wenyu Chien
- 7 Highland Drive; Application No. 2022-19-V; Tanya Koifman & Karen Wilson
- 228 Hillside Avenue; Application No. 2021-23-V; Da Da Guo
- 5 Goodhart Drive; Application No. 2022-30-V; 5 Goodhart LLC

New Business –

Variance (Continued from April 26, 2022)

Block 3811; Lot 24

9 Tuscan Road

Application No. 2022-12-V

9 Tuscan Road, LLC

Applicant seeks approval for to construct a new single family home in violation of the following Sections: 170-87L(1)(d) Front/Side Yard Setback – 35' required; 20.4' proposed; 14.6' variance requested.

Appearing for the Applicant: Dennis Francis, Esq. of Law Offices of Dennis J. Francis, Esq., LLC

Witnesses for the Applicant: Jose Carballo, AIA of Jose Carballo Architectural Group, PC

Members of the Public with Questions/Comments: Charles Budzinski – 11 Tuscan Road

After hearing testimony regarding the revisions to the plan, a motion to approve was made by Member Bhuptani 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 2905; Lot 29
20 Lee Road
Application No. 2022-35-V
Dan Suraci

Applicant seeks approval for a second floor addition in violation of the following Sections:
170-98C2 Front Yard Setback – 50’ required; 35’ proposed; 15’ variance requested.
170-87L(2)(c) Front/Side Yard Setback – 25’ required; 15’ proposed; 10’ variance requested.
170-98C3 Side Yard Setback – 10’ required; 4.8’ proposed; 5.2’ variance requested.
170-87CC3 Habitable Floor Ratio – 21% allowed; 28.6% proposed; 7.6% variance requested.

Dan Suraci (Applicant) and Roy Kushner (Architect) appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. The hardship was reconfirmed (undersized, nonconforming lot) upon a motion to approve made by Member Resnick and second by Member Nardone. A condition of approval was made by the Board that the attic will remain storage space and will not be converted to living space. The Applicant was also requested to submit a revised cover sheet and elevations for review prior to the adoption of a memorializing resolution. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance
Block 5901; Lot 3
449 West Mount Pleasant Avenue
Application No. 2022-33-AA
Scorch Cigar Lounge

Applicant is requesting an appeal of the Zoning Officer’s Decision as defined by NJ SFAA, Section 26:3D-57 to utilize the premises for a Tobacco Retail Establishment.

Appearing for the Applicant: Ray Hamlin, Esq. of Hunt, Hamlin & Ridley

Witnesses for the Applicant: Tikki King
Zoraya E. Lee Hamlin
Serdar Kayman, Architect of SK2 Architects

Members of the Public with Questions/Comments: None

After a discussion with the Board Attorney regarding the statute, the Board granted an adjournment to July 26, 2022 with no further notices required.

The Board went into recess from 8:13 PM to 8:19 PM

Variance
Block 3701; Lot 1
50 East Mount Pleasant Avenue
Application No. 2022-18-PFSPV
50 East Mount Pleasant Avenue Associates

Applicant seeks approval to construct a two-story addition to the existing structure, a proposed ramp, an outdoor seating area, and restriping of three exiting parking stalls.

Appearing for the Applicant: Susan Rubright, Esq. of Brach Eichler

Witnesses for the Applicant: Lance Blake, Architect of Rotwein + Blake
Michael Lanzafama, P.E. of Casey & Keller, Inc.
Steven W. Katz, Owner/Partner of Sterling Properties Group, LLC
Aavart Patel of Rotwein + Blake

Members of the Public with Questions/Comments: Margaret Ernst – 20 Sherbrook Parkway

After hearing testimony, a motion to approve the application was made by Member Hochberg and second by Member Bier. The Board included a condition of approval that the building would remain a single-use tenant and that the Applicant would provide a parking and construction phasing plan to the Township Engineer prior to memorializing a resolution. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Adjournment

With no further business, the meeting adjourned at 9:40 PM.

Respectfully submitted,

Jackie Hollis, Planning Administrator