

ZONING BOARD
Minutes of the Meeting
January 24, 2017

The Livingston Zoning Board of Adjustment met for a Conference Meeting at 7:00 p.m. in the Conference Room with a Regular Meeting to follow in the Court Room of the Livingston Municipal & Police Building located at 357 South Livingston Avenue. Notice of the meeting was published in the West Essex Tribune and posted at the Livingston Municipal Building

Re-Organization & Conference Meeting:

At 7:07 p.m., Chairman Hochberg announced that proper notice had been given and Secretary Tabak Fass called the Roll:

Present:	James Hochberg, Chairman Tony Nardone, Vice Chairman Ed Bier Pearl Hwang Lauren Tabak Fass Michael Vieira Vineeta Khanna (Alt #1) Alan Ozarow, Board Attorney Jackie Coombs-Hollis, Planning Administrator	Absent:	Jared Resnick Mark Dunec (Alt #2)
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1. Administration of Oaths. The oath was administered by Alan Ozarow, Esq. to Tony Nardone, Lauren Tabak Fass, Michael Vieira, Edward Bier and New Member Vineeta Khanna.
2. Other Actions. Upon motion made and seconded, and by the unanimous votes of the members present, the following actions were taken:
 - Election of James Hochberg as Chairman to serve until January 23, 2018
 - Election of Tony Nardone as Vice Chairman to serve until January 23, 2018
 - Appointment of Alan Ozarow as Board Attorney to serve at the pleasure of the Board, and subject to appropriation for term expiring on January 23, 2018
 - Appointment of Lauren Tabak Fass as Recording Secretary to serve until January 23, 2018.
 - Adoption of Revised 2017 Meeting Schedule:

2017 ZONING BOARD MEETING DATES

JANUARY 24, 2017	AUGUST 29, 2017
FEBRUARY 28, 2017	SEPTEMBER 26, 2017
MARCH 28, 2017	OCTOBER 24, 2017
APRIL 25, 2017	NOVEMBER 28, 2017
MAY 23, 2017	DECEMBER 12, 2017
JUNE 27, 2017	JANUARY 23, 2018
JULY 25, 2017	

3. Minutes. The Minutes of December 13, 2016 were accepted as presented.

4. Adjournment. The Conference Meeting was adjourned at 7:35 p.m.

Regular Meeting:

At 7:40 p.m., Chairman Hochberg announced that proper notice had been given and Secretary Tabak Fass called the Roll:

Present:	James Hochberg, Chairman	Absent:	Jared Resnick
	Tony Nardone, Vice Chairman		Mark Dunec (Alt #2)
	Ed Bier		
	Pearl Hwang		
	Lauren Tabak Fass		
	Michael Vieira		
	Vineeta Khanna (Alt #1)		
	Alan Ozarow, Board Attorney		
	Jackie Coombs-Hollis, Planning Administrator		

Secretary Tabak Fass called the first applicant, George Tabatadze.

1. Variance

Block: 2200; Lot: 37
4 Westminster Drive
Application No. 2016-13-V
George Tabatadze

R-2 Zone

Applicant proposes to construct a rear yard deck to a single family residence. Violation of the following section:

- 170-97C(4) Rear Yard Setback – 50’ required, 9’ proposed; 41’ variance requested

George Tabatadze was sworn in to offer testimony.

No testimony or questions were offered by members of the public.

During testimony, the Board found that the lot shallow for the zone, creating the existing non-conforming condition. The Applicant indicated that the non-conforming shed that is shown on the survey has been removed. The variance requested is conforming to the neighborhood therefore having no negative impact.

Upon motion made by Mr. Vieira, and seconded by Mr. Nardone, the Board approved the variance requested subject to a memorializing resolution by the unanimous votes of Mr. Vieira, Mr. Nardone, Mr. Bier, Ms. Hwang, Ms. Tabak Fass, Ms. Khanna and Mr. Hochberg; they being all of the Members present and eligible to vote.

Secretary Tabak Fass called the next applicant, Vijay Koppiseti.

2. Variance

Block: 3901; Lot: 106.16
21 Marisa Court
Application No. 2016-46-V
Vijay Koppiseti

R-5E (R-4 Regulations) Zone

Applicant proposes to construct a rear yard deck to a single family residence. Violation of the following sections:

- 170-99C(4) Rear Yard Setback – 35’ required, 18’ proposed; 17’ variance requested
- 170-99C(4)(b) Deck Height – 3’ allowed, 8’ proposed; 5’ variance requested

Vijay Koppiseti was sworn in to offer testimony.

Members of the public with questions for the Applicant:
Steven Li, 13 Marisa Court

During testimony, the Board found that the position of the house and the topography create a hardship condition. To mitigate the visual impact of the deck, the Applicant agreed to install plantings at a height of 6-8 feet. The variances requested are conforming to the neighborhood therefore having no negative impact.

Upon motion made by Mr. Hochberg, and seconded by Ms. Tabak Fass, the Board approved the variances requested subject to a memorializing resolution by the unanimous votes of Mr. Hochberg, Ms. Tabak Fass, Mr. Bier, Ms. Hwang, Mr. Vieira, Ms. Khanna and Mr. Nardone; they being all of the Members present and eligible to vote.

Secretary Tabak Fass left the meeting at 8:00 pm.

Vice Chairman Nardone called the next applicant, Sandeep Kapoor.

3. Variance

Block: 3809; Lot: 12
17 Wilson Terrace
Application No. 2016-47-V
Sandeep Kapoor

R-4 Zone

Applicant proposes to construct an addition to a single family residence. Violation of the following sections:

- 170-99C(2) Front Yard Setback – 40’ required, 33.3’ proposed; 6.7’ variance requested
- 170-99C(3) Side Yard Setback – 10’ required, 6.14’ proposed; 3.86’ variance requested

Sandeep Kapoor was sworn in to offer testimony.

No testimony or questions were offered by members of the public.

During testimony, the Board found that the lot is narrow for the zone, creating the existing non-conforming condition. The variances requested are conforming to the neighborhood therefore having no negative impact.

Upon motion made by Mr. Nardone, and seconded by Mr. Bier, the Board approved the variances requested subject to a memorializing resolution by the unanimous votes of Mr. Nardone, Mr. Bier, Ms. Hwang, Mr. Vieira, Ms. Khanna and Mr. Hochberg; they being all of the Members present and eligible to vote.

Vice Chairman Nardone called the next applicant, Ralph Gamba.

4. Variance

Block: 5500; Lot: 2

25 Relkin Road

Application No. 2016-48-V

Ralph Gamba

R-3 Zone

Applicant proposes to construct an addition to a single family residence. Violation of the following sections:

- 170-98C(2) Front Yard Setback – 50’ required, 18.5’ proposed; 31.7’ variance requested
- 170-98C(3) Side Yard Setback – 10’ required, 0’ proposed; 10’ variance requested
- 170-98C(4) Rear Yard Setback – 40’ required, 2.7’ proposed; 37.5’ variance requested

Ralph Gamba was sworn in to offer testimony.

Witnesses testifying under oath for the Applicant that were sworn and qualified:

Frank Mileto, as Architect

Members of the public with a statement on behalf of the Applicant:

Peter Furdyna, 1 Relkin Road

During testimony, the Board found that the lot is narrow for the zone, creating the existing non-conforming condition. Additionally, the variances requested were revised as follows:

- 170-98C(2) Front Yard Setback – 50’ required, 18.5’ proposed; 31.5’ variance requested
- 170-98C(3) Side Yard Setback – 10’ required, 2.7’ proposed; 7.3’ variance requested

The variances requested are conforming to the neighborhood therefore having no negative impact.

Upon motion made by Mr. Vieira, and seconded by Mr. Hochberg, the Board approved the variances requested subject to a memorializing resolution by the unanimous votes of Mr. Vieira, Mr. Hochberg, Mr. Bier, Ms. Hwang, Ms. Khanna and Mr. Nardone; they being all of the Members present and eligible to vote.

Vice Chairman Nardone called the next applicant, Lynne & Matt Krug.

5. Variance

Block: 1506; Lot: 50

37 Elmwood Drive

Application No. 2016-51-V

Lynne & Matt Krug

R-4 Zone

Applicant proposes to construct an addition to a single family residence. Violation of the following section:

- 170-99C(3) Side Yard Setback – 10’ required, 6.96’ proposed; 3.31’ variance requested

Matt Krug was sworn in to offer testimony.

No testimony or questions were offered by members of the public.

During testimony, the Board found that the lot is narrow for the zone, creating the existing non-conforming condition. The variance requested is conforming to the neighborhood therefore having no negative impact.

Upon motion made by Mr. Nardone, and seconded by Mr. Bier, the Board approved the variance requested subject to a memorializing resolution by the unanimous votes of Mr. Nardone, Mr. Bier, Ms. Hwang, Mr. Vieira, Ms. Khanna and Mr. Hochberg; they being all of the Members present and eligible to vote.

Vice Chairman Nardone called the next applicant, Danielle Adest.

6. Variance

Block: 3000; Lot: 36

12 Montgomery Road

Application No. 2016-45-V

Danielle Adest

R-3 Zone

Chairman Hochberg announced that application is adjourned to February 28, 2017 with no further notice required by the Applicant.

Vice Chairman Nardone called the next applicant, Noushi Rahman.

7. Variance

Block: 6001; Lot: 81

16 Baker Road

Application No. 2016-54-V

Noushi Rahman

R-2 Zone

Applicant proposes an addition to a single family residence. Violation of the following sections:

- 170-97C(3) Side Yard Setback – 15’ required, 13.64’ proposed; 1.36’ variance requested
- 170-87CC(2) Habitable Floor Ratio – 18% allowed, 26% proposed; 8% variance requested

Noushi Rahman was sworn in to offer testimony.

Witnesses testifying under oath for the Applicant that were sworn and qualified:

Lisa Walzer, as Architect

Photos were submitted and marked as Exhibits A-1 & A-2.

No testimony or questions were offered by members of the public.

During testimony, the Board found that the lot is narrow and shallow for the zone, creating the existing non-conforming condition. The variances requested are conforming to the neighborhood therefore having no negative impact.

Upon motion made by Mr. Vieira, and seconded by Mr. Nardone, the Board approved the variances requested subject to a memorializing resolution by the unanimous votes of Mr. Vieira, Mr. Nardone, Mr. Bier, Ms. Hwang, Ms. Khanna and Mr. Hochberg; they being all of the Members present and eligible to vote.

Vice Chairman Nardone called the next applicant, Giovanni Testa.

8. Variance

Block: 3810; Lot: 11

5 Hillside Terrace

Application No. 2016-44-V

Giovanni Testa

R-4 Zone

Applicant proposes an addition to a single family residence. Violation of the following sections:

- 170-99C(2) Front Yard Setback – 40’ required, 30.4’ proposed; 9.6’ variance requested
- 170-99C(3) Side Yard Setback – 10’ required, 5’ proposed; 5’ variance requested
- 170-87BB(4) Habitable Floor Area – 3,220 SF allowed, 3,557.77 SF proposed; 337.77 variance requested
- 170-87CC(4) Habitable Floor Ratio – 30% allowed, 38.65% proposed; 8.65% variance requested

Giovanni Testa was sworn in to offer testimony.

Witnesses testifying under oath for the Applicant that were sworn and qualified:

Joseph Donata, as Architect

Members of the public with questions for the Applicant:

Renee Resky, 1 Hillside Terrace

During testimony, the Board found that the lot is undersized for the zone, creating the existing non-conforming condition. The Applicant agreed to plan screening (no less than 4 feet) around the air conditioning unit. The variances requested are conforming to the neighborhood therefore having no negative impact.

Upon motion made by Mr. Hochberg, and seconded by Mr. Vieira, the Board approved the variances requested with conditions subject to a memorializing resolution by the unanimous votes of Mr. Hochberg, Mr. Vieira, Mr. Bier, Ms. Hwang, Ms. Khanna and Mr. Nardone; they being all of the Members present and eligible to vote.

Vice Chairman Nardone called the next applicant, Paramjeet & Sweta Kapoor.

9. Variance

Block: 1604; Lot: 18

55 Melrose Drive

Application No. 2016-50-V

Paramjeet & Sweta Kapoor

R-4 Zone

Applicant proposes an addition to a single family residence. Violation of the following sections:

- 170-99C(2) Front Yard Setback – 40’ required, 35.7’ proposed; 4.3’ variance requested
- 170-99C(3) Side Yard Setback – 10’ required, 8.1’ proposed; 1.9’ variance requested
- 170-87L(2)(d) Side Yard/Corner Lot – 20’ required, 14.7’ proposed; 5.3’ variance requested
- 170-87BB(4) Habitable Floor Area – 3,220 SF allowed, 3,589 SF proposed; 369 variance requested
- 170-87CC(4) Habitable Floor Ratio – 30% allowed, 40.6% proposed; 10.6% variance requested
- 170-87 Building Coverage – 25% allowed, 25.76% proposed; .76% variance requested

Paramjeet & Sweta Kapoor were sworn in to offer testimony.

Witnesses testifying under oath for the Applicant that were sworn and qualified:
Paritosh Kumar, as Architect

No testimony or questions were offered by members of the public.

During testimony, the Board recognized that the lot is undersized for the zone, however they were concerned about the mass of the house on the undersized lot and asked the Applicant to review possible reduction of the roof line with their architect. Upon agreement, the application was adjourned to February 28, 2017 with no further notice required by the Applicant.

Approval of Memorializing Resolutions. Upon motion made by and seconded, the following Resolutions were unanimously approved by the present and eligible members of the Board:

Schwartz – Application No. 2016-41-V
Danial Dubinett – Application No. 2016-43-V

Adjournment. The Regular Meeting was adjourned at 10:18 pm.

Respectfully submitted,

Jackie Coombs-Hollis
Planning Administrator