

ZONING BOARD
Minutes of the Meeting
February 28, 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

Conference Meeting:

At 7:00 p.m., Chairman Hochberg announced that proper notice had been given and Vice Chairman Nardone called the Roll:

Present:	James Hochberg, Chairman Tony Nardone, Vice Chairman Ed Bier Pearl Hwang Jared Resnick Michael Vieira Vineeta Khanna (Alt #1) Alan Ozarow, Board Attorney Jackie Coombs-Hollis, Planning Administrator	Absent:	Lauren Tabak Fass Mark Dunec (Alt #2)
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1. Minutes. The Minutes of January 24, 2017 were amended and accepted.
2. New Business. Verizon Wireless Waiver Requests / Application No. 2017-4-PFSPV – Preliminary Site Plan Checklist Waiver Requests: The Board waived all requested except for numbers 19 and 23 on the Preliminary Site Plan Checklist, and number 8 on the Final Site Plan Checklist.
3. Adjournment. The Conference Meeting was adjourned at 7:22 p.m.

Regular Meeting:

At 7:25 p.m., Chairman Hochberg announced that proper notice had been given and Vice Chairman Nardone called the Roll:

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

1. Variance

Block: 3000; Lot: 36
12 Montgomery Road
Application No. 2016-45-V
Danielle Adest

R-3 Zone

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

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

2. Variance (*Continued from January 24, 2017*)

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 previously sworn in to offer testimony.

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

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

During testimony, the Board found that the lot is undersized 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. Hochberg, and seconded by Mr. Vieira, the Board approved the variances requested 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, Mark & Judy Tabak.

3. Variance (*Continued from 11/29/16*)

Block: 2402; Lot: 5.01
8 Windermere Court
Application No. 2016-42-V
Mark & Judy Tabak

R-1 Zone

Applicant proposes additions and alterations to an existing single family residence. Variances required for use, habitable floor area, building height, accessory structures, garage parking and fencing.

Stephen A. Geffner, Esq. appeared as attorney for the Applicant.

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

Mark Tabak, as Applicant
Hoffman & Cecelia, as Landscape Architects
Michael Lanzafama, as Planner

Jeffrey Plaza, Esq. entered an appearance representing Miles and Suzanne Berger, 6 Windermere Court.

Josh Mann, as Planner (filling in for Phil Abramson) and Christopher Kok, as Planner entered appearances representing Ying Liu of 7 Windermere Court and Sherry Izak of 4 Windermere Court.

A revised colored site plan was submitted and marked as Exhibit A-6.

A red-lined colored site plan was submitted and marked as Exhibit A-7.

An elevation rendering was submitted and marked as Exhibit A-8.

A report prepared by William Mikesell, the Objector's Planner, was submit and marked as 01.

Members of the public with questions for the witnesses:

Rocco Varma, 4 Brighton Court
Lawrence Rasfky, 3 Windermere Court
Brendan Berger, 16 Rainbow Ridge Drive
Lauren Feldman, 10 Thames Drive
Gary Krugman, 24 Chelsea Drive
David Anfang, 22 Mountain Ridge Drive
Tina Shah, 11 Mountain Ridge Drive
Marty Pollock, 7 Hadrian Drive
Neil Freeman, 1 Windermere Court

The Board was in recess from 9:24 pm to 9:45 pm.

Members of the public with statements regarding the application:

Lawrence Rasfky, 3 Windermere Court
Neil Freeman, 1 Windermere Court
Bernard Searle, 14 Washington Court
Marty Pollock, 7 Hadrian Drive
Michael Rieber, 9 Hadrian Drive
Sam Gershwin, 18 Yale Court

The Board was in recess from 11:29 pm to 11:33 pm.

After hearing all testimony by the Applicant and the Objector, as well as all public statements, upon motion made and seconded, the public portion/record for the Applicant was closed.

It was agreed that the hearing would be continued to the Board's Regular Meeting at 7:00 pm on Tuesday, March 28, 2017 with no further notices by the Applicant required. Applicant granted an extension of the Board's time to decide.

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:

George Tabatadze – Application No. 2016-13-V
Vijay Koppiseti – Application No. 2016-46-V
Sandeep Kapoor – Application No. 2016-47-V
Ralph Gamba – Application No. 2016-48-V
Lynne & Matt Krug – Application No. 2016-51-V
Noushi Rahman – Application No. 2016-54-V
Giovanni Testa – Application No. 2016-44-V

Adjournment. The Regular Meeting was adjourned at 12:00 am.

Respectfully submitted,

Jackie Coombs-Hollis
Planning Administrator