

**ZONING BOARD**  
**Minutes of the Meeting**  
**April 25, 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 7:02 p.m., Chairman Hochberg announced that proper notice had been given and Secretary Tabak Fass called the Roll:

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

1. Minutes. The Minutes of March 28, 2017 were amended and accepted.
2. Adjournment. The Conference Meeting was adjourned at 7:07 p.m.

**Regular Meeting:**

At 7:12 p.m., Chairman Hochberg announced that proper notice had been given and Secretary Tabak Fass called the Roll:

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

Chairman Hochberg announced that the following two (2) application are adjourned with no new date. Applicants will be required to re-notice.

Maddabella Investors, LLC c/o Mark Teitelbaum – Application No. 2016-55-V  
Forest Street Realty, LLC c/o Mark Teitelbaum – Application No. 2016-56-V

Secretary Tabak Fass called the first applicant, Kenny Lowenfish.

1. Variance

Block: 5703; Lot: 11  
45 Wynnewood Road  
Application No. 2016-53-V  
Kenneth Lowenfish

R-2 Zone

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

- 170-97C(4) Rear Yard Setback – 50’ required, 36’ proposed; 14’ variance requested

Kenneth Lowenfish was sworn in to offer testimony.

The application was amended to reflect the Applicant’s proper legal name.

Members of the Public with questions for the Applicant:

Louis Patrone, 4 Foxcroft Drive

During testimony, the Board found that the lot is shallow and irregular 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. Resnick, the Board approved the variance requested subject to a memorializing resolution by the unanimous votes of Mr. Nardone, Mr. Resnick, Ms. Hwang, Ms. Tabak Fass, Ms. Khanna, Mr. Dunec and Mr. Hochberg; they being all of the Members present and eligible to vote.

Secretary Tabak Fass called the next applicant, Felix & Lina Kanchik.

2. Variance

Block: 7500; Lot: 13  
7 Cornell Drive  
Application No. 2016-57-V  
Felix & Lina Kanchik

R-1 Zone

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

- 170-72C(5)(c) Retaining Wall Setback – 5’ required, 3.1’ proposed; 1.9’ variance requested

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

Felix Kanchik 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 irregular shaped 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. Dunec, and seconded by Ms. Hwang, the Board approved the variance requested subject to a memorializing resolution by the votes of Mr. Dunec, Ms. Hwang, Mr. Resnick, Ms. Tabak Fass and Ms. Khanna; they being all of the Members present and eligible to vote. Mr. Nardone and Mr. Hochberg voted against the application.

Secretary Tabak Fass called the next applicant, Richard Benjamin.

3. Variance

Block: 3901; Lot: 105.06

21 Norman Court

Application No. 2017-11-V

Richard Benjamin

R-5E Zone

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

- 170-99C(4) Rear Yard Setback – 35’ required, 22’ proposed; 13’ variance requested
- 170-99C(4)(b) Deck Height – 3’ allowed, 8’ proposed; 5’ variance requested

Richard Benjamin 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 shallow and irregular shaped for the zone, creating the existing non-conforming condition. However, the Board was not clear as to which variances for the proposed deck from the code section would actually apply, and had some additional questions regarding the deck dimensions that the Applicant agreed to clarify. Upon agreement, the application was adjourned to May 23, 2017 with no further notice required by the Applicant.

Secretary Tabak Fass called the next applicant, Alexandra Sunberg & Amy Cohen.

4. Variance

Block: 5100; Lot: 26

21 Wychwood Road

Application No. 2017-14-V

Alexandra Sunberg & Amy Cohen

R-3 Zone

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

- 170-98C(2) Front Yard Setback – 50’ required, 41’ proposed; 9’ variance requested

Amy Cohen was sworn in to offer testimony.

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

John Brower, 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 variance requested is conforming to the neighborhood therefore having no negative impact.

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

Secretary Tabak Fass called the next applicant, He Huang.

5. Variance

Block: 2905; Lot: 48  
11 Montgomery Road  
Application No. 2016-58-V  
He Huang

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, 35’ proposed; 15’ variance requested
- 170-87L(2)(c) Side Street/Corner Lot Setback – 25’ required, 16.81’ proposed; 8.19’ variance requested
- 170-87CC(3) Habitable Floor Ratio – 21% allowed, 27.1% proposed; 6.1% variance requested

He Huang was sworn in to offer testimony.

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

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

During testimony, the Board found that the lot is narrow and undersized for the zone, creating the existing non-conforming condition. The Architect clarified that the proposed front yard setback is 36.23’, thus the Applicant is asking for a 13.77’ variance. The variances requested are conforming to the neighborhood therefore having no negative impact.

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

Secretary Tabak Fass called the next applicant, Nahum Burstein.

6. Variance

Block: 3900; Lot: 92  
2 Disney Place  
Application No. 2016-59-V  
Nahum Burstein

R-3 Zone

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

- 170-87CC(3) Habitable Floor Ratio – 21% allowed, 25.8 % proposed; 4.8% variance requested

Nahum Burstein was sworn in to offer testimony.

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

Christine Miseo, 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 variance requested is conforming to the neighborhood therefore having no negative impact.

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

Secretary Tabak Fass called the next applicant, Hongfei Tang.

7. Variance

Block: 6001; Lot: 38

28 Tower Road

Application No. 2017-2-V

Hongfei Tang

R-2 Zone

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

- 170-97C(2) Front Yard Setback – 60’ required, 45.8’ proposed; 14.2’ variance requested
- 170-97C(4) Rear Yard Setback – 50’ required, 21.2’ proposed; 28.8’ variance requested
- 170-87BB(2) Habitable Floor Ratio – 18% allowed, 31.5% proposed; 13.5% variance requested

Hongfei Tang was sworn in to offer testimony.

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

Scott Monroe, as Architect

A 200’ radius map was submitted and marked as Exhibit A1.

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

During testimony, the Board found that the lot is undersized, 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. Hochberg, and seconded by Mr. Nardone, the Board approved the variances requested subject to a memorializing resolution by the unanimous votes of Mr. Hochberg, Mr. Nardone, Ms. Hwang, Mr. Resnick, Ms. Tabak Fass, Ms. Khanna and Mr. Dunec; they being all of the Members present and eligible to vote.

Approval of Memorializing Resolution. The Resolution for the following application will be reviewed prior to the Board's next meeting on 5/23/17:

YaYa Pop (Tabak) – Application No. 2016-42-V

Adjournment. The Regular Meeting was adjourned at 8:18 pm.

Respectfully submitted,

Jackie Coombs-Hollis  
Planning Administrator