

ZONING BOARD
Minutes of the Meeting
May 23, 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 7:03 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 Jared Resnick Lauren Tabak Fass Michael Vieira Vineeta Khanna (Alt #1) Alan Ozarow, Board Attorney Jackie Coombs-Hollis, Planning Administrator	Absent:	Mark Dunec (Alt #2)
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1. Minutes. The Minutes of April 25, 2017 were amended and accepted.
2. Adjournment. The Conference Meeting was adjourned at 7:32 p.m.

Regular Meeting:

At 7:35 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 Jared Resnick Lauren Tabak Fass Michael Vieira Vineeta Khanna (Alt #1) Alan Ozarow, Board Attorney Jackie Coombs-Hollis, Planning Administrator	Absent:	Mark Dunec (Alt #2)
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Secretary Tabak Fass called the first applicant, Richard Benjamin.

1. Variance (*Continued from 4/25/17*)

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

Richard Benjamin was previously sworn and returned to offer amended plans to construct a deck.

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. The variance requested is conforming to the neighborhood therefore having no negative impact. The Board also found that the previously listed variance for height was not required.

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 and Mr. Hochberg; they being all of the Members present and eligible to vote.

Secretary Tabak Fass called the next applicant, Mr. & Mrs. B. Goodman.

2. Variance

Block: 2400; Lot: 9
73 Shrewsbury Drive
Application No. 2017-3-V
Mr. & Mrs. B. Goodman

R-1 Zone

Applicant proposes to construct a driveway gate at the front of a single family property. Violation of the following sections:

- 170-91(a) Fence / Gate – 4’ allowed, 5’10” proposed; 1’10” variance requested

Mr. Goodman was sworn in to offer testimony.

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

A photo board was submitted and marked as Exhibit A-1.

Members of the public with questions or sworn statements for the witnesses:
Paul Glick, 75 Shrewsbury Drive

During testimony, the Board found that the proposed front pillars would also require a 4’ variance. Additionally, the Applicant agreed to the condition to turn the lights off no later than 11 pm. 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 granted a fence/gate variance of 4' and a gate height variance of 1' subject to a memorializing resolution with conditions by the unanimous votes of Mr. Hochberg, Mr. Vieira, Mr. Bier, Ms. Hwang, Mr. Resnick, Ms. Tabak Fass and Mr. Nardone; they being all of the Members present and eligible to vote.

Secretary Tabak Fass called the next applicant, Scott & Allison Ginsberg.

3. Variance

Block: 3501; Lot: 9

7 Knollwood Drive

Application No. 2017-18-V

Scott & Allison Ginsberg

R-4 Zone

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

- 170-99C(4) Rear Yard Setback - 35' required, 25.9' proposed; 9.1' variance requested

Scott Ginsberg was sworn in to offer testimony.

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

John Rubenstein, as Architect

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

During testimony, the Board found that the placement of the house on the property, creating the existing non-conforming condition. The variance requested is conforming to the neighborhood therefore having no negative impact.

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

Secretary Tabak Fass called the next applicant, New York SMSA LP d/b/a Verizon Wireless.

4. Preliminary & Final Site Plan with Variances

Block: 6002; Lot: 2

South Orange Avenue

Application No. 2017-4-PFSPV

New York SMSA LP d/b/a Verizon Wireless

R-L Zone

Applicant proposes the construction and installation of nine (9) wireless communications antennas on an existing electrical transmission tower on the PSE&G property between Eisenhower Parkway and the Livingston Mall.

David Soloway, Esq. appeared as attorney for the Applicant.

Member Hwang was recused from the hearing after identifying a professional connection with the Applicant.

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

Glen Pierson, as Frequency Expert
Alex Menes, as Civil Engineer
Alec Norris, as Junior Planner

A series of frequency maps were submitted and marked as Exhibits A-1 through A-5.

During testimony, Chairman Hochberg made a statement in support of the application, and the Board agreed that the variances requested would have no negative impact. The Applicant also agreed to install a perma fence around the equipment area for aesthetics.

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

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

YaYa Pop (Tabak) – Application No. 2016-42-V
Kenny Lowenfish – Application No. 2016-53-V
Felix & Lina Kanchik – Application No. 2016-57-V
Alexandra Sunberg & Amy Cohen – Application No. 2017-14-V
He Huang – Application No. 2016-58-V
Nahum Burstein – Application No. 2016-59-V
Hongfei Tang – Application No. 2017-2-V

Adjournment. The Regular Meeting was adjourned at 9:40 pm.

Respectfully submitted,

Jackie Coombs-Hollis
Planning Administrator