

ZONING BOARD
Minutes of the Meeting
June 27, 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	Absent:	Tony Nardone, Vice Chairman
	Ed Bier		Pearl Hwang
	Jared Resnick		Vineeta Khanna
	Lauren Tabak Fass		
	Michael Vieira		
	Mark Dunec		
	Alan Ozarow, Board Attorney		
	Jackie Coombs-Hollis, Planning Administrator		

Minutes. The Minutes of May 23, 2017 were accepted.

Adjournment. The Conference Meeting was adjourned at 7:12 p.m.

Regular Meeting:

At 7:22 p.m., Chairman Hochberg announced that proper notice had been given and Secretary Tabak Fass called the Roll:

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

Chairman Hochberg announced the application for St. Mary's Armenian Church was adjourned to the next meeting scheduled for July 25, 2017 at 7pm. No further notice by the Applicant was necessary.

Variance - 12 Crescent Road

Application No. 2017-21-V

Aislinn & Mark Shansky

The Applicant proposes addition to existing single family house. Violation of the following section:

- 170-99C(3) Side Yard Setback – 10' required, 5.5' proposed; 4.5' variance requested

Mr. & Mrs. Shansky were sworn in and offered testimony regarding the addition to the side of the house. The Board determined that this was a narrow lot, not encroaching any further than where the existing house now sits. A motion to approve the application was made by Mr. Vieira with a second by Mr. Bier.

Variance -17 Fawn Drive

Application No. 2017-19-V

Purnima Patel

The Applicant proposes two-story addition to single family house. Violation of the following sections:

- 170-97C(2) Front Yard Setback – 60’ required; 56’ proposed; 4’ variance requested
- 170-87CC(2) Habitable Floor Area – 4870sf allowed, 5603.7 proposed; 733.7 variance requested

The applicant Purnima Patel and project architect Steven Schwartz were both sworn in to offer testimony. The credentials of Mr. Schwartz were accepted by the Board, having previously appeared before the Board. A colorized/enlarged site plan was marked as Exhibit A1. The architect testified that this was a shallow, odd shaped and narrow lot and a variance was previously granted in 1992, however, the work was never implemented at that time.

Arthur Zebofsky, 6 Chadwick Road asked questions relating to the impervious coverage, runoff, and landscaping and was sworn in to make a statement regarding the proposal.

On a motion made by Mr. Resnick, with a second 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, Mr. Vieira, Mr. Bier, Mr. Dunec, and Mr. Hochberg; they being all of the members present and eligible to vote. The approval was conditioned on the applicant adding plantings in the rear of the property.

Variance - 28 Chestnut Street

Application No. 2017-25-V

Rus & Mila Milov

The Applicant proposes demolition of existing house and construction of a new single family house
Violation of the following section:

- 170-96C(2) Front Yard Setback – 59.2 *Established* Front Yard Setback; 58.1’ variance proposed

Applicants Rus and Mila Milov, and Architect Larry Appel were sworn in to offer testimony. Revised plans (Exhibit A-1) was presented and marked. The revision showed slightly less floor area ratio. Neighbor Sufang Hang at 32 Chestnut Street appeared and asked questions.

On a motion made by Mr. Vieira, with a second by Mr. Bier, the Board approved the variance requested subject to a memorializing resolution by the unanimous votes of Mr. Vieira, Mr. Bier, Mr. Resnick, Ms. Tabak-Fass, Mr. Dunec, and Mr. Hochberg; they being all of the members present and eligible to vote.

Variance - 11 Page Place

Application No. 2017-26-V

Brenda & Alan Freeman

Applicant proposes demolition of deck and construction of 1-story addition in same location. Violation of the following section:

- 170-87CC(3) Habitable Floor Ratio – 21% allowed, 22.85% proposed; 1.85 variance requested

Alan Freeman was sworn in to offer testimony. The Board recognized the application as a C-2 variance and there was no hardship. No members of the public spoke in favor or against the application.

On a motion made by Ms. Tabak-Fass, with a second by Mr. Dunec, the Board approved the variances requested subject to a memorializing resolution by the unanimous votes of Ms. Tabak-Fass, Mr. Dunec, Mr. Resnick, Mr. Vieira, Mr. Bier, and Mr. Hochberg; they being all of the members present and eligible to vote.

Variance - 28 Woodcrest Drive
Application No. 2017-31-V
28 Woodcrest Drive LLC

Applicant proposes renovation of existing house. Violation of the following sections:

- 170-99C(2) Front Yard Setback – 40’ required; 34.2’ proposed; 5.8’ variance requested
- 170-99C(3) Side Yard Setback – 10’ required; 6.75’ proposed; 3.25’ variance requested

The Applicant, Michelle Volgan, principal of 28 Woodcrest Drive, LLC, and Michael Wojcichnski, member of the LLC were sworn in. Witness testifying for the applicant:

David Fantina, Engineer

Jack Howarth of 30 Beachwood Lane in East Hanover appeared to ask questions and provide a sworn statement. The Board recognized this to be a undersized and irregularly shaped lot.

On a motion made by Mr. Vieira, with a second by Mr. Resnick, the Board approved the variances requested subject to a memorializing resolution by the unanimous votes of Mr. Vieira, Mr. Resnick, Ms. Tabak-Fass, Mr. Dunec, Mr. Bier, and Mr. Hochberg; they being all of the members present and eligible to vote.

Variance - 34 Lee Road
Application No. 2017-22-V
34 Lee Road LLC

Applicant proposes an addition and remodel of existing house. Violation of the following sections:

- 170-98C(2) Front Yard Setback – 50’ required, 30.1’ proposed; 19.9’ variance requested
- 170-98C(3) Side Yard Setback – 10’ required, 3.5’ proposed; 6.5 variance requested
- 170-98C(3) Side Yard Aggregate – 15’ required. 14.6 proposed; 0.6’ variance requested

The Applicant, Michelle Volgan, principal of 34 Lee Road, LLC, and Michael Wojcichnski, member of the LLC were sworn in. Witness testifying for the applicant:

David Fantina, Engineer

Leo Venshtain of 36 Lee Road gave a sworn statement. Applicant agreed to replace the existing fence and would seek the necessary approvals to do so. The Board recognized this to be a narrow lot.

On a motion made by Mr. Bier, with a second by Mr. Vieira, the Board approved the variances requested subject to a memorializing resolution by the unanimous votes of Mr. Bier, Mr. Vieira, Mr. Resnick, Ms. Tabak-Fass, Mr. Dunec, and Mr. Hochberg; they being all of the members present and eligible to vote.

Variance - 30 Cherry Hill Road
Application No. 2017-15-V
Sophie and Wayne Morse

Applicant proposes to erect front yard/corner lot fence. Violation of the following section:

- 170-91B(2)-b Height of Fence – 48” allowed; 72” proposed; 24” variance requested

The Applicant Wayne Morse was sworn in to offer testimony. Neighbors Sandra Stoll, 29 Cherry Hill Road and Greg Fabiano, 23 Tuxedo Drive was sworn in to offer statements in support of the application.

The Board recognized the application was for a C-2 Variance and the location of the fence and the landscaping as proposed is beneficial and outweighs any potential detriment to the zoning ordinance.

On a motion made by Ms. Tabak-Fass, with a second by Mr. Vieira, the Board approved the variance requested subject to a memorializing resolution by the unanimous votes of Ms. Tabak-Fass, Mr. Vieira, Mr. Dunec, Mr. Resnick, Mr. Bier, and Mr. Hochberg; they being all of the members present and eligible to vote.

Variance - 3 Lockhern Court

Application No. 2017-27-V

Alan Gudz

Applicant proposes 1-story addition to existing house. Violation of the following sections:

- 170-87BB(1) Habitable Floor Area – 6200sf allowed, 7016sf proposed; 816sf variance requested
- 170-87CC(1) Habitable Floor Ratio – 15% allowed, 16.47% proposed; 1.47% variance requested

The Applicant Alan Gudz was sworn in to offer testimony that the property was irregular shaped. No members of the public spoke in favor or opposition of the application.

On a motion made by Mr. Hochberg, with a second by Mr. Resnick, the Board approved the variances requested subject to a memorializing resolution by the unanimous votes of Mr. Hochberg, Mr. Resnick, Ms. Tabak-Fass, Mr. Dunec, Mr. Vieira, and Mr. Bier, they being all of the members present and eligible to vote.

Variance - 10 Browning Drive

Application No. 2016-38-V

Kiran K. Manda

Applicant proposes to demolition of existing house and construction of a new single family house.

Violation of the following sections:

- 170-87BB(3) Habitable Floor Area – 3520sf allowed, 3615sf proposed; 95sf variance requested
- 170-87CC(3) Habitable Floor Ratio – 21% allowed, 24.19% proposed; 3.19% variance requested

Kiran Manda was sworn in to offer testimony. Eric Hoffman of 14 Browning Drive appeared and asked questions and gave a sworn statement. The Board found that this was an undersized lot.

On a motion made by Mr. Dunec, with a second by Mr. Vieira, the Board approved the variances requested subject to a memorializing resolution by the unanimous votes of Mr. Dunec, Mr. Vieira, Ms. Tabak-Fass, Mr. Resnick, and Mr. Bier. Mr. Hochberg voted against the motion.

Variance - 11 Forest Street

Application No. 2016-55-V

Maddabella Investors, LLC c/o Mark Teitelbaum

Application proposes an addition and remodel of an existing single family residence. Violation of the following sections:

- 170-96C(2) Front Yard Setback – 75' required, 25.7' proposed; 49.3' variance requested
- 170-96C(3) Side Yard Setback – 15' required, 2.5' proposed; 12.5' variance requested
- 170-96C(3) Side Yard Setback – 15' required, 10' proposed; 5' variance requested
- 170-96C(3) Side Yard Aggregate Setback – 30% required, 4.7% proposed; 25.3% variance requested
- 170-87CC(1) Habitable Floor Ratio – 15% allowed, 25.27% proposed; 10.27% variance requested
- 170-3 Garage Size – 12' width / 20' length required, 11.8' width / 18.25' length proposed; .2' width / 2.5' length variance requested

The Applicant, Mark Teitelbaum, principal of Maddebella Investors, was sworn in. Applicant was represented by Peter Cook, Esq. Witnesses appearing for the applicant:

Peter Korzen, Engineer
James Cutillo, Architect
John McDonough, Planner

Exhibit A-1 (photographs) were presented and marked. After the testimony was presented, the Board reviewed the application and asked if the house could be pushed back from the front property line. The existing garage would be demolished. After discussion with the Applicant, the Board voted separately on the HFA and Bulk Variances.

On a motion made by Mr. Resnick, with a second by Mr. Bier, the Board approved the HFA variance requested subject to a memorializing resolution by the unanimous votes of Mr. Resnick, Mr. Bier, Mr. Dunec, Mr. Vieira, Ms. Tabak-Fass, and Mr. Hochberg; they being all of the members present and eligible to vote.

As to the location/positioning of the house and the bulk variances sought, on a motion made by Mr. Resnick, with a second by Mr. Dunec, members Bier, Tabak-Fass, and Hochberg did not vote in favor of the motion. Mr. Vieira voted in favor of the motion.

Variance - 13 Forest Street

Forest Street Realty, LLC c/o Mark Teitelbaum

Application proposes an addition and remodel of an existing single family residence. Violation of the following sections:

- 170-96C(2) Front Yard Setback – 75’ required, 25.4’ proposed; 49.6’ variance requested
- 170-96C(3) Side Yard Setback – 15’ required, 4.8’ proposed; 10.2’ variance requested
- 170-96C(3) Side Yard Setback – 15’ required, 12.7’ proposed; 2.3’ variance requested
- 170-96C(3) Side Yard Aggregate Setback – 30% required, 4.6% proposed; 25.4% variance requested
- 170-87CC(1) Habitable Floor Ratio – 15% allowed, 27.32% proposed; 12.32% variance requested
- 170-3 Garage Size – 12’ width / 20’ length required, 11.8’ width / 18.25’ length proposed; .2’ width / 2.5’ length variance requested

Applicant asked that the application to be carried to the July 25, 2017 hearing date.

The following Resolutions were memorialized:

Richard Benjamin – Application No. 2017-11-V
New York SMSA LP d/b/a Verizon Wireless
Mr. & Mrs. B. Goodman – Application No. 2017-3-V
Scott & Allison Ginsbert – Application No. 2017-18-V

Adjournment. The Regular Meeting was adjourned at 10:47pm.

Respectfully submitted,

Jackie Coombs-Hollis
Planning Administrator