

ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting

January 25, 2022

The Livingston Township Zoning Board of Adjustment met for its Conference, Re-organization and Regular Meeting by means of Zoom Webinar telecommunications at 7:08 PM. Chairman Hochberg announced that proper notice had been given pursuant to the Open Public Meetings Act and guidance provided by the State’s Division of Local Government Services. Member Fass called the Roll:

Present: James Hochberg
Lauren Tabak-Fass
Anthony Nardone (*Joined meeting at 7:11 PM; Left meeting at 7:17 PM and rejoined at 7:35 PM*)
Jared Resnick
Ed Bier
Pearl Hwang
Kalpesh Kenia
Laurie Kahn
Ketan Bhuptani
Richard Vallario, Esq., Board Attorney
Jackie Hollis, Planning Administrator
Catherine Maddrey, Planning Assistant

Absent: None

Communications: None

Organizational Matters:

- a) Administration of Oaths: Board Attorney Vallario administered oaths of office to reappointed Members James Hochberg and Member Alternate #2 Ketan Bhuptani
- b) Other Organizational Actions: Upon motion made and seconded, and on the unanimous votes of the Members present, the following actions were taken:
 - Election of Hochberg as Chairman to serve until January 24, 2023
 - Election of Tabak-Fass as Vice Chair to serve until January 24, 2023
 - Election of Bier to serve as Recording Secretary to serve until January 24, 2023
 - Acknowledgement of Richard Vallario, Esq. to serve at the pleasure of the Board for a term expiring on January 24, 2023
- c) The following 2022 schedule was unanimously ratified:

ZONING BOARD SCHEDULE 2022	
February 24, 2022	August 23, 2022
March 22, 2022	September 29, 2022
April 26, 2022	October 25, 2022
May 24, 2022	November 17, 2022
June 28, 2022	December 13, 2022
July 26, 2022	January 24, 2023 *

All Meetings will be held virtually at 7:00 PM via Zoom Webinar and a link with Facebook Live, with advance notice of how to attend. When COVID-19 safety conditions permit, all meetings will be held at the Livingston Municipal & Police Building, located at [357 South Livingston Avenue, Livingston, NJ](#).

The Board will stream all virtual meetings on the Township's Facebook page – [Facebook.com/LivingstonTownshipNJ](https://www.facebook.com/LivingstonTownshipNJ). Formal action may be taken at any meeting.

All Meetings are open to the Public in accordance with the Open Public Meetings Act. Unless invited by the Board, comments or questions from members of the public shall not be received at a Conference Meeting.

Full text of the Zoning Board Rules of Procedure is available in the Planning Department or by visiting our website at <http://livingstontownship.org/planningdept/>.

Minutes: The minutes of December 15, 2021 was accepted as presented.

Old Business:

The Board voted unanimously in favor of memorializing the following Resolutions:

- 8 Rainbow Ridge Drive; Application No. 2021-59-V; Susan & Steven Scheichet
- 42 Baker Road; Application No. 2021-67-V; Richard D. Pecht
- 5 Scotland Drive; Application No. 2021-66-V; 5 Scotland Drive, LLC
- 10 Millbrook Court; Application No. 2021-63-V; James Hu
- 9 Grasmere Court; Application No. 2021-65-V; ASA Group LLC

The Board also adopted an Amended Memorializing Resolution for:

- 2 Hadrian Drive; Application No. 2021-20-V; Bruce & Marla Nagel

New Business:

Variance (Adjourned to March 22, 2022)

Block 2400; Lot 22

225 East Cedar Street

Application No. 2021-50-V

Daniel Fremed

The Application was adjourned to March 22, 2022.

Variance

Block 900; Lot 73

22 Congressional Parkway

Application No. 2021-68-V

Joseph & Sheila Wendolowski

Applicant seeks approval for a second floor addition and keep existing garage in violation of the following Sections:

170-87L(2)(d) Corner Lot Setback – 20' required; 11.3' proposed; 8.7' variance requested.

170-87E(1)(d)[4] Accessory Building – 5' from property line required; 1.4' proposed/existing; 3.6' variance requested.

Joseph & Sheila Wendolowski (Applicants) appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. The hardship was reconfirmed (narrow and undersized lot) upon a motion to approve made by Member Kahn and second by Member Kenia. The remaining members of the Board present and eligible voted in favor of the motion.

Member Nardone rejoined meeting at 7:35 PM.

Variance
Block 1000; Lot 7
7 Locust Place
Application No. 2021-69-V
Eyal Alon

Applicant seeks approval to approval for a one-story addition and a porch in the rear yard in violation of the following Section:

170-97-C4 Rear Yard Setback – 50’ required; 39.1’ proposed; 10.9’ variance requested.

Eyal Alon & Di Zhao (Applicants) appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. The hardship was reconfirmed (shallow, undersized lot) upon a motion to approve made by Member Kenia and second by Member Bier. The remaining members of the Board present and eligible voted in favor of the motion.

Variance
Block 4205; Lot 3
13 Spalding Drive
Application No. 2021-71-V
Tommy Setiawan

Applicant seeks approval for an addition, porch, and deck in violation of the following Sections:

170-99C2 Front Yard Setback – 40’ required; 35.47’ proposed; 4.53’ variance requested.

170-99C3 Side Yard Setback – 10’ required; 5.22’ proposed; 4.78’ variance requested.

170-87L(1)(d) Corner Lot Setback – 35’ required; 25.95’ proposed; 9.05’ variance requested.

170-87CC4 Habitable Floor Ratio – 30% allowed; 34.2% proposed; 4.2% variance requested.

Tommy Setiawan (Applicant) and Hayk Ekshian (Architect) appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. The hardship was reconfirmed (undersized lot) upon a motion to approve made by Member Resnick and second by Member Fass. The remaining members of the Board present and eligible voted in favor of the motion.

Member Bhuptani left the meeting at 8:14 PM.

Variance
Block 700; Lot 24
26 Surrey Lane
Application No. 2021-72-V
Jonathan Goldenthal

Applicant seeks approval for a first and second floor addition in violation of the following Section:

170-87CC2 Habitable Floor Ratio – 18% allowed; 19.4% proposed; 1.4% variance requested.

Sheara Goldenthal (Applicant) and Christine Miseo (Architect) appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. A motion to approve the application was made by Member Fass and second by Member Kenia. The remaining members of the Board present and eligible voted in favor of the motion.

Variance
Block 4800; Lot 29
54 Collinwood Avenue
Application No. 2021-75-V
Danial Dubinett

Applicant seeks approval for a side & rear addition and front & rear covered porches in violation of the following Sections:

170-99C3 Right Side Yard Setback – 10’ required; 6’ proposed; 4’ variance requested.

170-99C3 Left Side Yard Setback – 10’ required; 6.6’ proposed; 3.4’ variance requested.

170-99C3 Aggregate Side Yard Setback – 30% required; 21.5% proposed; 8.5% variance requested.

170-87BB4 Habitable Floor Area – 3220 sq ft allowed; 3544 sq ft proposed; 324 sq ft variance requested.

Danial Dubinett (Applicant) appeared and was sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. The Board felt that the front of the home was too large; the Applicant requested to adjourn the application to revise plans based on the Board’s comments and concerns. The Board granted an adjournment to March 22, 2022. No further notices required.

Variance

Block 4703; Lot 26

36 Midway Drive

Application No. 2021-76-V

Donald & Rebecca Campbell

Applicant seeks approval for a two story addition at left side and rear of home in violation of the following Sections:

170-99C4 Rear Yard Setback – 35’ required; 24.75’ proposed; 10.25’ variance requested.

170-87CC4 Habitable Floor Ratio – 30% allowed; 38.28% proposed; 8.28% variance requested.

Donald & Rebecca Campbell (Applicants) appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. The hardship was reconfirmed (undersized lot) upon a motion to approve made by Member Bier and second by Member Kenia. The remaining members of the Board present and eligible voted in favor of the motion.

Application to Amend Condition of Prior Approval

Block 3701; Lot 4

66 East Mount Pleasant Avenue

Application No. 2008-61-PFSPV (Amendment)

Dr. Ajay Malhotra

The Applicant seeks the Board’s approval to modify the Resolution memorialized on January 27, 2008 to excise Condition 4.

Appearing for the Applicant: Derek Orth, Esq. of Inglesino, Webster, Wyciskala & Taylor, LLC

Witnesses for the Applicant: Dr. Ajay Malhotra
Michael Lanzafama, P.E. & Principal of Casey & Keller, Inc.

The applicant requested an additional amendment to the resolution to release the annual reporting required to be made to the Township for the parking lease agreement with the church. A motion to approve the application was made by Mr. Hochberg and second by Member Resnick. The remaining members of the Board present and eligible voted in favor of the motion.

Adjournment

With no further business, the meeting adjourned at 9:31 PM.

Respectfully submitted,

Catherine Maddrey, Planning Assistant