

**ZONING BOARD OF ADJUSTMENT  
Minutes of the Meeting**

**January 26, 2021**

The Livingston Township Zoning Board of Adjustment met for its Conference and Regular Meeting by means of Zoom Webinar telecommunications at 7:08 PM. Jackie Hollis, Planning Administrator 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. Secretary Fass called the Roll:

Present: James Hochberg, Chairman (*Joined 7:17 PM*)  
Anthony Nardone, Vice Chair  
Jared Resnick  
Ed Bier  
Pearl Hwang  
Lauren Tabak-Fass  
Kalpesh Kenia  
Laurie Kahn  
Ketan Bhuptani  
Richard Vallario, Esq., Board Attorney  
Jackie Hollis, Planning Administrator  
Catherine Maddrey, Planning Assistant

Absent: None

Communications: Beacon Planning and Consulting Services, LLC was introduced as the Township Board’s Consultant Planner.

Organizational Matters:

- a) Administration of Oaths: Board Attorney Vallario administered oaths of office to reappointed Members Anthony Nardone, Edward Bier, Lauren Tabak Fass, Kalpesh Kenia, Alternate Member #1 Laurie Kahn, and to new 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 4, 2022
  - Election of Nardone as Vice Chairman to serve until January 4, 2022
  - Election of Tabak-Fass to serve as Recording Secretary to serve until January 4, 2022
  - Acknowledgement of Richard Vallario, Esq. to serve at the pleasure of the Board for a term expiring on January 4, 2022.
- c) The following 2021 schedule was unanimously ratified:

<b>MEETING DATES</b>	
FEBRUARY 23, 2021	AUGUST 24, 2021
MARCH 23, 2021	SEPTEMBER 28, 2021
APRIL 27, 2021	OCTOBER 26, 2021
MAY 25, 2021	NOVEMBER 23, 2021
JUNE 22, 2021	DECEMBER 14, 2021

JULY 27, 2021

JANUARY 25, 2022 \*

Regular Meetings and any Special Meetings shall begin at 7:00 PM prevailing time. All such Meetings will be preceded by a Conference Meeting. Formal action may be taken at any meeting.

All Meetings will be held virtually via Zoom Webinar, with advance notice of how to attend, until termination of the State COVID-19 emergency. Thereafter, all meetings will be held at the Livingston Municipal & Police Building, located at 357 South Livingston Avenue, Livingston, NJ.

NOTE: In addition, the Board will stream all virtual meetings on the Township's Facebook page – Facebook.com/LivingstonTownshipNJ.

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 of Adjustment Model Conditions of Approval is available in the Planning Department or by visiting our website at <http://livingstontownship.org/planningdept/>.

Minutes: The minutes of December 8, 2020 was accepted as presented.

Old Business:

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

- a) 68 Brookside Avenue – Sanjeev & Mani Gupta – Application No. 2020-40-V
- b) 5 Canoe Brook Drive – Eugene Davis – Application No. 2020-26-V
- c) 59 Billingsley Drive – Farhad Mian & Ammara Farhad – Application No. 2020-52-V
- d) 12 Wychwood Road – Neil Russo & Diane Giacona – Application No. 2020-50-V
- e) 14 Dickinson Lane – Marc Bausch – Application No. 2020-46-V

New Business:

Variance (Adjourned to February 23, 2021)

Block 3900; Lot 11

75 Mounthaven Drive

Application No. 2020-56-V

Bogdan Kwoczka

The Applicant seeks approval for a rear two-story addition in violation of the following Sections:

170-994 Rear Yard Setback – 35' required; 29.75' proposed; 5.25' variance requested.

170-87E(1)(b) Accessory Structure Setback – 10' required; 8' proposed; 2' variance requested.

170-87CC Habitable Floor Ratio – 30% allowed; 38.5% proposed; 8.5% variance requested.

170-87E(1)(d)[4] Rear Yard Setback (Garage) – 5' required; 1.95' existing/proposed; 3.05' variance requested.

170-87E(1)(e) Side Yard Setback (Garage) – 5' required; 3.8' proposed; 1.2' variance requested.

Chairman Hochberg announced that the Application was adjourned to February 23, 2021 due to deficient notices. New notices were required.

Variance

Block 202; Lot 24

3 Pittsfield Court

Application No. 2020-62-V  
Brian & Elissa Langer

The Applicant seeks approval for a deck in violation of the following Section:  
170-97C4 Rear Yard Setback – 50’ required; 40’ proposed; 10’ variance requested.

Elissa & Brian Langer (Applicants) and John Brower, AIA appeared and were sworn in to offer testimony.

Martin Chiarolanzio, Township Construction Official/Zoning Officer was present for this Application.

Members of the Public with Questions/Comments:

Richard Boiardo – 328 Beaufort Avenue – Represented by Steven M. Tannenbaum, Esq.

The hardships were reconfirmed (irregular shaped lot; steep topography) upon motion to approve made by Vice Chair Nardone and second by Member Fass. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance

Block 700; Lot 1

1 Stonewall Drive

Application No. 2020-58-V

Darshan & Nihita Goswami

The Applicant seeks approval for a second floor addition and front porch portico in violation of the following Section:

170-87 L(b) Corner Lot Setback – 50’ required; 31.7’ proposed; 18.3’ variance requested.

Darshan Goswami (Applicant) and William Figdor, AIA 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 Bier and second by Member Kenia. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Minor Subdivision

Block 1302; Lot 5

17 Congressional Parkway

Application No. 2020-55-MSUBV

Craig Naylor; John & Rebecca Tshilas

The Applicant proposes the following:

Subdivide Lot 5 to create two (2) new lots designated as proposed lots 5.01 and 5.02 that measure approximately 5,000 square feet each.

Lot 5.01 would contain the existing house with the existing driveway and 1-car detached garage.

The plans denote a small existing enclosed porch on the left side of the existing house is noted to be removed.

Lot 5.02 would be a vacant building parcel for construction of a new single family home. The plans depict building setback lines and envelopes for location of a new dwelling. Variances sought for Minimum Lot Area, Minimum Front Yard Average Setback, Minimum Building Coverage Ratio, and Maximum Habitable Floor Area.

Board Attorney Vallario was recused from this Application. Tom DiBiasi, Esq. acted as Board Attorney for this Application.

Appearing for the Applicant: James Polles, Esq. of Schenck, Price, Smith & King, LLP

Witnesses for the Applicant: Dan Governale of Barlo, Governale, & Associates, AIA  
Michael Lanzafama of Casey & Keller, Inc., P.E./P.P.

The Board felt that the home proposed on the new lot was too large. The Applicant requested for an adjournment to March 23, 2021 to revise plans based on the Boards concerns; No new notices are required.

Adjournment

With no further business, the meeting adjourned at 10:09 PM.

Respectfully submitted,

Catherine Maddrey, Planning Assistant