

ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting

February 23, 2021

The Livingston Township Zoning Board of Adjustment met for its Conference and Regular Meeting by means of Zoom Webinar telecommunications at 7:03 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. Secretary Fass called the Roll:

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| Present: | James Hochberg, Chairman Anthony Nardone, Vice Chair Jared Resnick Ed Bier Pearl Hwang Lauren Tabak-Fass Laurie Kahn Ketan Bhuptani Richard Vallario, Esq., Board Attorney Jackie Hollis, Planning Administrator Catherine Maddrey, Planning Assistant | Absent: Kalpesh Kenia |
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Communications: None

Minutes: The minutes of January 26, 2021 was accepted with a change to add Member Bhuptani to the Roll as Present.

Old Business:

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

- a) 3 Pittsfield Court; Application No. 2020-62-V; Brian & Elissa Langer
- b) 1 Stonewall Drive; Application No. 2020-58-V; Darshan & Nihita Goswami
- c) Amendment to the Resolution Approval for 5 Canoe Brook Drive; Application No. 2020-26-V; Eugene Davis

New Business:

Variance
Block 2903; Lot 21
50 Oakwood Avenue
Application No. 2020-65-V
Novel Jersey Homes LLC / Yanchun Song

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

170-98C2 Front Yard Setback – 50' required; 30.5' proposed/existing; 19.5' variance requested.

170-98C3 Right Side Yard Setback – 10' required; 4.5' proposed; 5.5' variance requested.

170-98C3 Left Side Yard Setback – 10' required; 3.7' proposed; 6.3' variance requested.

170-98C3 Aggregate Side Yard Setback – 30% required; 16.4% proposed/existing; 13.6% variance requested.

170-87CC3 Habitable Floor Ratio – 21% allowed; 39.65% proposed; 18.65% variance requested.

Appearing for the Applicant: Evan Drachman, Esq.

Witnesses for the Applicant: Hayk Ekshian, AIA of Space & Mark, LLC

Member(s) of the Public with Questions/Comments:

Robert Glenn – 48 Oakwood Avenue

Member Resnick was recused from the Application. The hardships were reconfirmed (undersized and narrow lot) upon motion to approve made by Vice Chair Nardone and second by Member Hwang. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Member Resnick then rejoined the meeting.

Variance (*Adjourned from January 26, 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.

Bogdan Kwoczka, Applicant and Christine Miseo, AIA appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. The hardships were reconfirmed (existing, nonconforming and undersized lot) upon 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, subject to a memorializing resolution.

Variance

Block 202; Lot 42

320 Beaufort Avenue

Application No. 2021-3-V

Meiting Huang

Applicant seeks approval for a second floor addition in violation of the following Sections:

170-97C2 Front Yard Setback – 60' required; 50.4' proposed/existing; 9.6' variance requested.

170-97C3 Left Side Yard Setback – 15' required; 14.5' proposed/existing; 0.5' variance requested.

Meiting Husang, Applicant appeared and was sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. A motion to approve was made by Member Fass and second by Member Bier. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance

Block 2004; Lot 8

228 E McClellan Avenue

Application No. 2020-63-V

Odilon & Wlliana Bragatto

The Applicant seeks approval for an addition in violation of the following Sections:

170-98C2 Front Yard Setback – 50’ required; 39.5’ proposed; 10.5’ variance requested.

170-98C3 Aggregate Side Yard Setback – 30% required; 29% proposed; 1% variance requested.

170-87 CC3 Habitable Floor Ratio – 21% allowed; 23% proposed; 2% variance requested

Odilon Bragatto, Applicant and Daniel Roma, AIA appeared and were sworn in to offer testimony.

Member(s) of the Public with Questions/Comments:

Renjyh Sheu – 217 E McClellan Avenue

The Applicant agreed to eliminate the stairs to the basement and side porch at the request of the Board which eliminated the Aggregate Side Yard Setback variance being sought before seeking Building Permits. The Applicant is required to submit new architectural plans for building permits. A Condition was added that the Applicant will not convert the attic into habitable living space. The hardships were reconfirmed (undersized and narrow lot) upon motion to approve made by Member Resnick and second by Vice Chair Nardone. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance

Block 900; Lot 15

45 North Ridge Road

Application No. 2021-2-V

Fern Felsenheld

Applicant proposes to demolish existing house and seeks approval to construct a new single family home in violation of Sections:

170-99C3 Aggregate Side Yard – 30% allowed; 23.67% proposed; 6.33% variance requested.

170-87BB4 Habitable Floor Area – 3220 sq ft allowed; 3522 sq ft proposed; 302 sq ft variance requested.

Fern Felsenheld, Applicant and Larry Appel, 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 Condition was added that the Applicant will provide a landscaping plan to the Planning Department to enhance street view and minimize the impact of the garage for review by the Township’s Planner prior to issuing a certificate of occupancy by the Building Department. A motion to approve was made by Member Bier and second by Vice Chair Nardone. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance

Block 6101; Lot 21

13 Volker Lane

Application No. 2021-4-V

Inga & Oriel Cohen

Applicant seeks approval to construct an in-ground pool and outdoor kitchen in violation of Sections:

170-96A(8)(a) Swimming Pool Rear Yard Lot Area – 10% of year yard permtted; 15% proposed; 5% variance requested.

170-96A(8)(f) Swimming Pool Side Yard Setback (Left & Right Sides) – 20’ required; 11’ proposed; 9’ variance requested.

170-87E(1)(d)[1] Accessory Structure Rear Yard Setback – 10’ required; 5’ proposed; 5’ variance requested.

Inga & Oriel Cohen, Applicants appeared and were sworn in to offer testimony.

Member(s) of the Public with Questions/Comments:

Dolores Schraner – 15 Volker Lane

The Applicant agreed to eliminate the Accessory Structure Rear Yard Setback variance and comply with Zoning requirements. The hardships were reconfirmed (narrow and undersized lot) upon motion to approve made by Vice Chair Nardone and second by Member Resnick. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance

Block 401; Lot 79

43 Morningside Drive

Application No. 2021-6-V

Adam & Ashley Kessler

Applicant seeks approval for a first floor addition and deck in violation of Sections:

170-97C4 Rear Yard Setback – 50' required; 46.5' proposed; 3.5' variance requested.

170-87BB2 Habitable Floor Area – 4870 sq ft allowed; 4875 sq ft proposed; 5 sq ft variance requested.

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

Adam & Ashley Kessler, Applicants and Thomas Baio, AIA appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. The Applicant agreed to eliminate the Habitable Floor Area variance by moving the wall in the kitchen. The Applicant is required to submit revised plans when applying for Building permits. A motion to approve was made by Vice Chair Nardone and second by Member Hwang. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Adjournment

With no further business, the meeting adjourned at 10:26 PM.

Respectfully submitted,

Catherine Maddrey, Planning Assistant