

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

February 24, 2022

The Livingston Township Zoning Board of Adjustment met for its Conference, Re-organization and Regular Meeting by means of Zoom Webinar telecommunications at 7:02 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 Bier called the Roll:

Present:	James Hochberg	Absent:	Anthony Nardone
	Lauren Tabak-Fass		Jared Resnick
	Ed Bier		
	Pearl Hwang		
	Kalpesh Kenia (<i>Left Meeting at 9:24 PM</i>)		
	Laurie Kahn		
	Ketan Bhuptani (<i>Joined Meeting at 8:17 PM</i>)		
	Richard Vallario, Esq., Board Attorney		
	Jackie Hollis, Planning Administrator		
	Catherine Maddrey, Planning Assistant		
	Rocco Marucci, Assistant Township Engineer		

Communications: None

Minutes: The minutes of January 25, 2022 was accepted as presented.

Old Business:

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

- 22 Congressional Parkway; Application No. 2021-68-V; Joseph & Sheila Wendolowski
- 7 Locust Place; Application No. 2021-69-V; Eyal Alon
- 13 Spalding Drive; Application No. 2021-71-V; Tommy Setiawan
- 26 Surrey Lane; Application No. 2021-72-V; Jonathan Goldenthal
- 36 Midway Drive; Application No. 2021-76-V; Donald & Rebecca Campbell
- 66 East Mount Pleasant Avenue; Application No. 2008-61-PFSPV (Amendment);
- Dr. Ajay Malhotra

New Business –

Preliminary & Final Site Plan (Amendment)
Block 5701; Lot 9
305-307 W. Northfield Road
Application No. 2018-16-PFSP-UV (Amendment)
Crystal Plaza

Applicant seeks amended site plan approval to install a 200KW emergency generator on site.

Appearing for the Applicant: Michael Lipari, Esq. of Mandelbaum Salsburg P.C.

Witnesses for the Applicant: Michael Lanzafama, P.E. of Casey & Keller, Inc.
Hunter Janoff, Crystal Plaza

Members of the Public with Questions/Comments: None

A motion to approve the application was made by Member Kahn and second by Member Kenia with a condition of approval to limit the testing of the generator to daytime hours, bi-weekly Monday through Friday. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance
Block 900; Lot 70
146 Adams Court
Application No. 2019-29-V (Amendment)
Xiuqing Liu & Tingyan Zeng

Applicant is re-appearing before the Board to seek approval for a Rear Yard Setback Variance. 170-99C4 Rear Yard Setback – 35’ required; 34.4’ proposed; 0.6’ variance requested.

Xiuqing Liu, Tingyan Zeng (Applicants), 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 Board added a Front Yard Setback variance (40’ required; 18.7’ proposed; 21.3’ variance requested). 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.

Variance
Block 1603; Lot 25
64 Elmwood Drive
Application No. 2021-77-V
Leo Jantusch

Applicant seeks approval to demolish existing 1-story dwelling and construct a new single-family home in violation of the following Sections:

170-99C3 Left Side Yard Setback – 10’ required; 8’ proposed; 2’ variance requested.
170-99C3 Aggregate Side Yard Setback – 30% required; 22.6% proposed; 7.4% variance requested.

Leo & Vickie Jantusch (Applicants), and Cindy Boerner-Lay (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 condition of approval was included that the attic would remain unfinished and if the home owners decided to finish the attic, they would be required to return to the Board. The hardship was reconfirmed (irregular shaped lot) upon a motion to approve made by Member Fass 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.

*The Board went in recess from 8:06 PM to 8:16 PM.
Member Bhuptani joined the meeting at 8:17 PM.*

Variance
Block 3403; Lot 14
11 Consul Road
Application No. 2021-79-V
David & Bonnie Sussman

Applicant seeks approval for a first floor addition at the rear of home in violation of the following Sections:

170-87CC3 Habitable Floor Ratio – 21% allowed; 22.1% proposed; 1.1% variance requested.

David & Bonnie Sussman (Applicants), and Meredith Colon-Reiman (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 Kenia 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 (Continued from December 14, 2021)

Block 5301; Lot 3
324 Hillside Avenue
Application No. 2021-61-V
Jay Van de Beek

Applicant seeks approval for a garage addition, 2-story Rear Addition, and a 1-story Rear Addition in violation of the following Sections:

170-98C3 Aggregate Side Yard Setback – 30% required; 28.3% proposed; 1.7% variance requested.
170-87BB3 Habitable Floor Area – 3520 sq ft allowed; 4182 sq ft proposed; 662 sq ft variance requested.
170-87CC3 Habitable Floor Ratio – 21% allowed; 24.5% proposed; 3.5% variance requested.
Applicant received prior approval (2008-15-V) for HFA, HFR and Front Yard Setback.

Jay Van de Beek (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 Hwang. Members Bier and Kenia voted against the motion to approve the application. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Member Kenia left the meeting at 9:24 PM.

Variance

Block 6702; Lot 5
12 Nottingham Road
Application No. 2022-1-V
Michael & Lauren Schor

Applicant seeks approval for a new Pool Cabana in violation of the following Section:

170-87E(1)(f)[1] Rear Yard Percentage Area – 8% allowed; 10% proposed; 2% variance requested.

Michael & Lauren Schor (Applicants), and Meredith Colon-Reiman (Architect) appeared and were sworn in to offer testimony. The hardship was reconfirmed (irregular shaped lot) upon a motion to approve made by Member Kahn 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 1405; Lot 3
27 Preston Drive
Application No. 2021-78-V
Michelle Plotsker & Yosef Cohen

Applicant seeks approval for 1st and 2nd floor Additions in violation of the following Sections:

170-99C3 Left Side Yard Setback – 10' required; 3' proposed; 7' variance requested.
170-99C3 Aggregate Side Yard Setback – 30% required; 24.4% proposed; 5.6% variance requested.
170-87CC4 Habitable Floor Ratio – 30% allowed; 47.7% proposed; 17.7% variance requested.

Joseph & Sheila Wendolowski (Applicants) and Douglas Asral (Architect) appeared and were sworn in to offer testimony.

Members of the Public with Questions/Comments: Al Russo – 22 North Ashby Avenue

The hardship was reconfirmed (undersized lot) upon a motion to approve made by Member Bier and second by Member Bhuptani. 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 9:47 PM.

Respectfully submitted,

Catherine Maddrey, Planning Assistant