

ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting

May 28, 2019

Conference Meeting Agenda:

At 7:00 PM, Vice Chair Nardone announced that proper notice had been given and Board Secretary Fass called the Roll:

Present: James Hochberg, Chairman
Tony Nardone, Vice Chair (arrived at 7:11 PM)
Jared Resnick
Ed Bier
Lauren Tabak-Fass
Pearl Hwang
Vineeta Khanna (arrived at 7:01 PM)
Laurie Kahn
Richard Vallario, Board Attorney
Catherine Maddrey, Planning Assistant

Absent: Kalpesh Kenia

Minutes: The minutes of April 30, 2019 were accepted as presented.

Communications: The Board discussed pending applications.

New Business

Regular Meeting Agenda

At 7:23 PM., it was announced that proper notice had been given and the Roll was called: The Regular Meeting continued with the same attendees.

The following Resolutions were memorialized:

- 1) Yan Hua Jiang & Ming Chen – 5 Woodcrest Drive - Application No. 2019-15-V
- 2) Felipe and Isaura Pintinha – 88 Elmwood Drive - Application No. 2019-21-V
- 3) Seth Saltzman and Debra Simet – 20 West Lawn Road - Application No. 2019-18-V
- 4) Su Ma – 14 Dougal Avenue – Application No. 2019-11-V
- 5) Tamarand Properties, LLC – 170 W. Northfield Road – Application No. 2019-16-V
- 6) Yong Jiang & Xiaoi Sun – 87 Irving Avenue – Application No. 2018-65-V

Variance (*Adjourned from April 30, 2019*)

Block 2200; Lot 37
4 Westminster Drive
Application No. 2019-17-V
George Tabatadze

Applicant seeks approval to keep retaining wall built without required permits and in violation of the following section:

170-72C(5)(c) Wall Setback – Retaining walls shall be set back at a minimum of 5 feet from any property line; new existing wall is 8 inches off the property line; 4 feet and 4 inches variance requested.

As the Applicant failed to appear, Chairman Hochberg announced that the application for 4 Westminster Drive was considered withdrawn without prejudice.

Use Variance (Adjourned)

Block 100; Lot 3
630 Route 10
Application No. 2019-24-PFSP-UV
Millstein Acquisitions, LLC

Chairman Hochberg announced that the application was being adjourned without a scheduled date and that new notices would be required.

Variance (*Continued from March 26, 2019*)
Block 6001; Lot 56
17 Tower Road (New Address: 4 Beacon Ave)
Application No. 2019-1-V
Weikuang & Chenchi Lien

Applicant proposes to construct a new single family home in violation of the following sections:
170-97C2 Front Yard Setback – 60’ required; 40.86’ proposed; 19.14’ variance requested.
170-97C4 Rear Yard Setback (Deck) – 50’ required; 24’ proposed; 26’ variance requested.
170-87CC2 Habitable Floor Ratio – 18% required; 22.6% proposed; 4.6% variance requested.
170-87E(1)(d)[2] Side Yard Setback (Shed) – 10’ required; 0.3’ proposed; 9.7’ variance requested.
170-87E(1)(e) Accessory Structures – required in the rear yard; existing shed is in the side yard.
170-87L(1)(b) Corner Front Yard (Tower Road) – 50’ required; 47.11’ proposed; 2.89’ variance requested.

Paul Fletcher (Architect) and Chenchi Lien (Applicant) 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 motion made by Mr. Bier and second by Vice Chair Nardone. Chairman Hochberg voted against the application. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance (*Adjourned from March 26, 2019*)
Block 2100; Lot 38
50 Force Hill Road
Application No. 2019-10-V
Baruch Shliechkorn

Applicant seeks approval to construct a new single family home in violation of the following sections:
170-96C4 Rear Yard Setback – 75’ required; 44.84’ proposed; 30.16’ variance requested.
170-96C1 Building Height – 35’ required; 36.10’ proposed; 1.10’ variance requested.
170-87BB1 Habitable Floor Area – 6200 sq ft required; 6652 sq ft proposed; 452 variance requested.

Due to a conflict, Ms. Fass recused herself and left the meeting at 7:49 PM. Ms. Kahn acted in stead of Ms. Fass.

Matthew Posada, Esq. represented the applicant. Paul Anderson (Architect) appeared and was sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. The applicant agreed to comply with the building height requirements, therefore the habitable floor area variance was no longer required. The applicant was granted variances for habitable floor ratio of 5.6% and a rear yard setback of 5.6’. The hardship was reconfirmed (shallow lot) upon motion made by Mr. Resnick and second by Mr. Bier. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance

Block 4703; Lot 17

18 Midway Drive

Application No. 2019-23-V

Danyal Hussain & Khusbu Kazi

Applicant proposes a second story addition in violation of the following sections:

170-99C2 Front Yard Setback – 40' required; 31.9' proposed; 8.1' variance requested.

170-99C3 Side Yard Setback – 10' required; 4.5' proposed; 5.5' variance requested.

170-87E(d) Accessory Structure – 5' required; 3' proposed; 2' variance requested.

Danyal Hussain (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 applicant agreed to remove the shed. The hardships were reconfirmed (undersized and non-conforming lot) upon motion made by Ms. Hwang and second by Mr. Resnick. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance

Block 2006; Lot 12

44 Fellswood Drive

Application No. 2019-26-V

Shiming Yang

Applicant proposes to add first and second floor additions in violation of the following sections:

170-99C2 Front Yard Setback – 40' required; 34.48' proposed; 5.52' variance requested.

170-99C3 Side Yard Setback – 10' required; 4.76' proposed; 5.24' variance requested.

170-99C3 Aggregate Side Yard Setback – 30% required; 24.34% proposed; 5.66% variance requested.

170-87CC4 Habitable Floor Ratio – 30% required; 32.17% proposed; 2.17% variance requested.

Margaret Petersen (Architect) & Shiming Yang (Applicant) 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 (undersized and narrow lot) upon motion made by Mr. Resnick and second by Bier. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance
Block 2905; Lot 4
190 East Cedar Street
Application No. 2019-28-V
Peter Kowalchuk

Applicant proposes to construct a single family home in violation of the following section:
170-98C7 & 170-87CC Habitable Floor Ratio – 21% required; 34.4% proposed; 13.4% variance requested.

Peter Kowalchuk (Applicant) appeared and was sworn in to offer testimony. The hardships were reconfirmed (undersized and narrow lot) upon motion made by Mr. Nardone and second by Mr. Resnick. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Members of the Public with Comments/Questions:
Moses Mojica – 188 East Cedar Street

Adjournment

With no further business, the meeting adjourned at 9:03 PM.

Sincerely,



Catherine Maddrey, Planning Assistant