

ZONING BOARD OF ADJUSTMENT  
Minutes of the Meeting

August 24, 2021

The Livingston Township Zoning Board of Adjustment met for its Conference 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. Ms. Hollis called the Roll:

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

Communications: None

Minutes: The minutes of June 22, 2021 had one correction to remove "Executive Session" and was accepted with the change.

Old Business:

The Board voted unanimously in favor of memorializing the following Resolutions:  
305-307 West Northfield Road; Application No. 2021-30-EXT; Crystal Plaza Group, Inc.  
7 Brayton Road; Application No. 2021-27-V; 7 Brayton Road, LLC  
21 Montgomery Road; Application No. 2021-31-V; DAS Properties 1 LLC / Dior Silva  
17 Marisa Court; Application No. 2021-34-V; Pratik Patel  
146 Adams Court; Application No. 2021-29-V; Tingyan Zeng & Xiuqing Liu  
42 Walnut Street; Application No. 2021-32-V; Timothy J. Politowicz

New Business:

Variance  
Block 200; Lot 6  
354 Beaufort Avenue  
Application No. 2018-5-V (Amendment)  
Joseph & Stacy Moore / Todd Weinberger

Chairman Hochberg announced that the Application was adjourned to September 28, 2021; no further notices required.

Variance  
Block 5600; Lot 1  
245 Hillside Avenue  
Application No. 2021-39-V  
Shefali & Puneet Goel

Applicant seeks approval for a 2<sup>nd</sup> story Deck in violation of the following Section:  
170-98C4 Rear Yard Setback – 40’ required; 30’ proposed; 10’ variance requested.

Shefali and Puneet Goel, 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 lot) upon a motion to approve made by Member Kenia 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.

Variance (Continued from June 22, 2021)  
Block 6101; Lot 9  
18 Dickinson Lane  
Application No. 2021-23-V  
Marcelino Lopez

The Applicant submitted updated plans seeking approval for an addition in violation of the following Sections:

170-96C2 Front Yard Setback – 75’ required; 35’ proposed; 40’ variance requested.  
170-96C3 Right Side Yard Setback – 15’ required; 7.81’ proposed; 7.19’ variance requested.  
170-96C3 Left Side Yard Setback – 15’ required; 8.25’ proposed; 6.75’ variance requested.  
170-87 BB1 Habitable Floor Ratio – 15% allowed; 21.54% proposed; 6.54% variance requested.

Appearing for Applicant: Eugenio Genise, Esq.

Witness for the Applicant: Jennifer Palermo, AIA

No members of the public appeared in support of or in objection to the application. The hardship was reconfirmed (narrow lot) upon a motion to approve made by Member Hwang 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 1003; Lot 7  
7 Cliffside Drive  
Application No. 2021-41-V  
Santhosh Shetty

Applicant seeks approval for an addition, deck, and entry portico in violation of the following Sections:  
170-97C2 Front Yard Setback – 60’ required; 43.46’ existing/proposed; 16.54’ variance requested.  
170-97C3 Left Side Yard Setback (Deck) – 15’ required; 10’ proposed; 5’ variance requested.  
170-87 Front/Side Yard Setback – 50’ required; 46.08’ proposed; 3.92’ variance requested.

Santhosh and Vidya Shetty, 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 left side yard setback for the deck was eliminated as the deck will be moved to the right side of home. The hardships were reconfirmed (narrow, shallow lot and placement of the home) upon a motion to approve made by Member Kahn 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.

Variance  
Block 1305; Lot 17  
56 Beverly Road

Application No. 2021-43-V  
Matthew Perlman

Applicant seeks approval for an addition, covered porch, and covered patio in rear of home in violation of the following Sections:

170-99C2 Front Yard Setback – 40’ required; 29.9’ proposed; 10.1’ variance requested.

170-87L Corner Lot Setback – 35’ required; 34.2’ proposed; 0.8’ variance requested.

170-99C4 Rear Yard Setback – 35’ required; 20’ proposed; 15’ variance requested.

Matthew and Talia Perlman, 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 (placement of existing home on lot) upon a motion to approve made by Member Kenia and second by Member Kahn. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance

Block 503; Lot 6

8 Harding Place

Application No. 2021-38-V

Phillip & Jamie Sperling

Applicant seeks approval to expand existing garage and construct an addition above the garage in violation of the following Sections:

170-99C2 Front Yard Setback – 40’ required; 34.46’ proposed; 5.54’ variance requested.

170-99C3 Right Side Yard Setback – 10’ required; 9.2’ proposed; 0.8’ variance requested.

170-99C3 Side Yard Aggregate – 22.5’ required; 20.5’ proposed; 2’ variance requested.

170-99C4 Rear Yard Setback – 35’ required; 28.6’ proposed; 6.4’ variance requested.

170-87CC4 Habitable Floor Ratio – 30% allowed; 30.5% proposed; 0.5% variance requested.

Robert Emmert, AIA and Philip Sperling, 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 a motion to approve made by Member Kenia and second by Member Kahn. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance

Block 2503; Lot 17

16 West Lawn Drive

Application No. 2021-40-V

Joshua & Meredith Schwartz

Applicant seeks approval for an addition and to convert the garage into living space in violation of the following Sections:

170-98C2 Front Yard Setback – 50’ required; 33.85’ proposed; 20.08’ variance requested.

170-87CC3 Habitable Floor Ratio – 21% allowed; 23.09% proposed; 2.09% variance requested.

170-87 I.(2) Garage – Standard garage size 12’x20’ or 240 sq ft; 150 sq ft variance requested.

Douglass Asral, AIA and Joshua Schwartz, 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 front yard setback variance was corrected to 16.15’. The hardship was reconfirmed (undersized lot) upon a motion to approve made by Member Resnick 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.

Preliminary & Final Site Plan with Variances  
Block 7300; Lot 4.02  
346 East Cedar Street  
Application No. 2014-46-PFSPV - #3 (Amendment)  
Livingston ALF AMPROP, LLC (Health Resources)

Applicant seeks amended preliminary and final site plan approval to permit an increase in building height from 3-stories to 4-stories in order to construct a rooftop amenity deck, in violation of Section 170-103.F.(3) – Maximum Building Height. Applicant previously received approval to construct a 3-story assisted living facility and related site improvements.

Appearing for the Applicant: Matthew Posada, Esq.

Witnesses for the Applicant: Alexandro Handel, P.E. & P.P.  
Barry Brommer, AIA

Barbara Ehlen of Beacon Planning joined the meeting.

After hearing testimony, a motion to approve made by Member Resnick 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 3703; Lot 3  
2 Fredon Drive  
Application No. 2021-36-V  
Rajiv & Carrie Parikh

Applicant seeks approval for a shed in violation of the following Sections:  
170-87L(c) Corner Lot Setback – 40' required; 22' proposed; 18' variance requested.  
179-87E(1)(C) Accessory Building – shall not be erected nearer to the side street than the front yard requirement of that street.

Rajiv Parikh, Applicant appeared and was sworn in to offer testimony. The Applicant requested to adjourn to the meeting to October 26, 2021 in order to revise plans.

With no further business, the meeting adjourned at 10:28 PM.

Respectfully submitted,

Catherine Maddrey, Planning Assistant