

ZONING BOARD
Minutes of the Meeting
September 27, 2011

The Livingston Zoning Board of Adjustment met for a Conference Meeting at 7:15 p.m. in the Executive Conference Room with a Regular Meeting to follow at 7:30 p.m. in the Court Room of the Livingston Municipal Building located at 357 South Livingston Avenue. Notice of the meeting was published in the West Essex Tribune and posted at the Livingston Municipal Building.

Conference Meeting:

At 7:15 p.m., Vice Chairman James Hochberg called the Roll:

<u>Present:</u>	Susan Atteridge	<u>Absent:</u>
	Jack Gillman	Ajay Shah
	Michael Silverman	Shawn Klein
	Jill Wishnew	
	Kris Boni	
	James Hochberg	
	Alan Ozarow	
	Herb Ford, Board Attorney	
	Jackie Coombs-Hollis, Planning Administrator	

1. Minutes. The Minutes of July 26, 2011 were accepted as presented.

Regular Meeting:

At 7:35 p.m., Chairman Ozarow announced that proper notice had been given and Vice Chairman James Hochberg called the Roll:

<u>Present:</u>	Susan Atteridge	<u>Absent:</u>
	Jack Gillman	Ajay Shah
	Michael Silverman	Shawn Klein
	Jill Wishnew	
	Kris Boni	
	James Hochberg	
	Alan Ozarow	
	Herb Ford, Board Attorney	
	Jackie Coombs-Hollis, Planning Administrator	

New Business. The Board discussed the Resolutions from the month before. There were three resolutions from the last month.

Approval of Memorializing Resolutions. Upon motion made and seconded, the following Resolutions were unanimously approved by the present members of the Board:

Mr. & Mrs. Rabinowitz – Application No. 2011-25-V
Yuan Yang Xie – Application No. 2011-29-V
Scott & Eliza Millman – Application No. 2011-27-V

James Hochberg called the first applicant, Jon Roitman.

1. Variance - Application No. 2011-28-V

Block: 7403; Lot: 14

17 Vanderbuilt Drive

Applicant proposed to construct a rear yard patio and retaining wall. Violation of Ordinance 24-2009 Steep Slopes – Disturbance of 2,708 SF of steep slopes.

Chairman Ozarow indicated that there are two similar applications and called Engineers Mr. Paulus for 17 Vanderbuilt and Mr. Keller regarding the 20 Fordham Road application.

The Board indicated that they reviewed the Ordinance and concluded that steep slopes applications meeting the requirements of the Ordinance will not need a variance and can be reviewed by the Engineering Department. There are seven (7) exhibits required by the Ordinance and each of those must be submitted to Engineering for review and approval. If those requirements are not met, and Engineering believes a variance is necessary, then an application should be filed with the Board.

2. Variance - Application No. 2011-30-V

Block: 3901, Lot: 143

33 Marisa Court

Gavin Berlowitz

Applicant proposes to construct a rear deck, patio, and retaining wall violation of section 170-99-C(3) Side Yard Setback (35 feet required, 28.75 feet proposed, 6.25 foot variance requested).

Gavin Berelowitz was sworn in to offer testimony.

Laurence Appell (Engineer) was sworn in to offer testimony

During the testimony, the Board found that there is no detriment arising from what is being proposed. Upon motion made by Mr. Hochberg and seconded by Ms. Atteridge, the Board approved the application by the unanimous votes of Mr. Hochberg, Ms. Atteridge, Mr. Gillman, Mr. Silverman, Ms. Wishnew, Ms. Boni and Chairman Ozarow; they being all of the Members present and eligible to vote.

3. Variance - Application No. 2011-31-V

Block: 3303; Lot: 6

11 Largo Lane

Mr & Mrs. Brody

Applicant proposes to construct an addition to the rear of the dwelling. Violating sections:

170-98-C(4) Rear Yard Setback (40' required, 31.55' proposed; 8.45' variance requested)

170-98-C(3) Side Yard Aggregate (39.55' required, 32.05' proposed; 7.5' variance requested)

Daniel Dubinett (Architect) was sworn in to offer testimony.

Evan & Sharon Brody were sworn in to offer testimony.

During the testimony it was determined that the lot is pie shaped and therefore causes a hardship. Otherwise the addition is no detriment and is approved. Upon motion made by Ms. Atteridge, and seconded by Ms. Boni, the Board approved the application by the unanimous votes of Ms. Atteridge, Ms. Boni, Mr. Gillman, Mr. Silverman, Ms. Wishnew, Mr. Hochberg, and Chairman Ozarow; they being all of the Members present and eligible to vote.

James Hochberg called the next applicant, Desarno/Vancauwenberge.

4. Variance - Application No. 2011-35-V
Block: 5301; Lot: 18
235 Walnut Street

Applicant proposed to construct a two-story dwelling to the north side of a single-family home, replacing the enclosed porch addition. Violating section 170-97-C(2) Front yard setback (60 feet required, 56.5 feet proposed, 3.5 foot variance requested).

Patti Vancauwenberge was sworn in to offer testimony.
Ellen Desarno was sworn in to offer testimony.
Stephen Majewski (Architect) was sworn in to offer testimony.

During the testimony, the Board found that there is no detriment arising from what is being proposed. Upon motion made by Mr. Hochberg and seconded by Ms. Atteridge, the Board approved the application by the unanimous votes of Mr. Hochberg, Ms. Atteridge, Mr. Gillman, Mr. Silverman, Ms. Wishnew, Ms. Boni and Chairman Ozarow; they being all of the Members present and eligible to vote. Mr. Hochberg, motion was carried.

James Hochberg called the next applicant, Wayne Hostetler

5. Variance - Application No. 2011-36-V
Block: 1304; Lot: 2
49 Lincoln Avenue

Applicant proposed to construct a rear two-story addition with attached garage and deck. Violating section: 170-99-C(2) Front yard setback (40 feet required, 20.6 feet proposed, 19.4 foot variance requested). Wayne Hostetler was sworn in to offer testimony.

During the testimony, the Board found that the lot is shallow and there is no detriment to the intent of our zoning ordinance and requested the motion to be granted. Upon motion made by Mr. Gillman and seconded by Mr. Silverman, the Board approved the application by the unanimous votes of Mr. Gillman, Mr. Silverman, Ms. Atteridge, Ms. Wishnew, Ms. Boni and Chairman Ozarow; they being all of the Members present and eligible to vote.

James Hochberg called the next applicant, Ted Panek

6. Variance - Application No. 2011-39-V
Block: 3807; Lot: 21
17 Virginia Avenue

Applicant proposed to demolish an existing dwelling and construct a two-story dwelling with a two-car garage violating section 170-99-C(3) Side yard setback (10 feet required, 5 feet proposed, 5 foot variance requested).

The applicant was represented by Sidney Shavitz, Esq.
Ted Panek sworn/affirmed
Robert Emert (Architect) sworn/affirmed

During testimony, the Board found that the property is narrow and undersized; the house will be further away from the side yard than the current house. Upon motion made by Mr. Hochberg and

seconded by Ms. Atteridge, the Board approved the application by the unanimous votes of Mr. Hochberg, Ms. Atteridge, Mr. Gillman, Mr. Silverman, Ms. Wishnew, Ms. Boni and Chairman Ozarow; they being all of the Members present and eligible to vote.

James Hochberg called the next applicant, Mr. and Mrs. Nissim

7. Variance - Application No. 2011-42-V
Block: 1300; Lot: 11
35 Filmore Avenue

Applicant proposed to construct a rear deck violating the rear yard setback. Violating section 170-00-C(4) Rear yard setback (35 feet required, 20 feet proposed, 15 foot variance requested).

Joseph and Salia Nissim were sworn/affirmed

During testimony, the Board found that the property is a shallow lot and there is no detriment arising from the deck that is presently there.

Upon motion made by Mr. Hochberg and seconded by Mr. Gillman, the Board approved the application by the unanimous votes of Mr. Hochberg, Mr. Gillman, Ms. Atteridge, Mr. Silverman, Ms. Wishnew, Ms. Boni and Chairman Ozarow; they being all of the Members present and eligible to vote.

James Hochberg called the next applicant, Gary and Tobi Schwartz

8. Variance - Application No. 2011-34-V
Block: 3903; Lot: 112.06
9 Cornerstone Way

Applicant proposed to construct and expand existing rear deck. Violating section 170-98-C(4) Rear yard setback (40 feet required, 20 feet proposed, 20 foot variance requested).

Gary and Tobi Schwartz were sworn/affirmed

During testimony, the Board found that the property is a shallow, there is a good tree buffer and there is no detriment arising from the deck being expanded. Upon motion made by Ms. Atteridge and seconded by Ms. Boni, the Board approved the application by the unanimous votes of Ms. Atteridge, Ms. Boni, Mr. Gillman, Mr. Silverman, Ms. Wishnew, Chairman Ozarow and Mr. Hochberg; they being all of the Members present and eligible to vote.

James Hochberg called the next applicant, Anthony and Lynne Cilenti

9. Variance - Application No. 2011-24-V
Block: 5103; Lot: 1
12 Darby Terrace

Applicant proposed to replace a six-foot fence. Violating sections:

- 170-91-B(2) Front yard fence 48 inches and 50 percent open allowed; 72 inches and closed proposed;
- 170-91-B(3) Side yard Fence Facing Street or Public Right of Way, 48 inches and 50% open allowed; 72 inches and closed proposed;

- 170-91-B(5) Evergreen plantings in Front of Fence. Required – every fence facing a street or public view by evergreen plantings.

Anthony and Lynne Cilenti sworn/affirmed

Witness: Craig Meadow sworn/Affirmed

Witness: Tracy Maretsky worn/Affirmed

During testimony, the Board found that there was no evidence of a hardship for construction of this fence. Upon motion made by Chairman Ozarow and seconded by Mr. Silverman, the Board denied the application by the unanimous votes of Chairman Ozarow, Mr. Silverman, Ms. Atteridge, Mr. Gillman, Ms. Wishnew, Ms. Boni and Mr. Hochberg; they being all of the Members present and eligible to vote. Mr. Hochberg, motion is denied and carried.

James Hochberg called the last applicant, Scott and Nancy Ritch

10. Variance - Application No. 2011-34-V

Block: 6400; Lot: 9

9 Nottingham Road

Applicant proposed to construct a new second floor addition. Violating sections:

- 170-87-BB(1) Habitable floor area 6200 SF allowed, 8,916 SF proposed, 2,716 SF variance requested.
- 170-87-CC-1 Habitable floor ratio 15% allowed, 15.8% proposed, 0.8% variance requested.

Thomas Baio (Architect) sworn/affirmed

Scott and Nancy Ritch sworn/affirmed

During testimony, the Board found that there is no detriment arising from the second floor being built. Upon motion made by Mr. Gillman and seconded by Mr. Silverman, the Board approved the application by the unanimous votes of Mr. Gillman, Mr. Silverman, Ms. Atteridge, Ms. Wishnew Ms. Boni, Chairman Ozarow, and Mr. Hochberg.; they being all of the Members present and eligible to vote.

Adjournment. The Regular Meeting was adjourned at 9:38 pm.

Respectfully submitted,

Jackie Coombs-Hollis
Planning Administrator