

**ZONING BOARD**  
**Minutes of the Meeting**  
**October 25, 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 7:25 p.m., Secretary Ajay Shah called the Roll:

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

1. Minutes. The Minutes of September 27, 2011 were accepted with one (1) correction.
2. Adjournment. The Conference Meeting was adjourned at 7:35 p.m.

**Regular Meeting:**

At 7:45 p.m., Chairman Ozarow announced that proper notice had been given and Secretary Ajay Shah called the Roll:

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

Chairman Ozarow announced that the following application is adjourned to 11/17/11:

- Application No. 2011-41-V – Judy King-Hui, 96 Belmont Drive

Secretary Ajay Shah called the first applicant, Emily O’Neill.

1. Variance  
Block: 1304; Lot: 8  
37 Lincoln Avenue  
Application No. 2011-46-V  
Emily O’Neill

R-2 Zone

Applicant proposes to construct an addition. Violation of the following sections:

- 170-87E(1)(d)(4) Rear yard setback (5’ required, 4’ proposed, 1’ variance requested)
- 170-87E(1)(d)(4) Side yard setback (5’ required, 3’6” proposed, 1’6” variance requested)

Emily O’Neill was sworn in to offer testimony.

No testimony or questions were offered by members of the public.

During testimony, the Board found that the lot is undersized for the zone and the variance requested for the addition is conforming to the neighborhood therefore having no negative impact. Additionally, the Applicant agreed to move the shed therefore not requiring the variance for rear yard setback.

Upon motion made by Mr. Shah and seconded by Ms. Atteridge, the Board approved the application subject to a memorializing resolution by the unanimous votes of Mr. Shah, Ms. Atteridge, Ms. Boni, Ms. Wishnew, Mr. Hochberg and Mr. Ozarow; they being all of the Members present and eligible to vote.

Secretary Ajay Shah called the next applicant, Barry Lenson.

2. Variance

Block: 700; Lot: 19  
 16 Surrey Lane  
 Application No. 2011-51-V  
Barry Lenson

R-1 Zone

Applicant proposes to construct a new house. Violation of the following section:

- 170-98C(1) Building Height (35’ allowed, 38’ proposed, 3’ variance requested)

Barry Lenson was sworn in to offer testimony.

No testimony or questions were offered by members of the public.

During testimony, the Board found that the proposed height may negatively impact the neighborhood and did not see proof of a specific hardship that would allow them to grant the variance. The Board requested that the applicant return with an architect and a survey of the land. Upon agreement by the applicant, the application was adjourned to 11/17/11.

Secretary Ajay Shah called the next applicant, Andy Brooke.

3. Variance

Block: 301; Lot: 17  
 93 W. McClellan  
 Application No. 2011-49-V  
Andy Brooke

R-2 Zone

Applicant proposes to construct a second-story addition. Violation of the following section:

- 170-97C(2) Front Yard Setback (60’ required, 49’ proposed, 11’ variance requested)

Andy Brooke was sworn in to offer testimony.

Witnesses testifying under oath for the Applicant that were sworn and qualified:

Margaret Peterson, as architect

No testimony or questions were offered by members of the public.

During testimony, the Board found that because the addition is being constructed directly on top of the existing non-conforming structure, the addition will be conforming to the neighborhood therefore having no negative impact.

Upon motion made by Mr. Hochberg and seconded by Ms. Boni, the Board approved the application subject to a memorializing resolution by the unanimous votes of Mr. Hochberg, Ms. Boni, Ms. Atteridge, Ms. Wishnew, Mr. Shah and Mr. Ozarow; they being all of the Members present and eligible to vote.

Secretary Ajay Shah called the next applicant, David Martin.

4. Variance

Block: 1004; Lot: 12  
9 Cliffside Avenue  
Application No. 2011-52-V  
David Martin

R-3 Zone

Applicant proposes to construct an expansion on the rear of the property. Violation of the following section:  
▪ 170-98C4 Rear Yard Setback (50' required, 32' proposed, 18' variance requested)

David Martin was sworn in to offer testimony.

No testimony or questions were offered by members of the public.

During testimony, the Board found that the lot is undersized for the zone and the variance requested for the expansion is conforming to the neighborhood therefore having no negative impact.

Upon motion made by Mr. Hochberg and seconded by Ms. Atteridge, the Board approved the application subject to a memorializing resolution by the unanimous votes of Mr. Hochberg, Ms. Atteridge, Ms. Boni, Ms. Wishnew, Mr. Shah and Mr. Ozarow; they being all of the Members present and eligible to vote.

Secretary Ajay Shah called the next applicant, Cerebral Palsy of NJ.

5. Variance

Block: 7001; Lot: 1.01  
220 South Orange Avenue  
Application No. 2011-48-V  
Cerebral Palsy of NJ

R-1 Zone

Applicant proposes to construct a new group home. Violation of the following section:  
▪ 170-96(C)(2) Front Yard Setback (75' required, 50' proposed, c(1) and/or c(2) variance requested)

John Inglesino, Esq. appeared as attorney for the applicant.

Witnesses testifying under oath for the Applicant that were sworn and qualified:  
Anthony Facchino, as planner & engineer

An aerial photo dated 10/24/11 was submitted and marked as Exhibit A-1.

Members of the public with questions and/or statements for the Applicant and Board were:  
Susan & Michael Steinberg, 33 Rippling Brook Drive  
L. Frederick Polakoff, 12 Rippling Brook Drive  
Milton Resnick, 105 Browning Road  
Rosalie Reuben, 25 Rippling Brook Drive

During testimony, the Board found that the hardship is due to environmental issues at the site and the variance would not pose any detriments to the Township's Master Plan.

Upon motion made by Mr. Hochberg and seconded by Mr. Ozarow, the Board approved the application subject to a memorializing resolution by the unanimous votes of Mr. Hochberg, Mr. Ozarow, Ms. Atteridge, Ms. Boni, Ms. Wishnew and Mr. Shah; they being all of the Members present and eligible to vote.

*The Board was in recess from 9:00 pm to 9:12 pm.*

Secretary Ajay Shah called the next applicant, Anthony & Kristen Giordano.

6. Variance

Block: 2906; Lot: 140

140 Sycamore Avenue

Application No. 2011-32-V

Anthony & Kristen Giordano

R-3 Zone

Applicant proposes to construct a new house. Violation of the following section:

- 170-87BB(3) Habitable Floor Ratio (3,520 SF allowed, 4,226 SF proposed, 706 SF variance requested)

Stephen Geffner, Esq. appeared as attorney for the applicant.

Witnesses testifying under oath for the Applicant that were sworn and qualified:

Thomas Chauvatte, as architect

Michael Lanzafama, as planner

An aerial photo was submitted and marked as Exhibit A-1.

A photo board was submitted and marked as Exhibit A-2.

During testimony, the Board expressed concern over the size of the new home and requested that the applicant return with revised plans for a smaller home. Upon agreement by the applicant, the application was adjourned to 11/17/11.

Secretary Ajay Shah called the next applicant, Adam & Melissa Reitman.

7. Variance

Block: 700; Lot: 19

14 Rock Hill Road

Application No. 2011-50-V

Adam & Melissa Reitman

R-2 Zone

Applicant proposes to construct a new house. Violation of the following sections:

- 170-87BB(2) Habitable Floor Area (4,870 SF allowed, 4,997 SF proposed, 127 SF variance requested)
- 170-87CC(2) Habitable Floor Ratio (18% allowed, 20% proposed, 2% variance requested)

Stephen Geffner, Esq. appeared as attorney for the applicant.

Witnesses testifying under oath for the Applicant that were sworn and qualified:

Laurence Appel, as architect

Photos were submitted and marked as Exhibits Z1 - 2.

Members of the public with questions for the Applicant were:

Annamarie Rodgers, 17 Rockhill Drive

Chuck Seid, 1 Stoneham Drive

During testimony, the Board found that the proposed new home is confirming to the neighborhood therefore having no negative impact.

Upon motion made by Mr. Hochberg and seconded by Mr. Shah, the Board approved the application subject to a memorializing resolution by the unanimous votes of Mr. Hochberg, Mr. Shah, Ms. Atteridge, Ms. Boni, Ms. Wishnew and Mr. Ozarow; they being all of the Members present and eligible to vote.

Secretary Ajay Shah called the next applicant, Theodore Pearlman.

10. Variance

Block: 6602; Lot: 10

2 Iroquois Drive

Application No. 2011-40-V

Theodore Pearlman

R-1 Zone

Applicant proposed to replace an existing six-foot fence. Violation of the following sections:

- 170-91B(2) Front Yard Fence (48” and 50% open allowed; 72” and closed proposed)
- 170-91B(3) Side Yard Fence Facing Street or Public Right of Way (48” and 50% open allowed; 72” and closed proposed)
- 170-91B(6)(a) Evergreen Plantings in Front of Fence Required – every fence facing a street or public view by evergreen plantings.

Barry Evenchick, Esq. appeared as attorney for the applicant.

Witnesses testifying under oath for the Applicant that were sworn and qualified:

Michael Lanzafama, as planner and surveyor

Photos were submitted and marked as Exhibit A-1.

An aerial photo was submitted and marked as Exhibit A-2.

Members of the public with questions for the Applicant were:

Cary Grill, 249 W. Hobart Gap Road

During testimony, the Board found that because of the location of the new fence (setback 90’ from Iroquois Drive and 50’ from Stratford Drive) that it would not cause a detriment to the neighborhood. The Applicant further agreed to provide sizeable plantings on the outside of the fence, conforming to the ordinance.

Upon motion made by Mr. Hochberg and seconded by Ms. Boni, the Board approved the application subject to a memorializing resolution by the unanimous votes of Mr. Hochberg, Ms. Boni, Ms. Atteridge, Mr. Shah, Ms. Wishnew and Mr. Ozarow; they being all of the Members present and eligible to vote.

Adjournment. The Regular Meeting was adjourned at 11:17 pm.

Respectfully submitted,

Jackie Coombs-Hollis  
Planning Administrator