

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

**March 22, 2022**

The Livingston Township Zoning Board of Adjustment met for its Conference, Re-organization and Regular Meeting by means of Zoom Webinar telecommunications at 7:03 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:	Lauren Tabak-Fass
	Anthony Nardone ( <i>Joined Meeting at 7:12 PM</i> )		Kalpesh Kenia
	Jared Resnick		
	Ed Bier		
	Pearl Hwang		
	Laurie Kahn		
	Ketan Bhuptani		
	Richard Vallario, Esq., Board Attorney		
	Jackie Hollis, Planning Administrator		

Communications:     None

Minutes:            The minutes of February 24, 2022 was accepted as presented.

Old Business:

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

- 305-307 W. Northfield Road; Application No. 2018-16-PFSP-UV (Amendment); Crystal Plaza
- 146 Adams Court; Application No. 2019-29-V (Amendment); Xiuqing Liu & Tingyan Zeng
- 64 Elmwood Drive; Application No. 2021-77-V; Leo Jantusch
- 11 Consul Road; Application No. 2021-79-V; David & Bonnie Sussman
- 324 Hillside Avenue; Application No. 2021-61-V; Jay Van de Beek
- 12 Nottingham Road; Application No. 2022-1-V; Michael & Lauren Schor
- 27 Preston Drive; Application No. 2021-78-V; Michelle Plotsker & Yosef Cohen

New Business – Review of Draft Annual Report: The Board will review the draft Annual Report for 2019, 2020, 2021 and submit any comments to the Planning Administrator and Board Attorney.

Variance (Continued from January 15, 2022)

Block 4800; Lot 29

54 Collinwood Avenue

Application No. 2021-75-V

Danial Dubinett

Applicant seeks approval for additions to the side and rear of home and front & rear covered porches in violation of the following Sections:

170-99C3 Right Side Yard Setback – 10' required; 6' proposed; 4' variance requested.

170-99C3 Left Side Yard Setback – 10' required; 6.6' proposed; 3.4' variance requested.

170-99C3 Aggregate Side Yard Percentage – 30% required; 21.5% proposed; 8.5% variance requested.

Danial Dubinett (Applicant) appeared and continued testimony with the updated plans. 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 Resnick and second by Member Nardone. The remaining

members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance

Block 107; Lot 26  
183 Beaufort Avenue  
Application No. 2022-5-V  
Anish Kapadia

Applicant seeks approval for a deck in violation of the following Sections:  
170-99C(4) Rear Yard Setback – 35’ required; 24.99’ proposed; 10.01’ variance requested.

Anish Kapadia (Applicant) and Chrystian Rodak (Builder) 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 (steep slopes topography) upon a motion to approve made by Member Bhuptani and second by Member Kahn. The Board added a condition of approval to add a gate at the top of the deck for safety. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance

Block 107; Lot 28  
195 Beaufort Avenue  
Application No. 2022-6-V  
Aniket Deshpande & Swarada Malode

Applicant seeks approval for a deck in violation of the following Section:  
170-99C(4) Rear Yard Setback – 35’ required; 24.87’ proposed; 10.13’ variance requested.

Aniket Deshpande (Applicant) and Chrystian Rodak (Builder) 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 (steep slopes topography) upon a motion to approve made by Member Kahn and second by Member Resnick. The Board added a condition of approval to add a gate at the top of the deck for safety. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance

Block 3901; Lot 106.13  
33 Marisa Court  
Application No. 2022-8-V  
Vincent & Lucyanna Rubino

Applicant seeks approval for a deck in violation of the following Section:  
170-99C(4) Rear Yard Setback – 35’ required; 30.25’ proposed; 4.75’ variance requested.

Vincent & Lucyanna Rubino (Applicants) 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 Hwang and second by Member Nardone. The Board added a condition of approval to add a fire extinguisher next to the BBQ grill located on the patio area. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance

Block 404; Lot 4  
12 Morningside Drive  
Application No. 2022-7-V

Nimesh Majmudar

Applicant seeks approval for a new deck over existing patio and move hot tub on the deck in violation of the following Sections:

170-97C4 Rear Yard Setback – 50’ required; 36.5’ proposed; 13.5’ variance requested.

*Hot tub must be located 5’ from the house.*

Nimesh Majmudar (Applicant) and Ayman Sedra (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 hardship was reconfirmed (shallow and irregular shaped lot) upon a motion to approve made by Member Nardone and second by Member Bier. The Board added a condition of approval that the hot tub must remain 10’ from the property. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

*The Board went into recess from 9:05 PM to 9:16 PM.*

Variance

Block 2905; Lot 14

151 Sycamore Avenue

Application No. 2021-49-V

MSB Builders, LLC

Applicant seeks approval for a 2 ½ story single family home with a proposed in-ground pool, patio, pergola, and sports court in violation of the following Sections:

170-87BB3 Habitable Floor Ratio – 3520 sq ft allowed; 5253 sq ft proposed; 1733 sq ft variance requested.

Appearing for the Applicant: Matthew Posada, Esq. of Sills Cummis & Gross P.C.

Witnesses for the Applicant: Michael Lanzafama, P.E. of Casey & Keller, Inc.  
Mark Roselli, AIA

Members of the Public with Questions/Comments:

Cathy & Walter Veit – 15 Hapton Terrace

Leonard Goldstein – 21 Hampton Terrace

Lucia Uibelhoer – 147 Sycamore Avenue

Michael Lofenfeld – 210 East Cedar Street

Upon hearing the concerns and comments of the Board and members of the public, the Applicant requested an adjournment to amend the plans without further notice. The Board granted an adjournment to May 24, 2022.

Adjournment

With no further business, the meeting adjourned at 10:22 PM.

Respectfully submitted,

Jackie Hollis, Planning Administrator