

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

**May 25, 2021**

The Livingston Township Zoning Board of Adjustment met for its Conference and Regular Meeting by means of Zoom Webinar telecommunications at 7:07 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 Fass called the Roll:

Present:	James Hochberg, Chairman Jared Resnick Ed Bier Pearl Hwang Lauren Tabak-Fass Kalpesh Kenia Laurie Kahn Ketan Bhuptani Richard Vallario, Esq., Board Attorney Jackie Hollis, Planning Administrator Catherine Maddrey, Planning Assistant	Absent:	Anthony Nardone, Vice Chair
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Communications: None

Minutes: The minutes of April 27, 2021 was accepted.

Old Business:

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

- a) 8 Stratford Road; Application No. 2021-15-V; Jason Savage & Alexis Sherry
- b) 13 Wychwood Road; Application No. 2021-14-V; Adam & Sarah Weinstein
- c) 395 W Northfield Road; Application No. 2014-86-PFSPV (Amendment);  
Livingston Circle Car Wash, LLC

New Business:

Variance (WITHDRAWN)

Block 2903; Lot 2

43 Lee Road

Application No. 2021-11-V

Yehuda Borochoy

Applicant seeks approval to construct a pool house/shed in violation of the following Sections:  
170-87E(1)(a) Accessory Building Height – 13' allowed, 14' proposed; 1' variance requested.  
170-87BB3 Habitable Floor Area – 3520 sq ft allowed; 3804 sq ft proposed; 284 sq ft variance requested.  
170-87CC3 Habitable Floor Ratio – 21% allowed; 25% proposed; 4% variance requested.

Chairman Hochberg announced that this application was withdrawn.

Variance  
Block 7300; Lot 20  
26 Ross Road  
Application No. 2021-21-V  
26 Ross Road, LLC

Applicant seeks approval to construct a pool cabana and patio in violation of the following Sections:  
170-87BB1 Habitable Floor Area – 6200 sq ft allowed; 9477 sq ft proposed; 3277 sq ft variance requested.  
170-87CC1 Habitable Floor Ratio – 15% allowed; 25.97% proposed; 10.97% variance requested.

Chairman Hochberg was recused from this Application; Member Fass acted as Chairwoman for this Application.

Appearing for Applicant: Matthew P. Posada, Esq.

Witnesses for the Applicant: Michael T. Lanzafama, P.P. of Casey & Keller, Inc.  
Jeff Egarian, P.E. of DJ Egarian & Associates Inc.  
Michael Skro, AIA of Z+ Architects LLC

Members of the Public with Questions/Comments:  
Fred Roseberg – 24 Ross Road  
Craig Rosenbaum – 28 Ross Road

A motion to approve the Application was made by Member Hwang and seconded by Member Resnick. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance  
Block 2602; Lot 11  
11 Billingsley Drive  
Application No. 2021-19-V  
Jon Tenenbaum

The Applicant seeks approval for a two story addition on the right and a second floor addition in violation of the following Sections:  
170-98C3 Right Side Yard Setback – 10' required; 8.5' proposed; 1.5' variance requested.  
170-98C3 Aggregate Side Yard Setback – 30% required; 23.6% proposed; 6.4% variance requested.  
170-87 BB3 Habitable Floor Area – 3520 sq ft allowed; 4046 sq ft proposed; 526 sq ft variance requested.

Jonathan Tenenbaum, 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 hardship was reconfirmed (irregular shaped lot & placement of the home) upon a motion to approve made by Member Resnick and second by Member Fass. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance

Block 1903; Lot 15

87 Laurel Avenue

Application No. 2021-17-V

Jonathan & Julie Schwartz

Applicant seeks approval for an addition in violation of the following Section:

170-87BB3 Habitable Floor Area – 3520 sq ft allowed; 6313 sq ft proposed (*currently 5911 sq ft*); 2793 sq ft variance requested.

Jonathan Schwartz, Applicant appeared and was sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. A motion to approve was 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 6101; Lot 9

18 Dickinson Lane

Application No. 2021-23-V

Marcelino Lopez

The Applicant seeks approval for an addition in violation of the following Sections:

170-96C2 Front Yard Setback – 75' required; 33.5' proposed; 41.5' 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; 6.25' proposed; 8.75' variance requested.

170-96C3 Aggregate Side Yard – 30% required; 14.06% proposed; 15.94% variance requested.

170-87 BB1 Habitable Floor Area – 15% allowed; 28.46% proposed; 13.46% variance requested.

The Applicant was represented by Eugenio Genise, Esq. who requested the Application be adjourned. The Board granted an adjournment to June 22, 2021.

Variance

Block 7402; Lot 4

7 Brayton Road

Application No. 2021-27-V

7 Brayton Road LLC

Applicant seeks approval for a pool, pool cabana, covered pool patio, walkway and fencing in the rear yard in violation of the following Sections:

170-87 BB1 Habitable Floor Area – 6200 sq ft allowed; 7430 sq ft proposed (*6983 sq ft previously approved*); 447 sq ft variance requested.

170-87 CC1 Habitable Floor Ratio – 15% allowed; 20.47% proposed (*19.19% previously approved*); 1.28% variance requested.

170-87 E(1)(a) Accessory Building Height – 13' allowed; 15.4' proposed; 2.4' variance requested.

Chairman Hochberg was recused from this Application; Member Fass acted as Chairwoman for this Application.

Appearing for Applicant: Matthew P. Posada, Esq.

Witnesses for the Applicant: Michael T. Lanzafama, P.E. of Casey & Keller, Inc.  
Laurence Appel, AIA of Appel Design Group

Members of the Public with Questions/Comments:  
Karen Mandelbaum – 36 Ross Road

A motion to approve the Application was made by Member Resnick and second by Member Hwang. Members Kenia and Bhuptani voted in favor of the motion while Members Bier, Kahn, and Fass voted against the motion resulting in a failed motion.

Adjournment

With no further business, the meeting adjourned at 9:47 PM.

Respectfully submitted,

Catherine Maddrey, Planning Assistant