

ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting

June 27, 2023

The Livingston Township Zoning Board of Adjustments met for its Conference, Re-organization and Regular Meeting by means of Zoom Webinar telecommunications at 7:05 PM. Chairwoman Fass 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 Kahn called the Roll.

Present:	Lauren Tabak Fass	Absent:	Edward Bier
	James Hochberg		Jared Resnick
	Pearl Hwang		
	Laurie Kahn		
	Anthony Nardone		
	Michael Affrunti		
	Ketan Bhuptani		
	Richard Vallario, Esq. – Substitute Attorney		
	Jackie Hollis, Planning Administrator		
	Catherine Maddrey, Planning Coordinator		

Communications: Planning Administrator Jackie Hollis informed the Board of a request received for a Special Meeting from applicant 50 E. Mount Pleasant Associates, LLC. She will circulate potential dates for the Board's consideration.

Returning to In-person Meetings: Chairwoman Fass notified the Board that the Governor's order issued during the state of emergency for open public meetings has now ended, and thus the Board is no longer protected under those Rules. In person meetings will resume on September 12, 2023 at the municipal Building.

Minutes: The minutes of May 23, 2023 were accepted with 1 correction – the spelling of Member Bhuptani's name the Resolution for 10 Dogwood Road.

Old Business:

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

- 9 Scotland Drive; Application No. 2022-72-V; 9 Scotland Drive, LLC
- 10 Dogwood Terrace; Application No. 2022-71-V; Sharon Shliechkorn
- 25 Briar Cliff Road; Application No. 2023-7-V; Nicholas Bruton
- 25 Hillside Avenue; Application No. 2023-11-V; West Hobart, LLC

New Business –

Continued Hearing

Variance (*Continued from April 25, 2023*)

Block 4802; Lot 3

27 West Harrison Place

Application No. 2022-70-V

Denis & Lachin Saparova

Applicant seeks approval to extend existing garage and add a front porch in violation of the following Sections:

170-99C2 Front Yard Setback – 40’ required; 35.5’ proposed; 4.5’ variance requested.

170-99C3 Side Yard Setback – 10’ required; 7.6’ proposed/existing; 2.4’ variance requested.

Denis Saparova, Applicant appeared and was sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. After hearing testimony and closing of the evidentiary record, a motion to approve the application was made by Member Kahn and second by Member Bhuptani (acting in place of Member Bier). Member Hochberg voted against the motion. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Continued Hearing

Variance (*Continued from May 23 2023*)

Block 2903; Lot 5

35 Lee Road

Application No. 2023-13-V

Property Maintenance Group, LLC

Member Nardone was recused from this application.

Applicant seeks approval to construct a new 2-story single family home in violation of the following Section:
170-87CC3 Habitable Floor Ratio – 21% allowed; 37.3% proposed; 16.3% variance requested.

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

Witnesses for Applicant: Hayk Ekshian, Architect of Space & Mark, LLC
Richard Keller, P.P. of Casey & Keller, Inc.

The witnesses acknowledged that they were still under Oath from the prior meeting.

No members of the public appeared to offer comments or sworn statements.

After hearing testimony and closing of the evidentiary record, a motion to approve the application was made by Member Hochberg and second by Member Affrunti (acting in place of Member Resnick). The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

New Business

Variance

Block 2905; Lot 28

18 Lee Road

Application No. 2023-12-V

Rodak Builders

Member Nardone was recused from this application.

Applicant seeks approval to construct a new single family residence in violation of the following Section:
170-87CC3 Habitable Floor Ratio – 21% allowed; 33.9% proposed; 12.9% variance requested.

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

Witnesses for Applicant: Hayk Ekshian, Architect of Space & Mark, LLC
Alexander Dougherty, P.P. of Dougherty Planning & Development LLC

Member(s) of the Public with Questions/Comments:

Daniel Suraci – 20 Lee Road
Francine Bunalski – 16 Lee Road

After hearing comments from the Board, the Applicant requested an adjournment to August 22, 2023 to revise plans. Prior to the adjournment of the meeting, the Planning Administrator informed the Board that she had received a request from the applicant for the continued hearing date to be moved to July 11, 2023. The applicant acknowledged that new public notices would need to be served and published.

Member Nardone rejoined the meeting at 8:55 PM.

Variance

Block 3300; Lot 18
30 Springbrook Road
Application No. 2023-15-V
Evan Jaffe

Applicant seeks approval for an addition and deck extension in violation of the following Sections:
170-98C2 Front Yard Setback – 50’ required; 43.3’ proposed; 6.7’ variance requested.
170-87L(1)(c) Corner Lot Setback – 40’ required; 22.2’ proposed (existing); 17.8’ variance requested.
170-98C4 Rear Yard Setback – 40’ required; 15.3’ proposed; 24.7’ variance requested.
170-87CC3 Habitable Floor Ratio – 21% allowed; 26.1% proposed; 5.1% variance requested.

Evan & Jaclyn Jaffe, Applicants and Daniel Dubinett, Architect appeared and were sworn in to offer testimony.

Member(s) of the Public with Questions/Comments:

Louis-Francois Lapointe – 28 Springbrook Road

After hearing testimony and closing of the evidentiary record, a motion to approve the application was made by Member Kahn and second by Member Affrunti (acting in place of Member Resnick). The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance

Block 1103; Lot 8
8 Hawthorne Drive
Application No. 2023-16-V
S2 Homes LLC / Yanchun Song

Applicant seeks approval to construct a new single family residence in violation of the following Sections:
170-87CC4 Habitable Floor Ratio – 30% allowed; 37% proposed; 7% variance requested.

Appearing for Applicant: Evan Drachman, Esq. of Law office of Evan R. Drachman, LLC

Witnesses for Applicant: Hayk Ekshian, Architect of Space & Mark, LLC
Alexander Dougherty, P.P. of Dougherty Planning & Development LLC

No members of the public appeared to ask questions or provide sworn statements.

After hearing testimony and closing of the evidentiary record, a motion to approve the application was made by Member Bhuptani (acting in place of Member Bier) and second by Member Hochberg. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Adjournment. With no further business, the meeting adjourned at 9:54 PM.

Respectfully submitted,

Catherine Maddrey, Planning Coordinator