

ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting

July 26, 2022

The Livingston Township Zoning Board of Adjustment met for its Conference, Re-organization and Regular Meeting by means of Zoom Webinar telecommunications at 7:05 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:	Anthony Nardone
	Lauren Tabak-Fass		
	Jared Resnick		
	Edward Bier		
	Pearl Hwang		
	Laurie Kahn		
	Ketan Bhuptani		
	Richard Vallario, Esq., Board Attorney		
	Jackie Hollis, Planning Administrator		
	Martin Chiarolanzio, Zoning Officer (<i>Joined meeting at 7:41 PM</i>)		

Communications: None

Minutes: The minutes of June 28, 2022 was accepted as presented.

Old Business:

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

- 9 Tuscan Road; Application No. 2022-12-V; 9 Tuscan Road, LLC
- 20 Lee Road; Application No. 2022-35-V; Dan Suraci

New Business –

Use Variance (*Adjourned to August 23, 2022*)

Block 1800; Lot 13

133-135 East McClellan Avenue

Application No. 2022-22-PFSP-UV

Jorge Taboada

BN Zone

The Chairman announced that the Application was adjourned to August 23, 2022 with no further notices required.

Administrative Appeal (*Continued from June 28, 2022*)

Block 5901; Lot 3

449 West Mount Pleasant Avenue

Application No. 2022-33-AA

Scorch Cigar Lounge

Applicant is appealing the Zoning Officer's Decision as defined by NJ SFAA, Section 26:3D-57 to utilize the premises for a Tobacco Retail Establishment.

Appearing for the Applicant: Ray Hamlin, Esq. of Hunt, Hamlin & Ridley

Witnesses for the Applicant: Tikki King
Zoraya E. Lee Hamlin
Serdar Kayman, Architect of SK2 Architects

Members of the Public with Questions/Comments: None

Martin Chiarolanzio, Zoning Official joined the meeting at 7:41 PM.

After discussion of the proposal, a motion was made by Member Hochberg to support the Denial of Application issued by the Zoning Officer 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.

The Board went into recess from 9:15 PM to 9:24 PM.

Variance
Block 2006; Lot 8
34 Fellswood Drive
Application No. 2022-34-V
Tatsiana Dvorkina & Uladzimir Naksimovich

Applicant seeks approval for a 4' high deck in violation of the following Section:
170-99C4 Rear Yard Setback – 35' required; 19' proposed; 16' variance requested.

Tatsiana Dvorkina & Uladzimir Naksimovich (Applicants) 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 (topography, shallow rear yard, location of existing building) upon a motion to approve made by Member Fass and second by Member Kahn. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance
Block 3202; Lot 42
23 Brookside Avenue
Application No. 2022-27-V
Lior & Levitte Shliechkorn

Applicant seeks approval for a first and second floor addition in violation of the following Sections:
170-99C2 Front Yard Setback – 40' required; 28.6' proposed; 11.4' variance requested.
170-99C3 Left Side Yard Setback – 10' required; 9.8' proposed; 0.2' variance requested.
170-87E(1)(b) Accessory Building (Detached Garage) –
10' away from any principal building required; 4' proposed; 6' variance requested.
6' away from any other accessory structure (deck) required; 1' proposed; 5' variance requested.

Lior & Levitte Shliechkorn (Applicants) and Paul Anderson (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 (narrow undersized lot and location of existing building) upon a motion to approve made by Member Kahn and second by Member Bier. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance
Block 503; Lot 1.02
7 Boulderwood Drive
Application No. 2022-36-V

Preetam Bajaj

Applicant seeks approval to construct a new single family home in violation of the following Sections:
170-99C2 Front Yard Setback – 40’ required; 26.5’ proposed; 13.5’ variance requested.
170-87CC4 Habitable Floor Ratio – 30% required; 31.7% proposed; 1.7% variance requested.

Preetam Bajaj (Applicant) and Hayk Ekshian (Architect) appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. An additional variance was requested for a 170-99C4 Rear Yard Setback – 35’ required; 30’ proposed; 5’ variance requested. The Front Yard Setback variance was changed to 31.5’ proposed with an 8.5’ variance requested. A condition of approval was added that the attic will not be converted into living space. A motion to approve was made by Member Bhuptani 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.

Adjournment

With no further business, the meeting adjourned at 10:18 PM.

Respectfully submitted,

Jackie Hollis, Planning Administrator