

RESOLUTION
PLANNING BOARD
TOWNSHIP OF LIVINGSTON, NEW JERSEY

Decided: July 5, 2011
Memorialized: August 9, 2011

Re: Application No. 2011-10-MS
Applicant: Fran Cifrodelli
Premises: 146 Beaufort Avenue
Block: 500; Lot: 7
Zone: R-4

WHEREAS, an Application has been made by Fran Cifrodelli (hereinafter “Applicant”), owner of Lot 7 in Block 500, commonly known as 146 Beaufort Avenue, Livingston, New Jersey and hereinafter referred to as the “Site”, to the Planning Board of the Township of Livingston (hereinafter “Board”) for approval for a Minor Subdivision with variances; and

WHEREAS, public hearings were held on June 21, 2011 and July 5, 2011 with regard to this Application; and

WHEREAS, the Applicant has satisfied all of the requirements of the applicable Township ordinances and the Application has been reviewed by all other necessary Township agencies having jurisdiction; and

WHEREAS, the Applicant was represented by Stephen A. Geffner, Esq., and has provided evidence that there are no taxes due or delinquent with regard to the Site, a completed Application has been filed, the fees required by ordinance have been paid, and it otherwise appearing that the jurisdiction and powers of the Board have been properly invoked and exercised;

NOW, THEREFORE, the Board does hereby make the following findings of fact and conclusions of law with regard to this Application:

1. The Application is for approval of a Minor Subdivision as defined in Township Code § 170-3 and N.J.S.A. 40:55D-5, as depicted in Application Number 2011-10-MS, which includes a Minor Subdivision Plat prepared by Michael T. Lanzafama of Casey & Keller Inc., under date of December 10, 2010, and revised on March 22, 2011.

2. The Applicant proposes to divide existing Lot 7 of Block 500 to create a new lot, which would be designated as Lot 7.01. The existing Lot 7 contains a one-family residence and accessory structures that would be on new Lot 7.02. There would be no changes to the existing structures thereon. The proposed new Lot 7.02 consists of 10,530 square feet and would measure 50 feet in width by 210.60 feet in depth. The proposed new Lot 7.01 would also consist of 10,530 square feet and measure 50 feet in width and 210.60 feet in depth. There are no existing structures on said proposed Lot.

3. Michael T. Lanzafama testified on behalf of the Applicant. He was admitted as an expert in engineering, surveying and planning. The proposed subdivision would be in violation of Township Code § 170-99.C.(5) which provides that a lot in the R-4 Zone shall contain 9,375 square feet within 125 feet of the front street right-of-way line. The proposed subdivision would have both lots deficient in size; as they each would measure only 6,250 square feet within that 125-foot depth. Accordingly, lot size variances for the proposed lots are requested in the amount of 3,125 square feet each.

4. Michael T. Lanzafama testified that the proposed subdivided lots would conform to the character and prior development in the neighborhood. Lanzafama identified 15 developed lots within 400 feet on both sides of the street. He testified that 46.7% of those lots have frontages that are less than or equal to that of the proposed lots, and that 60.0% were less than or equal in size. He also said that the original tax maps on which the Site was listed proposed that all lots in the neighborhood would be 50 feet in width. Lanzafama testified that grounds for variance were met under the criteria of N.J.S.A. 40:55D-70.c(2) in that the goals of the Municipal Land Use Law and the purposes of zoning would be advanced by allowing appropriate development consistent with the neighborhood. There would be no negative impacts, the benefits of granting the variance outweigh any detriment, and it would not impair the intent of the Zoning Ordinance or Zoning Plan.

5. There are existing setback violations for the existing residence:

A. It is setback 9.49 feet from the side property line, whereas 10 feet is required by Township Code § 170-99.C.(3). Applicant requested a 0.51-foot side yard variance for the continuance of that condition.

B. It has a front yard setback of 16.51 feet, whereas 40 feet is required by Township Code § 170-99.C.(2). Applicant requested a variance of 23.49 feet.

6. Herta Conrads, residing at 148 Beaufort Avenue, Livingston, New Jersey, testified with respect to the Application. She testified about her complaints with respect to the maintenance of the property. She was directed to pursue those complaints with the appropriate municipal officials. She also testified that her property was next door to the

Site, has a 50-foot wide frontage, and that she had no objections to the proposed subdivision.

NOW THEREFORE, BE IT RESOLVED by the Board, having reviewed the proposed Application, considered all the evidence presented, and heard the testimony of Michael T. Lanzafama and Herta Conrads, that the Board concludes as follows:

1. The Application for a Minor Subdivision of Lot 7 in Block 500 as depicted on the Minor Subdivision Plat submitted and set forth herein, is in conformance with the Township Code and is hereby approved.

2.. Applicant has satisfied the requirements of N.J.S.A. 40:55D-70.c(2) in that the variances requested can be granted without any detriment to the public good, will be in conformity with the patterns of the neighborhood, and will not have any negative impact on the Zone Plan or Zoning Ordinance, and that the benefits of such approval outweigh any detriment.

3. A continuing variance of 0.51 feet is granted, in respect of the side yard setback of the residence on new Lot 7.02, from the 10-foot setback requirement in Township Code § 170-99.C.(3).

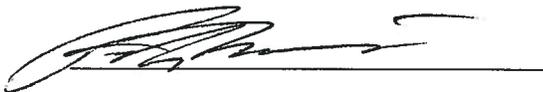
4. A continuing variance of 3,125 feet is granted, in respect of new Lot 7.02, from the Township Code § 170-99.C.(5) requirement that there be a minimum lot area of 9,375 square feet within 125 feet of the front street right-of-way line.

5. A variance of 3,125 feet is granted, in respect of new Lot 7.01, from the Township Code § 170-99.C.(5) requirement that there be a minimum lot area of 9,375 square feet within 125 feet of the front street right-of-way line.

6. A continuing variance of 24.49 feet is granted, in respect of new Lot 7.02, from the Township Code § 170-99.C.(2) requirement of a front yard setback of 40.0 feet.

NOW, THEREFORE, IT IS RESOLVED, for the reasons set forth herein and as stated on the record by the Members of the Planning Board of the Township of Livingston, that Minor Subdivision approval and variance approvals as detailed herein be and are hereby granted and approved.

This Resolution is a memorialization of the decision of the Planning Board of the Township of Livingston made on July 5, 2011 wherein Board Members Dinar, Kimmel, Klein, Leopold, Rieber, Venza, Alternate No.1 Ratner (in place and stead of Member O'Neill), and Alternate No. 2 Anthony (in place and stead of Member Meade) voted in accordance with the action set forth herein; they being all of the Members both present and eligible to vote.



Peter M. Klein, Chairperson

I hereby certify this to be a true and accurate copy of a Resolution adopted by the Planning Board of Livingston on August 9, 2011, memorializing the decision of the Planning Board made on July 5, 2011.



Jackie Coombs-Hollis, Secretary