

**RESOLUTION
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF LIVINGSTON
NEW JERSEY**

Case # 2011-28-V

Motion by: Mr. Ozarow

Second by: Mr. Hochberg

FINDINGS AND CONCLUSIONS

The Zoning Board of Adjustment of the Township of Livingston, having considered the Application and plans filed in this matter, and the testimony and evidence presented at the hearing on September 27, 2011, the following findings of fact and conclusions are made:

1. The applicant is Jon Roitman.
2. The property is commonly known as 17 Vanderbilt Drive and is taxed as Block 7403 Lot 14. The property is in the R-1 Zone.
3. The applicant has satisfied the statutory procedural requirements of service and publication of notice, and there are no taxes or assessments due or in arrearages.
4. The applicant proposes to construct a rear patio and retaining wall.
5. Violation of Livingston Zoning Ordinance
 - (a) 170-155 Steep Slope Regulations – construction on steep slopes prohibited.
6. The following persons testified at the hearing: The applicant.
7. The following persons objected to or expressed interest in the application at the hearing:
None

The Board interpreted Ordinance 24-2009 that regulates steep slopes so that the applicant did not require a variance to build on the steep slopes. Rather the applicant should proceed to submit his engineering plans to the Building Department to obtain a permit under the Ordinance to build on steep slopes which would not be granted unless the various provisions including the "Special Development Requirements" in Section 170-63 were complied with to the satisfaction of the Township Engineer.

The Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on September 27, 2011 in which Board voted to interpret the Ordinance as provided above.

CHAIRMAN:



ALAN OZAROW

Dated: October 25, 2011
Prepared by: Herbert S. Ford, Esq.