

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

Application #: 2016-44-V
Decided: January 24, 2017
Memorialized: February 28, 2017

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 January 24, 2017, the following findings of fact and conclusions are made:

1. The Applicant is: Giovanni Testa.
2. The Property is commonly known as 5 Hillside Terrace and is taxed as Block 3810, Lot 11. The property is in the R-4 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 arrears.
4. The Applicant proposes to construct an addition to an existing single family residence. Violations of the following Livingston Zoning Ordinances were noted:
 - (a) Section 170-99C (2) - Front Yard Setback – 40' required, 30.4' proposed; 9.6' variance requested.
 - (b) Section 170-99C (3) - Side Yard Setback 10' required; 5' proposed; 5' variance requested.
 - (c) 170BB (4) Habitable Floor Area - 3,220 SF allowed; 3,557.77 SF proposed; 337.77 SF variance requested.
 - (d) 170-87CC4 – Habitable Floor Area Ratio – 30% allowed, 38.65% proposed; 8.65% variance is requested.
5. The following persons testified at the hearing: The Applicant. The Applicant's architect, Joseph Donato, AIA.
6. The following persons objected to or expressed interest the application at the hearing: Renee Resky of 1 Hillside Terrace.
7. The Applicant has satisfied the statutory requirements of N.J.S.A. 40:55D-70(c) (1) for the relief sought by demonstrating that the applicant has a hardship due to an undersized lot. The Applicant has satisfied the statutory requirements of N.J.S.A. 40:55D-70(c) (2) and N.J.S.A. 40:55D-70(d)(4) for the relief sought by demonstrating that the purposes of the Municipal Land Use Law (MLUL) would be advanced by the proposed addition, and the benefits of the variance substantially outweigh any detriment. The Board found that the lot can accommodate the proposed structure, and that the proposed structure will fit in with the neighborhood. The Board found that by granting the

variance there will be no substantial detriment resulting to the public good, nor will there be an impairment of the zoning plan or municipal zoning ordinance.

The Board found that by granting the variance there will be no substantial detriment resulting to the public good, nor will there be an impairment of the zoning plan or municipal zoning ordinance. Now, therefore, be it **RESOLVED** by the ZONING BOARD OF ADJUSTMENT of the Township of Livingston that the application herein submitted is granted the following variances from the Ordinance:

- (a) A Front Yard Setback variance of 9.6' is granted;
- (b) A Side Yard Setback variance of 5' is granted;
- (c) A Habitable Floor Area variance of 337.77 SF is granted;
- (d) A Habitable Floor Ratio variance of 8.65% is granted.

The variances were granted subject to the condition that the Applicant would screen the air conditioning unit utilizing shrubbery of 3-4 feet in height. In addition, the variances were granted subject to engineering department conditions that 1) A lot Surface Drainage Permit Application will be submitted to verify the scope of the work and any additional proposed grading; and 2) All pipe discharges, including roof drains and sump pumps, will be depicted on drawings and will conform to the Township's Sump Pump and Pipe Drainage Control Ordinance.

This approval is subject to all other requirements of the Township ordinances, building code, and the right of appeal by any interested party. Also, as required by Livingston Ordinance 170-27(A), construction must be commenced within one year of the date hereof or the variance shall expire.

Copies of the Applicant's survey showing the proposed improvements and architectural plans are attached hereto as an exhibit to indicate the final version thereof.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on January 24, 2017 in which Board voted six in favor and none opposed to deny the application on the record.

CHAIRMAN:



JAMES HOCHBERG

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Zoning Board of Adjustment of the Township of Livingston on January 24, 2017 by the affirmative votes of Mr. Hochberg, Mr. Vieira, Mr. Bier, Ms. Hwang, Ms. Khanna and Mr. Nardone; they being all of the Members present and eligible to vote.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.