

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

Case #2016-59-V

Motion to approve by: **Mr. Resnick**

Second to approve by: **Mr. Nardone**

**FINDINGS AND CONCLUSIONS**

The Zoning Board of Adjustment of the Township of Livingston, having considered and reviewed the Application and the architectural renderings of Miseo Assoc., P.A. Architects, dated November 7, 2016, and land survey prepared by Morgan Engineering and Surveying, dated September 8, 2016, and the testimony and evidence presented at the hearing on April 25, 2017, the following findings of fact and conclusions are made:

1. The Applicant is Nahum Burstein.
2. The property is commonly known as 2 Disney Place, Livingston, New Jersey and is taxed as Block 3900, Lot 92. The property is in the R-3 Zone.
3. The Applicant has satisfied the statutory criteria and 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 a second floor addition to an existing single family residence, and a front porch.
5. If approved, the Application would violate Township Ordinance Sections 170-87CC(3) habitable floor area ratio of 21% allowed, whereas 25.8% is proposed, resulting in a 4.8% variance request.
6. Testifying on behalf of the Applicant was Christine Miseo, admitted as an expert in architecture.
7. The testimony presented by the Applicant established that the subject premises is an undersized lot as to both square footage and minimum width requirements. The proposed additions would meet all setback requirements. The habitable floor area ratio violation is the sole result of the undersized lot and would be permissible if the lot was of required size.
8. No members of the public appeared to object to the Application or ask questions of the Applicants.

9. The Applicant has satisfied the statutory criteria of N.J.S.A. 40:55D-70(c)(1) for the relief sought by demonstrating that the proposed residential additions will fit within the streetscape and the property can accommodate the proposed additions. The Applicant has presented proof that the subject property is shallow and undersized and the Board has determined that the habitable floor area ratio variance can be granted under N.J.S.A. 40:55D-70(c)(1) because of the hardship created by the shape and size of the lot. Based upon the above findings there will be no detriment to the public good nor will there be any impairment to the Zone Plan or Zoning Ordinance, and the benefits of granting the variance will outweigh any potential detriment.

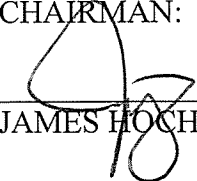
NOW THEREFORE, be it RESOLVED by the Zoning Board of Adjustment of the Township of Livingston that the Application herein submitted is granted and approved for the reasons stated herein and subject to the following variance:

A: A variance of 4.8% habitable floor area ratio is granted from the requirements of Township Ordinance Section 170-87CC(3).

This approval is subject to all other requirements of the Township Ordinances, building codes, and the right of appeal by any interested party. As required by Livingston Ordinance 170-27(A) construction must be commenced within one (1) year of the date hereof or the variances shall expire.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on April 25, 2017 in which the Board voted to approve the Application unanimously in accordance with and subject to the terms and conditions set forth herein and on the record.

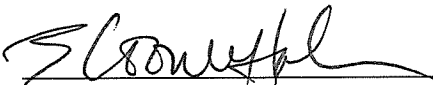
CHAIRMAN:

  
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JAMES HOCHBERG

Dated: 5/23/17

Prepared by: Richard W. Vallario, Esq.

PLANNING ADMINISTRATOR:

  
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JACKIE COOMBS-HOLLIS