

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

Application #: 2017-15-V
Decided: June 27, 2017
Memorialized: July 25, 2017

Motion: Ms. Tabak-Fass
Second: Mr. Vieira

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 June 27, 2017, the following findings of fact and conclusions are made:

1. The Applicants are: Sophie & Wayne Morse.
2. The Property is commonly known as 30 Cherry Hill Road, and is taxed as Block 1901, Lot 13. The property is in the R-3 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 erect a front yard/corner lot fence. Violation of the following Livingston Zoning Ordinance was noted:
 - (a) Section 170-91B(2)(b) - Fence height – 48" allowed; 72" proposed; a 24" variance is requested.
5. The following persons testified at the hearing: The Applicants. The Board heard testimony, and considered the plans submitted in conjunction with the application.
6. The following persons objected to or expressed interest the application at the hearing: Craig Fabiano of 22 Tuxedo Dr.; Ms. Stoll of 29 Cherry Hill Road.
7. 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 proposed wrought iron style fence will be an improvement to property, and that the proposed fence will fit in with the neighborhood. The Board found that the open type of fence proposed by the Applicant will be attractive and unobtrusive. 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.

8. 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 24" fence height variance is granted.

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 June 27, 2017 in which Board voted five in favor and one opposed to approve the application.

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 June 27, 2017 by the affirmative votes of Mr. Vieira, Mr. Bier, Ms. Tabak-Fass, Mr. Resnick and Mr. Dunec, and the negative vote of Mr. Hochberg, being all the Members present and eligible to vote.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.