

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

Application #: 2017-22-V
Decided: June 27, 2017
Memorialized: July 25, 2017

Motion: Mr. Bier
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 Applicant is: 34 Lee Road LLC, of 147 Birchwood Drive, Elmwood Park, NJ 07407.

2. The Property is commonly known as 34 Lee Road and is taxed as Block 3000, Lot 64. 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 an addition and remodeling of an existing single-family residence. Violations of the following Livingston Zoning Ordinances were noted:

(a) Section 170-98C (2) - Front Yard Setback - 50 feet required, 30.1 feet proposed; a 19.9-foot variance requested.

(b) Section 170-98C (3) Side Yard Setback - 10 feet required; 3.5 feet proposed; a 6.5-foot variance requested.

(c) Section 170-98C(3) Side Yard Aggregate Setback - 15 feet required; 14.6 feet proposed; a .6-foot variance is requested.

5. The following persons testified at the hearing: The Applicant, by W. Symanski, a member of the LLC; David Fantina, a licensed professional engineer on behalf of the Applicant. The Board heard testimony, and considered the plans submitted in conjunction with the application.

6. The following persons objected to, or expressed interest in, the application at the hearing: Leo Vemshtain of 36 Lee Road.

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 a narrow, undersized lot. 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.

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 Front Yard Setback variance of 19.9' is granted;
- (b) A Side Yard Setback variance of 6.5' is granted; and
- (c) A Side Yard Aggregate Setback of .6' 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 six in favor and none 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. Hochberg, Mr. Vieira, Mr. Bier, Ms. Tabak-Fass, Mr. Resnick and Mr. Dunec, being all the Members present and eligible to vote.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.