

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

Motion: Mr. Viera  
Second: Mr. Nardone

Application #: 2017-53-V  
Decided: September 26, 2017  
Memorialized: October 24, 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 September 26, 2017, the following findings of fact and conclusions are made:

1. The Applicant is: Ashish & Poonam Nachane.
2. The Property is commonly known as 40 Sherbrooke Parkway, and is taxed as Block 3700, Lot 18. 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 a two-story addition to an existing single-family home. Violation of the following Livingston Zoning Ordinances were noted:
  - (a) 170-87BB (4) - Habitable Floor Ratio - 30% allowed; 36.69% proposed; a 6.69% variance is requested.
5. The Applicant was represented by William Harrison, Esq.
6. The following persons testified at the hearing: The Applicants.
7. The following persons objected to, or expressed interest in the application at the hearing: None.
8. The Board found that 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 Board found that the Applicant satisfied the statutory requirements of 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.
9. 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.

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:

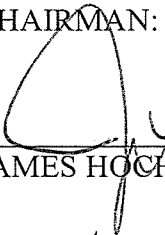
- (a) A Habitable Floor Ratio variance of 6.69% is granted.

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 September 26, 2017 in which Board voted seven in favor and none opposed to approve the application on the record.

CHAIRMAN:



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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 August 29, 2017 by the affirmative votes of Mr. Hochberg, Mr. Nardone, Mr. Vieira, Ms. Hwang, Mr. Bier and Ms. Khanna, and Mr. Resnick, being all the Members present and eligible to vote.

PLANNING ADMINISTRATOR:



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JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.