

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

Application #: 2017-55-V  
Decided: October 24, 2017  
Memorialized: November 28, 2017

Motion: Mr. Hochberg  
Second: Mr. Nardone

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

1. The Applicant is: Gary W. Korn
2. The Property is commonly known as 196 East Northfield Road and is taxed as Block 6900, Lot 29. 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 requests permission to park 2 commercial vehicles in a residential district. Violations of the following Livingston Zoning Ordinances were noted:
  - (a) Section 170-87x-(3) - Commercial Vehicle Maximum Length
  - (b) Section 170-87x-(4) - Commercial Vehicle Lettering
5. The following persons testified at the hearings: The Applicant.
6. The following persons objected to, or expressed interest in, the application at the hearings: C. Petruzzelli, 190 East Northfield, a neighbor.
7. The Board found that the Applicant satisfied the statutory requirements of N.J.S.A. 40:55D-70(d)(1) for the relief sought by demonstrating a special reason in support of the variance. The use sought by the Applicant advances the purposes of zoning by promoting the general welfare. It was noted that the Property is very deep for the zone it is in (614 feet), and the Applicant's trucks cannot be seen from the street or adjoining properties. The Board found that the lot can accommodate the use, and that by granting the variances 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.

**Conditions of Approval**

- (a) The number of trucks that can be kept at the property shall not exceed 2. The size of the trucks shall be limited to small commercial vehicles appropriate for use in the Applicant's plumbing business. The trucks can only be kept in the rear of the property and shall be minimally visible from the street and adjoining properties.

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 variance is granted to allow up to 2 small commercial vehicles to be kept at the Property; and
- (b) A variance is granted to allow commercial vehicles kept at the property to have lettering identifying the Applicant's business.

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:

  
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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 October 24, 2017 by the affirmative votes of Mr. Hochberg, Mr. Bier, Ms. Tabak-Fass, Ms. Hwang; Mr. Resnick; and Mr. Nardone. The above constitute all the Members present and eligible to vote.

PLANNING ADMINISTRATOR:

  
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JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.