

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

Application #: 2016-38-V  
Decided: June 27, 2017  
Memorialized: July 25, 2017

Motion: Mr. Dunec  
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: Kiran K. Manda.
2. The Property is commonly known as 10 Browning Drive and is taxed as Block 2901, Lot 18. 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 demolish an existing single-family home, and to construct a new single-family home. Violations of the following Livingston Zoning Ordinances were noted:
  - (a) Section 170-87BB (3) - Habitable Floor Area - 3520 SF allowed; 3615 SF proposed; a 95 SF variance is requested.
  - (b) Section 170-87CC (3) - Habitable Floor Area Ratio - 21% allowed, 24.19% proposed; a 3.19% variance is requested.
5. The following persons testified at the hearing: The Applicant. The Board heard testimony, and considered the plans submitted in conjunction with the application. Members of the Board expressed the opinion that the 95 SF variance requested was de minimis.
6. The following persons objected to or expressed interest the application at the hearing: Eric Hoffman of 14 Browning Drive.
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 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 Habitable Floor Area variance of 95 SF is granted; and
- (b) A Habitable Floor Area Ratio variance of 3.19% 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:

  
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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 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:

  
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JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.