

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

Case # 2014-11-V

Motion by: Mr. James Hochberg

Second by: Mr. Jared Resnick

**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 March 25, 2014 April 29, 2014 and June 24, 2014, the following findings of fact and conclusions are made:

1. The applicants are 7 Highview Drive LLC and 33 Surrey Lane LLC, of which Jeffrey and Marci Lefkovits are the members (the Applicant).
2. The property is commonly known as 7 Highview Drive 33 Surrey Land and are taxed as Block 703, Lot 4 & 12. The property is in the R-2 Zone.
3. The Applicant was represented by Susan Rubright, Esq. of Brach Eichler LLC.
4. 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.
5. The Applicant proposes to remove the existing houses on both lots, construct a new single family residence facing Highview Drive, new cabana, new in-ground pool and sports court on both lots. If approved, the two back to back lots would be combined into one lot.
6. Violations of Livingston Zoning Ordinances:
  - (a) Section 170-170-87BB(2) Habitable Floor Area – 4,870 SF allowed, 9,609 SF proposed; 4,736 SF variance requested;
  - (b) Section 170-96A(8) Swimming Pool Location – Pool permitted in rear yard only; variance requested to construct pool in front yard of Surrey Lane.
  - (c) Section 170-87E(1)(e) Accessory Building Location – Accessory structures permitted in rear yard only; variance requested to construct cabana in front yard of Surrey Lane.
  - (d) Section 170-96A(10)(b) Sport Court Location – Sports courts are permitted in rear yard only; variance requested to construct sports court in front yard of Surrey Lane.
  - (e) Section 170-94B(11) Driveway Width/Multiples of 10 – 20’ width required, 15’ width proposed; 5’ variance requested
7. The following persons testified at the hearing on March 25, 2014: Mr. Jeffrey Lefkovits, Michael Lanzafama, PP and PE, and Michael and Joseph Constantine, AIA.

8. The following persons testified on April 29, 2014: Michael Lanzafama, PE, PP; Michael Constantine, AIA, Anthony Sblendorio, Landscape Architect, and Alan Hammer, Esq., as a neighbor with two lots.

9. The following persons testified at the hearing on June 24, 2014: Michael Lanzafama, PE, PP; Michael Constantine, AIA, Anthony Sblendorio, Landscape Architect, and Marci Lefkovits.

10. The following persons objected to or expressed interest in the application at the hearing: Allan Maitlin, a resident of Surrey Lane objected at the hearing on March 2014 and Scott Goldman objected at both subsequent hearings and made a statement to the Board. Other residents asked questions of witnesses.

11. At the end of the hearing on April 29, 2014, the Board members gave comments to the Applicant and the Applicant asked for and received an adjournment to consider amending its application to take into account the concerns of the Board.

12. At the hearing on June 24, 2014, the Applicant proposed revised plans to build a new and substantially smaller residence only on the 7 Highview Drive lot and not involve the Surrey Lane lot in its application. All the previous variances requested were withdrawn as no longer necessary and two new variances were requested. New notices were provided as required by law. The new variances were as follows:

(a) Section 170-87BB2 – Habitable Floor Area – 4870 SF maximum permitted, 6,247 SF. proposed, 1,377 SF variance requested;

(b) Section 170-87CC2 – Habitable Floor Area Ratio – 18% maximum permitted, 22.74% proposed, 4.74% variance requested.

13. The Board noted that the Applicant and its experts had made every effort to minimize the impact of the residence on surrounding properties by design and landscaping and that the residence was within the footprint of the existing residence. Further, there were residences both larger and smaller nearby and from the street the proposed residence would appear to be in compliance with the Ordinance as much of the additional square footage was in the rear and not visible from the street due to design and change in grade of the property.

14. The Board found that the Applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70 (c)(2) for the relief sought for the additional habitable square feet by demonstrating that this is a better zoning result than compliance with the ordinance. The Applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70(d)(4) for the relief sought by demonstrating that the residence will fit within the streetscape and that the property can accommodate the residence. The residence is already a permitted use at this location and under Coventry Square the Board granted the D(4) use variance.

Based upon the above findings, there will be no 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 Habitable Floor Area Variance of one thousand three hundred seventy seven feet square feet (1377 sq. ft.); and  
A Habitable Floor Ratio Variance of four and seventy four one hundredths percent (4.74%') are granted.

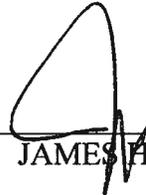
Based upon the above findings, there will be no detriment resulting to the public good, nor will there be an impairment of the zoning plan or municipal zoning ordinance. Now, therefore, be it **RESOLVED** by the ZONING BOARD OF ADJUSTMENT of the Township of Livingston that the application herein submitted is granted the following variances from the Ordinance:

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.

The Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on June 24, 2014 in which Board voted to seven in favor and none opposed to approve the application in accordance with and subject to the conditions and terms set forth herein on the record.

CHAIRMAN:

  
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JAMES HOCHBERG

Dated: July 22, 2014

Prepared by: Herbert S. Ford, Esq.