

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

Case # 2014-41-V

Motion by: Mr. Gillman

Second by: Mr. Hochberg

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 28, 2014, the following findings of fact and conclusions are made:

1. The applicant is Anthony and Lynne Cilenti.
2. The property is commonly known as 2 Darby Terrace and is taxed as Block 5103 Lot 1. 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 arrearages.
4. The applicant proposes to construct a fence on a corner lot.
5. Violation of Livingston Zoning Ordinance
 - (a) 170-91B(2)(b) Front Yard Fence (48' maximum height, 50% open required, 72' proposed; and 100% closed requested)
 - (b) 170-91B(3)(c) Side Yard Fence facing public right of way (48' maximum height, 50% open required, 72' proposed; and 100% closed requested)
6. The following persons testified at the hearing: The applicant.
7. The following persons objected to or expressed interest in the application at the hearing: Anita Pamantier or 35 Woodland Terrace spoke in favor of the application as did Maria Codero, Scott Bart and Anthony Dippola, all nearby residents.
8. The applicant agreed to move the fence parallel to Woodland Terrace behind the existing shrubs and trees so that it would not be visible from Woodland Terrace not less than 6 feet behind the property line and the applicant agree to maintain and if necessary replace any of the shrubs and trees in the future if any did not survive.
9. The applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70 (c)(1) for the relief sought by demonstrating that an undue or exceptional hardship would be imposed upon the applicant by a denial due to the corner location of the property and safety concerns due to the dog at the property.

Now, therefore, be it **RESOLVED** by the **ZONING BOARD OF ADJUSTMENT** of the Township of Livingston that the application herein submitted is approved:

Front Yard Fence Height Variance of 24 inches and 100% closed; and
A Side Yard Fence Variance for a fence facing public right of way (24' variance as to maximum height, 100% closed) are granted

The Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on October 28, 2014 in which Board voted six in favor with one abstention to approve the application in accordance with and subject to the conditions and terms set forth herein on the record.

CHAIRMAN:



JAMES HOCHBERG

Dated: November 11, 2014

Prepared by: Herbert S. Ford, Esq.