

**INTERPREATION BY THE  
ZONING BOARD OF ADJUSTMENT  
TOWNSHIP OF LIVINGSTON  
NEW JERSEY**

Case # 2014-44-V

Motion by: Mr. Jack Gilman

Second by: Ms. Lauren Fass

**FINDINGS AND CONCLUSIONS**

The Zoning Board of Adjustment of the Township of Livingston, having considered the Application filed in this matter, and the testimony and evidence presented at the hearing on June 24, 2014, the following interpretation of the Ordinance Section 170-114:

1. The applicant is Marsag, L.P. d/b/a The Village at Livingston.
2. The applicant is represented by Stephen A. Geffner, Esq. of Schenk Price Smith & King, LLP.
3. The property is commonly known as 277 Eisenhower Parkway and is taxed as Block 100, Lot 43. The property is in the D-S2 Zone.
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 install a massage and spa tenant, Hand & Stone Massage, into a retail shopping center and massage is not a specific listed permitted use, although personal service businesses are permitted in this zone.
6. The following persons testified at the hearing: Michael Tobia PP.
7. The following persons objected to or expressed interest the application at the hearing: Susan Rubright, Esq. reminded the Board that it failed to approve a massage use at the Livingston Mall, although the applicable zone had a limitation on massage as only an accessory use while this zone does not have that limitation.
8. The Board determined that massage and spa services were personal services contemplated by the Ordinance and not a prohibited use. The Board recognized that these services were similar to nail and hair salons. While massage services were prohibited in other zones except where accessory to other uses, no such prohibition exists in this zone.

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 all in favor to approve the interpretation set forth above.

CHAIRMAN:

  
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JAMES HOCHBERG

Dated: June 24, 2014

Prepared by: HERBERT S. FORD, ESQ.