

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

Case # 2015-1-V

Motion by: Ms. Fass

Second by: 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 January 27, 2015, the following findings of fact and conclusions are made:

1. The applicant is Mr. & Mrs. Samuel C. Lieber and Gissela B. Lieber.
2. The property is commonly known as 35 Cobblewood Road and is taxed as Block 1307, Lot 9. The property is in the R-4 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 construct an addition to a single-family residence.
5. Violations of Livingston Zoning Ordinances:
 - (a) Section 170-99C(2) Front Yard Setback – 40' required, 30.86' proposed; 9.14' variance requested
 - (b) Section 170-99C(3) Side Yard Setback – 10' required, 7.38' proposed; 2.62' variance requested
 - (c) Section 170-99C(3) Side Yard Aggregate – 30% required or 22.5', 23.17% proposed or 17.38'; 6.83% variance or 5.12' variance requested
6. The following persons testified at the hearing: The Applicant.
7. The following persons objected to or expressed interest the application at the hearing: None
8. The applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70 (c)(1) for the relief sought due to the location of the residence on the lot which posed topographical hardship related to the land justifying the 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 variance from the Ordinance:

- A Front Yard setback variance of nine and fourteen one one-hundredths feet(9.14');
- A Side Yard setback variance of two and sixty two one-hundredths feet (2.62'),
- and
- A Side Yard Aggregate variance of 6.83% which is five and twelve one-hundredths feet (5.12') are 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.

The applicant had noticed Herbert Ford, the Board Attorney, who resides at 29 Mayhew Drive which is within 200 of the property. The applicant agreed that Mr. Ford could represent the Board in this matter and the applicant agreed to waive any conflict of interest or appearance of impropriety. The waiver was announced and confirmed at the public meeting at which all interested parties were so advised.

The Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on January 27, 2015 in which Board voted to five 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:



JAMES HOCHBERG

Dated: February 24, 2015

Prepared by: Herbert S. Ford, Esq.