

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

Case # 2015-5-V

Motion by: Mr. Gilman

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 February 24 and March 24, 2015, the following findings of fact and conclusions are made:

1. The applicant is BCS Construction.
2. The applicant was represented by Stephen Geffner, Esq.
3. The property is commonly known as 23 Goodhart Drive and is taxed as Block 6400 Lot 16. The property is in the R-1 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 arrearages.
5. Violations of Livingston Zoning Ordinances:
  - (a) Section 170-87BB1 Habitable Floor Area – 6200 SF allowed, 7162.9 SF proposed; 962.9 SF variance requested; and
  - (b) Section 170-87CC1 Habitable Floor Ratio – 15% allowed, 19.62% proposed; 4.62% variance requested.
6. The following persons testified at the hearing: The Applicant by Stephen Shapiro, Meredith Colon-Reiman, AIA and Richard Keller, PP.
7. The following persons objected to or expressed interest the application at the hearing: Linda Graviner, 24 Coventry Road, Leo Pritziolas of Coventry Road, Allen Traiger of 3 Nottingham Road, Andrew Halpert of 24 Goodhart Drive, and Joshua Bloomstein of 26 Goodhart Drive.
8. At the February meeting, the Board express doubt that it could approve the application as presented and asked the applicant to reconsider its plan. The applicant returned on March 24 with a revised plan that reduced the width and size of the home to 6587 SF and the ratio variance to 3.04% which the Board believed was more in fitting with the neighborhood.
9. The applicant has satisfied the statutory requirements of N.J.S.A. 40:55D-70 (c)(1) for the relief sought by demonstrating that the residence is non-conforming and the

increase with this addition is de minimis, no further into the front yard and mostly hidden in the rear of the residence. The applicant has satisfied the statutory requirements of N.J.S.A. 40:55D-70(d)(4) for the relief sought by demonstrating that the residence will fit within the streetscape and that the property can accommodate the addition to 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:

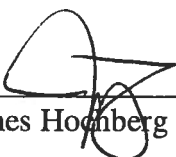
A Habitable Floor Area variance of 387 SF; and  
A Habitable Floor Ratio variance of three and four one hundredths percent (3.04 %) are granted.

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 Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on March 24, 2015 in which Board voted five in favor and one 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: April 28, 2015

Prepared by: Herbert S. Ford, Esq.