

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

Application #: 2015-42-V
Decided: September 29, 2015
Memorialized: November 10, 2015

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 September 29, 2015, the following findings of fact and conclusions are made:

1. The applicant is Frank Francese.
2. The property is commonly known as 103A Keyes Road and is taxed as Block 1700, Lot 33. 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 a new single-family residence.
5. Violations of Livingston Zoning Ordinances:
 - (a) Section 170-99C (5) Minimum lot area of 9.375 square feet must be measured within 125 feet of the front street right-of-way line; Construction of a single family dwelling on the property requires 75 feet of road frontage; The Applicant proposes a 10 foot easement through a neighboring property to satisfy this requirement.
 - (b) Section 170-3 Definition of Lot Frontage – The part of the lot that is coincidental to any abutting street right-of-way line.
6. The following persons testified at the hearing: The applicant, George Williams (planner) and Derek Fox, A.I.A. The applicant was represented by Steven Greenberg, Esq.
7. The following persons objected to, or expressed interest in the application at the hearing: Bill Picillo (49 McCall), Anthony Tomasi, (44 McCall); John Stuart (23 Harvest Lane), Myriam Keltos (103 Keyes Road), and Ventola Picillo (49 McCall).
8. The applicant failed to satisfy the statutory requirements for the relief sought. The Board found that there was no extraordinary hardship and that granting the variance would result in substantial detriment. Detriment resulting from development of this flag lot include raising the density and changing the character of the neighborhood and diminishing the privacy of neighbors. Safety concerns were also raised due to the narrowness of the driveway, and possible impediments to access by emergency vehicles. The long and narrow driveway was

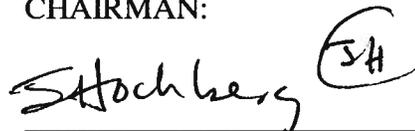
close to neighboring houses and could infringe on the neighboring properties. The proposed driveway is too narrow to accommodate fencing or other forms of buffering. Development of the lot in the manner proposed is not in character with the Township, and appears to directly contradict the intent and purpose of Livingston's Zoning Ordinance. The Board found that the purposes of the MLUL would not be advanced by the deviation from the zoning ordinance requirements, and that the benefits of the variance did not outweigh any detriment. In addition, the Board found that the deficiency of the lot due to its inadequate frontage was a self-created hardship by the owner of the property at the time it was sub-divided.

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

Copies of the Applicant's survey showing the proposed improvements and plans are attached hereto as an exhibit.

The Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on September 29, 2015 in which Board voted to six in favor and none opposed to deny the application.

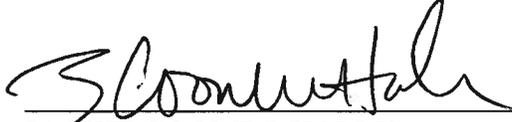
CHAIRMAN:



JAMES HOCHBERG

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Zoning Board of Adjustment of the Township of Livingston on November 10, 2015 by the affirmative votes of Mr. Nardone, Ms. Hwang, Mr. Resnick, Ms. Tabak Fass, Mr. Vieira and Mr. Hochberg; they being all of the Members present and eligible to vote.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.