

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

Case # 2011-17-V

Motion by: Mr. Klein

Second by: Mr. Gillman

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 June 28, 2011, the following findings of fact and conclusions are made:

1. The applicant is Pamela and Michael Cotler.
2. The property is commonly known as 45 Chestnut Street is taxed as Block 7500 Lot 20. The property is in the R-1 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. Violation of Livingston Zoning Ordinance
(a) Section 170-87CC(1) Maximum Habitable Floor Ratio (15% allowed, 17.77% proposed; 2.77% variance requested)
6. The following persons testified at the hearing: The applicants and Tim Klesse AIA.
7. The following persons objected to or expressed interest the application at the hearing: Paul Gelenitics of 43 Chestnut who was not opposed to the application.
8. The applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70 (d)(4) for the relief sought by demonstrating that the residence will fit within the streetscape and that the property can accommodate the residence. The lot is undersized and narrow for the zone.

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:

Maximum Habitable Area Ratio Variance of 2.77% is 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 and signed by the Chairman 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 June 28, 2011 in which Board voted with six votes cast 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:



ALAN OZAROW

Dated: July 26, 2011

Prepared by: HERBERT S. FORD, ESQ.