

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

Case # 2011-57-V

Motion by: Mr. Gillman

Second by: Ms. Atteridge

**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 November 17, 2011, the following findings of fact and conclusions are made:

1. The applicants are Steven and Carolyn Wortman.
2. The property is commonly known as 20 Fordham Road and is taxed as Block 7401 Lot 10. 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 arrearages.
4. The applicant proposes to construct a terrace and retaining wall in rear of the property.
5. Violation of Livingston Zoning Ordinance
  - (a) Section 170-91B(16) Retaining Wall / Maximum Aggregate Height (10' allowed, 27.5' proposed; 17.5' variance requested)
  - (b) Section 170-91B(16) Retaining Wall / Maximum Wall Separation (8' allowed, 6' proposed; 2' variance requested)
6. The following persons testified at the hearing: The applicant and Michael Lanzafama, PE and PP.
7. The following persons objected to or expressed interest in the application at the hearing: None
8. The applicant and Mr. Lanzafama represented to the Board that the proposed improvements were in accordance with the Steep Slope Ordinance of the Township and the Township Engineer had approved the plans submitted with the application.
9. The applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70 (c)(1) for the relief sought by demonstrating that an undue or exceptional hardship would be imposed upon the applicant by a denial due the steepness and topography of the lot. The improvements will cause less erosion and runoff from the property to adjacent properties and public streets and allow for the planting of more trees and scrubs.

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:

Retaining Wall / Maximum Aggregate Height variance of 17.5', and  
Retaining Wall / Maximum Wall Separation variance of 2'.

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. All other permits required by the Ordinances must be obtained before a building permit will be issued.

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 November 17, 2011 in which Board voted 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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ALAN OZAROW

Dated: January 24, 2012

Prepared by: Herbert S. Ford, Esq.