

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

Case # 2011-32-V

Motion by: Mr. Gillman

Second by: Mr. Hochberg

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 October 25, 2011, November 17, 2011 and January 24, 2012, the following findings of fact and conclusions are made:

1. The applicants are Anthony and Kristen Giordano.
2. The property is commonly known as 140 Sycamore Avenue is taxed as Block 2906 Lot 140. The property is in the R-3 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 170-87BB(3) Habitable floor area. 3,520 Habitable square feet allowed, 4,223 Habitable square feet proposed, 703 Habitable square foot variance requested.
6. The applicant was represented at the hearing on October 25, 2011 by Richard Toniolo, Esq. of the firm of Schenck Price Smith & King.
7. The following persons testified at the hearing: The applicant, Thomas Chevet, AIA and Michael Lanzafama, PE, PP. On January 24, 2012 Brian Conway, a landscape architect testified on behalf of the applicant on the proposed landscaping plan which was a condition of the Board's initial decision on November 17, 2011 to grant the variance requested.
8. The following persons objected to or expressed interest the application at the hearing: none.
9. The applicant agreed to change the configuration of the residence as originally presented by making the residence deeper but more narrow thereby its appearance from the street would fit with the other residences on the block. This also reduced the habitable floor area to 4223 square feet and variance required only 703 square feet. Mr. Lanzafama testified that the applicant could build a conforming residence which would be longer in length and more

imposing to the streetscape and that the proposed alternative would be more in keeping with the neighborhood. The applicant prepared a landscaping plan to screen out the extension of the residence on the north side of the residence which diminishes the bulk of the residence with plantings 7 to 8 feet in height initially.

10. The applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70(c)(2) for the relief sought by demonstrating that the proposed variation was a better planning alternative to compliance with the stricture of the Ordinance.

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 Floor Area Variance of 703 sq ft is granted; and


The Board reviewed the landscaping plan and approved by a vote of four to one on January 24, 2012 on the motion of Mr. Gillman and seconded by Mr. Hochberg.

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, architectural plans and landscaping plan 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 October 25, 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: February 28, 2012

Prepared by: HERBERT S. FORD, ESQ.