

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

Case # 2012-13-V

Motion by: Mr. Gilman

Second by: Mr. Shah

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 April 24, 2012, the following findings of fact and conclusions are made:

1. The applicant is Sunset Ridge Developers, LLC.
2. The property is commonly known as 39 Lafayette Drive and is taxed as Block 2100 Lot 68.13. The property is in the R-2 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 new retaining wall on the property.
5. Violation of Livingston Zoning Ordinance:
 - (a) Section 170-91B(16) Retaining Wall Height (10' allowed, 16' proposed; 6' variance requested)
 - (b) Section 170-72C5(c) Retaining Wall Setback (5' required, 1' proposed; 4' variance requested)
6. The following persons testified at the hearing: The applicant's principal, Baruch Shliech and Paul Anderson, P.E.
7. The following persons objected to or expressed interest in the application at the hearing: None
8. 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 steep topography of the lot due to the change in grade from the front to the rear of the lot and to the rear was open space that would not be developed.

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:

Retaining Wall Height variance of six feet (6'), and
Retaining Wall Setback variance of four feet (4').

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 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 April 24, 2012 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:



ALAN OZAROW

Dated: May 22, 2012

Prepared by: Herbert S. Ford, Esq.