

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

Case # 2012-54-V

Motion by: Mr. Ozarow

Second by: Mr. Gilman

**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 December 11, 2012, the following findings of fact and conclusions are made:

1. The applicant is David and Carol Baran.
2. The property is commonly known as 18 Fordham Road and is taxed as Block 7401, Lot 9. 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 series of retaining walls in the rear of a single-family residence with steep slopes.
5. Violation of Livingston Zoning Ordinance
  - (a) Section 170-91B(16) Retaining Walls (10' allowed, 21.5' proposed; 11.5' variance requested.
  - (b) Section 170-91B(16) Distance between retaining walls (8' required, 0' proposed, 8' variance requested.
6. The following persons testified at the hearing: The applicant and Michael Lanzafama, PE, PP. .
7. The following persons objected to or expressed interest the application at the hearing: Richard Dauber, 24 Cornell Drive was interested in the application but did not object.
8. The applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70 (c)(1) for the relief sought due to an exceptional hardship relating to the lot because of the topographical conditions known as steep slopes. The Applicant agreed to install the landscaping on the rear terraces to be constructed and described in his plans.

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 height variance of eleven and five tenths feet (11.5') feet; and  
Distance between retaining walls variance of zero feet (0') are granted.

The Board imposed the condition that no building permit for the installation of a pool at the property would be issued until the applicant installed the landscaping described on his plans. This application did not include any approval for a pool on the premises. The Engineering Department must confirm that the proposed plans comply with the Steep Slope Ordinance.

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 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 December 11, 2012 in which Board voted with 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:

  
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ALAN OZAROW

Dated: January 29, 2013

Prepared by: HERBERT S. FORD, ESQ.