

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

Case # 2013-11-V

Motion by: Mr. James Hochberg

Second by: Mr. Anthony Nardone

**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 23, 2013, the following findings of fact and conclusions are made:

1. The applicant is Dr. Michael Baskies.
2. The property is commonly known as 4 Fredon Drive and is taxed as Block 3703, Lot 4. 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 an addition to a single-family residence.
5. The applicant was represented by Stephen Geffner, Esq.
6. Violation of Livingston Zoning Ordinance
  - (a) Section 170-98C2 Front Yard Setback (50' required, 49.91' proposed; .09' variance required)
  - (b) Section 170-87BB3 Habitable Floor Area (3,520 SF allowed, 3,651 SF proposed; 131 SF variance requested)
  - (c) Section 170-87CC3 Habitable Floor Ratio (21% allowed, 21.9% proposed; 0.9% variance requested based on final plans submitted and considered by the Board)
7. The following persons testified at the hearing: The applicant and Richard Keller, Professional Planner.
8. The following persons objected to or expressed interest the application at the hearing: Michael Mamet of 6 Fredon Way inquired about the setbacks by did not object to the application.
9. 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 residence is already a permitted use at this location and under Coventry Square the Board granted the D(4) use variance. The Board noted the most of the addition is in the rear yard and will not impact the streetscape and the

applicant and his architect made an effort to use infill rather than expand the footprint of the residence. The Board ruled that the front yard variance was de minimis and should be granted.

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:

Maximum Habitable Floor Area Ratio Variance of nine tenths percent (0.9%)  
Habitable Floor Area Variance of 131 square feet; and  
Front Yard Setback Variance of 0.09' 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 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 23, 2013 in which Board voted 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: May 28, 2013

Prepared by: HERBERT S. FORD, ESQ.