

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

Case # 2013-16-V

Motion by: Mr. Alan Ozarow

Second by: Mr. Ajay 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 23, 2013, the following findings of fact and conclusions are made:

1. The applicant is Dr. Thomas S. Posio.
2. The property is commonly known as 313 Walnut Street and is taxed as Block 6600 Lot 3. 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 proposed to replace an existing fence in the front and side yards to a single family residence on the property which fence would not comply with the Ordinance.
5. The applicant was represented at the hearing by Brian Burns, Esq.
6. Violation of Livingston Zoning Ordinance:
 - (a) Section 170-91B(3)(b) Height of Side Yard Fence (5' allowed, 6' proposed; 1' variance requested)
 - (b) Section 170-91B(2)(b) Height of Front Yard Fence (4' allowed, 6' proposed; 2' variance requested)
 - (c) Section 170-91B(2)(b) Front Yard Fence – 50% open required; closed fence proposed.
7. The following persons testified at the hearing: The applicant.
8. The following persons objected to or expressed interest in the application at the hearing: none.

The applicant has failed to satisfy 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 to a condition of the land and to prove that the variances would not cause substantial detriment to the public good and zone plan.

Now, therefore, be it **RESOLVED** by the **ZONING BOARD OF ADJUSTMENT** of the Township of Livingston that the application herein submitted is denied.

The Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on April 23, 2011 in which Board voted four in favor and three against a motion to deny the application for the reasons set forth on the record.

CHAIRMAN:



ALAN OZAROW

Dated: May 28, 2012

Prepared by: Herbert S. Ford, Esq.