

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

Application #: 2016-36-V
Decided: August 23, 2016
Memorialized: September 27, 2016

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 August 23, 2016, the following findings of fact and conclusions are made:

1. The Applicant is Rajat Beri.
2. The Property is commonly known as 96 East Cedar Street and is taxed as Block: 3203, 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 Applicants propose to construct an addition to a single family residence.
5. Violations of Livingston Zoning Ordinances were noted:
 - (a) Section 170-98C (3) – Side Yard Setback – 10’ required; 8’5” proposed: a 1’7” variance is requested.
 - (b) Section 170-87BB (3) – Habitable Floor Area – 3,520 SF allowed; 5,145 SF proposed: a 1,625 SF variance is requested
6. The following persons testified at the hearing: The Applicant.
7. The following persons objected to or expressed interest the application at the hearing: None.
8. Following a discussion, the Applicant agreed to remove an existing garage/gazebo. The foundation of that structure would be removed, and the area where the structure was built will be restored to grass. The Board found that the Applicant had satisfied the statutory requirements of N.J.S.A. 49:55D-70 (c)(2) for the relief sought by demonstrating that the purposes of the Municipal Land Use Law (MLUL) would be advanced by the addition, and the benefits of the variance substantially outweigh any detriment. It was noted that the property was very large for the R-3 zone, and it was determined that the applicant had satisfied the requirements for the relief sought by demonstrating that the addition will fit within the streetscape and that the property could accommodate the residence.

The Board found that there will be no substantial 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:

- (a) A Side Yard Setback variance of one foot, seven inches (1'7") is granted.
- (b) A Habitable Floor Area variance of 1,625 SF 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.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on August 23, 2016 in which Board voted five in favor and none opposed to approve the application in accordance with and subject to the conditions and terms set forth herein and on the record.

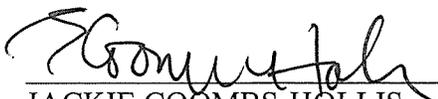
CHAIRMAN:



JAMES HOCHBERG

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Zoning Board of Adjustment of the Township of Livingston on August 23, 2016 by the affirmative votes of Mr. Hochberg, Ms. Tabak Fass, Mr. Resnick, Mr. Dunec and Mr. Nardone, they being all of the Members present and eligible to vote.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.