

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

Application #: 2015-52-V
Decided: September 27, 2016
Memorialized: October 25, 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 September 27, 2016, the following findings of fact and conclusions are made:

1. The Applicants are: David D'Angelo and Julie D'Angelo
2. The Property is commonly known as 34 Montgomery Road and is taxed as Block 3000, Lot 45. 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 to amend a previous resolution (from 09/27/2015) for the construction of a new single family residence.
5. Violations of the following Livingston Zoning Ordinances were noted:
 - (a) Section 170-87BB (3) – Habitable Floor Area – 3,520 SF allowed, 3,883 SF proposed; a 363 SF variance was requested;
 - (b) Section 170 - 87CC (3) Habitable Floor Area Ratio - 21% allowed; 34.75% proposed; a 13.75% variance was requested; and
6. The following persons testified at the hearing: The Applicants; the Applicants' architect, Christine Miseo.
7. The following persons objected to or expressed interest the application at the hearing: None.
8. The Applicant has satisfied the statutory requirements of N.J.S.A. 40:55D-70(c) (2) and N.J.S.A. 40:55D-70(d)(3) for the relief sought by demonstrating that the purposes of the Municipal Land Use Law (MLUL) would be advanced by the proposed structures, and the benefits of the variance substantially outweigh any detriment. The Board found that the lot can accommodate the proposed structures. 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.

9. 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 Habitable Floor Area variance of three-hundred-sixty-three square feet (363 SF) variance is granted;


(b) A Habitable Floor Area Ratio variance of thirteen and seventy-five hundredths percent (13.75%) is granted; and

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 September 27, 2016 in which Board voted seven 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:



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 September 27, 2016 by the affirmative votes of Mr. Vieira, Mr. Hochberg, Ms. Hwang, Mr. Resnick and Mr. Bier; they being all of the Members present and eligible to vote. Mr. Gillman voted against the application, and Mr. Nardone abstained.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.

SEP 27 2016