

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

Application #: 2016-34-V  
Decided: October 25, 2016  
Memorialized: November 29, 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 October 25, 2016, the following findings of fact and conclusions are made:

1. The Applicant is: Sajimon Antony.
2. The Property is commonly known as 9 Spalding Drive and is taxed as Block 4205, Lot 1. The property is in the R-4 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 of a new single family residence.
5. Violations of the following Livingston Zoning Ordinances were noted:
  - (a) Section 170-99C (4) – Rear Yard Setback – 35 feet required; 16.6 feet proposed; an 18.6-foot variance is requested.
6. The following persons testified at the hearing: The Applicant; the Applicant's architect, Frank Matarazzo.
7. The following persons objected to or expressed interest the application at the hearing: Susan Cox of 14 Pitcairn Rd.; Linda Klass of 4 Spalding Drive; Ed O'Donnell of 108 Kimball Rd.; Joanna O'Donnell of 108 Kimball Rd; Maureen Harris of 106 Kimball Rd.; and Russ Ferrara of 14 Spalding Drive.
8. The Applicant failed to satisfy the statutory requirements of N.J.S.A. 40:55D-70(c) (2) for the relief sought. The Board found that the lot cannot accommodate the proposed structure. The Board found that granting a variance would cause substantial detriment to the public good, and 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 denied.

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 October 25, 2016 in which Board voted seven in favor and none opposed to deny the application 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 October 25, 2016 by the affirmative votes of Mr. Hochberg, Mr. Nardone, Ms. Tabak Fass and Mr. Dunec; they being all of the Members present and eligible to vote.

PLANNING ADMINISTRATOR:

  
JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.