

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

Application #: 2017-3-V
Decided: May 23, 2017
Memorialized: June 27, 2017

Motion by: Mr. Hochberg
Second to approve by: Mr. Vieira

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 May 23, 2017, the following findings of fact and conclusions are made:

1. The Applicant is: Mr. and Ms. B. Goodman.
2. The Property is commonly known as 73 Shrewsbury Drive and is taxed as Block 2400, Lot 9. 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 arrears.
4. The Applicant proposes to construct a driveway gate at the front of an existing single-family residence. Violation of the following Livingston Zoning Ordinance was noted:
 - (a) Section 170-91(a) - Fence/Gate - 3-foot-high gate piers allowed, 7 foot piers proposed (with lights); a 4-foot variance is requested.
 - (b) Section 170-91B(2) - Fence/Gate - 4 foot-high gate permitted; 5 foot high gate proposed; a 1-foot variance is requested.
5. The following persons testified at the hearing: The Applicant; Christine Miseo, AIA, the Applicant's architect.
6. The following persons objected to or expressed interest the application at the hearing: Paul Glick of 75 Shrewsbury Drive.
7. 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)(4) for the relief sought by demonstrating that the purposes of the Municipal Land Use Law (MLUL) would be advanced by the proposed addition, and the benefits of the variance substantially outweigh any detriment. The Board found that the lot can accommodate the proposed structure, and that the proposed structure will fit in with the neighborhood. The Board found that by granting the variance 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 variance from the Township Ordinance:

(a) A 4-foot height variance is granted from the provisions of Code Section 170-91 (a) for front gate piers.d

(b) A 1-foot variance is granted from the provisions of Code Section 170-91B(2) to accomadate a 5-foot gate.

CONDITIONS OF APPROVAL:

1. The lights on the gate piers will be turned off at 11:00 PM.


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 plans and survey showing the proposed improvements and architectural plans are attached hereto as an exhibit to indicate the final version thereof.

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.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on May 23, 2017 in which Board voted seven in favor and none opposed to permit the application in accordance with, and subject to the terms and conditions set forth herein and on the record.

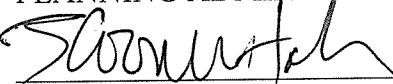
CHAIRMAN:



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 May 23, 2017 by the affirmative votes of Mr. Hochberg, Mr. Nardone, Ms. Hwang, Mr. Vieira, Mr. Bier, Mr. Resnick and Ms. Tabak-Fass being all the Members present and eligible to vote.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.