

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

Application #: 2017-28-V
Decided: November 28, 2017
Memorialized: December 12, 2017

Motion: Mr. Hochberg
Second: Mr. Dunec

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 November 28, 2017, the following findings of fact and conclusions are made:

1. The Applicant is: Marilyn Greenberg.
2. The Property is commonly known as 5 Ross Road and is taxed as Block 7200, Lot 10. 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 a 1-story addition for an existing single-family residence. Violations of the following Livingston Zoning Ordinances were noted:
 - (a) Section 170-96C (4) - Rear Yard Setback - 75 feet required, 21.75 feet proposed; a 53.25-foot variance was requested.
 - (b) Section 170-87CC (1) - Habitable Floor Area Ratio - 15% allowed; 22.02% proposed; a 7.02% variance was requested.
5. The hearing was a continuation from the ZBA hearings on August 29, 2017 and September 6, 2017. The following persons testified at the hearings: The Applicant's architect, Danial Dubinett, AIA; The Applicant's builder, Nick Bruton. The Board heard testimony, and considered the plans submitted in conjunction with the application. The plans submitted by the Applicant for the October 24, 2017 meeting had revisions that reflected neighbors' concerns regarding the proposed addition.
6. The following persons objected to, or expressed interest in, the application at the hearings: Thomas Hildner of 10 Exeter Dr., Millburn; Judith Silberner and Haim Erder of 7 Ross Road (Ms. Silberner and Mr. Erder were represented by Richard Schkolnick, Esq. at the meeting on September 26, 2017.); an architect and planner, Michael Petry, appeared on behalf of neighbor Judith Silberner.
7. The Applicant agreed to remove a detached garage from the property, thereby making the FAR variance request unnecessary. The FAR variance request was withdrawn.

8. The Board found that the Applicant satisfied the statutory requirements of N.J.S.A. 40:55D-70(c)(1) for the relief sought by demonstrating that the applicant has a hardship due to an oddly shaped, undersized lot. The Board found that the lot can accommodate the proposed addition, and the proposed structure will fit in with the neighborhood. The Board found that by granting the variances 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.

Conditions of Approval

- a) The width of the driveway will be reduced by 4 feet. The driveway width will not exceed 20 feet.
- b) The 6 existing trees on the southerly side of the property adjacent to the rear deck will be replanted/replaced. Additional plantings will be installed to improve the neighbor's privacy - 5 additional 6-foot Leland cypress trees will be planted in a staggered manner with the 6 existing cypress trees.
- c) A similar tree design of 6-6-foot Leland cypress trees will be planted on the opposite side of the property to improve privacy for the neighboring properties.

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 Rear Yard Setback variance of 53.25 feet is granted; and
- (b) The Habitable Floor Area Ratio variance request is withdrawn.

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 November 28, 2017 in which Board voted seven in favor and one opposed to approve the application.

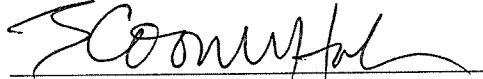
CHAIRMAN:



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 December 12, 2017 by the affirmative votes of Mr. Hochberg, Mr. Bier, Ms. Tabak-Fass, Ms. Hwang; Mr. Vieira, Mr. Dunec and Mr. Nardone, the above constituting all the Members present and eligible to vote.

PLANNING ADMINISTRATOR:

A handwritten signature in black ink, appearing to read "J. Coombs-Hollis", written over a horizontal line.

JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.