

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

Case # 2014-13-V

Motion by: Mr. Gilman

Second by: Mr. Bardi

**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 February 25, 2014, the following findings of fact and conclusions are made:

1. The applicant is Anthony and Dina Nardone.
2. The property is commonly known as 28 North Drive and is taxed as Block 5100, Lot 49. 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 construct an addition to the rear of a single-family residence.
5. Violations of Livingston Zoning Ordinances:
  - (a) Section 170-87BB3 Habitable Floor Area – 3520 square feet allowed, 4196 square feet proposed; 676 square feet variance requested.
6. The following persons testified at the hearing: The applicant and Laurence Appel, AIA.
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. 49:55D-70 (c)(2) for the relief sought by demonstrating that the proposed addition and other changes to the residence was a better planning and zoning result than compliance with the Ordinance. The applicant will reduce imperious coverage improving drainage at the property, the garage is being moved further from the street and the house will have a smaller footprint. The existing house has a very small basement and 225 square feet of the over-sized garage is to provide storage not available in the existing basement.

Based upon the above findings, there will be no 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 Habitable Floor Area variance of 676 square feet 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.

The Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on February 25, 2014 in which Board voted to six 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:

  
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JAMES HOCHBERG

Dated: March 25, 2014

Prepared by: HERBERT S. FORD, ESQ.