

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

Case # 2014-47-V

Motion by: Mr. Hochberg

Second by: Mr. Shah

**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 July 22, 2014, the following findings of fact and conclusions are made:

1. The applicant is Alfio DiFranco.
2. The property is commonly known as 328 East Cedar Street and is taxed as Block 2503, Lot 10. 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 a pool in the rear yard of a single-family residence.
5. Violations of Livingston Zoning Ordinances:
  - (a) Section 170-96A(8)(f) Pool Setback – 20’ required, 16.5’ proposed; 3.5’ variance requested
  - (b) Section 170-87E(1)(b) Accessory Structure Setback – 10’ required, 4’ proposed, 6’ variance requested;
  - (c) Section 170-96A(8)(a) Pool shall not exceed 10% of rear yard – 277.5 SF allowed, 450 SF proposed; 172.5 SF variance requested
  - (d) Section 170-87E(1)(d)(4) Accessory Structure Side Yard Setback – 7’ required, 1.4’ proposed; 5.6’ variance requested;
  - (e) Section 170-87E(1)(d)(4) Accessory Structure Rear Yard Setback – 7’ required, 3.4’ proposed; 3.6’ variance requested
6. The following persons testified at the hearing: the applicant.
7. The following persons objected to or expressed interest the application at the hearing: none.
8. The variances for the Shed were withdrawn.

9. The applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70 (c)(1) for the relief sought by demonstrating that there is a hardship due to the narrow, shallow, and undersized lot.

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 Pool Setback Variance of 6 feet;
- An Accessory Structure Setback Variance of 3.5 feet;
- A Pool coverage of rear yard variance of 172.5 feet;

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.


The Board imposed the following conditions:

- (1) Additional landscaping to be installed rear line of property
- (2) Four (4) ft fence to be installed between the deck/house and pool
- (3) Shed to be removed.

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 July 22, 2014 in which Board voted in favor 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: July 22, 2014

Prepared by: Herbert S. Ford, Esq.