

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

P-15-00195

Case #2015-37-V  
Motion to approve by: Mr. Nardone  
Second to approve by: Ms. Fass

**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 28, 2015, the following findings of fact and conclusions are made:

1. The Applicants are **DANA & MICHAEL MILLER**.
2. The property is commonly known as **22 East Drive**, Livingston, New Jersey and is taxed as Block 5100, Lot 38. The property is in the R-3 Zone.
3. The Applicant has satisfied the statutory criteria and procedural requirements of service and publication of notice, and there are no taxes or assessments due or in arrears.
4. The Applicant proposes to remove an existing single family home and construct a new two story single family residence measuring 4,066 habitable square feet.
5. The Applicants submitted architectural plans for the proposed dwelling prepared by Robert G. Emert dated June 4, 2015.
6. The proposed Application would violate the following provisions of the Livingston Zoning Ordinances:
  - (a) Section 170-87BB(3) Habitable floor area – 3,250 SF allowed, 4,066 SF proposed, 546 SF variance requested.
7. Testifying on behalf of the Applicant at the hearing was Michael Miller.
8. No members of the public appeared either in support of or opposition to the application.
9. The Applicant has satisfied the statutory criteria of N.J.S.A . .40:55D-70(c)(2) for the relief sought by demonstrating that the residence will fit within the streetscape and the property is oversized and can accommodate the proposed new single family residence. While requiring a total floor area variance, the overall floor area ratio would be permitted within the Zone. The Board determined that the variance can be granted under N.J.S.A. 40:55D-70(c)(2) because

the size of the property can accommodate the proposed home, which will not be out of character with the neighborhood. The elimination of the existing detached garage will remove a sideyard setback violation and improve the appearance of the property. The property will then be in compliance as to all setback requirements.

10. Based upon the above findings there would be no detriment to the public good nor will there be an impairment of the Zone Plan or Zoning Ordinance and the benefits of the variance will outweigh any potential detriment.

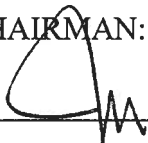
NOW THEREFORE, be it RESOLVED by the Zoning Board of Adjustment of the Township of Livingston that the Application herein submitted is granted and approved subject to the following variances from the Township Ordinances:

- a) The habitable floor area variance of 546 square feet from the provisions of Code Section 170-87BB(3) is granted to permit construction of the proposed 4,066 SF single family home as shown on the plans submitted.

This approval is subject to all other requirements of the Township Ordinances, building codes, and the right of appeal by any interested party. As required by Livingston Ordinance 170-27(A) construction must be commenced within one (1) year of the date hereof or the variances shall expire.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on July 28, 2015 in which the Board voted unanimously to approve the Application in accordance with and subject to the terms and conditions set forth herein and on the record.

CHAIRMAN:



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JAMES HOCHBERG

Dated: August 25, 2015  
Prepared by: Richard W. Vallario, Esq.