

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

Application #: 2015-47-V  
Decided: September 29, 2015  
Memorialized: November 10, 2015

**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 September 29, 2015, the following findings of fact and conclusions are made:

1. The applicant is Otsego Properties LLC.
2. The property is commonly known as 17 Millstone Drive and is taxed as Block 600, Lot 39. The property is in the R-2 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 a single-family residence.
5. Violations of Livingston Zoning Ordinances:
  - (a) Section 170-97C(2) Front Yard Setback – 60’ required, 56.7’ proposed; 3.3’ variance requested;
  - (b) Section 170-87L(1)(B) Side Street Corner Lot Setback 50’ required, 30’ proposed; 20’ variance requested;
  - (c) Section 170-87BB(2) Habitable Floor Area – 4,870 SF allowed, 6,272 SF proposed; 1,402 SF variance requested; and
  - (d) Section 170-87CC (2) Habitable Floor Ratio – 18% allowed, 25.5% proposed; 7.5% variance requested.
6. The following persons testified at the hearing: The applicant (by Leonard Shriber, a member of Otsego Properties LLC). The applicant was represented by Evan Drachman, Esq.
7. The following persons objected to or expressed interest the application at the hearing: Stanley Fischer, neighbor (15 Millstone); Keith Lerner, neighbor (12 Millstone), Joe Tirrito, neighbor (25 Blackstone Drive), Mark Fusari, neighbor (11 Hearthstone).
8. 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 topography and narrowness of the lot and the location of the house on the property.
9. 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 purposes of the MLUL would be advanced by the addition, and the benefits of the variance substantially outweigh any detriment.

10. The applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70(d) (4) for the relief sought by demonstrating that the residence will fit within the streetscape and that the property can accommodate the addition to the residence.

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 Front Yard Setback variance of three and 3 tenths feet (3.3”);
- A Side Street/Corner Lot Setback of twenty feet (20’);
- A Habitable Floor Area variance of one-thousand-four-hundred-two feet (1,402 SF); and
- A Habitable Floor Ratio variance of seven and sixty six hundredths percent (7.5%) are granted.

As a condition of the approvals granted, the applicant agreed to install deer resistant evergreen trees along the rear of the house and along the side of the house facing Hearthstone. In addition, the applicant agreed that during construction the Builder’s vehicles would be parked on only one side of Millstone Drive so as to minimize the obstruction of traffic.

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 September 29, 2015 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

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 November 10, 2015 by the affirmative votes of Mr. Hochberg, Mr. Nardone, Ms. Hwang, Mr. Resnick, Ms. Tabak Fass and Mr. Vieira; they being all of the Members present and eligible to vote.

PLANNING ADMINISTRATOR:

  
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JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.