

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

Case # 2012-29-V

Motion by: Mr. Shah

Second by: Mr. Nardone

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 24, 2012, the following findings of fact and conclusions are made:

1. The applicant is Neeli and Michael Margolis.
2. The property is commonly known as 76 Ridge Drive is taxed as Block 5001 Lot 35. 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 a single-family residence.
5. Violation of Livingston Zoning Ordinance
 - (a) Section 170-87BB3 Habitable Floor Area (3,520 SF allowed, 4,185 SF proposed; 665 SF variance requested)
 - (b) Section 170-87CC3 Habitable Floor Ratio (21% allowed, 25.44% proposed; 4.44% variance requested)
6. The following persons testified at the hearing: The applicant and William Byrne, AIA. The architect noted that the habitable square footage required was less than asked for as he had determined that the basement was in fact not within the habitable square footage calculation based on new facts and therefore the total requested was reduced to 333 habitable square feet.
7. The following persons objected to or expressed interest the application at the hearing: none.
8. The Board approved the habitable floor area and ratio variance by finding that the applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70(d)(4) for the relief sought for a habitable floor ratio and area variance by demonstrating that the residence will fit within the streetscape and that the property can accommodate the residence. The residence is already a permitted use at this location and under Coventry Square the Board granted the D(4) use and a C(1) bulk variance.

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 at to the habitable floor area ratio herein submitted is granted the following variances from the Ordinance:

Maximum Habitable Floor Area Variance 332 Habitable square feet is granted, and Maximum Habitable Floor Area Ratio Variance of 4.44% 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 Board expressly decided that the applicant would be limited to the plan submitted for the variances and no alteration would be permitted without Board review and approval.

The Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on July 24, 2012 in which Board voted with seven votes cast 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:



ALAN OZAROW

Dated: August 14, 2012

Prepared by: HERBERT S. FORD, ESQ.