

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

Application #: 2016-4-V
Decided: February 23, 2016
Memorialized: April 12, 2016

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 23, 2016, the following findings of fact and conclusions are made:

1. The applicant is Colleen Gilsean.
2. The property is commonly known as 2 Berkeley Terrace and is taxed as Block 4401, Lot 14. The property is in the R-4 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 Ordinance(s):
 - (a) Section 170-99C (3) – Side Yard Setback – 10’ required; 9.2’ proposed; .8’ variance requested;
 - (b) Section 170-87L(d) – Corner Lot/Side Street Setback – 35” required, 16.5’ proposed; 18.5’ variance requested
6. The following persons testified at the hearing: The Applicant, and the Applicant’s architect, Jose Gennaro.
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. 40:55D-70(c) (2) for the relief sought by demonstrating that the current setbacks on the Property were pre-existing, and would not change. The Board found that the benefits of the improvement substantially outweigh any detriment.

Based upon the findings at the hearing, 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) A Side Yard Setback variance of .8 feet (.8') is granted;
- (b) A Corner Lot/Side Street Setback of 18.5 feet (18.5') 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.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on February 23, 2016 in which Board voted seven 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.

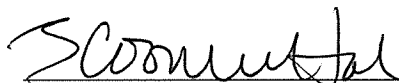
CHAIRMAN:



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 February 23, 2016 by the affirmative votes of Mr. Gillman, Mr. Nardone, Ms. Hwang, Mr. Resnick, Mr. Vieira, Mr. Dunec and Mr. Hochberg; they being all of the Members present and eligible to vote.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.