

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

Application #: 2016-12-V  
Decided: July 26, 2016  
Memorialized: August 23, 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 hearings on May 24, 2016, June 28, 2016 and July 26, 2016, the following findings of fact and conclusions are made:

1. The Applicants are Oriel Cohen & Inga Guy
2. The Property is commonly known as 13 Volker Lane and is taxed as Block 6101, Lot 21. The Property is in the R-1 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 Applicants propose to construct a new single family residence with a pool.
5. Violations of Livingston Zoning Ordinances are noted:
  - (a) Section 170-96C (2) Front Yard Setback – 75’ required, 23.06’ proposed; a 51.94’ variance is requested.
  - (b) Section 170-96(C) (3) Side Yard Setback (Left) – 15’ required, 11’ proposed; a 4’ variance is requested.
  - (c) Section 170-96(C)(3) Side Yard Setback (right) – 15’ required, 8’ proposed; a 7’ variance is requested.
  - (d) 170-96(C)(4) Rear Yard Setback – 75’ required, 51.65’ proposed; a 23.35’ variance is requested.
  - (e) 170-87(V)(2) Building Coverage – 23.71% allowed, 27.47% proposed; a 3.76% variance is requested.
  - (f) 170-87(CC)(1) Habitable Floor Ratio – 15% allowed, 44.2% proposed; a 29.2% variance is requested
  - (g) 170-96(4)(a) Deck Setback – 75’ required, 41.84’ proposed; a 33.16’ variance is requested.
  - (h) 170-96(C)(4)(a) Deck Within Rear Yard – 200 SF allowed, 322 SF proposed; a 122 SF variance is requested.
  - (i) 170-96A(8)(f) Swimming Pool Rear Yard Setback – 20’ required, 12.56’ proposed; a 7.44’ variance is requested.
6. The following persons testified at the hearing: The Applicants; the Applicants’ architect, Michael Lanzafama of Casey & Keller.
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) (1) for the relief sought by demonstrating that the Applicant has a hardship due to the size of the property.

Although it is located in the R-1 zone, the size of the Property (app. 52' x 140) is consistent with properties in the R-4 zone. The Applicant has further satisfied the requirements for the relief sought by demonstrating that the addition will fit within the streetscape and that the property can accommodate the residence.

The Board found that there will be no substantial 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 fifty-one and ninety four-hundredths foot (51.94') Front Yard Setback variance is granted.
- (b) A four foot (4') Left Side Yard Setback variance is granted.
- (c) A seven foot (7') Right Side Yard Setback variance is granted.
- (d) A twenty-three and thirty-five hundredths foot (23.35') Rear Yard Setback variance is granted.
- (e) A three and seventy six tenths percent (3.76%) Building Coverage variance is granted.
- (f) A twenty-nine and two-tenths percent (29.2%) Habitable Floor Ratio variance is granted.
- (g) A thirty-three and sixteen-hundredths foot (33.16') Deck Rear Yard Setback variance is granted.
- (h) A one-hundred twenty-two square foot (122 SF) Deck Within Rear Yard variance is granted.
- (i) A seven and forty-four hundredths foot (7.44') Swimming Pool Rear Yard Setback variance is granted.

The above listed variances are granted on the condition that the house to be built shall not exceed a habitable floor area of 3,220 square 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.

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.

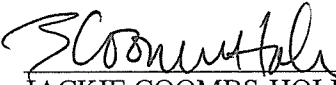
This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on July 26, 2016 in which Board voted seven in favor and none opposed to approve the application in accordance with and subject to the conditions and terms set forth herein on the record.

CHAIRMAN:

  
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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 July 26, 2016 by the affirmative votes of Mr. Hochberg, Mr. Resnick, Mr. Gillman, Ms. Hwang, Ms. Tabak Fass, Mr. Vieira and Mr. Nardone; 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.