

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

Application #: 2016-20-V
Decided: June 28, 2016
Memorialized: July 26, 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 June 28, 2016, the following findings of fact and conclusions are made:

1. The applicant is Arie Wilensky.
2. The property is commonly known as Franklin Avenue and is taxed as Block 1703, Lot 6. 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 a new single family residence.
5. Violations of Livingston Zoning Ordinances:
 - (a) Section 170-99C(2) – Front Yard Setback – 40’ required, 30’ proposed: a 10’ variance is requested.
 - (b) Section 170-99C(3) – Side Yard Setback (right) – 10” required, 8’ proposed: a 2’ variance is requested.
 - (c) Section 170-99C(3) – Side Yard Setback (left) – 10” required, 5’ proposed: a 5’ variance is requested.
 - (d) Section 170-99C(3) – Side Yard Aggregate Setback – 30% required, 26% proposed: a 4% variance is requested.
 - (e) Section 170-99C(4) – Rear Yard Setback – 35” required, 30’ proposed: a 5’ variance is requested.
 - (f) Section 170-87CC(4) – Habitable Floor Area Ratio – 30%” required, 62.54% proposed: a 32.54% variance is requested.
 - (g) Section 170-3 – Size of Garage – 12x20 required; 10’6” x 21’4” proposed; a 1’6” width variance is requested.
 - (h) Section 170-87V(1) – Maximum Building Coverage – 25% allowed, 29% proposed; a 4% variance is requested.
6. The following persons testified at the hearing: The Applicant.
7. The following persons objected to or expressed interest the application at the hearing: Daniela Weinberger, 43 Scarsdale Road, John DeSimone, 5 Franklin Avenue.

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 a narrow, shallow, undersized lot. 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 Municipal Land Use Law (MLUL) would be advanced by the addition, and the benefits of the variance substantially outweigh any detriment. 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:

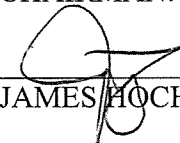
- (a) A ten foot (10') Front Yard Setback variance is granted;
- (b) A two-foot (2') Right Side Yard variance is granted;
- (c) A five foot (5') Left Side Yard Setback variance is granted;
- (d) A four percent (4%) Side Yard Aggregate Setback variance is granted;
- (e) A five foot (5') Rear Yard Setback variance is granted;
- (f) A thirty-two and fifty-four hundredths percent (32.54%) variance is granted;
- (g) A one-foot six-inch (1'6") garage width variance is granted; and
- (h) A four percent (4%) building coverage variance 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 June 28, 2016 in which Board voted 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:



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 June 28, 2016 by the affirmative votes of Ms. Tabak Fass, Mr. Bier, Ms. Hwang, 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.