

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

Application #: 2016-37-V
Decided: August 23, 2016
Memorialized: September 17, 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 August 23, 2016, the following findings of fact and conclusions are made:

1. The Applicants are: Thomas & Cathy Cooney.
2. The Property is commonly known as 29 Swan Road and is taxed as Block 2700, Lot 17. 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 detached garage in the rear yard of a single family residence.
5. Violations of Livingston Zoning Ordinances were noted:
 - (a) Section 170-87E (1)(a) – Height of Accessory Structure – 13’ allowed, 15’1” proposed: a 2’1” variance is requested.
6. The following persons testified at the hearing: The Applicants.
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 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 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.
9. 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 two foot, one-inch (2'1") Height of Accessory Structure variance is granted for construction of a detached garage in the rear yard. The granting of the variance is conditioned upon there being no commercial use of any kind in connection with the structure.

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 August 23, 2016 in which Board voted five 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 August 23, 2016 by the affirmative votes of Mr. Hochberg, Mr. Dunec, Ms. Tabak Fass, Mr. Resnick and Mr. Nardone, they being all of the Members present and eligible to vote.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.