

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

Application #: 2016-27-MSV
Decided: September 27, 2016
Memorialized: October 25, 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 September 27, 2016, the following findings of fact and conclusions are made:

1. The Applicants are: Phil Levy and Yaron Gohar.
2. The Property is commonly known as 20 North Ashby Avenue and is taxed as Block 1405, Lot 8. 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 subdivide a lot into two (2) buildable non-conforming lots.
5. Violations of Livingston Zoning Ordinances were noted for each of the proposed lots:
 - (a) Section 170-99C (5) – Total lot area – 9,375 SF required, 7,500 SF proposed: a 1,875 SF variance was requested;
 - (b) Section 170-87CC (4) Habitable Floor Area Ratio - 30% required; 39.1% proposed; a 9.1% variance was requested.
6. The following persons testified at the hearing: The Applicants; the Applicants' planner, Michael Lanzafama; and the Applicants' architect, Christine Miseo.
7. The following persons objected to or expressed interest the application at the hearing: Alan Russo of 22 North Ashby Avenue.
8. A list of conditions agreed to between the Applicant and neighboring property owners was submitted and marked as Exhibit A-4.
9. The Applicant has satisfied the statutory requirements of N.J.S.A. 40:55D-70(c) (2) and N.J.S.A. 40:55D-70(d)(3) for the relief sought by demonstrating that the purposes of the Municipal Land Use Law (MLUL) would be advanced by the proposed structures (providing new housing stock without the need for additional infrastructure; and more efficient use of land),

and the benefits of the variance substantially outweigh any detriment. The Board found that the lots can accommodate the proposed structures. 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.

10. Now, therefore, be it **RESOLVED** by the Zoning Board of Adjustment of the Township of Livingston that for the purpose of subdividing a single lot into two buildable lots, the application herein submitted is granted the following variances from the Ordinance:

(a) A 1,875 SF variance is granted to each of the proposed lots for Total Lot Area; and

(b) A Habitable Floor Area Ratio variance of nine and one-tenth percent (9.1%) is granted for each of the proposed lots.


These variances are subject to the conditions on file as Exhibit A-4.

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 September 27, 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 September 27, 2016 by the affirmative votes of Mr. Nardone, Mr. Bier, Mr. Gillman, Ms. Hwang, Mr. Resnick, Mr. Vieira and Mr. Hochberg; they being all of the Members present and eligible to vote.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.