

**RESOLUTION**  
of the  
**BOROUGH OF NEW PROVIDENCE**  
Resolution No. 2011-128

Council Meeting Date: 04-25-2011

Date Adopted: 04-25-2011

TITLE: RESOLUTION AUTHORIZING RETURN OF ESCROW FUNDS TO  
ROBERT AND MARY LUCID

Councilperson Gennaro submitted the following resolution, which was duly seconded by Councilperson Galluccio.

WHEREAS, Robert and Mary Lucid have requested return of their escrow funds, for a 2009 Board of Adjustment application, in the amount of \$177.50; and

WHEREAS, the Board of Adjustment approved the application of Robert and Mary Lucid, memorialized by a resolution dated February 1, 2010; and

WHEREAS, the Construction Official and Board of Adjustment Secretary advise that all expert fees associated with the application have been paid for from the escrow account established for this application; and

WHEREAS, the Construction Official recommends the release of escrow funds for Robert and Mary Lucid.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of New Providence that escrow funds in the amount of \$177.50, posted by Robert and Mary Lucid be returned to said applicant.

APPROVED, this 25<sup>th</sup> day of April, 2011.

RECORD OF VOTE

|           | AYE | NAY | ABSENT                    | NOT VOTING |
|-----------|-----|-----|---------------------------|------------|
| CUCCO     | X   |     |                           |            |
| GALLUCCIO | X   |     |                           |            |
| GENNARO   | X   |     |                           |            |
| LESNEWICH | X   |     |                           |            |
| MUÑOZ     | X   |     |                           |            |
| VYZAS     | X   |     |                           |            |
| HERN      |     |     | TO BREAK COUNCIL TIE VOTE |            |

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 25<sup>th</sup> day of April, 2011.

Wendi B. Barry, Borough Clerk

# BOROUGH OF NEW PROVIDENCE PURCHASE ORDER

41162

360 ELKWOOD AVE

Bd of Adj-589

LUCIDR

NEW PROVIDENCE, NJ 07974-1838

[www.newprov.org](http://www.newprov.org)

**SIGN & RETURN TO ADDRESS ABOVE**

|                           |           |
|---------------------------|-----------|
| DATE                      | 4/18/2011 |
| PAGE NO.                  | 1         |
| CHECK NO.                 |           |
| TAX EXEMPT NO. 22-6002132 |           |

| VENDOR   | SHIP TO   |
|--|---|
| <b>ROBERT &amp; MARY LUCID</b><br>27 GLENBROOK RD.<br><br>NEW PROVIDENCE, NJ 07974 | <b>MUNICIPAL CENTER</b><br>360 ELKWOOD AVENUE<br><br>NEW PROVIDENCE, N.J. 07974 |

**SPECIAL INSTRUCTIONS**

| ITEM NO.                                  | ITEM DESCRIPTION  | QUANTITY | UNIT PRICE     | AMOUNT        |
|---|---|----------|----------------|---------------|
| 1   | Bd of Adj application 27 Glenbrook<br>balance of escrow being returned<br>70--002-01091-- | 1        | 177.50         | 177.50        |
| <b>NO ORDER VALID UNLESS SIGNED BELOW</b> |   |          | <b>TOTAL</b> → | <b>177.50</b> |

VOUCHER  
SIGN AND RETURN TO DEPARTMENT TAKING DELIVERY

|  |  |                                  |  |
|--|--|----------------------------------|--|
| PURCHASING AGENT   |  | CERTIFICATION OF AVAILABLE FUNDS |  |
| _____<br>PURCHASING AGENT  |  | _____<br>FINANCE DEPARTMENT      |  |
| <b>DEPARTMENT HEAD CERTIFICATION</b>   |  |                                  |  |
| I certify that the materials and supplies have been received or the services rendered. |  |                                  |  |
| _____<br>AUTHORIZED SIGNATURE  |  | _____<br>DATE                    |  |
| <b>APPROVAL FOR PAYMENT</b>  |  |                                  |  |
| _____<br>COUNCIL MEMBER  |  | _____<br>ADMINISTRATOR           |  |
| _____<br>DATE  |  | _____<br>DATE                    |  |

|   |               |
|---|---------------|
| <b>VENDOR CERTIFICATION AND DECLARATION</b>   |               |
| I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one. |               |
| <br>X   |               |
| _____<br>VENDOR SIGN HERE   |               |
| _____<br>TITLE  | _____<br>DATE |
| _____<br>VENDOR SOCIAL SECURITY NO OR TAX I.D. NO   |               |

B O R O U G H O F  
**NEW PROVIDENCE**

SETTLED IN 1720

J. Brooke Hern, Mayor  
BOARD OF ADJUSTMENT  
Dr. William Nadelberg, Chairman  
Nancy Pasquale, Secretary

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To: Monica Marino, Finance Department  
Wendi Barry, Borough Clerk  
Borough Council

From: Keith J. Lynch, Construction Official  
Nancy Pasquale, Secretary,

Re: Robert & Mary Lucid  
27 Glenbrook Road  
Block 134, Lot 12

Date: April 13, 2011

During 2009 and 2010 the above application came before the Board of Adjustment. They paid escrow fees to be used for payment of professional fees and so forth. The Board memorialized a Resolution on February 10, 2010.

All fees due and payable from the escrow fund have been paid, and the balance of the escrow funds can be returned. The balance in this account is \$177.50.

APPROVED:



Keith J. Lynch, Construction Official



Nancy M. Pasquale, Secretary

nmp/encls

DEVELOPERS ESCROW  
 APPRN EXCLUDED FROM CAPS  
 BOA ESCROW/R.LUCID/27 GLENBROOK RD

| Date     | Vendor ID | Transaction         | Description                                   | Reference      | Budget     | Encumbrance | Payment | Balance  |
|----------|-----------|---------------------|---|----------------|------------|-------------|---------|----------|
| 12/07/09 |           | Budget Offsets      | New BOA<br>escrow/R.Lucid/27<br>Glenbrook Rd. | 257            | 1,000.00   |             |         | 1,000.00 |
| 12/31/09 |           | Balance transferred |   | 70--002-01091- | (1,000.00) |             |         | 0.00     |
| 01/01/10 |           | Balance transferred |   | 70--002-01091- | 1,000.00   |             |         | 1,000.00 |
| 04/19/10 | BIRDSE    | Purchase order      |   | 38840          |            | 822.50      |         | 177.50   |
| 05/10/10 | BIRDSE    | Check               | BIRDSALL<br>ENGINEERING,<br>INC.              | 2615           |            |             | 822.50  | 177.50   |
| 12/31/10 |           | Balance transferred |   | 70--002-01091- | (177.50)   |             |         | 0.00     |
| 01/01/11 |           | Balance transferred |   | 70--002-01091- | 177.50     |             |         | 177.50   |
|          |           |                     |   |                |            |             |         |          |
|          |           |                     |   |                |            |             |         |          |
|          |           |                     |   |                |            |             |         |          |
|          |           |                     |   |                |            |             |         |          |



BOROUGH OF  
**NEW PROVIDENCE**  
SETTLED IN 1720

ZONING BOARD OF ADJUSTMENT

John A. Thoms, Mayor

William Nadelberg, Chairman

Nancy Pasquale, Secretary

February 2, 2010

Robert & Mary Lucid  
27 Glenbrook Road  
New Providence, NJ 07974

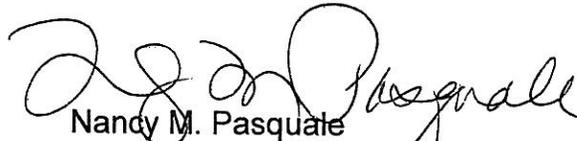
Re: Board of Adjustment Application  
#2009-28A

Dear Mr. and Mrs. Lucid:

Enclosed is copy of Resolution #2010-08 adopted at the February 1, 2010 meeting of the Board of Adjustment, which grants your request for variance relief. Please review it and call me if you have any questions.

You may now reapply for a building permit under the terms of the Resolution.

Very truly yours,



Nancy M. Pasquale  
Secretary, Board of Adjustment

nmp

cc: Keith J. Lynch, Construction Official  
Patricia Sychala, Tax Assessor  
Andrew R. Hipolit, Borough Engineer

R-2010-08

App. #2009-28A

**BOROUGH OF NEW PROVIDENCE**

**BOARD OF ADJUSTMENT**

**RESOLUTION**

**WHEREAS**, Robert and Mary Lucid are the owners of 27 Glenbrook Road, New Providence, New Jersey (the "Applicants"), and have applied to the Zoning Board of Adjustment of the Borough of New Providence (the "Board") for variances pursuant to N.J.S.A. 40:55D-70(c) for relief from the Borough's zoning ordinance to permit the construction of an addition. The proposed side yard setback to the addition is 10.4 feet, with a combined total of 24.46 feet, whereas 12 feet, with a combined total of 30 feet is the minimum required. The proposed floor area ratio is .252 whereas .248 is the maximum allowed. The property is designated as Lot 12, Block 134, on the Borough Tax Map, and lies in the R-2 Single Family Residential Zone; and

**WHEREAS**, the Applicants previously received approval for variance relief relating to the side yard setbacks following a public hearing on October 19, 2009; and

**WHEREAS**, the Applicants have advised the Board that as a result of a miscommunication between the Applicants and their contractor, the prior application failed to include a request for variance relief for floor area ratio, which is a "d" variance; and

**WHEREAS**, the Board has reviewed the application, testimony and exhibits presented by the Applicants at the hearing conducted on January 20, 2010; and

**WHEREAS**, the Board has made the following findings of fact and drawn the following conclusions of law:

## FINDINGS OF FACT

1. The Applicants, Robert and Mary Lucid, are the owners of 27 Glenbrook Road, New Providence, New Jersey. The property is designated as Lot 12, Block 134 on the Borough Tax Map, and lies in the R-2 Single Family Residential District.

2. The Applicants intend to construct an addition, which is in violation of the set back requirements set forth at Chapter 310, Article IV, Section 310-10, Schedule II. The proposed side yard setback to the addition is 10.4 feet, with a combined total of 24.46 feet, whereas 12 feet, with a combined total of 30 feet, is the minimum required. The proposed floor area ratio is .252 whereas .248 is the maximum allowed.

3. The Applicants, Robert and Mary Lucid, were sworn in. Mr. Lucid advised the Board that the Applicants were appearing again as there was a miscommunication between the Applicants and their contractor with respect to the starting point of the addition. As a result of corrections to the plans, a floor area ratio ("FAR") variance was triggered.

4. Mr. Lucid advised that he received the Board Planner's letter and presented testimony regarding the consistency of the Applicants' request with the Borough's Master Plan and the changes proposed to the plans from October 2009, will not impair the neighborhood and the property will support the minor deviation from the FAR requirements.

4. The proposed addition will fit in with the existing homes in the neighborhood, and it will improve the integrity and character of the Applicants' home and the general area. This design will not negatively impact the neighbors.

5. The Applicant provided testimony to support the conclusion that the proposed addition will not be detrimental to the Borough zoning ordinances or the Master Plan.

6. The Board found that the Applicants' proposed addition could not be built in such a way as to avoid non-compliance with the zoning requirements.

7. No one appeared to testify in favor of or in opposition to the application.

### CONCLUSIONS OF LAW

1. The addition does not comply with the requirements for this lot as established by Chapter 310, Article IV, Section 310-10, Schedule II. The request to permit the construction of the addition requires the granting of use and bulk variances pursuant to N.J.S.A. 40:55D-70(c) and (d).

2. Through the testimony and exhibits presented, the Applicants have established that the application:

(a) relates to a specific piece of property, namely the Applicants' premises;

(b) that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, namely the promotion of the public health, safety, morals and general welfare and the preservation of neighborhood character and conservation of neighborhood values;

(c) that the variances can be granted without substantial detriment to the public good;

(d) that the benefits of the deviation would substantially outweigh any detriment and that the variances will not substantially impair the intent and purpose of the zone plan and ordinance.

**NOW, THEREFORE, BE IT RESOLVED**, on this 1st day of February, 2010, that Robert and Mary Lucid's application for use and bulk variances pursuant to N.J.S.A. 40:55D-70(c) and (d) be and hereby is **GRANTED**, subject to the following conditions:

1. The addition must be constructed strictly in accordance with the plans and testimony presented to the Board; and
2. The Applicants must obtain a building permit and commence construction within twelve (12) months from the date of its issuance and complete construction within twenty-four (24) months thereafter; and
3. The approval is subject to all other governmental approvals, including but not limited to compliance with the Borough's lot grading ordinance; and
4. The variances granted herein shall not constitute authority to engage in any construction which is not authorized by the Zoning Ordinance of the Borough of New Providence, except as expressly stated herein.

**ROLL CALL VOTE**

Those in Favor: Mr. Karr, Mr. Wycko, Mr. Pennisi, Mr. Kang,  
Ms. Carey.

Those Opposed: -----

The foregoing is a Resolution duly adopted by the Zoning Board of Adjustment of the Borough of New Providence at its meeting on February 1, 2010.

ATTEST:

  
Secretary, Board of Adjustment

  
Chairman, Board of Adjustment