

**RESOLUTION**  
of the  
**BOROUGH OF NEW PROVIDENCE**  
Resolution No. 2011- 150

Council Meeting Date: 05-23-2011

Date Adopted: 05-23-2011

TITLE: RESOLUTION AUTHORIZING RETURN OF ESCROW FUNDS TO DUANE AND DIANNE MEYER

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

WHEREAS, Duane and Dianne Meyer have requested return of their escrow funds, for a 2011 Board of Adjustment application, in the amount of \$331.25; and

WHEREAS, the Board of Adjustment approved the application of Duane and Dianne Meyer, memorialized by a resolution dated April 4, 2011; 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 Duane and Dianne Meyer.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of New Providence that escrow funds in the amount of \$331.25, posted by Duane and Dianne Meyer be returned to said applicant.

APPROVED, this 23<sup>rd</sup> day of May, 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 23<sup>rd</sup> day of May, 2011

Wendi B. Barry, Borough Clerk

# BOROUGH OF NEW PROVIDENCE PURCHASE ORDER

41299

360 ELKWOOD AVE

Bd of Adj-598

MEYERD

NEW PROVIDENCE, NJ 07974-1838

DATE	5/9/2011
PAGE NO.	1
CHECK NO.	
TAX EXEMPT NO. 22-6002132	

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

**SIGN & RETURN TO ADDRESS ABOVE**

VENDOR	SHIP TO
DUANE & DIANNE MEYER 12 RIDGEVIEW AVE  NEW PROVIDENCE, NJ 07974	MUNICIPAL CENTER 360 ELKWOOD AVENUE  NEW PROVIDENCE, N.J. 07974

SPECIAL INSTRUCTIONS

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
1	Bd of adj matter, Resolution memorialized 4/4/11 return of balance of escrow funds 70--002-03014--	1	331.25	331.25
<b>NO ORDER VALID UNLESS SIGNED BELOW</b>			<b>TOTAL</b> →	<b>331.25</b>

CERTIFICATION OF AVAILABLE FUNDS

\_\_\_\_\_  
PURCHASING AGENT

\_\_\_\_\_  
FINANCE DEPARTMENT

**DEPARTMENT HEAD CERTIFICATION**

I certify that the materials and supplies have been received or the services rendered.

\_\_\_\_\_  
AUTHORIZED SIGNATURE

\_\_\_\_\_  
DATE

**APPROVAL FOR PAYMENT**

\_\_\_\_\_  
COUNCIL MEMBER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ADMINISTRATOR

\_\_\_\_\_  
DATE

**VENDOR CERTIFICATION AND DECLARATION**

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.



\_\_\_\_\_  
VENDOR SIGN HERE

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
VENDOR SOCIAL SECURITY NO OR TAX I D NO

**VOUCHER - SIGN AT (X) AND RETURN FOR PAYMENT (SEE CONDITIONS ON REVERSE SIDE)**

BOROUGH OF  
**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: Duane & Dianne Meyer  
12 Ridgeview Avenue  
Block 32 Lot 9

Date: May 5, 2011

During 2011 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 April 4, 2011.

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 \$331.25.

APPROVED:



Keith J. Lynch, Construction Official



Nancy M. Pasquale, Secretary

nmp/encls

**BOROUGH OF NEW PROVIDENCE**

**BOARD OF ADJUSTMENT**

**RESOLUTION**

**WHEREAS**, Duane and Dianne Meyer are the owners of 12 Ridgeview Avenue, New Providence, New Jersey (the "Applicants"), and have applied to the Zoning Board of Adjustment of the Borough of New Providence (the "Board") for a variance pursuant to N.J.S.A. 40:55D-70(c) and (d) for relief from the Borough's zoning ordinance to permit the construction of a second floor addition and front porch. The proposed side yard setbacks are 8.5 feet, with a combined total of 23.8 feet, whereas 12 feet, with a combined total of 30 feet, is the minimum setback required. The proposed floor area ratio is .41, whereas .267 is the minimum required. The property is designated as Lot 9, Block 32, on the Borough Tax Map, and lies in the R-2 Single Family Residential Zone; and

**WHEREAS**, the Board has reviewed the application, testimony and exhibits presented by the Applicants at the hearing conducted on March 21, 2011; and

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

**FINDINGS OF FACT**

1. The Applicants, Duane and Dianne Meyer, are the owners of 12 Ridgeview Avenue, New Providence, New Jersey. The property is designated as Lot 9, Block 32 on the Borough Tax Map, and lies in the R-2 Single Family Residential District.

2. The Applicants intend to construct a second floor addition and front porch which is in violation of the limitations set forth at Chapter 310, Article IV, Section 310-10, Schedule II. The proposed side yard setbacks are 8.5 feet, with a combined total of 23.8 feet, whereas 12 feet, with a combined total of 30 feet, is the minimum setback required. The proposed floor area ratio is .41, whereas .267 is the minimum required.

3. The Applicants Duane and Dianne Meyer and Peter Steck, a licensed professional planner, were sworn in. Mr. Meyer stated that the Applicants are seeking three (3) variances. The Applicants propose to remodel their home into 2 full stories. They bought the home in 2003 and they have several unsafe structural issues, and also they have outgrown their present home. It will be a significant cost to remedy the structural issues and they would like to make renovations during the remedial work. This work would make their home more functional.

4. Peter Steck, PP, was accepted as an expert. He reviewed his planning report with the Board. The cover page was an outline of his testimony, P -1 is an aerial view of the house and surrounding area, and a photo of the home as it exists, and also a colorized view of what the home will look like if this is approved. P-2 shows different views from the home in question. In the rear of the property is the Methodist Church. P-3 shows views of the streetscape and an analysis of the homes in the neighborhood and P-5 is a survey diagram as Mr. Steck has modified it. Mr. Steck said that the large evergreen in front will stay so from the front you will not get a full view of the home.

5. Mr. Steck testified that there are several two story homes in the neighborhood. This lot is 60 feet by 125 feet and is approximately 7500 square feet. It is

an undersized, narrow lot. To remove the wall to repair the structural problems is a significant undertaking.

6. According to Mr. Steck, approximately 40 percent of homes in the area are two (2) stories. Mr. Steck testified that three (3) variances are triggered, and noted that the lot size is small and narrow, that they encroach on FAR and within the side yard setbacks.

7. This addition will eliminate the hardship on the family. The lot is substandard and the adjacent properties are all developed and the church next door will not be aesthetically offended by a larger home. Mr. Steck testified that the benefits outweigh any possible detriment as the proposed improvements will make the house safer and remedy structural issues. Also they will gain more room for their family and bring the home up to code; including stairway and windows. They will improve the functionality of the home and make it safe and conforming. This will remain a single family home, and they are maintaining the footprint.

8. Mark Zgoda, Applicants' architect, was sworn in, he has been licensed architect in New Jersey and Pennsylvania since 1992 and has testified before many municipalities. His employee was sworn in also, Roger Stine, Project Manager, who is not licensed, but he worked on plan under the supervision of Mr. Zgoda. He reviewed the interior of the home and stairways and the landings, and how ingress and egress will be made safer and he talked about the square footage being taken up by the new stairways and landings and also the cantilever. Even if they eliminate the cantilever it would only decrease FAR slightly – it would only eliminate about 70 square feet.

9. The Board found that the proposed addition will not affect the neighbors' quality of life, and the proposed improvement will increase the owners' quality of life and utility of the property.

10. John Mormando , 3 Ridgeview Avenue was sworn in. He said other neighbors are here also. He looked at plans and he is in favor of the addition. Roger Lalancette, 11 Ridgeview was sworn in and he said he lives directly across the street and he does not think house will be too large to fit in neighborhood. He said this is what neighborhood needs. Darrin Estep of 16 Ridgeview Ave was sworn in. He says he lives next door to the right of the applicant. He looked at the plans and he wants them to do this work. Mark Giordano, 8 Ridgeview Avenue, he wants them to do it; it will increase value of his house. No one else appeared to testify in favor of or in opposition to the application.

### CONCLUSIONS OF LAW

1. The addition as proposed does not comply with the requirements for this lot as established by Chapter 310, Article IV, Section 310-10. The request to permit the construction of the addition requires the granting of "c" and "d" 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 21st day of March, 2011, that Duane and Diane Meyer's application for "c" and "d" variances 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 shall revise the front façade to provide a mix of material in accordance with the comments of the Board;
3. 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
4. The approval is subject to all other governmental approvals, including but not limited to compliance with the Borough's lot grading ordinance; and

5. 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. Van Schoick, Mr. Karr, Mr. Wycko, Mr. Grob, Mr. Nadelberg.

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 April 4, 2011.

ATTEST:

  
Secretary, Board of Adjustment

  
Chairman, Board of Adjustment

