

**BOROUGH OF NEW PROVIDENCE  
BOARD OF ADJUSTMENT  
MEETING MINUTES – MONDAY JUNE 4, 2012 – 8:00 p.m.**

Present: Mr. Nadelberg, Mr. Grob, Mr. Hoefling, Mr. Karr, Mr. Pennisi, Mr. Ping, Ms. Polesak, Mr. Van Schoick, Phil Morin, Board Attorney, and Margaret Koontz, Secretary.

Absent: Mr. Wycko

Also present: Mr. Keith Lynch, Director of Planning Development, Ms. Marcia Shiffman, Borough Planner and Mr. Paul Niehoff, Borough Engineer.

**A. CALL TO ORDER**

Chairman Nadelberg called the meeting to order at 8:15 p.m.

**B. ROLL CALL**

**C. PUBLIC NOTICE**

Chairman Nadelberg stated that this is a meeting of the Board of Adjustment of the Borough of New Providence, County of Union, and State of New Jersey. Adequate notice of this meeting was given in accordance with P.L. 1975, Chapter 231, in that a notice was made in conformance with Section 13 of the Act. He also stated the protocol for the meeting.

**D. RESOLUTIONS**

Shantivan Properties LLC Application #2012-09  
14 Birch Lane, Block 73, Lot 3, R-2 Zone, New Providence, NJ  
Chapter 310, Article IV, Section 310-10, Schedule II, for permission to construct an addition. The side yard setback to the 2<sup>nd</sup> floor addition is 9.5 feet with a combined total of 17.2 feet whereas 12 feet with a combined total of 30 feet is the minimum required. The existing driveway is 19 feet wide with no setback to the property line whereas 16 feet is the maximum width allowed and must maintain a setback of 6 feet. The existing right corner of the house is 39.6 feet from the front property line whereas 40 feet is the minimum required.

**Ms. Polesak moved this and Mr. Grob seconded same. Members voting in favor: Mr. Grob, Mr. Karr, Ms. Polesak, Mr. Ping, Mr. Hoefling and Mr. Nadelberg.**

Redwood-ERC Application #2012-05  
535 Mountain Avenue, Block 320, Lot 17, RL Zone, New Providence, NJ  
Preliminary and final site plan and variance approval to construct a continuing care retirement community (“CCRC”) on the Property, proposed to consist of up to 275 independent living units and approximately 85 assisted living units/nursing beds in 5 buildings, and other related improvements, including, without limitation, an indoor swimming pool, driveways, parking spaces, landscaping, curbing, drainage, signage, and other site improvements.

Mr. Morin reviewed changes/corrections made to the resolution based on comments from the applicant and the Board. The Board questioned if another condition should be added to require the applicant to provide ambulance service. Mr. Morin does not believe

this is necessary as condition #3 in the HT Mountain resolution in 2011 requires evidence of a contract with a private ambulance service. The Board also expressed some concern that the construction could go on for a long time and discussed adding language to address phasing of the construction. Mr. Morin stated that it's in the applicant's best interest to complete the construction in a timely manner and that it is not general practice for the Board to condition the length of time for construction plus the permits have time frames. In addition, the Permit Extension Act, which will most likely be extended in June, gives the applicant some flexibility that is beyond the Board's control.

**Mr. Hoefling moved this and Mr. Ping seconded same. Members voting in favor: Mr. Grob, Mr. Karr, Ms. Polesak, Mr. Ping, Mr. Hoefling and Mr. Nadelberg.**

#### E. PUBLIC HEARINGS SCHEDULED FOR JUNE 4, 2012

Dianguo Zhang and Linghong Fu Application #2012-08  
452 Charnwood Road, Block 24, Lot 18, R-2 Zone, New Providence, NJ  
Chapter 310, Article IV, Section 310-10, Schedule II & III for permission to construct an addition. The proposed side yard setback to the addition is 10.22 feet whereas 12 feet is the minimum required. The proposed FAR is .277 whereas .252 is the maximum permitted.

**Carried from April 7, 2012**

Dianguo Zhang and Thomas Gaetano of Thomas Gaetano Architect, the applicant's architect, who were previously sworn in appeared before the Board with elevations and aerial photographs as requested by the Board at the May 7<sup>th</sup> hearing. Photographs of the existing home, front and rear elevations, a photo of the home across the street and an aerial view were marked as Exhibit A-1. The house across the street has an addition similar to Mr. Zhang's proposed addition. There have been no changes to the addition since the last hearing. Elevations and the floor plan were marked as Exhibit A-2. Mr. Gaetano described the addition as shown on the elevations. The roof maintains the 30-foot height requirement.

The Board asked about the Floor Area Ratios for the houses in the area that have additions. Mr. Gaetano does not have the numbers. Mr. Zhang described the recently finished addition to the house shown on Exhibit A-1 (upper right corner). His house is exactly the same as this house prior to the addition. The scale of his addition will not be as big and the street view is not imposing because he is adding to the back whereas the house shown added to the side.

A photograph of the house with an addition completed two to three years ago was marked as Exhibit A-3. Mr. Zhang does not have the exact numbers for the size of this addition. The other additions in the neighborhood are much bigger and have three sections whereas he is only proposing two sections. The house across the street on Charnwood and Clement is much bigger and went up and back. His house will be the same height as the house on Charnwood and Slope Drive and is within the 30-foot height requirement. Mr. Zhang has a garage on the side of the house that will remain.

**The Board had no further questions for the witnesses. The hearing was opened to questions from the public.**

There were no questions from the public.

**No one else appeared to testify for this application. The hearing was opened to comments from the audience.**

There were no comments from the public.

Discussion: Mr. Karr has no problem granting the variance since the 10% increase over FAR is within the typical range for approval and there are no other variances requested. Mr. Pennisi agreed: The addition isn't massive and is in keeping with the neighborhood. Mr. Grob stated that the materials and treatment seem ok.

Mr. Grob moved to approve the application as submitted. Mr. Ping seconded the motion. A Resolution will be passed at the next meeting. Those in favor: Mr. Grob, Mr. Karr, Mr. Pennisi, Ms. Polesak, Mr. Van Schoick, Mr. Ping, Mr. Hoefling and Mr. Nadelberg. Those opposed: None.

New Cingular Wireless PCS, LLC and Sprint Spectrum, L.P.      Application #2012-13  
1778 Springfield Avenue, Block 191, Lot 1, C-2 Zone, New Providence, NJ  
For permission to construct a temporary 100' ballast frame monopole with related equipment placed at the base of the monopole.

Mr. Karr worked with one of the witnesses and recused himself from the hearing.

Judy Fairweather from Day Pitney, attorney for the applicant, described the application to construct a temporary monopole to remain in place for approximately two years. AT&T/Cingular Wireless and Sprint Spectrum are currently on the PSE&G transmission tower. PSE&G is removing the lines to upgrade them so AT&T/Cingular and Sprint have to be off the tower. AT&T/Cingular and Sprint worked together to find a site for the temporary monopole which will be 100 feet with the AT&T/Cingular antenna at 100 feet and Sprint Spectrum at 90 feet. The area around the selected site is residential except for the site.

Yvan Joseph, Black & Veatch, was sworn in, presented his credentials and was accepted as a radio frequency engineer. A propagation map with multiple layers was marked as Exhibit A-1. Mr. Joseph described the base area map (a USGS map) showing the town border; existing cell towers in the area, two of which are in New Providence; the proposed temporary cell tower location; and, another tower in the next town that the applicant is looking to replace. The shaded green area on the second overlay shows the range of reliable service on the existing tower. The signal provides good coverage for half of the borough. The third overlay shows the reduction in coverage without the PSE&G transmission tower. The fourth overlay shows the AT&T/Cingular coverage with the temporary monopole. The temporary monopole will provide the same level of service as the antennas on the PSE&G transmission tower.

The Board asked Mr. Joseph how he got the data for the range of service. Mr. Joseph used propagation software that uses the terrain, topography and tree line to simulate what the signal will look like and calculate the service. This software is also used to select sites. The applicant evaluated four other sites. Mr. Joseph stated that there aren't many options for relocating the tower because it's a residential area. Ideally it is best to relocate as close to the existing site as possible. The applicants have to be out

of the PSE&G right of way by the end of July and relocating in the PSE&G right of way is not an option because of liability issues while PSE&G replaces its equipment. If the temporary monopole is not approved, Oakwood Park and the northwest part of town will lose reliable service. Mr. Joseph testified that emergency services will lose service if they rely on wireless data communications. Mr. Joseph added that 70% of 911 calls are made using mobile devices and 30% of households no longer have land lines.

Mr. Joseph responded to questions from the Board. The applicant did not look at the former nursery on Earl Place and Springfield Avenue as a potential site. Only AT&T/Cingular and Sprint customers will lose coverage without the temporary monopole, but Mr. Joseph did not have the number of customers impacted. Each carrier operates at different band widths so each requires its own antenna on the monopole. It is common practice for different carriers to co-locate on a tower: There are no other towers in the area where the applicants could temporarily co-locate. Mr. Joseph would have to use the propagation software to find another location farther away and determine the height of the monopole which would probably have to be higher. Mr. Joseph did not have the percentage of reduction in service if the monopole were relocated farther away. The terrain and topography have to be considered when relocating and it is not always possible to move too far away from an existing site and get the same coverage. Towers in residential areas have to be closer together to provide reliable service than if the area were a wide open space. When looking at potential sites, Mr. Joseph looked 1/8 to 1/4 of a mile east and west of the existing site.

**The Board had no further questions for the witnesses. The hearing was opened to questions from the public.**

Andrew Bockelman, 1766A Springfield Avenue, has both AT&T and Verizon cell phone service, gets great Verizon service and asked if the AT&T antenna could be moved to the Verizon pole. Mr. Joseph responded that there is no Verizon tower nearby: If there were, the applicant would have approached Verizon about co-locating on its tower.

Mr. Joseph responded to additional questions from the Board. Mr. Joseph looked at putting the temporary monopole on wheels but couldn't do this because of the height of the monopole. The Board stated that it seems unreasonable that PSE&G didn't give AT&T Cingular and Sprint more time to relocate.

Danielle Osorio, Black & Veatch, was sworn. Ms. Osorio testified as a site locator for AT&T/Cingular. The applicant evaluated four sites for the temporary monopole. Ms. Osorio reviewed the alternate sites evaluated. The owner of Prestige Petroleum, previously a gas station, was contacted in January and did not respond to the letter or return phone calls. The applicant also approached Union Square Enterprises (site of Zita's Ice Cream and a music store), but the owner was not interested in leasing space. Passaic River Park was ruled out because it is located in a 100-year flood zone, parts of the property are wetlands and it is a Green Acres site. The property owner of Summit Podiatry Group wanted approval from all of the tenants. The applicant approached the tenants but only one responded.

The Board questioned Ms. Osorio. The applicant did not look at the nursery on Earl Place and Springfield Avenue because it was outside of the search ring. The aerial photo included in the Visual Environmental Assessment Form, which shows the search ring, was marked as Exhibit A-2. It's possible that coverage could be more extensive if

the monopole were to be located outside of the search ring. While the nursery is not that far out of the search ring, Mr. Joseph testified that he is not sure how high the monopole could go on that site. In looking at alternate sites, Ms. Osorio looked at the current use and how the monopole would fit in, the amount of property available, the surroundings and visual aspects of each location. The Board expressed concern that the tower will be visible from Springfield Avenue. Ms. Fairweather responded that the base of the tower will be tucked behind a fence and noted that the current tower is visible from Springfield Avenue.

Exhibited A-2 was amended with an orange dot to show the nursery on Earl Place. Ms. Osorio testified that there is no space behind McDonald's plus this wouldn't meet the applicants' needs. The applicants did not contact any residential owners. Ms. Osorio believes she investigated all of the potential sites and stopped looking when Trans World was willing to lease space.

**The Board had no further questions for the witnesses. The hearing was opened to questions from the public.**

Christine Bockelman, 1766A Springfield Avenue, asked where the monopole will be located and if it would be temporary. The monopole would be located by the building (red X on Exhibit A-2) and would be there for two years. Once PSE&G finishes work on the transmission towers, the antennas would be relocated to the PSE&G site.

Barbara Wade, 1766B Springfield Avenue, asked about fencing around the monopole. There will be a fence to keep people out and to hide the base of the monopole. There will be a silent monitor at the site operating 24 hours a day.

Andrew Bockelman, 1766A Springfield Avenue, asked if the foundation for the monopole is temporary. The next witness will testify to this.

Mr. Joseph testified about coverage for Sprint referring to Exhibit A-1. A propagation map for Sprint was marked as Exhibit A-3. Most of the town will not have service when the antenna is removed from the PSE&G transmission towers as shown by the light green shading. The temporary tower provides more service along Springfield Avenue but there will be a gap to the north.

The Board asked about the gaps between AT&T/Cingular and Sprint coverage. The two carriers use different technology and operate in different band widths. Sprint is not co-located on any other towers. Ms. Osorio approached each potential site separately on behalf of AT&T/Cingular and Sprint. The owner of Prestige Petroleum did not answer the proposal from Sprint either.

Nicholas Barile, ComEx Consultants, was sworn in and accepted as a licensed civil engineer. Mr. Barile prepared the site plans for the application and described sheet Z-1 of the site plan which is an overall plan for the proposed temporary monopole showing the location of the monopole. Sheet Z-2 is an enlargement of the area. The ballast foundation for the monopole is 14 feet by 28 feet composed of 7 feet by 7 feet interlocking concrete blocks. The monopole is bolted to the foundation. The cabinets sit on the concrete blocks and the monopole sits in the center of the ballast.

Mr. Barile answered questions from the Board. The site will not have a generator. A

geo technical review will be done if the application is approved. If the results are not favorable, Mr. Barile stated the site can still be used with compaction and clean stone: The manufacturer of the monopole is used to installing poles where pilings are not possible. The monopole will be anchored by bolts cast into the concrete. The cables will be tied into the telco box and panels on the frame. The noise from the cabinets will be equivalent to that of a small refrigerator. The applicant cannot make the monopole look like a tree because this takes four to six months and it does not have this much time. The monopole is galvanized but can be painted. Technicians will visit the site for maintenance every few months and can do this in a car or pick-up truck so there will be no big trucks. The temporary monopole can be installed within a week and does not have any lighting. The cabinets have hooded lights for maintenance purposes that shut off automatically within 30 minutes but can be turned off manually.

The monopole will withstand storms. AT&T/Cingular is higher on the monopole because it took the lead with the application. The monopole is tapered, comes in sections that are lifted by a crane and is ten feet lower than the existing tower. Sprint would lose more coverage if the monopole were lower than what is proposed. The applicant looked at other monopole designs including putting the antennas inside but this required going higher than 100 feet and there is no room on the site to increase the size of the base needed for a higher monopole. There is a small step ladder to get to the top of the base and climbing pegs on the monopole. The blacktop and planter on the site do not allow for landscaping to screen the site so a chain-link fence with interwoven winged privacy slats is proposed. The Board stated that it would prefer a wooden fence. The monopole will not have an FAA blinking light on top.

The applicant has not looked at the staging for erecting the monopole but does not foresee road closures. The applicant will work with the police if road closures are necessary.

**The Board had no further questions for the witnesses. The hearing was opened to questions from the public.**

John Everitt, 1756E Springfield Avenue, asked about studies of monopoles located 20 feet from residences. The next witness will testify to this.

Andrew Bockelman, 1766A Springfield Avenue, asked if the retention basin will create a problem for the base of the monopole noting that it is a marshy area. This issue will be addressed in the geo technical review. Mr. Bockelman also asked about provisions if the monopole were to fall. Ms. Fairweather responded that AT&T/Cingular ensures that its poles do not fall but if the pole were to fall, AT&T/Cingular would be considered negligent and could be taken to court.

Ms. Shiffman commented on the poor condition of the site and the opportunity to upgrade the site with the application. Ms. Fairweather responded that the applicant is only leasing the space and is not required to pave the site or clean it up. The shed on the site has been removed and the back area will be cleaned up. A parking space, as required, can be marked. The applicant does not produce trash. The applicant will make the fence as high as the Board desires for screenage but plantings are not possible because the planting boxes required for shrubs that would cover the equipment, which is nine feet high, would be too big for the site. Ms. Fairweather stated that the applicant can change the quality and height of the fence and the color of the monopole

and antennas.

Ronald Petersen, R C Petersen Associates, an electrical engineer specializing in environmental health and safety, was sworn in and accepted as an expert in radiation exposure safety to human tissue. Mr. Petersen's calculations of the radio frequency output from the proposed monopole include the output from AT&T/Cingular, Sprint and an additional provider, Verizon, so as to get the maximum signal strength emitted. The combined maximum signal energy level from the proposed monopole is less than 0.8% of the safety criteria established by the FCC and less than 0.2% of the level set by the state. The measured values are usually less than the calculated values, and the levels for the facility are far below the FCC limits and are comparable to a microwave oven. There is less exposure inside a home or office and the signal decreases as one moves farther away the tower. The signals are radio waves like an AM or FM radio and are non-ionizing. Mr. Petersen stated that no cumulative effects from radio frequency exposure have been demonstrated. The temporary monopole does not change anything dramatically and the radio frequency energy may even be lower than at the current site.

The Board questioned Mr. Petersen. Exposure to radio frequency energy is measured in milliwatts or microwatts per square centimeter. The perception of the danger of exposure to radio frequency energy has been developing over the years. Mr. Petersen testified that there are no valid or worthwhile studies warranting changes to the standard of exposure.

**The Board had no further questions for the witnesses. The hearing was opened to questions from the public.**

Christine Bockelman, 1766A Springfield Avenue, asked if any studies have been done on radio frequency exposure to children because they weigh less. No studies have been done on humans. Epidemiological studies are difficult to do because the levels are so low so experts rely on animal studies. The signals will not change much from what exists today. The exposure from a PC is higher than from a cell tower.

Andrew Bockelman, 1766A Springfield Avenue, asked if any studies have established distances between residences and cell towers. The FCC has established exposure limits that require the tower to be operated at levels lower than established but no distances have been defined because they are hard to determine.

Mr. Morin stated that the Mr. Petersen's testimony is informative and that the standards for radio frequency energy are clear. The law does not allow the Board to consider the radio frequency energy in the application for variances.

Carole Witalis, 1776B Springfield Avenue, asked if there would be other tenants on the monopole. The applicant does not know of any other tenants; however, the ordinance says there could be another carrier. Mr. Barile said that while it's possible that there could be another carrier on the monopole, it is unlikely, because the tower would have to be higher than the ballast can support. Ms. Fairweather added that another carrier would have to come before the Board for approval. It is unlikely that there would ever be other tenants besides cell service carriers on the monopole.

Peter Tolischus, Jayer Gruel & Associates, was sworn in and accepted as a licensed planner with a concentration in cellular applications. An aerial photograph was marked

as Exhibit A-4. A photo board with photo simulations of the monopole was marked as Exhibit A-5. Mr. Tolischus described the location of the site and surroundings and reviewed the photo simulations. The photos used for the photo simulations show full vegetation. Photo 1 shows the back of the site. Photo 2 is taken from Union Avenue and shows the vegetation blocking the monopole. Photos 3 and 4 are taken from Earl Place and show the vegetation blocking the monopole. Mr. Tolischus stated that even in winter, the tree branches will block some of the monopole. Photo 5 shows the view of the monopole from Heather Place where the top is visible above the homes. Photo 6 is taken from the medical offices on Springfield Avenue. The monopole is visible from this view.

Mr. Tolischus reviewed the variances requested. A use variance is required for having two principal uses on one property. Variances are also needed for the height of the monopole and rear-yard set back. Mr. Tolischus cited *Smart vs. Fairlawn* relating to the siting of telecommunications facilities and the satisfaction of positive and negative criteria of the application. Mr. Tolischus testified that the carriers are federally licensed and the monopole should be approved because it promotes prompt and reliable information to the public. Also, 30% of the population has given up its landlines and relies on cell phone service, and given this, service cannot be cut off. Cellular service must also be provided for 911 and e911 and these services can't be cut off. The proposed site is particularly suited to the monopole because it is within a commercial area.

Mr. Tolischus described the use of the *Sica* four-part balancing test and presented reasonable conditions to reduce the detrimental effects. The monopole is galvanized, which is a neutral gray, that can be left as is or it could be painted a color of the Board's choice. Mr. Tolischus stated that the positives of the application outweigh the negatives.

Mr. Tolischus then discussed the variance for two principal uses on a property. The monopole is a passive use. It does not create traffic, there is no noise and there is no increase in the use of utilities. In terms of the variance for the height, Mr. Tolischus testified that there is no choice but to erect a 100-foot monopole to provide reliable coverage. The set-back variance is a pure hardship because of the shape of the lot and the existing building. The building hides the equipment except for on Union Avenue. Mr. Tolischus stated that the monopole is a temporary structure and the application poses no detriment.

**The Board had no further questions for the witnesses. The hearing was opened to questions from the public.**

Andrew Bockelman, 1766A Springfield Avenue, asked the Board to consider the stability of the catch basin and asked about photos without vegetation. Mr. Tolischus does not have any renderings of the site without vegetation. He did this for another community and the monopole is still visible, but the tree branches cut up the view.

Ms. Fairweather summarized the application stating that while the monopole is close to a residential area it is needed to provide the applicants' customers with reliable service. If the application is not approved, this will take away the service of two carriers. The applicant has a short time frame to relocate and looked at other sites in the commercial area. The monopole is temporary and the antennas will be relocated to the PSE&G site

when work on that site is finished. New Providence is a difficult municipality for cellular providers to work in because it is so residential. Landlines are going by the wayside and monopoles are the way of the future.

**No one else appeared to testify for this application. The hearing was opened to comments from the audience.**

Andrew Bockelman, 1766A Springfield Avenue, was sworn in. Mr. Bockelman is not in favor of the monopole. He lives in Heritage Village which has already faced a number of hardships including the construction debris and unsafe conditions at the Stonefields site on Union Avenue and blight from the gas station. His property value has declined enough that his bank has revoked his home equity line of credit but his property taxes have continued to increase. The monopole is not good for the community.

Carole Witalis, 1776B Springfield Avenue, was sworn in. The monopole will decrease the value of her property. The photo simulations do not show the view that she will have from her window. The noise will be constant since the facility operates 24 hours a day. The monopole benefits the lessee, but it will be in her face.

**The hearing was closed.**

Discussion: Mr. Grob expressed concern about the location of the site and negative impact on the residents although he recognizes that they bought their properties knowing they were next to a commercial zone. While the applicant looked at other sites, he is not comfortable with this site. The positive is that the monopole is temporary for two years. Mr. Pennisi agreed. The applicant did a good job of presenting its case including the health risk perspective, but the monopole will impact property values for two to three years and aesthetically it is not pleasing especially since it will be seen when entering New Providence. Mr. Pennisi can see both sides: The need for the monopole versus the impact on property values and the aesthetic impact. Mr. Ping agreed with Messrs. Grob and Pennisi and thinks the applicant could look at other sites including Earl Place. Mr. Ping would like to know how many residents will be impacted by the loss of service. Mr. Van Schoick believes the positive and negative criteria as required by law were previously satisfied for the existing antennas at the PSR&G site. The monopole is a temporary solution until the antennas can go back onto the PSE&G site. Mr. Van Schoick believes it behooves the Board to approve the application. Ms. Polesak does not like the monopole and sympathizes with the residents but believes that it is important to look at the greater good and the Board has to serve the greater good rather than the 30 neighbors that are negatively impacted. Mr. Hoefling stated that the Board can set the fencing standards and that the application has already encouraged the property owner to clean up the property which is good for the neighborhood. A significant number of the population will be impacted if the monopole is not approved and cell phones have become a part of the way we live. Turning off the service is a huge disservice. Mr. Nadelberg believes that locating the monopole on Earl Place would make it stand out more than on the proposed site because it is a residential area. The gas station would be the ideal location but that isn't possible. Mr. Nadelberg agreed with Mr. Hoefling that maintaining service is important.

Mr. Hoefling moved to approve the application with the condition for a 10-foot high, board-on-board fence. Mr. Van Schoick seconded the motion. A Resolution will be passed at the next meeting. Those in favor: Ms. Polesak, Mr. Van Schoick, M. Hoefling

and Mr. Nadelberg. Those opposed: Mr. Grob, Mr. Pennisi and Mr. Ping. The application was denied as five affirmative votes are required.

#### F. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR JUNE 18, 2012

John and Melissa Vetter Application #2012-10  
27 Acorn Drive, Block 256, Lot 11, R-1 Zone, New Providence, NJ  
Chapter 310, Article IV, Section 310-10, Schedule II, for permission to construct an addition and front porch. The front yard set back along Acorn Drive is 31.7 feet to the front porch and 29.15 feet along Whitewood Drive whereas 40 feet is the minimum required. The existing driveway is 19 feet wide whereas 16 feet is the minimum width allowed. The existing right rear corner of the house is 11.11 feet whereas 12 feet is the minimum required. The front yard set back along Whitewood Drive to the existing house is 15.50 feet whereas 40 feet is the minimum required.

Chris and Lisa Konzelmann Application #2012-11  
93 Penwood Drive, Block 360, Lot 36, R-1 Zone, New Providence, NJ  
Chapter 310, Article IV, Section 310-10, Schedule II, for permission to construct a porch addition. The rear yard set back to the porch addition is 34 feet whereas 40 feet is the minimum required.

LNR Properties Application #2012-02  
810 Old Springfield Avenue, Block 121, Lots 1, 2 and 34, C-2 Zone, New Providence, NJ  
The Applicant seeks permission to use a portion of the premises as a pizzeria type restaurant. The Applicant is requesting waiver of formal site plan review and/or site plan approval as the proposed site improvements are minimal. The Applicant is requesting approval for bulk variances for parking area setback whereas 3 feet is existing and proposed and 30 feet is required; for front yard setback whereas .75 feet is existing and proposed for the existing building and 15 feet is required; for parking lot setback from the building whereas 6 feet is existing and proposed and 12 feet is required; for fence setback from the building whereas 0 feet is proposed and 12 is required; for rear yard setback whereas 5.5 feet is existing and proposed and 30 feet is required; and for maximum improved lot coverage whereas 92.8% is existing and proposed and 80% is permitted. The Applicant is also requesting use variance approval to permit a portion of the property to be used as a restaurant and said use is not permitted in the zoning district. In addition, the Applicant is requesting variance/waiver approval with regard to any other matters deemed appropriate or necessary by the Board.

**Carried from April 2, 2012**

#### G. MISCELLANEOUS

No miscellaneous business.

#### H. EXECUTIVE SESSION

No Executive Session

#### I MINUTES FROM 5/21/12

The minutes of May 21, 2012, were approved as submitted.

J. ADJOURNMENT

The meeting was adjourned at 12:01 a.m.