

**BOROUGH OF NEW PROVIDENCE
BOARD OF ADJUSTMENT
MEETING MINUTES – MONDAY, November 5, 2012 – 8:00 p.m.**

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

Absent: Mr. Grob, Mr. Ping and Mr. Wycko

A. CALL TO ORDER

Chairman Nadelberg called the meeting to order at 8:00 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

Jeremiah and Bonnie Nezlick Application #2012-19
23 Thomas Street, Block 152, Lot 23, R-2 Zone, New Providence, NJ
Chapter 310, Article IV, Section 310-10, Schedule II & III, for permission to construct an addition. The proposed front yard set back to the 2nd floor addition is 33.33 feet and 36.33 feet to the garage addition whereas 40 is the minimum required. The proposed rear yard setback to the addition is 33.25 feet and 30 feet to the rear stoop whereas 40 feet is the minimum required. The proposed side yard setbacks to the addition are 4.6 feet with a combined total of 13.16 feet whereas 12 feet with a combined total of 30 feet is the minimum required. The proposed floor area ratio is .348 whereas .275 is the maximum permitted. The existing front yard setback to the house is 31.41 feet and 29 feet to the existing front stoop.

Mr. Van Schoick moved this and Ms. Polesak seconded same. Members voting in favor: Mr. Karr, Ms. Polesak, Mr. Van Schoick and Mr. Nadelberg. Those opposed: None.

Mary Sheridan Application #2012-20
44 The Fellsway, Block 272, Lot 4, R-2 Zone, new Providence, NJ
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct an addition. The proposed property does not have a garage whereas a one car garage is required. The existing side yard set back is 9.87 feet whereas 12 feet is the minimum required.

Ms. Polesak moved this and Mr. Van Schoick seconded same. Members voting in favor: Mr. Karr, Ms. Polesak, Mr. Van Schoick and Mr. Nadelberg. Those opposed: None.

Sean and Sandra Slattery Application #2012-21
56 Crescent Drive, Block 74, Lot 15, R-2 Zone, New Providence, NJ
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct an addition. The proposed combined side yard setback to the addition is 22.6 feet whereas 30 feet is the minimum required. The existing setback to the shed is 3 feet from the rear yard and 4 feet to the side yard. The existing set back to the driveway is 1 foot.

Mr. Karr moved this and Mr. Van Schoick seconded same. Members voting in favor: Mr. Karr, Ms. Polesak, Mr. Van Schoick and Mr. Nadelberg. Those opposed: None.

Scott and Beth Herman Application #2012-22
32 Darby Court, Block 335, Lot 22, R-1 Zone, New Providence,
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct a portico. The proposed front yard set back to the portico is 37.9 feet whereas 40 feet is the minimum required.

Ms. Polesak moved this and Mr. Karr seconded same. Members voting in favor: Mr. Karr, Ms. Polesak, Mr. Van Schoick and Mr. Nadelberg. Those opposed: None.

E. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR NOVEMBER 19, 2012

Ryan and Denise Barber Application #2012-23
71 Candlewood Drive, Block 334, Lot 9, R-1 Zone, New Providence, NJ
Chapter 310, Article V, Section 310-10, Schedule II, for permission to construct an addition and deck. The proposed rear yard set back is 29.38 feet to the deck whereas 40 feet is the minimum required.

Only the deck requires a variance for the rear-yard setback. The addition does not require any variances.

Joseph and Anna Pickton Application #2012-24
56 Greenwood Road, Block 283, Lot 37, Zone R-2, New Providence, NJ
Chapter 310, Article V, Section 310-19 I and 210-20 D (2), for permission to construct a driveway. The proposed driveway is .5 feet from the property line whereas 6 feet is the minimum required. The proposed curb cut is 21.5 feet whereas 15 feet is the maximum permitted.

Susanne Cordillo Application #2012-25
70 Crescent Drive, Block 74, Lot 12, R-2 Zone, New Providence, NJ
Chapter 310, Article IV, Section 310-10, Schedule II & III, for permission to construct an addition. The proposed front yard set back to the addition is 38.5 feet along Crescent Drive and 22 feet along Edgewood Drive whereas 40 feet is the minimum required. The proposed side yard set back to the addition is 10.7 feet whereas 12 feet is the minimum required. The proposed floor area ratio is .260 whereas .256 is the maximum allowed. The existing setback to the shed is 5 feet. The existing set back to the driveway is .5 feet and the existing driveway curb cut is 19 feet. There is a 6-foot high fence along the property line along Edgewood Avenue.

This application is for a contingent offer.

H. COMMUNICATION ITEMS

Some of the plantings have been installed at the solar array at Alcatel-Lucent. The remainder of the plantings will be completed as agreed. Mr. Janota, Borough Planner, has been supervising the plantings.

I. MISCELLANEOUS

The Board discussed whether it could give discretion to the Borough's professionals regarding building applications for *de minimus* changes to the property or if the property owner has existing non-conformances so that these applications would not have to come before the Board. The Board recognized that it would be difficult to draw the line as to what is defined as a *de minimus* variance from the zoning ordinances and this could lead to disputes if a change were permitted without a hearing and it negatively impacts a neighbor. Mr. Morin stated that the zoning ordinances could be changed to reduce the number of denials for building permits. Allowing flexibility with the zoning ordinances represents Bright Line breaks. He will look into this to see if there could be some flexibility, but he does not think there is.

J. MINUTES FROM 10/15/12

The minutes of October 15, 2012, were approved as submitted.

K. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.