

BOROUGH OF
NEW PROVIDENCE

SETTLED IN 1720

Al Morgan, Mayor

Keith J. Lynch, Director
Planning and Development

Deborah A. Timko, Technical Assistant

September 16, 2021

Mrs. Mathews
1283 Springfield Avenue
New Providence, N.J. 07974

Re: 1283 Springfield Avenue
Block 50, Lot 17, R-2 Zone
Proposed: Sign

Dear Mrs. Mathews,

I have reviewed your application for a building permit for the project referenced above. The Application is hereby denied for noncompliance with the provisions of chapter 310, Article V, Section 310-33 B (2), 310-33 H (3), 310-33H (4g) and 310-33 L (2a), of the Municipal Zoning Ordinance for the following reason(s):

The proposed sign does not advertise this business at the location which is prohibited.

The proposed billboard/off-premise sign is prohibited.

The proposed sign is painted directly on the exterior wall of the building which is not allowed.

The proposed additional signage is 264 sq. ft, not at a public entrance and exceeds that maximum number of signs, whereas only 4% of the total area of the building façade fronting on a principal entrance, but in no case shall any individual sign be greater than 50 sq. ft. and only one sign per public entrance with a maximum number of two is allowed.

You may appeal this denial by applying to the Borough's Board of Adjustment. Please contact Margaret Koontz, Secretary to the Board, during business hours, 8:00am to 1:00pm, at (908)665-1124 for further information on how to apply.

Very truly yours,



Deborah A. Timko
Zoning Review Officer

cc: Margaret Koontz, Secretary, Board of Adjustment;
Bryan Flynn, Assessor;

VARIANCE APPLICATION
And/or Direction of the Issuance of a Permit

Board of Adjustment - Planning Board
Borough of New Providence

FOR OFFICIAL USE ONLY

Date Application Filed:	_____	Application #	_____
Fee Amount Paid:	_____	Date Paid:	_____
Date Application Completed	_____	Notice Sent:	_____
Block No.	_____	Lot No.(s)	_____
Time Period Expires:	_____		

SECTION 1. INFORMATION REGARDING THE APPLICANT

- a) Full legal name STEFANIE ILENE MATHEWS
- b) Mailing address 1283 SPRINGFIELD AVENUE, NEW PROVIDENCE,
NJ, 07974
- c) Contact Information: 917 974 8396 stefmathewse@gmail.com
telephone number e-mail address
- d) The applicant is (check one): INDIVIDUAL (S) ☒ CORPORATION ☐
PARTNERSHIP ☐ OTHER (specify) _____

If the Applicant is a corporation or a partnership, information specified in Article 8D of the Land Use Procedures Ordinance must be included as a rider to this application. All corporate applicants must be represented by an attorney.

- e) The relationship of the applicant to the property in question is (check one):
OWNER ☒ TENANT or LESSEE ☐ PURCHASER UNDER CONTRACT ☐
OTHER (specify) _____

If the applicant is not the owner of the property in question, the Applicant must submit a copy of this application signed by the owner in the space provided in Section 7

SECTION 2. INFORMATION REGARDING THE PROPERTY

- a) The street address is 1283 SPRINGFIELD AVENUE
- b) The property is approximately 122 feet from the intersection of
SPRINGFIELD AVE. and PASSAIC ST.
- c) The property is Block No. (s) 50 Lot No. (s) 17 on the Tax Map and is

located in the _____ Zone(s).

SECTION 3. INFORMATION ABOUT REQUESTED RELIEF

See Attached

- a) Proposal: With respect to said property, Applicant desires a variance or relief from the requirements of the Zoning Ordinance to permit the use of the property in the following manner (include all physical improvements such as structures, additions, landscaping, etc.):

- b) Relief Requested: The proposed use, building(s) or subdivision is/are contrary to (list the specific articles, sections and criteria, i.e. front yard setback, of the Zoning Ordinance from which a variance is sought, the requirement as set forth in the Zoning Ordinance and the proposed requirement):

Art/Sec _____	Criteria _____	Required _____	Proposed _____
Art/Sec _____	Criteria _____	Required _____	Proposed _____
Art/Sec _____	Criteria _____	Required _____	Proposed _____
Art/Sec _____	Criteria _____	Required _____	Proposed _____

- c) Reasons for Relief: The specific facts, which show that the relief sought can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and the Zoning Ordinance.

- d) Previous Requests: Relief from the provisions of the zoning ordinance in connection with this property has been previously requested no (yes or no). If yes, attach a copy of the Board decision.

Section 3a

A mural painted on the wall of the Flip Consignment building at 1283 Springfield Avenue with the words "New Providence". This wall is facing the parking lot of the strip mall at the property adjoining 1283 Springfield Avenue. The mural is intended to celebrate the town of New Providence in a colorful and visually aesthetic art form and is not designed to represent any specific business, entity or individual.

Section 3b

	Criteria	Required	Proposed
Article V Section 310-33 B(2)	Advertising signs	Sales/rental signs	Town sign not sales/rental
Article V Section 310-33 H(3)	Signs Permitted under 310-33	Must be allowed by 310-33	Mural painted on wall at proposed location
Article V Section 310-33 H(4g)	Wall painted signs	No signs painted on walls	Painted directly on wall
Article V Section 310-33 L(2a)	Sign Size, number, location	4% total area, at public entrance, max of 2	264 sq feet, located on side of building, not for business/owner

Section 3c

The relief sought by this variance does not detriment the public good and does not impair the intent and the purpose of the zone plan. This mural is intended to celebrate the town of New Providence simply with the words "New Providence", and to be an aesthetically pleasing artwork for all residents and visitors to enjoy, brightening up a dull wall. This request is for an art mural rather than a traditional sign and we believe this creates a unique circumstance and benefit that is not fully appreciated or covered by the existing zoning regulations.

SECTION 4. NATURE OF APPLICATION (Check all appropriate items.)

- ☐ Interpretation of zoning ordinance or map
- ☐ Appeal of action of Zoning Officer (attach copy of certificate)
- ☐ C Variance
- ☒ D Variance
- ☐ Subdivision
- ☐ Subdivision application to follow
- ☐ Site Plan
- ☐ Site Plan application to follow
- ☐ Conditional Use
- ☐ Waiver of lot to abut street requirement
- ☒ Exception to the Official Zoning Map

SECTION 5. PROPERTY DETAILS

Site plan waiver
NOT APPLICABLE - no construction

The property is more particularly described as follows:

a) Area of Plot: _____ square feet. Area covered by existing structures that will remain: _____ square feet. Area of proposed structures: _____ square feet. Total area of plot to be occupied by structures: _____ square feet. Percentage of plot to be occupied by structures: _____

b) Total floor area: _____ square feet.
Floor area ratio (total floor area divided by area of plot): _____

c) Setbacks:	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Front	_____	_____	_____
One side	_____	_____	_____
Other side	_____	_____	_____
Both sides	_____	_____	_____
Rear	_____	_____	_____

(If corner lot, circle setbacks from side street.)

d) Height of existing structure to top of roof _____ feet.
Height of proposed structure _____ feet.
Height of _____ (state cupola, chimney, etc.) _____ feet.

e) Average setback from street(s) of buildings within 200 feet (required if setback variance is requested) _____

f) Other pertinent characteristics of property _____

SECTION 6. OTHER INFORMATION

a) Attorney: N/A Phone No. _____
Address _____
E-mail address: _____

b) Use: Of existing building(s) and premises, and if not owner-occupied, name of Lessee
Flip Consignment - owner-occupied building
business

Proposed use of building(s) and premises, and if not owner-occupied, name of Lessee
Use does not change - owner-occupied
Flip Consignment

c) Adjoining Property: Block and Lot number(s) of any adjoining property currently owned or under contract to purchase by either applicant or current owner N/A

SECTION 7. VERIFICATION AND AUTHORIZATION

a) Applicant: I hereby certify that the above statements made by me and the statements and information contained in the papers submitted in connection with this application are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Stephanie Mathews
Applicant's Signature

b) Owner (if owner is not Applicant): _____ hereby certify that I reside
at 492 Fairmont Ave, Chatham the County of mons and the State
of NJ; and I am the owner of that certain lot, piece or parcel of land known as
Block(s) 50 Lot(s) 17 on the Tax Map of the Borough of New Providence, which
property is the subject of the above application, and that said application is hereby authorized by me.

Stephanie Mathews 9/28/21
Owner's Signature Date

FOR OFFICIAL USE ONLY

This application was approved on _____. A resolution setting forth the specifics of the approval and conditions, if any, was mailed on _____.

This application was denied on _____. A resolution of denial was mailed on _____.

Secretary of the Board

Greetings from



*Nice Place,
Nice People*

#NewProvidenceNJ

BOROUGH OF NEW PROVIDENCE

BOARD OF ADJUSTMENT

RESOLUTION

WHEREAS, Karate Quest, Inc., located at 1283 Springfield Avenue in the Borough of New Providence, has applied to the Zoning Board of Adjustment of the Borough of New Providence ("Board") for a variance pursuant to N.J.S.A. 40:55D-70(d) and for site plan approval so that it can use a portion of the premises located at 1283 Springfield Avenue as a karate school, which property is designated as Lot 17 in Block 50 on the Borough Tax Map, and which lies in the C Central Business District; and

WHEREAS, the Board has carefully reviewed the application and testimony presented at a hearing which was conducted on February 21, 1995; and

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

FINDINGS OF FACT

1. The applicant, Karate Quest, Inc., has leased a portion of the first floor of the building located at 1283 Springfield Avenue, which property is designated as Lot 17 in Block 50 on the Borough Tax Map and which is located in the C Central Business District.

2. The lot is rectangular in shape. It is 63' wide and 208' deep. It is improved with a two story frame structure.

3. The applicant, through its principal Yolanda Foti, has leased 1,600 square feet from the owner, Francis Weid, to use

for a karate school. .

4. The applicant requires the granting of a variance because the proposed karate school is an educational use and educational uses are only conditional uses within the C Central Business District.

5. Article VI of the Borough Zoning Ordinance provides that conditional uses shall be permitted provided they comply with the following general requirements:

a. The use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience of the citizens will be protected;

b. Adequate landscaping and screening is provided;

c. Adequate off street parking is provided and ingress and egress is so designed so as to cause minimum interference with traffic on abutting streets;

d. The use conforms to all applicable regulations governing the district in which it is located; and

e. Any site plan required by the Municipal Land Use Law and the Subdivision and Site Plan Ordinance is submitted and approved.

6. Peter Steck, a licensed professional planner, testified that the proposed karate school, was in his expert opinion, an educational use. Mr. Steck testified that a recent book written by Harvey S. Moskowitz and Karl G. Lindbloom defined a "school" use as including a martial arts school. This Board finds that the proposed use is an educational use and as such is to

be permitted as a conditional use in the C Central Business District if the criteria set forth in the paragraph 5 are met.

7. Peter Steck testified that primary access to the karate school is from a door located in the rear of the building which connects to an outdoor parking lot. The parking lot provides nineteen 9 by 19 foot parking spaces. This provides ample parking for both the karate school, the adjoining beauty salon which is also on the first floor of the structure, and for the owner, Frances Weid, who resides on the second floor.

8. Mr. Steck testified that there were various special reasons why the requested variance should be granted. He testified that the use is small by nature. Its peak hours are after school and in the early evening while other Central Business District uses are winding down. He further testified that the proposed karate school would compliment the public education which the Borough provides as the school will teach various ideals as well as physical fitness. Mr. Steck further testified that the proposed use does not compete with any other use within the Central Business District and is located in an area where parents, who drop their children off for instruction, can also shop and thereby support other uses within the Central Business District.

9. Mr. Steck further testified that the use would not cause any substantial detriment to the Borough Zoning Plan or Zoning Ordinance. The site has adequate off street parking which is behind the structure. The use would not generate undue traffic on Springfield Avenue, nor would it impede traffic on this

thoroughfare. Children and adults can safely access the site through the parking lot. It would only operate until 8:00 P.M. and it would be closed on Sundays.

10. Yolanda Foti, the principal in Karate Quest, Inc., testified that she hoped to teach both physical fitness and various ideals associated with Hwarang-Do, which is an ancient Korean martial art. She testified that the maximum number of students at any one time would be sixteen and the school would have four instructors who would properly supervise the classes that are held.

11. Various parents testified in support of the application. The general sentiment expressed by these parents was that the school was well run, clean, properly supervised, and was being greatly enjoyed by their children.

12. The only individual who testified in opposition to the application was Frances Weid, the owner of the premises. This testimony was interesting in that Frances Weid signed the use variance application and therein acknowledged her consent, as the owner of the property, to this application.

13. Frances Weid testified that she lived on the second floor and was encountering excessive noise from the adults who are enrolled in the school. In this regard, one aspect of the instruction includes yelling when hitting. It is interesting to note that the lease between Frances Weid and Yolanda Foti makes no reference to the fact that adults would be barred from taking lessons at the karate school. Additionally, it is difficult to imagine how a karate school would be able to operate in the Borough

without the support of adults. Mrs. Weid testified that she wanted the variance approved only to the extent that children would be allowed to take lessons at the karate school.

14. William Shedlack, Mrs. Weid's son, testified that he noticed a great deal of noise when adults are receiving instruction at the karate school.

CONCLUSIONS OF LAW

1. The proposed use is an educational use and as such is deemed a conditional use within the C Central Business District. Conditional uses are to be permitted if they meet various criteria which are set forth in our Zoning Ordinance. The applicant has generally met these requirements.

2. The applicant has proven that there are special reasons supporting the granting of the requested variance. The proposed use is new to the Borough and will not compete with any existing business. It is a small and self-contained use which fits nicely within the structure located at 1283 Springfield Avenue. The facility presents an excellent location for the proposed use as it is centrally located with ample and safe parking. Additionally, the proposed use will compliment other nearby uses as parents who drop their children off can shop while their children are taking lessons.

3. The proposed use would not have any substantial detrimental impact to the Borough Zoning Ordinance or Borough Zoning Plan. Nonetheless, there will be some adverse impact upon Frances Weid, the owner of the property, who resides on the second

floor. This impact will be self-contained to the noise which she hears while the school is in operation. Frances Weid, as the owner of the property, was the one person who was best able to protect herself from any detrimental impact which would be caused by the karate school. She did not have to lease the premises to Yolanda Foti for use as a karate school and she did not have to sign the variance application which is before this Board in her capacity as owner of the subject premises. This Board finds that the noise which Mrs. Weid will hear does not constitute a substantial detriment to the Borough Zoning Ordinance or to the Borough Zoning Plan and for that reason requested use variance can be granted.

4. The applicant's site plan is adequate.

NOW, THEREFORE, BE IT RESOLVED on this 20th day of March, 1995, that the application of Karate Quest, Inc. for the requested variance and site plan approval be and hereby is granted subject to the following conditions:

1. The applicant erect a sign inside its premises which specifically advises all students that ingress and egress is to be through the rear door which accesses the rear parking lot;

2. Instruction is to stop at 8:00 P.M. and is not allowed on Sundays;

3. The applicant must comply with all Borough, County and State laws, rules and regulations with respect to its occupancy of the premises.

ROLL CALL VOTE:

Those in Favor: Roger Burns, Ann Chovan, Marilyn Eiland, Stuart Hirsch,
Michael Karr, Frank McAneny, Monica Marino.

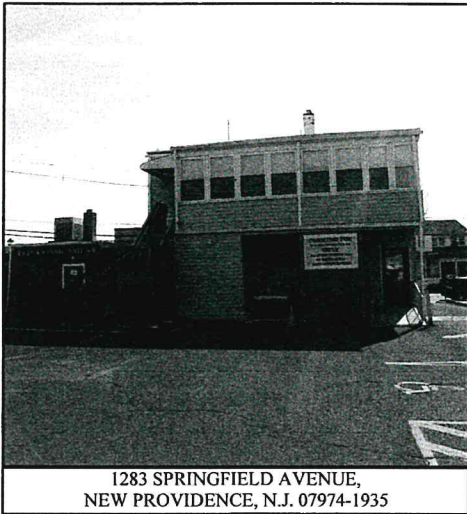
Those Opposed: None

The foregoing is a true copy of a Resolution adopted by
the Zoning Board of Adjustment of the Borough of New Providence at
its meeting on March 20, 1995.

ATTEST:

Alvin E. Olaford
Secretary, Board of Adjustment

Frank P. McAneny
Chairman, Board of Adjustment



1283 SPRINGFIELD AVENUE,
NEW PROVIDENCE, N.J. 07974-1935

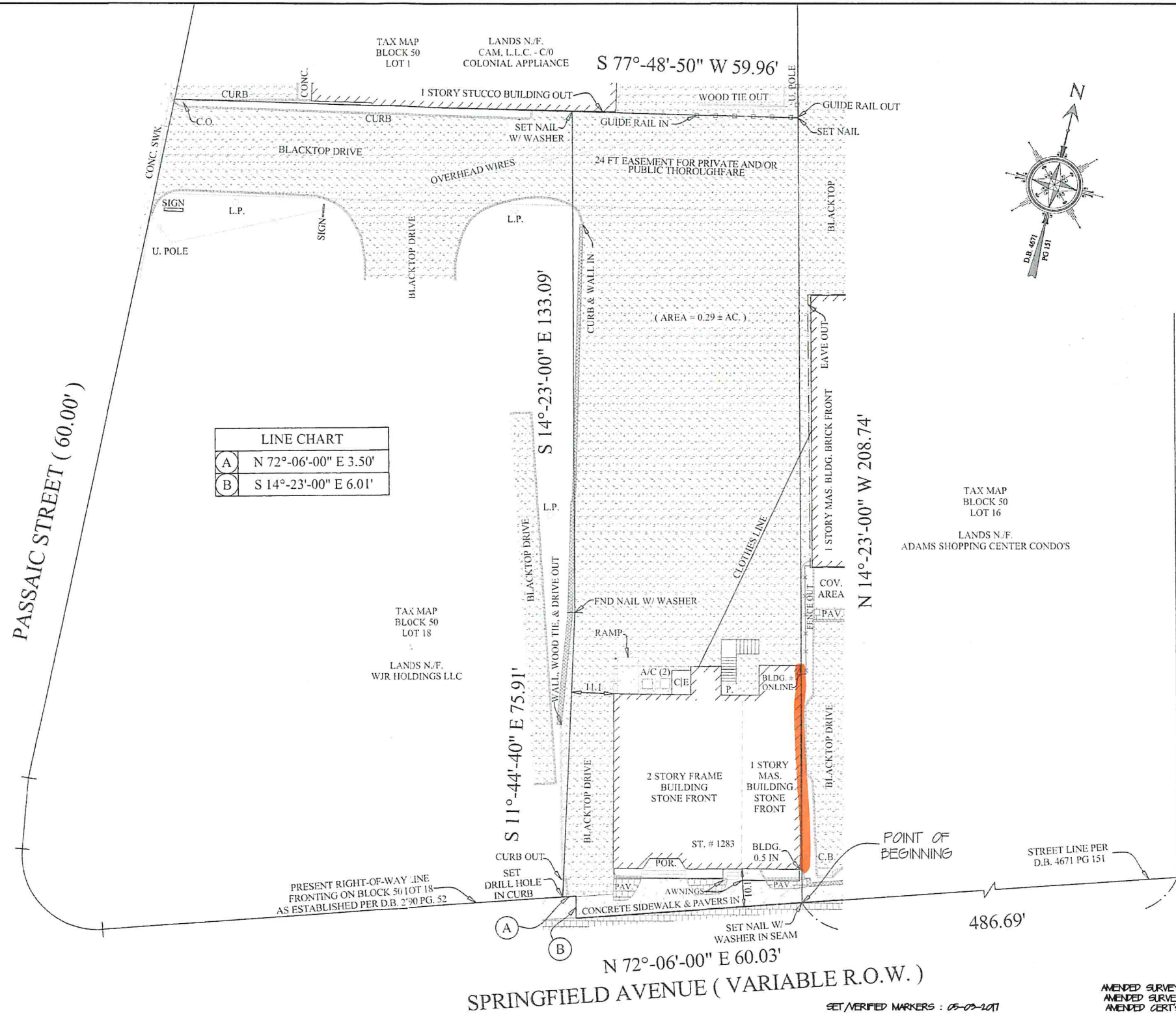
MAP REFERENCE(S):

- 1) A MAP ENTITLED: "SKETCH OF PROPERTY TO BE DEEDED TO THE BOROUGH OF NEW PROVIDENCE FOR ROAD WIDENING PURPOSES".
MAP DATED AUGUST 1966 & PREPARED BY THE OFFICE OF THE BOROUGH ENGINEER.
- 2) A MAP ENTITLED: "SURVEY OF TAX LOT 16-BLOCK 50, SITUATED IN THE BOROUGH OF NEW PROVIDENCE, UNION COUNTY, N.J.".
MAP DATED OCTOBER 23, 1987 & PREPARED BY BENJAMIN AND WIZOREK, INC., PROFESSIONAL ENGINEERS & LAND SURVEYORS.
- 3) A MAP ENTITLED: "TRAFFIC SIGNAL, SIGNING AND STRIPING PLAN, SPRINGFIELD AVE., PASSAIC ST. & SOUTH ST., BOROUGH OF NEW PROVIDENCE, UNION COUNTY, NEW JERSEY".
MAP DATED JUNE 11, 2000 & PREPARED BY SCHOOR DEPALMA, ENGINEERS AND DESIGN PROFESSIONALS.
- 4) A MAP ENTITLED: "SITE PLAN OF TAX LOT 16 BLOCK 50, SITUATED IN BOROUGH OF NEW PROVIDENCE, UNION COUNTY, NEW JERSEY".
MAP DATED DECEMBER 16, 2003 & PREPARED BY BENJAMIN AND WIZOREK, INC., PROFESSIONAL ENGINEERS & LAND SURVEYORS.
- 5) A MAP ENTITLED: "ALTA/ACSM LAND TITLE SURVEY: BOROUGH OF NEW PROVIDENCE, UNION COUNTY, NEW JERSEY. TAX LOT 18 BLOCK 50".
MAP DATED JULY 25, 2008 & PREPARED BY RICHARD F. SMITH, JR., PROFESSIONAL LAND SURVEYOR.

NOTE: PROPERTY SUBJECT TO RIGHTS OF THE STATE OF NEW JERSEY AND OTHERS, PUBLIC AND PRIVATE, IN AND TO SPRINGFIELD AVENUE & PASSAIC STREET.
NOTE: ENVIRONMENTAL ISSUES SUCH AS UNDERGROUND UTILITIES AND TANKS, ARE NOT COVERED BY THIS SURVEY; AND NO LIABILITY IS ASSUMED FOR SAID ISSUES.
NOTE: NEW JERSEY ONE CALL SHOULD BE CONTACTED (AT 1-800-272-1000) BEFORE THE COMMENCEMENT OF ANY CONSTRUCTION WORK.
NOTE: SURVEY IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF PUBLIC RECORD AND AS CONTAINED IN A TITLE SEARCH INCLUDING BUT NOT LIMITED TO THE RIGHTS OF THE BOROUGH OF NEW PROVIDENCE, THE STATE OF N.J. AND THE FEDERAL GOVERNMENT TO EFFECT RIPARIAN/LITTORAL/WETLAND RIGHTS OR GRANTS ON THE PREMISES.
NOTE: SURVEY SUBJECT TO EASEMENTS, RESTRICTIONS AND AGREEMENTS OF PUBLIC RECORDS AND AS CONTAINED IN A TITLE SEARCH INCLUDING BUT NOT LIMITED TO PERMITTED USES, BUILDING SETBACKS, AND MAXIMUM LOT COVERAGE. * NOT PROVIDED
NOTE: EXACT LOCATION OF SEWER(S) CAN NOT BE DETERMINED.
EXACT LOCATION OF UNDERGROUND UTILITIES CAN NOT BE DETERMINED.

A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO PL 2009, C1A(453-263) AND N.J.A.C. 17A0-5.1(d)

CAUTION:
1) THIS CERTIFICATION IS MADE ONLY TO THE REFERENCED PARTIES, FOR THE PURPOSE SPECIFIED AND/OR MORTGAGE OF THE SPECIFIED PROPERTY BY THE REFERENCED ULTIMATE USER AND IS NOT TRANSFERABLE. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY THE SURVEYOR FOR USE OF THE SURVEY FOR ANY OTHER PURPOSE INCLUDING: BUT NOT LIMITED TO: USE OF SURVEY FOR A SURVEY ADVERTISEMENT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.
2) IF THIS DOCUMENT DOES NOT HAVE A RAISED SEAL OF THE PROFESSIONAL, IT IS NOT AN AUTHORIZED ORIGINAL DOCUMENT AND MAY HAVE BEEN ALTERED.
3) OFFSETS SHOWN HEREON ARE NOT TO BE USED AS A BASIS FOR CONSTRUCTION OF FENCES OR OTHER PERMANENT STRUCTURES.
4) UNDERGROUND IMPROVEMENTS AND/OR ENCROACHMENTS, IF ANY, ARE NOT SHOWN HEREON NOR ARE ANY EASEMENTS NOT RECORDED AND/OR SPECIFIED IN THE TITLE SEARCH SUPPLIED.
5) THIS SURVEY DOES NOT DETERMINE THE EXISTENCE/NON-EXISTENCE OR LOCATION OF WETLANDS OR OTHER ENVIRONMENTAL CONDITIONS.
6) NOT RESPONSIBLE FOR MARKERS BEING LOCATED AFTER THEY HAVE BEEN LOCATED AT THE TIME OF THE INITIAL FIELD WORK. NOT RESPONSIBLE FOR CORNER MARKERS NOT SET BY THIS FIRM.



THIS SURVEY IS CERTIFIED TO:

SPRINGBOK REALTY, LLC

INVESTORS BANK, ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTEREST MAY APPEAR

PREMIER PROPERTIES TITLE AGENCY, LLC (17PPTA-L00887PV)

WESTCOR LAND TITLE INSURANCE COMPANY

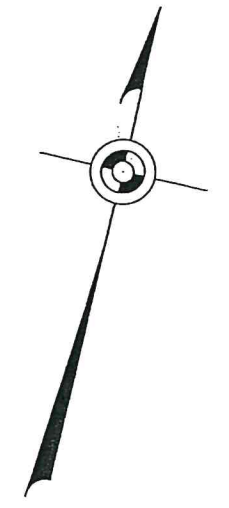
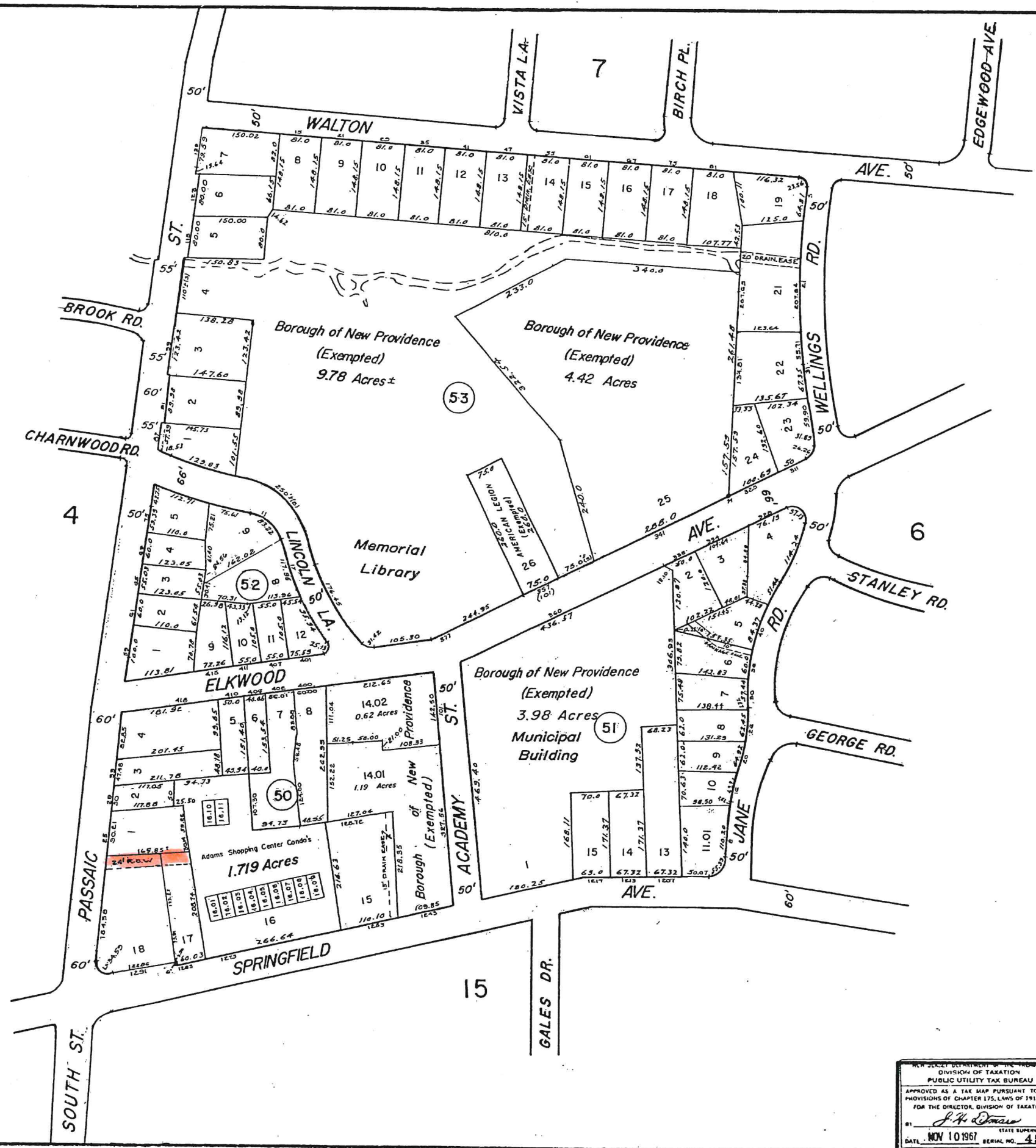
PTCS TITLE AGENCY, LLC

PHILIP B. VINICK, ESQ.

HERRIGEL, BOLAN, LLP

PROPERTY SITUATED IN THE BOROUGH OF NEW PROVIDENCE, UNION COUNTY, NEW JERSEY	
PLAN OF SURVEY OF TAX MAP LOT 17 BLOCK 50	
WILLIAM HELD ASSOCIATES, INC. LICENSED LAND SURVEYORS 215 ELMER ST. WESTFIELD, N.J. 07090 Ph. 908-232-3535 Fax 908-232-5380 INFO@HELDASSOCIATES.COM WWW.HELDASSOCIATES.COM	DATE 02/28/2017 SCALE 1" = 20' DRAWN BY TW CHECKED BY JH BOOK 50 PAGE 07
J. L. HELD - LICENSED LAND SURVEYOR N.J.P.L.S. LIC. NO. 33104 N.J.P.P. LIC. NO. 3859 CERTIFICATE OF AUTHORIZATION : 24GA28054200	

REVISIONS		
DATE	L.S. NAME	NQ.
5/25/06	LEONARDO E. PONZIO	39402
8/27/07	LEONARDO E. PONZIO	39402



NEW JERSEY DEPARTMENT OF TREASURY
DIVISION OF TAXATION
PUBLIC UTILITY TAX BUREAU
APPROVED AS A TAX MAP PURSUANT TO THE
PROVISIONS OF CHAPTER 175, LAWS OF 1913, ETC.
FOR THE DIRECTOR, DIVISION OF TAXATION
DATE: NOV 10 1967 STATE SUPERVISOR
SERIAL NO. 456

TAX MAP
BOROUGH OF
NEW PROVIDENCE
UNION COUNTY, NEW JERSEY
Scale: -1"=100'
Borough Engineer
Borough of New Providence
Revised 1996

