NEW PROVIDENCE SETTLED IN 1720

Al Morgan, Mayor

Keith J. Lynch, Director

Planning and Development

Deborah A. Timko, Technical Assistant

November 2, 2020

Carmen Torsiello Torbilt Construction 172 South Street New Providence, N.J. 07974

Re: 167 The Fellsway

Block 282, Lot 5, R-2 Zone Proposed: New Home

Dear Mr. Torsiello.

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 IV, Section 310-10, Schedule II & III of the Municipal Zoning Ordinance for the following reason(s):

The proposed lot area is 9,000 square feet whereas 15,000 square feet is the minimum required.

The proposed lot width at the setback is 60 feet whereas 110 feet is the minimum requried.

The proposed building coverage is 1757 sq. ft. whereas 1650 sq. ft. is the maximum 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.

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

F	FOR OFFICIAL USE ONLY					
F	Date Application Filed: See Amount Paid: Date Paid: Date Paid: Notice Sent: Block No. Lot No.(s)					
8	ECTION 1. INFORMATION REGARDING THE APPLICANT					
a)	Full legal name 167 THE FELLSWAY, LLC					
b)	Malling address 172 South STREET					
	NEW PROVIDENCE N.J. 07974					
C)	Contact information: 908 - 464 - 4642 telephone number e-mail address					
	The applicant is (check one): INDIVIDUAL (S) CORPORATION					
	PARTNERSHIP (2) 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.					
3E	CTION 2. INFORMATION REGARDING THE PROPERTY					
1)	The street address is 167 Talk FELLSMAY					
	The property is approximately 140 feet from the intersection of					
	THE FELLSWAY and GREENWAVE PRAD					
)	The property is Block No. (s) 282 Lot No. (s) 5 on the Tax Map and is					

	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.):
	APPLICANT 16 PLOPOSING TO RAZE TISE EXISTING SINGLE FAMILY RESIDENCE AND CONSTRUCT A NEW SINGLE FAMILY RESIDENCE TOR SALE
)	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 21, 77 Criteria LOT AREA Required 15,000 Proposed 9,000 SF (AN Art/Sec 11, 117 Criteria LOT W. 021 (SCTBAC) Required 110 Proposed 60FT (CN Art/Sec 21,017 Criteria 205. G. VERAGE Required 100 Proposed 1694 SF
)	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. TUB APPLICATE 19 SEEKLING A CI VARIANCE.
	ule zone Plant ario die zoning Ordinance.

3	ECTION 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
S	ECTION 5. PROPERTY DETAILS
Th	e property is more particularly described as follows:
a)	Area of Plot: 9000 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
·	Total floor area:square feet. Floor area ratio (total floor area divided by area of plot):
C)	Setbacks: Required Existing Proposed
	Front 40 Ft 40 Ft 40.5 Ft
	One side 8 FT 8.2 FT 9.8 FT
	Other side
	Both sides
	(If corner lot, circle setbacks from side street.)
	- A
d)	Height of existing structure to top of rooffeet.
	Height of proposed structure 29. / 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) A/A
_	
f)	Other pertinent characteristics of property

a) /		1							
-/ 2	Attorney:	Jest,	al B.	1180	NP, E	<i>90</i> . p	hone No.	908 - 8	226-1136
	Address _	166	South	/ \$7	, Ch	W F	20110	ME. A.	1
E	E-mail add	dress:				. <u>.</u>	<u>-</u>		
b) <u>I</u>	Jse: Of e	existing bu	ıilding(s) ar	nd premia	ies, and	if not ow	ner-occu	pied, name of	Lessee
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c) A	<u>dicining F</u> ontract to	Property: i	Slock and L by either (.ot numbe applicant	ar(s) of a	any adjoli Intowner	ning prop	erty currently	owned or unde
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VARIANCES APPROVED FOR SOME NEIGHBORING PROPERTIES

Table showing various variances approved in some neighboring properties. Please note that the average approved building coverage is 18%. The proposed home is only 44 sf over the allowed, 3%

	Lot Size	Lot Width	Sideyard	Front Yard	Rear Yard	FAR/COV
The Fellsway						
150			X			
44			X X X			
44 78			X	X		
150				X		
39			X			
39 88			X	X		12% over
Walnut						
93					X	
75			1	X		3% over
Chestnut			_	+		
51		+			X	
44		+		+		1
63		+	1	-	X	1
03					А	
Northview						
24				X		
15				X		36% over
15 32					X	
Salem			_	-		
15		+	X	+		
54				X		16% over
40			X	-		23% over
Woodland						
81			X		X	
43					X	
151				X		
14			X	X		
118					X	
15				X	X	X
76			X	X		

Special Studies March 14, 2019 By Paul Emrath, Ph.D. NAHB Economics and Housing Policy Group

Spaces in New Homes

Report available to the public as a courtesy of HousingEconomics.com

The percentages are based on responses to special questions on the NAHB/Wells Fargo Housing Market Index survey for November of 2018. The questions covered 13 specific types of areas or rooms, plus a catch-all "other" category for any types not on the list, and asked builders to estimate the percentage of the total square footage of their typical home devoted to each area. ¹ A total of 153 single-family builders provided complete and internally consistent responses that could be used to calculate averages.

The average size of the homes was about 2,913 square feet of finished floor spaced—larger than the 2,631 square feet in average <u>single-family homes</u> <u>completed</u> in 2017 (which includes a percentage of <u>single-family townhomes</u>).

Table 1. Average Allocation of Space in New Homes

	Small Homes (under 2,000 sq ft)		Overall Average for All Homes		Large Homes (3,500 sq ft plus)		PROPOSED HOUSE
	Sq Ft	Pct	Sq Ft	Pct	Sq Ft	Pct	
Master Bedroom	223	13.1%	312	10.7%	422	9.2%	266
Other Bedrooms	285	16.7%	503	17.3%	791	17.3%	440
Master Bathroom	112	6.5%	164	5.6%	240	5.2%	120
Other Bathrooms	83	4.9%	166	5.7%	300	6.6%	177
Kitchen	218	12.7%	326	11.2%	479	10.5%	224
Breakfast Nook	53	3.1%	101	3.5%	157	3.4%	N/A
Walk-in Pantry	33	1.9%	76	2.6%	137	3.0%	N/A
Dining Room/Area	104	6.1%	170	5.8%	266	5.8%	
Living Room/Area	171	10.0%	173	5.9%	200	4.4%	208
Family Room/Area	140	8.2%	295	10.1%	446	9.8%	153
Laundry Room/Area	61	3.5%	98	3.4%	158	3.5%	289
Entry Foyer	43	2.5%	86	3.0%	146	3.2%	45
Study/Den/Library	29	1.7%	110	3.8%	212	4.6%	78
Other Finished Space	155	9.1%	332	11.4%	614	13.4%	235
Total	1,708	100.0%	2,913	100.0%	4,569	100.0%	

Questions often arise as to the need for a two car garage. It has been expressed to us by local realtors that a two car garage is preferred by todays buyers. The graphic below is an excerpt from an NAHB article supporting that a 2 car garage is the most common parking option for newly built homes

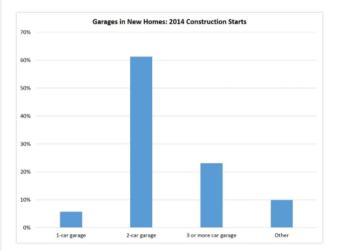
Two-Car Garage Most Common in New Homes

BY ROBERT DIETZ on SEPTEMBER 15, 2015 • ♥ (6)



A majority of new homes that started construction in 2014 included two-car garages, according to NAHB analysis of Census Survey of Construction data.

For single-family constructions starts in 2014, 81.9% of homes included a two-car garage. Another 23.5% of homes possessed a garage large enough to hold three of more cars. Approximately 10% of homes were classified in the "other" category, which includes homes having a carport, offstreet parking, or a driveway with no garage or carport.



Three or more car garages were more likely to be found in certain parts of the nation. 50% of new homes in the West North Central Census Division (Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska and Kansas) had three or more car garages. The share was 42% in The Mountain Division (Idaho, Montana, Wyoming, Nevada, Colorado, Utah, Arizona, and New Mexico). The Iowest shares of three-car garages in new homes were found in New England (11%), East South Central (12%), South Atlantic (13%) and Middle Atlantic (13%) Divisions.

Not surprisingly, the presence of three-car garages was correlated with home size, and larger homes tend to hold more people. For example, 43% of homes sized 3,000 to 5,000 square feet possessed three-car garages, compared to 13% of homes of 2,000 to 2,400 square feet.

Nonetheless, the data show that the two-par garage remains the most common parking option for newlybuilt homes. More than 396,000 homes that began construction in 2014 possessed two-par garages, according to the Census data.

Compared to ten years ago (2004 completion data), the numbers are only modestly different. For singlefamily homes completed in 2004, 64% had two-car garages, while 19% held garages with space for three or more cars.

This table summarizes average room sizes as prepared by the National Home Builders Association. The sizes of the rooms in the proposed house are tabulated on the right of Table 1 for comparison purposes.

BOROUGH OF NEW PROVIDENCE BOARD OF ADJUSTMENT

RESOLUTION

WHEREAS, Arthur and Mary Russomano have 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(c) for relief from the requirements of the Borough Zoning Ordinance as to side yard setbacks, to enclose their existing screened porch to their single family dwelling located at 167 The Fellsway, which property is designated as Lot 5 in Block 282, and which lies in the R-2 Residential District; and

WHEREAS, the Board has carefully reviewed the application and testimony presented by Mrs. Russomano at a hearing on the application held on February 21, 1989; and

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

FINDINGS OF FACT

- 1. The applicants, Arthur and Mary Russomano, own a single-family dwelling located at 167 The Fellsway, which property is designated as Lot 5 in Block 282, and which lies in the R-2 Residential District.
- 2. The applicants propose to enclose the existing screened porch to their home and thereby convert their porch to a family room.
- 3. The current Zoning Ordinance requires a minimum side yard setback of 12 feet with a 30 foot total in the R-2 District.

- 4. The proposed construction cannot be lawfully completed without the granting of a variance as the applicants' plot plan shows that the proposed construction would, at its closest point, intrude into the required side yard area by approximately 5 feet, and would leave a combined side yard of approximately 19 feet.
- 5. The applicants' lot is only 60 feet wide. The proposed construction will be directly above the existing applicants' garage, which already intrudes into the required side yard areas, and will cause no noticeable additional intrusion into the required side yard areas.
- 6. No members of the public appeared and commented on this application.

CONCLUSIONS OF LAW

- 1. The proposed construction does not comply with the side yard setback requirements for this lot as established by Article 4, Schedule II of the Zoning Ordinance for the R-2 District.
- 2. The applicants have demonstrated adequate hardship, arising out of the small size of their lot, to warrant the granting of a variance so as to allow the proposed construction to proceed.
- 3. The proposed construction is in conformance with the character of the applicants neighborhood.

4. The Board may grant the relief requested without substantially impairing the intent of the Zoning Plan or having any detrimental effect upon the character of the applicants neighborhood or their neighbors' property values.

NOW, THEREFORE, BE IT RESOLVED, on the 6th day of March, 1989, that the Russomanos' application for a variance is approved, subject to the following conditions:

- The proposed construction be done strictly in accordance with the plans, exhibits and testimony submitted by the applicants and considered by the Board.
- 2. The applicants must obtain a building permit forthwith and commence construction within six months from the date of its issuance and complete construction within twelve months thereafter.
- 3. This variance 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. Hinkel, Mr. Burns, Mr. McAneny, Mr. Perry

Those Opposed: None

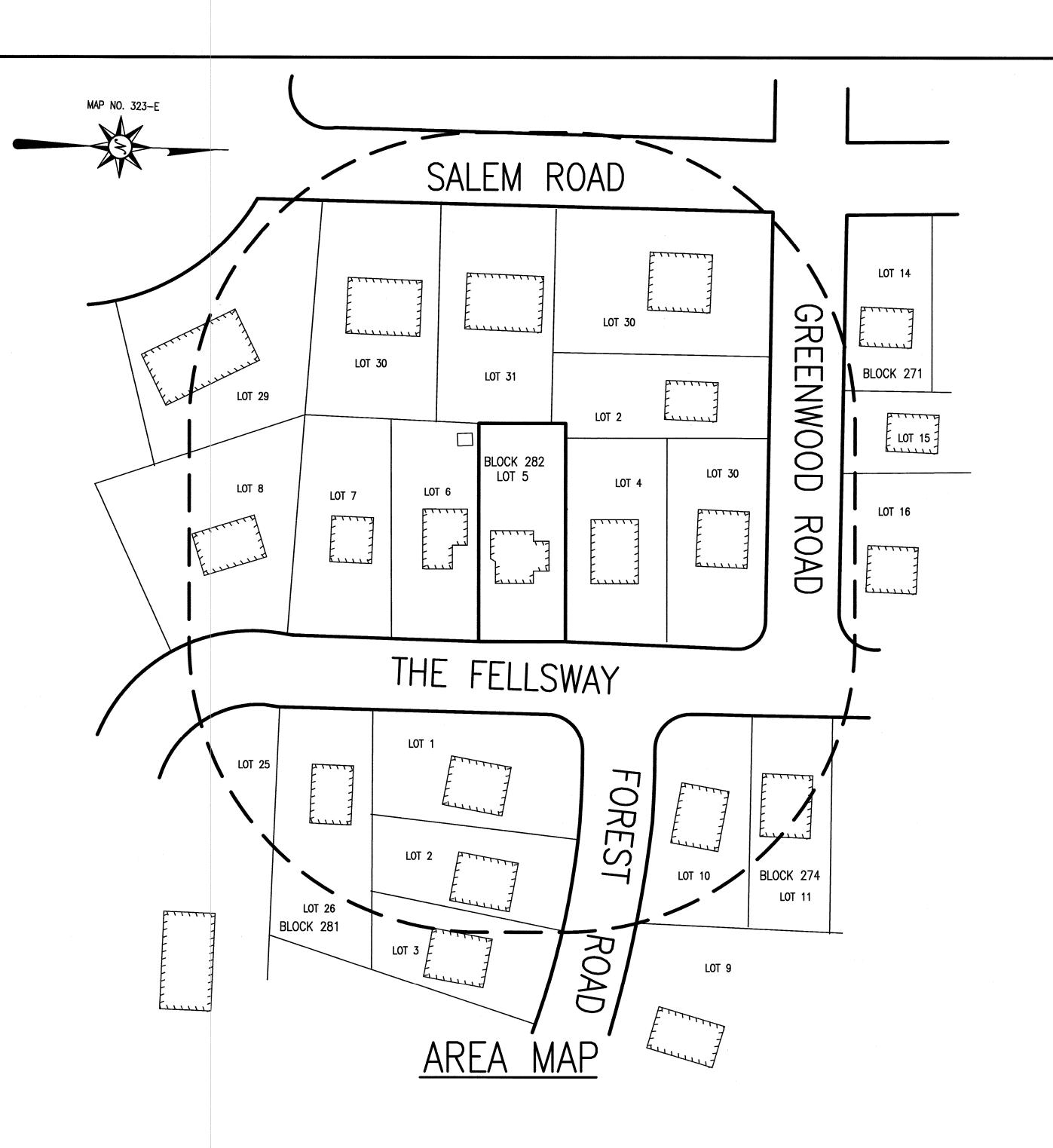
The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of New Providence at its meeting on March 6, 1989.

ATTEST:

Venai Barry Lovet Stragg Secretary, Board of Adjustment





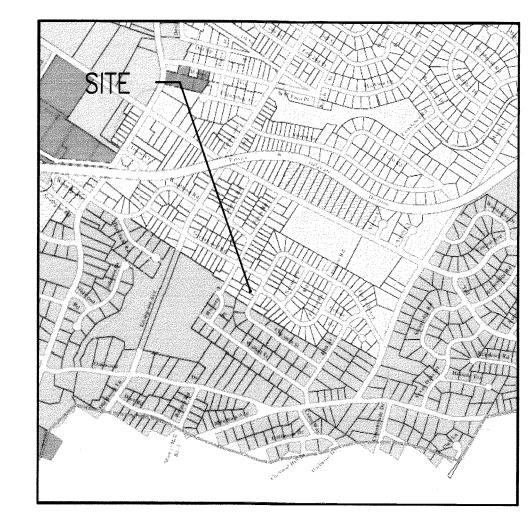


<u>PROP</u>	ERTY (OWNERS WITHIN 200 FT.
BLOCK	<u>LOT</u>	OWNER & ADDRESS
282	30	MORENO, VALERIE—TRUSTEE 96 SALEM ROAD, MURRAY HILL, NJ 07974
281	25	JONES, MARC R. & ATSUKO K. 63 CHESTNUT STREET, MURRAY HILL, NJ 07974
282	3	EDWARDS, ALFRED B. & MARGARET 155 THE FELLSWAY, MURRAY HILL, NJ 07974
274	10	MULLINS, JAMES A. & JESSICA A. 154 THE FELLSWAY, NEW PROVIDENCE, NJ 07974
281	3	POLANSKY, PAUL W. & SANDRA 78 FOREST ROAD, MURRAY HILL, NJ 07974
282	7	BRANDON, DENA 175 THE FELLSWAY, MURRAY HILL, NJ 07974
282	8	WASIK-HRASTE, AGATA & MATEJ 183 THE FELLSWAY, NEW PROVIDENCE, NJ 07974
281	2	LAMBERT, RONALD & KAREN R. 84 FOREST ROAD, MURRAY HILL, NJ 07974
282	29	ESPOSITO, DANIEL L. & SHTEYN, ELLA 25 HICKORY PLACE, NEW PROVIDENCE, NJ 07974
271	16	CHOU, EN-JAN & CHEN, YUE-MING 145 THE FELLSWAY, NEW PROVIDENCE, NJ 07974
271	15	GIUNTA, JOHN & OLIVA, VICTORIA 11 GREENWOOD ROAD, NEW PROVIDENCE, NJ 07974
282	31	BARBAGALLO, JAMES & ELIZABETH 88 SALEM ROAD, NEW PROVIDENCE, NJ 07974
282	1	MAISCH, RON & STACEY 22 GREENWOOD ROAD, NEW PROVIDENCE, NJ 07974
282	2	LEBLANC, MARY MARTHA 14 GREENWOOD ROAD, NEW PROVIDENCE, NJ 07974
274	12	CUCCARO, LOUIS & SULLIVAN, BERNADETTE 146 THE FELLSWAY, NEW PROVIDENCE, NJ 07974
281	1	CHABAN, ALFRED & JANE 168 THE FELLSWAY, MURRAY HILL, NJ 07974
282	4	RUZICKA, JOSEF & DARIA O. 161 THE FELLSWAY, NEW PROVIDENCE, NJ 07974
281	26	MELLOW, EMILY & ANGLIN, ROBERT 176 THE FELLSAY, NEW PROVIDENCE, NJ 07974
274	11	SANTACROSS, MICHAEL & ALLYSON 150 THE FELLSWAY, NEW PROVIDENCE, NJ 07974
282	6	HU, SHOU—IH & CHII—WHEI 171 THE FELLSWAY, MURRAY HILL, NJ 07974
283	30	LOONEY, DOUGLAS C. & ANNE E. 87 SALEM ROAD, NEW PROVIDENCE, NJ 07974
274	9	EVANS, R. LEE & SUSANNE E.

35 NORTHVIEW ROAD, MURRAY HILL, NJ 07974

SAKAI, YUKA & LINDGREN, JASON M. H/W 66 SALEM ROAD, NEW PROVIDENCE, NJ 07974

271 14



KEY MAP

GENERAL NOTES:

- 1. SUBJECT PROPERTY KNOWN AS LOT 5 BLOCK 282 ON MAP SHEET No. 28
- 2. AREA OF LOT 5, BLOCK 282 = 9,000 SF; 0.21 AC.
- 3. OWNER:

MARY RUSSOMANO C/O FRANK PECCA 3 IRON FORGE LANE RANDOLPH, NJ 07869

4. APPLICANT & PURCHASER UNDER CONTRACT: 167 THE FELLSWAY, LLC 172 SOUTH STREET NEW PROVIDENCE, NJ 07974

THIS SITE PLAN HAS BEEN APPROVED BY THE ZONING BOARD OF THE BOROUGH OF NEW

DATE

DATE

DATE

PROVIDENCE ON ___

CHAIRPERSON

SECRETARY

MUNICIPAL ENGINEER

5. ATTORNEY FOR APPLICANT: JOSEPH B. TIBONI, ESQ. 166 SOUTH STREET NEW PROVIDENCE, NJ 07974 908.286.1136

908.464.4642

DRAWN BY: SP	CHECKED BY: WGH
JOB No. 20-	·084
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SCALE 1" =	=50'
CD A DUU	2 COME
DATE	C SCALE
NOVEMBER	R 5, 2020

REVISIONS

CERTIFICATE OF AUTHORIZATION No. 24GA27959700

192 CENTRAL AVENUE, STIRLING, NJ 07980 908.580.1255 murphyhollows@gmail.com

VARIANCE PLAN FOR LOT 5 BLOCK 282 167 THE FELLSWAY BOROUGH OF NEW PROVIDENCE UNION COUNTY NEW JERSEY AREA MAP

AIDAN T. MURPHY N.J. LIC. PROFESSIONAL ENGINEER #21319 1973-2016

WILLIAM G. HOLLOWS

N.J. LIC. PROFESSIONAL ENGINEER
& LAND SURVEYOR #27473

N.J. PROFESSIONAL PLANNER #2530

LF20-084

ZONING SCHEDULE:

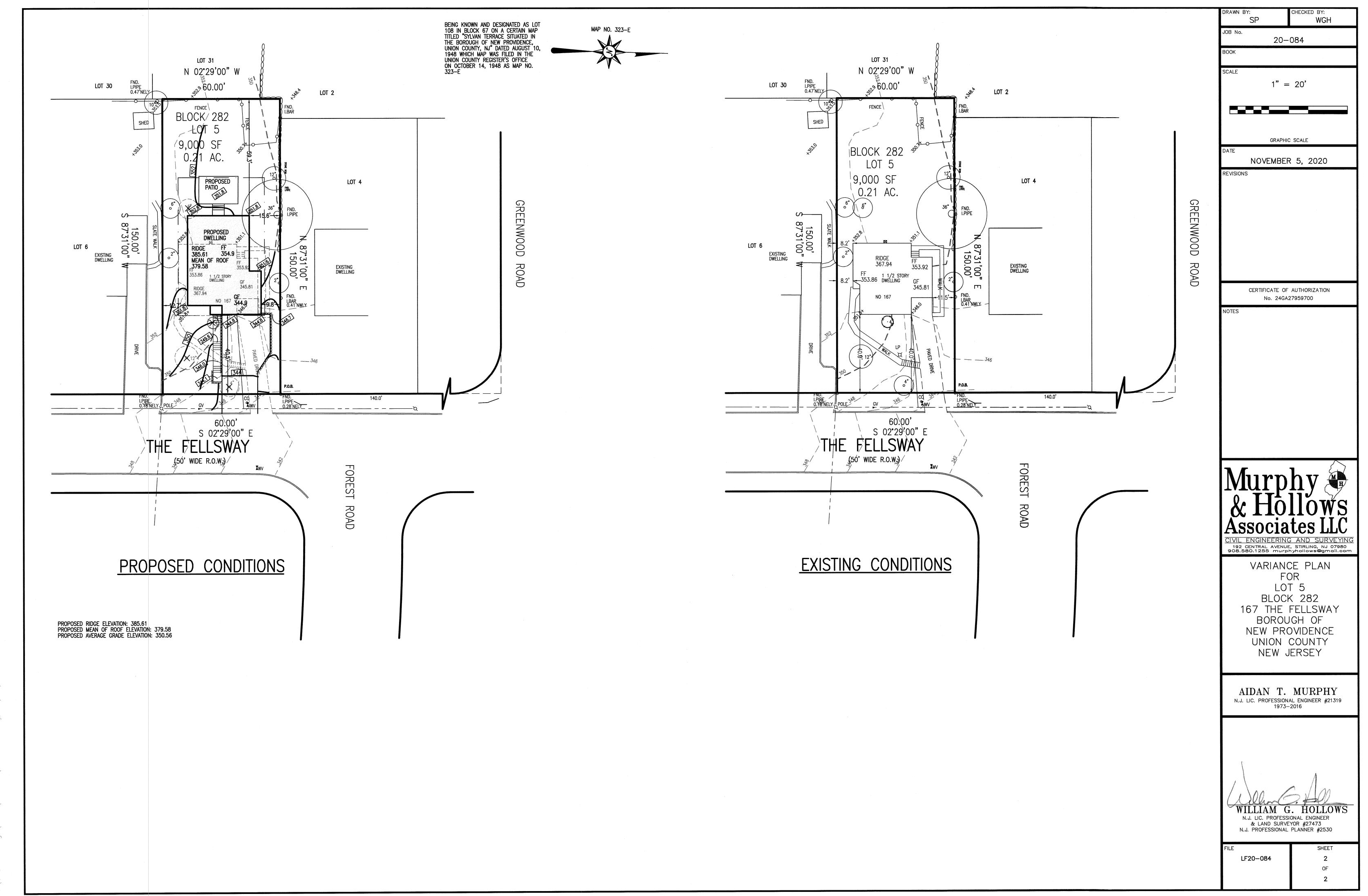
ZOMMO SOMEDOLL.			
ZONE: R-2			
REQUIREMENT	REQUIRED/ALLOWED	<u>EXISTING</u>	PROPOSED
MIN. LOT AREA	15,000 SF	9,000 SF*	9,000 SF*
MIN. FRONT YARD	40 FT/PREVAILING	40.0 FT	40.5 FT
MIN. REAR YARD	40 FT/35% L.D.	73.9 FT	59.3 FT
MIN. SIDE YARD (ONE)	8 FT/60% B.H.	8.2 FT	9.8 FT
MIN. SIDE YARD (BOTH)	30% L.W.	19.7 FT; 32.8%	22.5 FT; 37.5%
MIN. LOT WIDTH AT 40 FT LOT DEPTH	110 FT	60 FT*	60 FT*
MIN. LOT WIDTH AT R.O.W. LINE	60 FT	60 FT*	60 FT*
MAX. PRINCIPAL BUILDING HEIGHT	2 1/2 STY/30 FT	EX.	29.02 FT
MAX. ACCESSORY BUILDING HEIGHT	14 FT	EX,	NA
MAX. PRINCIPAL BUILDING COVERAGE	1650 SF	1237 SF	1694 SF**
MAX. ACCESSORY BUILDING COVERAGE	5%	-	_
MAX. LOT COVERAGE	40%	22.9%	33.6%

* EXISTING NON CONFORMING CONDITION ** PROPOSED NON CONFORMING CONDITION COVERAGE CALCULATIONS **EXISTING**

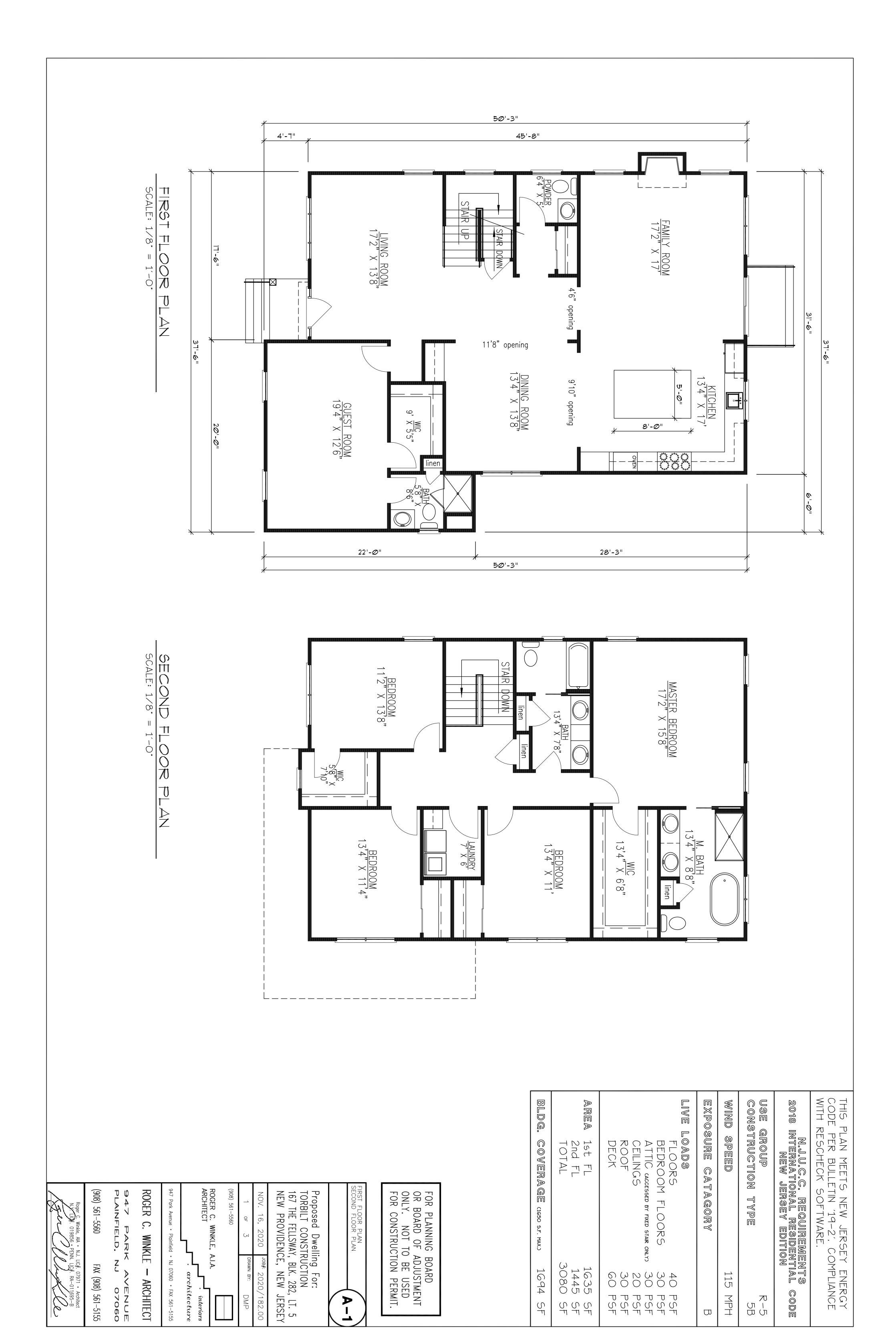
1237 SF
310 SF
511 SF
2058 SF

<u>PROPOSED</u>

HOUSE	1634 SF
FRONT & REAR STOOPS	62 SF
WALK	168 SF
PATIO	278 SF
DRIVE	878 SF
TOTAL	3020 SF



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interiors

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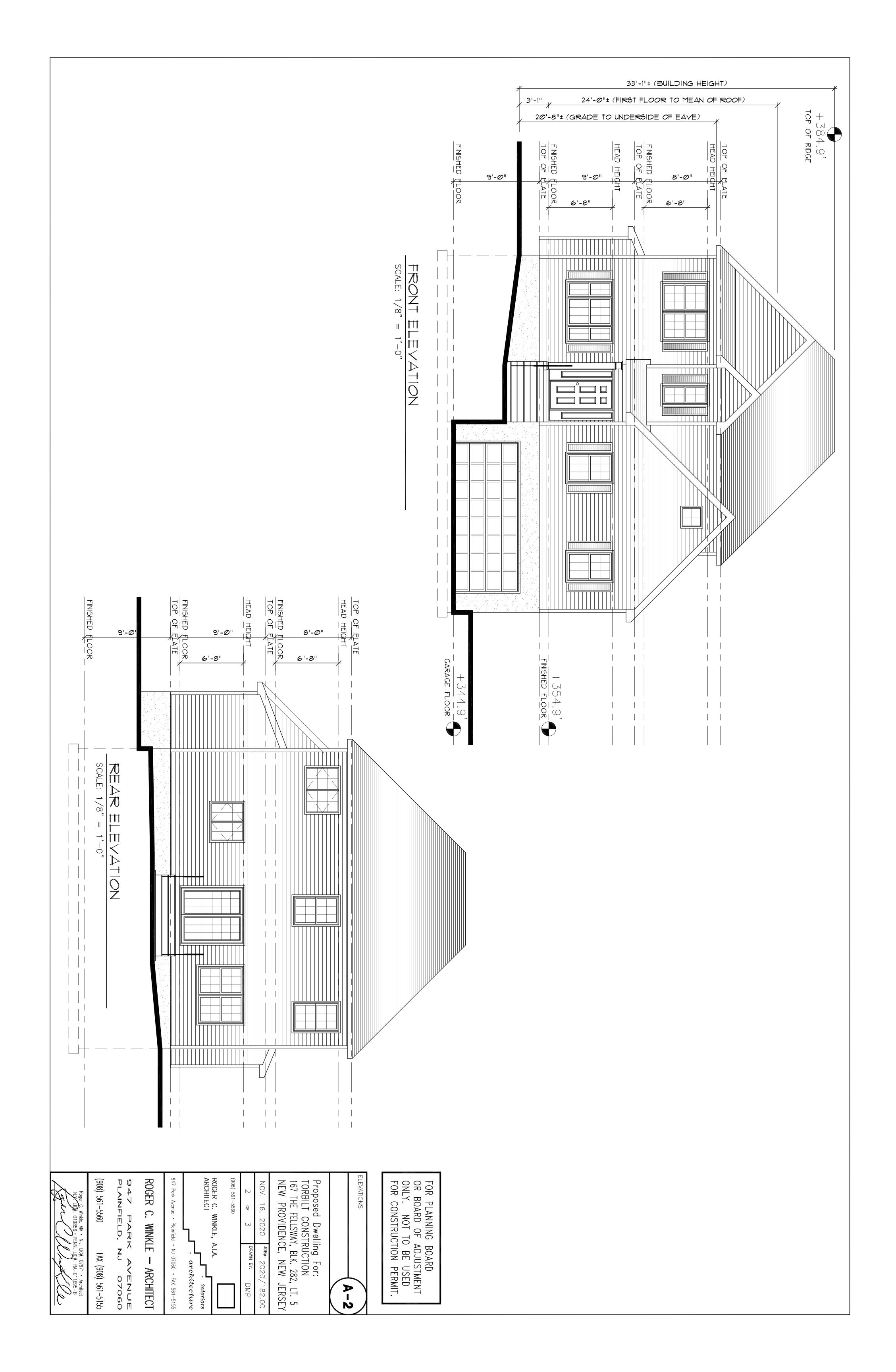
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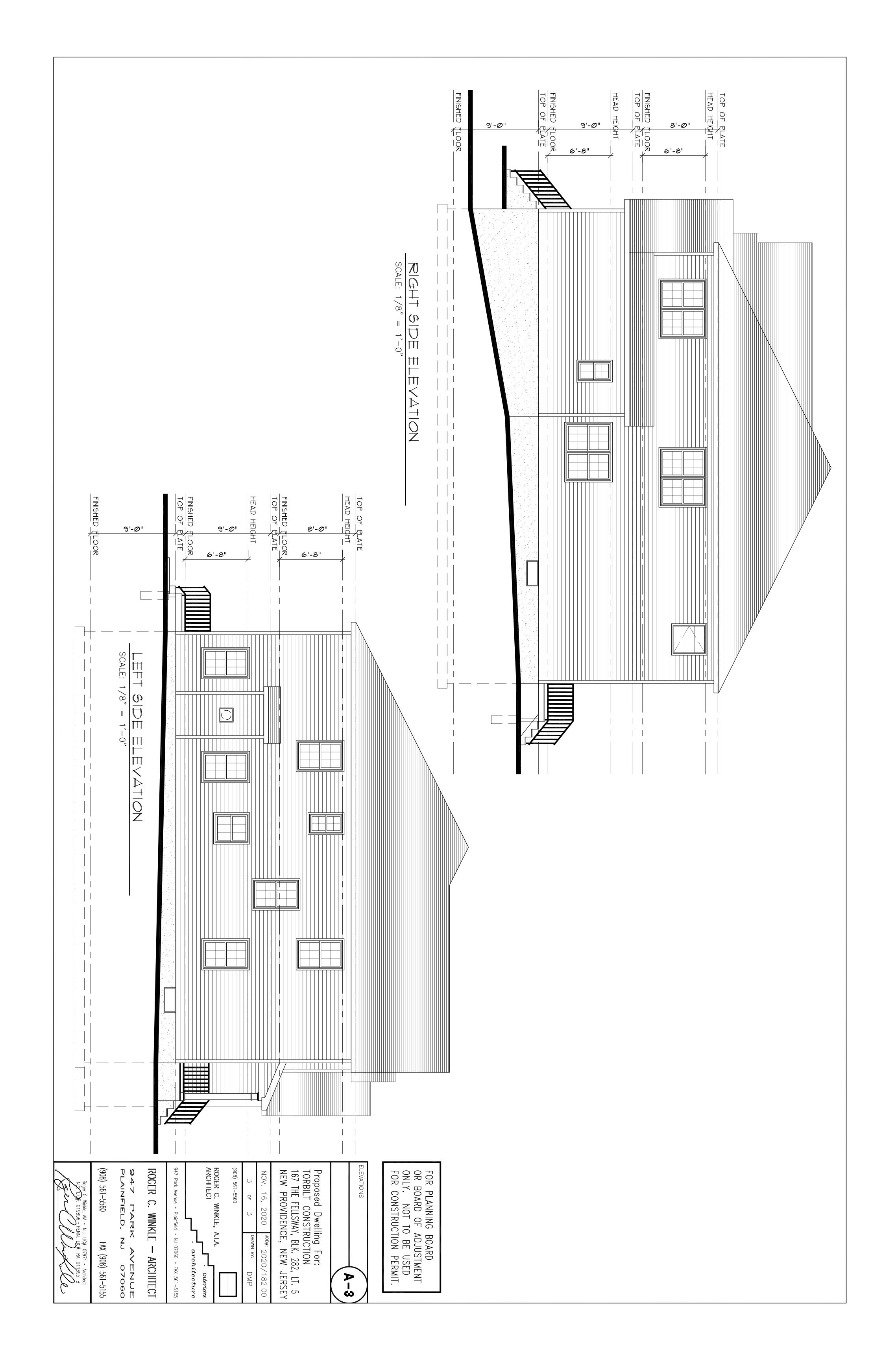
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Average Grade is 350.56

Mean of Roof is 379.58

Height of House 29.02

Height of siding SW corner is 20'-3", allowable sideyard is 12.1'.... 12.7' is proposed

Height of siding SE corner is 21'-3", allowable sideyard is 12.7'.... 12.7' is proposed

Height of siding NE corner is 16'-3", allowable sideyard is 9.7'.... 9.7' is proposed

Height of siding NW corner is 21'-3", allowable sideyard is 12.7'.... 15.8' is proposed

