

BOROUGH OF NEW PROVIDENCE

BOARD OF ADJUSTMENT

RESOLUTION

WHEREAS, Frank and Denene Sansonetti are the owners of 11 Whitman Drive, New Providence, New Jersey (the "Applicants"), and have applied to the Zoning Board of Adjustment of the Borough of New Providence (the "Board") for variances 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 an addition. The proposed floor area ratio is .28 whereas .263 is the maximum allowed. The proposed front yard setback is 34.9 feet to the addition, whereas 40 feet is the minimum required. The property is designated as Block 184, Lot 2 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 16, 2015; and

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

FINDINGS OF FACT

1. The Applicants, Frank and Denene Sansonetti are the owners of 11 Whitman Drive, New Providence, New Jersey. The property is designated as Block 184, Lot 2 on the Borough Tax Map, and lies in the R-2 Single Family Residential District.

2. The Applicant intends to construct an addition which is in violation of the limitations set forth at Chapter 310-10, Article IV, Schedules II and III. The proposed floor area ratio is .28 whereas .263 is the maximum allowed. The proposed front yard setback is 34.9 feet

to the addition, whereas 40 feet is the minimum required.

3. The Applicants were sworn in. Mr. Sansonetti distributed new plans with minor changes from those filed with the Board and described the change to move the proposed upper-level addition back from the garage. The revised Plans and Elevations were prepared by Architecture Plus and dated February 2, 2015 were marked as Exhibit A-1. The Sansonettis did not like the look of the originally proposed addition that went straight up over the garage and removed one (1) foot from the dining room from set back the addition. They also removed one (1) foot from the closet at the back of the addition. While the square footage of the addition has been reduced, the resulting Floor Area Ratio still requires a variance.

4. After listening to the description of the changes, Mr. Morin, the Board Attorney, agreed that the Board could hear the application as no additional variances are required.

5. The Applicants would like to add a formal dining room and a walk-in closet. They have three-year old twins that currently share a bedroom in the three-bedroom house. The twins now need their own rooms but Mr. Sansonetti currently uses the third bedroom as a closet. A set of 13 photographs was marked as Exhibit A-2. Mr. Sansonetti described the photographs including photographs of the house across the street with a walk-in closet, a larger house in the neighborhood, the bedroom now used as a closet, the children's room, the master bedroom and closet and the view of the next-door neighbor's house from the master bedroom.

6. Mr. Sansonetti responded to questions from the Board. They are not encroaching further into the front-yard except to change the front portico so that it will be safer, i.e., the changes will keep it from freezing up in the winter as it does now. The addition will go above the existing house so there is no further encroachment into the existing non-conforming setback. The house has vinyl siding and the addition will match. The Applicants do not plan to enclose

the portico which they plan to light with a chandelier fixture.

7. No further witnesses appeared to testify and the hearing was opened to comments from the public. There were no comments from the public and the hearing was closed.

CONCLUSIONS OF LAW

1. The construction as proposed does not comply with the requirements for this lot as established by Chapter 310, Article IV, Section 310-10, Schedule II and III. The request to permit the construction of an addition requires the granting of a "c" variance as to the front yard setback and a "d" variance as to floor area ratio 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 deviations would substantially outweigh any detriment and that the variances will not substantially impair the intent and purpose of the zone plan and ordinance.

3. The Board further found that the proposed construction will minimally affect the neighbors' quality of life and the proposed improvement will increase the owners' quality of life and utility of the property and will not be detrimental to the neighborhood or to the zone plan.

NOW, THEREFORE, BE IT RESOLVED, on this 6th day of April, 2015, that Frank and Denene Sansonetti's application for "c" and "d" variances as to the front yard setback and FAR be and hereby is **GRANTED**, subject to the following conditions:

1. The construction must be constructed strictly in accordance with the plans and testimony presented to the Board; and
2. 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
3. The approval is subject to all other governmental approvals, including but not limited to compliance with the Borough's lot grading ordinance; and
4. 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. Ammitzboll, Mr. Grob, Mr. Karr, Mr. Ping,
Mr. DeSarno and 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 6, 2015.

ATTEST:

Margaret Kenty
Secretary, Board of Adjustment

William B. Nadelberg
Chairman, Board of Adjustment