

BOROUGH OF NEW PROVIDENCE

BOARD OF ADJUSTMENT

RESOLUTION

WHEREAS, Ethan Henry Kleinberg is the owner of 53 Stoneridge Road, New Providence, New Jersey (the "Applicant"), 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) for relief from the Borough's zoning ordinance to permit the construction a deck. The proposed building coverage is 2753 square feet whereas 2313 square feet is the maximum permitted. The existing driveway is 2 inches from the property line. The property is designated as Block 261, Lot 2 on the Borough Tax Map, and lies in the R-1 Single Family Residential Zone; and

WHEREAS, the Board has reviewed the application, testimony and exhibits presented by the Applicant at the hearing conducted on June 5, 2017; and

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

FINDINGS OF FACT

1. The Applicant, Ethan Henry Kleinberg, is the owner of 53 Stoneridge Road, New Providence, New Jersey. The property is designated as Block 261, Lot 2 on the Borough Tax Map, and lies in the R-1 Single Family Residential District.

2. The proposed building coverage is 2753 square feet whereas 2313 square feet is the maximum permitted. The existing driveway is 2 inches from the property line. The proposed

deck is in violation of the building coverage requirements set forth at Chapter 310, Article V, Section 310-10, Schedule II.

3. Ethan Kleinberg was sworn in and testified that the deck was existing when he moved into his house ten years ago. It is relatively small with room for a table and barbeque grill. The deck is deteriorating and he would like to replace and enlarge the deck by 188 square feet so that it is more usable. The additional square footage requested requires variance relief.

4. Mr. Kleinberg responded to questions from the Board. The area under the deck will be fenced with lattice and will also be landscaped. The area underneath will not be used for storage. The existing light for the deck will remain and no new lights are proposed. He will remove the existing deck and replace it with one of composite material. He believes the decking material will be spaced to allow water to flow through. Mr. Kleinberg stated that he installed a patio last year. There is one step from the deck to the patio but one side of the deck is elevated. He has had no issues with his driveway being so close to the property line.

5. The Board had no further questions for the witness. The hearing was opened to questions from the public. There were no questions from the public. 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 proposed deck does not comply with the requirements for this lot as established by Chapter 310, Article V, Section 310-10, Schedule II. The request to permit the construction of the deck requires the granting of a "c" variance pursuant to N.J.S.A. 40:55D-70(c).

2. Through the testimony and exhibits presented, the Applicant has established that the application:

- (a) relates to a specific piece of property, namely the Applicant's 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 variance can be granted without substantial detriment to the public good;
- (d) that the benefits of the deviation would substantially outweigh any detriment and that the variance will not substantially impair the intent and purpose of the zone plan and ordinance.

NOW, THEREFORE, BE IT RESOLVED, on this 19th day of June 2017, that Ethan Henry Kleinberg's application for "c" variances be and hereby is **GRANTED**, subject to the following conditions:

- 1. The deck shall be constructed in accordance with the plans and testimony presented to the Board;
- 2. The deck shall not have a roof in the future and the boards for the deck will be spaced to allow for drainage;
- 3. The Applicant 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;

4. The approval is subject to all other governmental approvals, including but not limited to compliance with the Borough's lot grading ordinance; and
5. The variance 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. DeSarno, Mr. Grob, Mr. Karr, Mr. Morgan, Mr. Ping
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 June 19, 2017.

ATTEST:

Margaret Koenig
Secretary, Board of Adjustment

William B. Jodilly
Chairman, Board of Adjustment