

BOROUGH OF NEW PROVIDENCE

BOARD OF ADJUSTMENT

RESOLUTION

WHEREAS, Pratik and Paras Raimugia are the owners of 142 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 of an addition. The proposed building coverage is 2,359 square feet, whereas, 2,298 is the maximum permitted. Originally it was believed a side-yard setback variance was needed however, due to a calculation error, it was determined that the proposed side-yard setback was compliance. It is noticed and recognized that there is a pre-existing non-conformity in relation to the driveway setback. The property is designated as Block 252, Lot 9 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 May 21, 2018; and

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

FINDINGS OF FACT

1. The Applicants, Pratik and Paras Raimugia, are the owners of 142 Stoneridge Road, New Providence, New Jersey. The property is designated as Block 252, Lot 9 on the Borough Tax Map, and lies in the R-1 Single Family Residential District.

2. The proposed building coverage with the addition is 2,359 square feet, whereas, 2,298 is the maximum permitted. The proposed addition is in violation of the requirements set forth at Chapter 310, Article IV, Section 310-10, Schedule II.

3. Ms. Ananthakrishnan recused herself from consideration of the application as a member of the Board as she is the architect for the subject property and will be testifying on behalf of the Applicants.

4. The Applicant, Pratik Raimugia, appeared and was sworn in. Malathi Ananthakrishnan, AIA, was also sworn in and presented her credentials to the board and was accepted as an expert in the field of architecture.

5. Mr. Raimugia testified that he has two young children and his in-laws frequently visit, so he needs additional rooms and wants to add a bedroom to the rear of the property.

6. Ms. Ananthakrishnan presented an overview of the application, the history of the property, and the fact that having two growing children is the main reason for the request for relief to construct an addition. She also testified that the request is only for an additional 62 square feet and is really de minimis. Lastly, she testified that it is a large lot so the small increase will have no impact.

7. Ms. Ananthakrishnan presented and entered into the record Exhibit A-1 which was a photo array of the current property and described how she designed the house due to the slope of the property.

8. Mr. Raimugia responded to questions from the Board and stated that he will attempt to preserve the large oak tree to the rear of the addition.

9. The Board had no further questions for the Applicant. The hearing was opened to questions and comments from the public and there was no questions or comments from the public upon which time the hearing was closed.

CONCLUSIONS OF LAW

1. The proposed addition does not comply with the requirements established by Chapter 310, Article IV, Section 310-10, Schedule II. The request to permit the construction of the addition requires the granting of "c" variances pursuant to N.J.S.A. 40:55D-70(c).

2. Through the testimony and exhibit 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 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 addition is a de minimis request above the allowable lot coverage of only sixty-one (61) square feet.

4. The Board found the addition, as designed, would not negatively impact the neighborhood.

NOW, THEREFORE, BE IT RESOLVED, on this 4th day of June, 2018, that Pratik and Paras Raimugia's application for "c" variance relief be and hereby is **GRANTED**, subject to the following conditions:

1. The addition shall be constructed in accordance with the plans and testimony presented to the Board;
2. Reasonable steps shall be taken to preserve the large oak tree to the rear of the addition.
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.

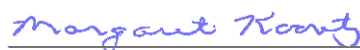
ROLL CALL VOTE

Those in Favor: Mr. DeSarno, Mr. Grob, Mr. Karr, Mr. Morgan, Mr. Sorochen
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 4, 2018.

ATTEST:


Secretary, Board of Adjustment


Chairman, Board of Adjustment