

**BOROUGH OF NEW PROVIDENCE
BOARD OF ADJUSTMENT
MEETING MINUTES – MONDAY, JANUARY 25, 2016 – 8:00 p.m.**

Present: Mr. Nadelberg, Mr. DeSarno, Ms. Jaynes, Mr. Karr, Mr. Morgan, Mr. Ping, Mr. Phil Morin, Board Attorney, and Margaret Koontz, Secretary

Absent: Mr. Ammitzboll and Mr. Grob

Also present: Keith Lynch, Director of Planning and Development

A. CALL TO ORDER

Chairman Nadelberg called the meeting to order at 8:08 p.m.

B. PUBLIC NOTICE

Chairman Nadelberg stated that this is a meeting of the Board of Adjustment of the Borough of New Providence, County of Union, and State of New Jersey. Adequate notice of this meeting was given in accordance with P.L. 1975, Chapter 231, in that a notice was made in conformance with Section 13 of the Act. He also stated the protocol for the meeting.

C. RESOLUTIONS

Joseph and Anna Pickton Application #2015-35
56 Greenwood Road, Block 283, Lot 37, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct an addition and front porch. The proposed side-yard setback to the addition is 9.88 feet with a combined total of 15.88 feet whereas 13.70 feet with a combined total of 18 feet is the minimum allowed. The proposed front-yard setback to the roof extension over the front porch is 38 feet and the front-yard setback to the roof extension over the garage is 32.94 feet whereas 40 feet is the minimum required.

Mr. Karr moved this and Ms. Jaynes seconded same. Members voting in favor: Mr. DeSarno, Ms. Jaynes, Mr. Karr, Mr. Morgan and Mr. Nadelberg.

E. PUBLIC HEARING SCHEDULED FOR JANUARY 25, 2016

John and Katherine Romano Application #2015-37
4 Holmes Oval, Block 40, Lot 11, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-32 (B) for permission to erect a fence. The proposed fence in the front along Ridgeview Avenue is 4 feet high whereas 30 inches is the maximum height allowed.

John Romano was sworn in and testified that he has been before the Board before for an addition that was completed last year and to appeal the administrative officer's denial for a permit for a fence. Mr. Romano would like to erect a 4' black aluminum fence in his backyard along Ridgeview Avenue to keep his children safe. The height of the fence exceeds the 30 inches permitted in a front yard. He has had positive feedback from the

neighbors regarding the fence that is virtually see through and fits in the neighborhood.

Mr. Romano responded to questions from the Board. The property is a corner lot and, therefore, has two front yards which triggers the variance for the height of the fence along Ridgeview Avenue. The drawing in the application is an accurate depiction of the fence to be installed. The spacing between the vertical elements of the fence will be the same as shown in the drawing. The fence will be set back 10' to 15' from Ridgeview Avenue so it will not impede visibility. The fence will be erected around the entire property. The Romanos will plant flowering shrubs along the inside of the fence and a bulb garden along the outside fence. No evergreens will be planted along the fence. The final inspections for the addition have been done and all of the permits have been closed.

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.

Discussion: Ms. Jaynes stated that she understands the desire for privacy fences but the solid fences have changed the look of the town so she was pleased that the applicants chose an open fence. The Board agreed.

Mr. Ping moved to approve the application. Ms. Jaynes seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Mr. DeSarno, Ms. Jaynes, Mr. Karr, Mr. Ping, Mr. Morgan and Mr. Nadelberg. Those opposed: None.

Mr. Morin stated that the resolution will include a copy of dismissal of the Romano's appeal in August 2015 to the Superior Court of NJ of the Board's decision in June 2015 to uphold the administrative officer's interpretation of the ordinance and deny issuance of a permit for the fence.

F. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR FEBRUARY 1, 2016

No hearings are scheduled for February 1, 2016. The meeting will be cancelled and appropriately noticed.

G. COMMUNICATION ITEMS

No communications items.

H. MISCELLANEOUS

The Board discussed the enforcement mechanism for ensuring that an applicant builds within the variances granted by the Board. This discussion was initiated because of construction of an addition approved in 2015 for a property on Primrose Drive that appears to be different from what was approved. The Board noted that a similar

situation occurred with the plantings at the solar array at Alcatel Lucent where the applicant agreed to conditions resulting in certain expectations by the Board which were not realized. The house appears to be overbuilt. The Board asked Mr. Lynch if the applicant changed the plans including those for the future garage which the Board approved with the condition that it would be built prior to resale of the house. Mr. Lynch responded that changes that deviate from the plans submitted for construction would be picked up during inspections. Mr. Morin added that an applicant that builds something different from what was approved does so at its own peril. Mr. Lynch will visit the site.

The Board also discussed the time frame for construction granted in the resolution. Mr. Morin stated that it is not unusual to give two years to start and finish construction because things can happen to delay construction. The ordinance gives 12 months to start construction and 12 months to finish construction. The state also recognized that things can happen to delay construction for approved projects when it enacted the Permit Extension Act in 2008 which has been extended multiple times.

I. MINUTES FROM 1/11/16

The minutes from January 11, 2016, were approved as submitted.

J. ADJOURNMENT

The meeting was adjourned at 8:35 p.m.