

**BOROUGH OF NEW PROVIDENCE  
BOARD OF ADJUSTMENT  
MEETING MINUTES – MONDAY, OCTOBER 17, 2016 – 8:00 p.m.**

Present: Chairman Nadelberg, Mr. Ammitzboll, Mr. DeSarno, Mr. Grob Mr. Karr, Mr. Morgan, Mr. Ping, Mr. Phil Morin, Board Attorney, and Margaret Koontz, Secretary

Absent: All present

**A. CALL TO ORDER**

Chairman Nadelberg called the meeting to order at 8:04 p.m. Note: The first few minutes of this meeting were not recorded.

**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**

Paul and Sioned Sanders Application #2016-23  
65 Pleasantview Avenue, Block 145, Lot 8, R-2 Zone, New Providence, NJ 07974  
Chapter 310, Article IV, Section 310-10, Schedule II and Article V, Section 310-19 I for permission to construct an addition and front portico. The proposed front-yard setback to the addition is 39 feet and 37.25 feet to the portico whereas 40 feet is the minimum required. The rear-yard setback to the rear stair platform is 50 feet whereas 51.33 feet is the minimum allowed. The patio is 3 feet from the property line whereas 6 feet is the minimum required. The existing left side yard to the house is 8.3 feet. The existing side yard to the driveway is 2 feet.

**Mr. Ammitzboll moved this and Mr. Ping seconded same. Members voting in favor: Mr. Ammitzboll, Mr. DeSarno, Mr. Grob, Mr. Karr, Mr. Morgan, Mr. Ping and Mr. Nadelberg.**

Jose and Beatrice Galvan Application #2016-25  
177 Runnymede Parkway, Block 35, Lot 16, R-2 Zone, New Providence, NJ 07974  
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct a deck. The proposed building coverage is 2190 square feet whereas 1769 square feet is the maximum permitted

**Mr. Grob moved this and Mr. DeSarno seconded same. Members voting in favor: Mr. Ammitzboll, Mr. DeSarno, Mr. Grob, Mr. Karr, Mr. Morgan, Mr. Ping and Mr. Nadelberg.**

## E. PUBLIC HEARINGS SCHEDULED FOR OCTOBER 17, 2016

Lena Chen

Application #2016-02

87 Passaic Street, Block 53, Lot 1, R-2 Zone, New Providence, NJ 07974

Chapter 310, Article IV, Section 310-10, Schedule II and III, to construct a new house.

The proposed lot area is 11, 867 sq. ft. whereas 15,000 sq. ft. is the minimum required. The proposed lot width at the right of way along Passaic Street is 58 feet whereas 70 feet is the minimum required. The proposed lot width at the setback along Passaic Street is 70 feet whereas 110 feet is the minimum required. The proposed front yard along Lincoln Lane is 15.75 feet and 22.9 feet along Passaic Street. The proposed side-yard setback is 10.48 feet whereas 11.10 feet is the minimum required. The proposed driveway width is 19 feet whereas 16 feet is the maximum permitted. At this time the review cannot be completed due to missing elevation information. The property is on the Borough historical register. The property has two existing sheds one is 3 feet from the property line and the other is in the right of way along Lincoln Lane. Also there is an existing 6' high fence along Lincoln Lane. The application must adhere to the Borough's grading ordinance.

The October 24, 2016, meeting will be cancelled. This hearing will be carried to November 7, 2016.

Stacy Madden

Application #2016-24

92 Marion Avenue, Block 236, Lot 1, R-3 Zone, New Providence, NJ 07974

Chapter 310, Article V, Section 310-32(B) for permission to erect a fence. The proposed fence in the front along Livingston Avenue is 6 feet high whereas 30 inches is the maximum height allowed.

Stacy Madden was sworn in and testified that she lives on a corner lot and would like to erect a fence that would extend from the house to the concrete wall along Livingston Avenue. She has a special needs child who likes to play outside so the fence needs to be higher than 30" so that her son can't climb over it and wander off the property.

Ms. Madden responded to questions from the Board. There is a drainage easement at the back of the property. The fence will be installed over a small portion of the easement near the concrete wall on Livingston Avenue. Ms. Madden proposes to install a vinyl picket fence because of possible visibility issues on Livingston Avenue but ideally she would like to match the privacy fence on the other side of the house. The Board asked if a lower fence that tapers down to the concrete barrier would be acceptable. Ms. Madden responded that a 5' fence would be high enough and was comfortable with tapering the fence as long as it is high enough that her son can't climb over it. The fence will also contain the dog. The Borough maintains a chain link fence along the culvert. The fence runs across the back of the property to the concrete wall. The privacy fence on the other side of the house has a gate as will the proposed fence. The fence will be located between the two windows on the side of the house.

**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.**

Ron Hanke was sworn in and commented in favor of the fence. It will contain the applicant's son who likes to play outside and also the dog so it won't frighten people.

There were no further comments and the hearing was closed.

Discussion: Mr. Ammitzboll had no issues with the fence and no problem if the applicant would like a solid privacy fence provided the rest of the Board agreed. Mr. Grob was appreciative of the applicant's willingness to reduce the height of the fence from 6' to 5' and is comfortable with any style fence. Mr. Karr asked Ms. Madden her preference. She would like a solid fence to match the existing fence. The Board agreed to a solid fence but would prefer it to be board on board. The applicant agreed to a board-on-board fence.

Mr. Ammitzboll moved to approve the application with the conditions that fence will be board on board and the height will be reduced from 6' to 5' and will taper down toward the concrete wall on Livingston Avenue. Mr. Grob seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Mr. Ammitzboll, Mr. DeSarno, Mr. Grob, Mr. Karr, Mr. Morgan, Mr. Ping, and Mr. Nadelberg. Those opposed: None.

### **F. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR OCTOBER 24, 2016**

No new hearings scheduled.

### **G. COMMUNICATION ITEMS**

### **H. MISCELLANEOUS BUSINESS**

There are no public hearings scheduled for October 24<sup>th</sup> and several Board members will be absent that evening. The meeting on October 24, 2016, will be cancelled.

### **I. MINUTES FROM 9/26/2016**

The minutes from September 26, 2016, were approved as submitted.

### **J. ADJOURNMENT**

The meeting was adjourned at 8:25 p.m.

F. COMMUNICATION ITEMS

No communication items.

G. MISCELLANEOUS BUSINESS

No miscellaneous business.

H. MINUTES FROM 9/12/2016

The minutes from September 12, 2016, were approved as submitted.

I. ADJOURNMENT

The meeting was adjourned at 8:40 p.m.