

**BOROUGH OF NEW PROVIDENCE
BOARD OF ADJUSTMENT
MEETING MINUTES – MONDAY, SEPTEMBER 12, 2016 – 8:00 p.m.**

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

Absent: Hans Ammitzboll

A. CALL TO ORDER

Chairman Nadelberg called the meeting to order at 8:05 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

Michael and Magdalena Chiarella Application #2016-19
81 Oakwood Drive, Block 283, Lot 5, R-1 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct an addition. The proposed front-yard setback to the second-floor addition is 30.6 feet whereas 40 feet is the minimum required

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

Edward and Diana Ettinger Application #2016-20
48 Hickson Drive, Block 134, Lot 20, R-1 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 left side-yard setback to the addition is 14 feet whereas 19.2 feet is the minimum required. The existing side yard to the driveway is 0.4 inches

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

Richard and Nicole Fachet Application #2016-21
4 Alison Court, Block 270, Lot 26, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II and Article V, 310-20 (2) for permission to construct an addition and portico. The proposed front-yard setback to the addition is 32 feet and 37 feet to the portico whereas 40 feet is the minimum required. The proposed driveway width is 22 feet whereas 16 feet is the maximum permitted. The existing rear yard to the deck is 30 feet. The existing side yard to the driveway is 3.5 feet.

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

D. PUBLIC HEARING SCHEDULED FOR SEPTEMBER 12, 2016

Lena Chen
87 Passaic Street, Block 53, Lot 1, R-2 Zone, New Providence, NJ 07974
Application #2016-02
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.

This hearing will be carried to September 26, 2016.

Paul and Karin Erber
56 Clinton Avenue, Block 62, Lot 13, R-2 Zone, New Providence, NJ 07974
Application #2016-22
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct an addition and front porch. The proposed front-yard setback is 34 feet to the porch whereas 40 is the minimum required. The proposed left side-yard setback to the addition is 10.25 feet whereas 12.48 feet is the minimum required. The proposed combined total side-yard is 15.75 feet whereas 16.5 is the minimum required. The existing side-yard to the driveway is 5.5 feet.

Paul Erber and Thomas Hofmann, architect for the applicant, were sworn in. The applicants would like to extend the existing dormer at the back of the house by 7' to take it to the end of the house triggering a variance for the side-yard setback because of the height of the addition. The addition will have a shed roof and will be stepped back 2.2' from the existing dormer. The applicants would also like to construct a covered front porch which is in keeping with other houses in the neighborhood. The house is currently 40' from the property line and 49' to the curb. The covered porch will encroach 6' into the front-yard setback. Several houses on Clinton Avenue on the other side of Stanley Road within 200' of the applicants have 31' front-yard setbacks. The existing combined side-yard setback is 15.75' and also requires variance relief.

A marked up copy of the site plan with the existing house and addition indicated by hash marks was marked as Exhibit A-1.

Mr. Grob asked about the front-yard setbacks for neighboring houses. The house to the left of the applicants at the corner of Stanley Road is 49.7' from the curb. The house to the right of the applicants is 31.6' from the curb and 21.10' from the property line to the porch. The house at 38 Clinton Avenue is located 22.1' from the property line and 31.8' from the curb. Mr. Grob asked Mr. Hofmann to mark Exhibit A-1 to show which direction

is north and to provide the distance between the applicant's house and the house to the south (the house to the left of the applicant at the corner of Stanley Road). It is approximately 20 feet between the two houses. Mr. Hofmann did not have a picture showing the house to the south (left) but described the two-story house which is located on a corner lot and has a 40' front-yard setback. The lot width is similar to the applicant's lot. Mr. Erber noted that he was present at the public hearing for the variances for the house. It was a small house and is now an enormous house with a detached garage that is two times the size of his house. This makes his house look small. His house is the smallest house on the block. In responding to the Board, Mr. Erber stated that the house to the left presents no detriment: It isn't overly large although it fits more with the houses on Clinton Avenue on the other side of Stanley Road.

Mr. Karr asked about the covered front porch. The porch is 6' deep and will be used as a sitting area. The Erbers have a patio in the back for their grill so they will not use the porch to barbecue. They would like to be able to sit on the porch and watch their children who like to play in the front yard. Mr. Grob also asked how the porch will look in relation to other houses on the block since it will be 6' deep and extend across the front of the house on a narrow lot next to houses that are similarly distanced to each other. Mr. Hofmann responded that it will be similar to the "in and out" look of the houses on Clinton Avenue on the other side of Stanley Road where there are two houses with porches and two larger houses. The porch will give the house more presence in the neighborhood and will not compete with the neighbors' houses. Two dormers have been added to the front to break up the scale of the porch. Mr. Erber added that the garage is set back from the house so the house already sits forward on the lot. Mr. Karr expressed concern that when driving down Clinton Avenue the 6' porch will be very visible. Mr. Erber responded that the house already has a 4' landing and steps. The proposed porch will only extend out an additional 2 feet across the house from the existing landing. Mr. Erber had no objection to conditions that the porch will never be enclosed and will have recessed lighting. The area under the porch will not be used for storage and will be screened with lattice.

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: Mr. Ping appreciates Mr. Karr's concern about the visibility of the porch and encroachment into the front-yard setback but it will be open on three sides and will fit nicely on the street. Mr. Grob stated that the neighbors to the south would be most impacted by the addition at the back, but from the testimony given, there appears to be no impact. He likes the porch and is inclined to approve the variance request.

Mr. DeSarno moved to approve the application with the conditions that the porch will never be enclosed and will have downward/recessed lighting. Mr. Ping seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Mr.

DeSarno, Mr. Grob, Mr. Karr, Mr. Morgan, Mr. Ping, and Mr. Nadelberg. Those opposed: None.

E. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR SEPTEMBER 26, 2016

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.

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.

F. COMMUNICATION ITEMS

No communication items.

G. MISCELLANEOUS BUSINESS

No miscellaneous business.

H. MINUTES FROM 8/15/2016

The minutes from August 15, 2016, were approved as submitted.

I. ADJOURNMENT

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