

**BOROUGH OF NEW PROVIDENCE
BOARD OF ADJUSTMENT
MEETING MINUTES – MONDAY, DECEMBER 3, 2018 – 8:00 p.m.**

Present: Ms. Ananthakrishnan, Mr. DeSarno, Mr. Grob, Mr. Karr, Mr. Morgan, Mr. Nadelberg, Mr. Sorochen, Phil Morin, Board Attorney, and Margaret Koontz, Secretary.

Absent: Mr. Ammitzboll and Mr. Ping.

A. CALL TO ORDER

Chairman Nadelberg called the meeting to order at 8:04 p.m.

B. RESOLUTIONS

Craig and Melissa Print Application #2018-27
45 Jane Road, Block 61, Lot 4, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II and Article V, Section 310-20(2) for permission to construct an addition. The proposed front-yard setback to the addition along Stanley Road is 20 feet whereas 40 feet is the minimum required. The proposed rear-yard setback to the addition is 37.66 feet whereas 44.10 feet is the minimum required. The proposed side-yard setback to the addition is 11.22 feet whereas 16.44 feet is the minimum required. The proposed curb cut is 20 feet whereas 16 feet is the maximum allowed.

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

David Lust and Elizabeth Duchesne-Lust Application #2018-30
14 Eighth Street, Block 146, Lot 18, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct a portico. The proposed front-yard setback to the portico is 26.3 feet whereas 40 feet is the minimum permitted.

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

C. PUBLIC HEARINGS SCHEDULED FOR DECEMBER 3, 2018

Yuanwen Sun Application 32018-32
3 Lavina Court, Block 120, Lot 14, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedules II and III for permission to construct a front porch and addition. The proposed front-yard setback to the porch is 21.09 feet and 25.19 feet to the second floor addition whereas 40 is the minimum required. The proposed side-yard setback on the right is 9.88 feet and 8.67 feet on the left whereas 11.64 feet is the minimum required. The proposed impervious coverage is 43.3% whereas 40% is the maximum allowed. The existing detached garage is 3.55 feet. The existing driveway abuts the property line.

Ms. Ananthakrishnan recused herself from the hearing as she was the architect for the applicant.

Yuan Sun and Malathi Ananthakrishnan, her architect, were sworn in. Ms. Ananthakrishnan presented her credentials as a licensed professional architect and was accepted as such. Ms. Sun moved into the house in 2016. The house is very small with only two bedrooms and a small bathroom on the second floor. She would like to add another bedroom and bathroom on the second floor. She would also like to have more living space on the first floor so she and her family can enjoy the house. She loves the town, neighborhood, community and school and she doesn't want to move.

Ms. Ananthakrishnan described the addition. A two-page handout with photographs of the house and detached garage as well as photographs of the houses on either side of the applicant's house and the streetscape on Lavina Court was marked as Exhibit A-1. The house is a small cape cod with a dormer in the rear and a detached garage in the back. The first floor has a living room, dining room, kitchen and bedroom. The second floor has two bedrooms with a bathroom in the middle.

Most of the houses on Lavina Court are two stories as shown on page 2 of Exhibit A-1. The proposed addition will go straight up above the existing cape to make a two-story house and won't encroach farther into the side yard setbacks. Because the existing side-yard setbacks are an issue, Ms. Ananthakrishnan oriented the gable to face the street to make the side elevation as low as possible. She also added a porch with a railing across the right front of the house to break up the façade but it encroaches farther into the front yard setback which is already non-conforming. The existing front-yard setback is 21.09' and the proposed setback is 20.09'. The front-yard setback at 1 Lavina Court (page 2 of Exhibit A-1), the house to the left of the applicant's house, is closer to the street than the proposed porch. The house to the right of the applicant, 5 Lavina Court, has a foyer in front with a stoop and steps (page 2 of Exhibit A-1). The proposed porch would extend out as far as the foyer at 5 Lavina but not as far as the stoop and steps. The proposed gable would look like the gable on the blue house shown on page 2 of Exhibit A-1. The applicants also propose to add a single story 13'-3" by 15'-6" family room at the back of the house and rearrange the kitchen. The first-floor addition triggers a variance for impervious coverage.

Ms. Sun and Ms. Ananthakrishnan responded to questions from the Board. The peak roof height would be comparable to 5 Lavina Court at 32.' Ms. Sun doesn't use the garage to park the car because the car doesn't fit in it. Ms. Ananthakrishnan noted that much of the impervious coverage is because of the paved driveway but believes that requiring Ms. Sun to pull up the pavement is a hardship. Mr. Grob asked about the drainage. The house is on the higher side of Lavina Court – the only thing that would make the drainage worse is the 227 SF addition on the first floor. The addition is almost the same size as the existing patio and will extend back almost as far as the neighbor on Division Avenue's garage which will block the neighbor's view of the addition. The setbacks for the existing garage and driveway are existing non-conformances. The applicant plans to re-side the entire house using vinyl on the sides and Hardy plank on the front.

The Board had no further questions for the applicants. 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. Karr noted that the Board has granted approval for several applications on Lavina Court and believes it's a good application. Mr. Grob agreed adding that the addition fits in the neighborhood. Mr. DeSarno also agreed and believes the addition is in keeping with the neighborhood.

D. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR DECEMBER 17, 2018

Lisa Maria Burkitt Application #2018-31
161 Mountain Avenue, Block 262, Lot 18.01, R-1 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule I for permission to keep alpacas. The keeping of livestock is strictly prohibited in the R-1 Zone.

The applicant requires a use variance as livestock are not permitted in the residential zone. The Board asked Mr. Morin for input on the definition of livestock and discussed whether an alpaca is considered livestock or a pet as the applicant refers to the alpacas as pets. Mr. Morin will research the ordinance and provide a memo to the Board prior to the hearing as to whether alpacas can be considered pets as opposed to livestock and whether the application could be approved with conditions for the number of animals and species on a residential property.

The Board would like a representative from the Board of Health to attend the hearing. The secretary will contact the Board of Health and also look for the Board of Health minutes from the meeting earlier this year at which the applicant presented its interest in having alpacas.

E. COMMUNICATION ITEMS

Mailbox at the Shoppes at New Providence Shopping Center – Central Avenue

Mr. Karr asked about the snorkel mailbox in the shopping center that the Board requested in its preliminary and final site plan and use variance approval granted in 2013 for a health club. The post office would not approve the installation of the mailbox.

New Cingular Wireless ("AT&T") and Sprint Spectrum Temporary Monopole

The temporary monopole at 1778 Springfield Avenue was to be removed within 30 days of the installation and operation of the permanent equipment on the PSE&G transmission tower per Resolution #2017-10. The permanent equipment on the PSEG tower has been operational since November 2, 2018, and the applicants are in violation of the conditions of approval. Mr. Morin will contact the applicants' attorney to discuss.

Bell Labs at Nokia

The Board discussed how much of the Nokia property is located in New Providence as well as Bell Labs at Nokia's disclosure that it is evaluating the future of the campus and

whether it will stay or repurpose part of the property. Approximately 500' of the campus fronting Mountain Avenue is located in New Providence. The Board agreed that it would be a shame to see Nokia vacate the Bell Labs campus. .

F. MISCELLANEOUS BUSINESS

No miscellaneous business.

G. MINUTES FROM 11/19/2018

The minutes from November 19, 2018, were approved as submitted.

I. ADJOURNMENT

The meeting was adjourned at 8:39 p.m.