

**BOROUGH OF NEW PROVIDENCE
BOARD OF ADJUSTMENT
MEETING MINUTES – MONDAY, FEBRUARY 26, 2018 – 8:00 p.m.**

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

Absent: All present

Also Present: Elena Gable, Borough Planner; Keith Lynch, Director of Planning and Development; and, Michael O’Krepky, Borough Engineer.

A. CALL TO ORDER

Chairman Nadelberg called the meeting to order at 8:05 p.m. This meeting was held in the Lincoln Room.

B. PUBLIC HEARINGS SCHEDULED FOR FEBRUARY 26, 2018

Edward Nasto Application #2018-01
15 Verona Road, Block 277, Lot 6, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-11E for permission to construct an addition. The property does not have a garage and a one-car garage is required. The existing front-yard setback is 39.9 feet.

Edward Nasto was sworn in. He proposes to construct a second-story addition to the back of the house for another bedroom and a one-story first-floor addition where the patio is now. The Nastos need more room for their growing family. The addition conforms but the property doesn’t have a garage. The addition, however, doesn’t preclude construction of a garage in the future. They have two trucks that they park in the driveway and not on the street.

Mr. Karr noted that a garage the side of the house would be tight but Mr. Nasto could construct a detached garage in the rear. The property has beautiful *arbor vitaes* and the addition has no impact on the neighbors. Mr. Nasto testified that there will be no additional lighting on the addition. There is a covered patio now with lights by the door. The new patio will be smaller and the door out to the patio will be moved.

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: The Board had no issue granting a variance for the lack of a garage as the addition conforms. A future applicant would still have to appear for the lack of a garage provided the ordinance requiring a garage is still in place at the time.

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

Carried from January 8, 2018

MAJ Realty Inc.

Application #2017-27

20 Marion Avenue, Block 237, Lot 6.01, R-3 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 a new two-family home. The proposed lot area is 8,967 square feet whereas 10,000 square feet is the minimum required. The proposed rear-yard setback to the house is 30.17 feet and 25 feet to the deck whereas 40 feet is the minimum required. The proposed front-yard setback is 20 feet whereas 30 feet is the minimum required. The proposed side-yard setback on the right is 15.78 feet whereas 18 feet is the minimum required. The proposed driveway curb cut is 22 feet whereas 16 feet is the maximum allowed.

Mr. DeSarno recused himself from the hearing as he was absent for the hearing on January 8, 2018. Mr. Ammitzball listened to the recording of the hearing and was eligible to vote on the application.

John Vitale, attorney for the applicant, re-introduced Wayne Ingram the applicant's engineer from Engineering & Land Planning Assoc., previously sworn in on January 8, 2018, to present the documents requested by the Board. The applicant revised Sheet 1 of the Variance Plan to show trees of substantial size – 4" caliper or greater – on the site and adjacent to the site. Seven trees are on the eastern side of the property and three on the western side including a 46' diameter deciduous tree, a 42' deciduous tree in the building envelope that will be removed and a 20" diameter coniferous tree in the south west corner. Mr. Ingram prepared a Conceptual Plan showing the building footprint for a two-story single-family house that could be built on the site. The single-family house is virtually the same size house, 1,733 SF footprint, as the proposed two-family house only it is oriented long ways on the lot. A single-family house as shown on the Conceptual Plan would be more detrimental to the neighbors. The proposed two-family house maintains a 15' setback from the neighbor and allows more space and light and is less detrimental to the trees plus the driveway can be pulled back off the property line.

Mr. Ingram also prepared a survey, based on the tax map, of the types of dwellings in the neighborhood. The survey is color-coded to show the commercial properties, single-family and multi-family houses. Many of the lots with single-family houses are non-conforming. The proposed duplex is more conforming as a duplex than most of the single-family lots in the neighborhood: The minor deficiency for the lot area for the proposed duplex isn't out of character in the neighborhood.

Mr. Ingram reviewed the variances for the front-yard setback of 20' an improvement over the existing 0.74', rear-yard setback of 30.17' and the minimum lot area of 8,967 SF where 10,000 SF is required for a two-family house. Mr. Ingram testified that the

intensity of the size of the proposed building is no different than a single-family house. In addition, the proposed duplex is less impactful on the neighbor and is consistent with the neighborhood. Mr. Lynch clarified that a 30' single-family house would require an 18' side-yard setback not 8' as shown on the Conceptual Plan. Mr. Ingram noted that a variance is also required for the width of the curb cut for the proposed double driveway.

Mr. Ingram had no objection to the remaining comments on the Borough Engineer's letter dated February 19, 2018, except for the one about centering the seepage pits. The seepage pits were purposefully not centered to protect the trees. The dry wells have already been sized. The parking requirements have been accommodated: Each unit will have a garage and off-street parking on the driveway.

The Board had no further questions for the witness. The hearing was opened to questions from the public.

Erin Wade, 28 Marion Avenue, asked Mr. Ingram to locate the maple tree on the plans. The maple street is the 42" diameter tree in the building envelope that will be removed.

Robert E. Coleman, whose office is in Stirling, NJ, presented his credential as a licensed professional architect and was accepted as such. Mr. Ingram described the front elevation. The proposed duplex has two garage doors and will have a wainscot of cultured stone across the front. It will have vinyl siding and dimensional asphalt roof shingles. Two gables break up the roof. The front doors will have shed roofs to provide protection from the weather. The rear of the duplex will have sliding glass doors with wall-mounted lights on either side that open out onto platform decks mostly likely to be made of composite material. The decks are a step up from ground level. The left- and right-side elevations are identical. The maximum building height is 30' -11" with a mean height of 26' or 27'.

A finished basement is proposed with unexcavated space under the garages. The space behind the garages will be finished and the back of the basement will be utility space. If the water table proves to be too high for the garages, the area will be a crawl space. The first floors have a hallway, dinette, kitchen and family room. The second floors have three bedrooms one of which is a master bedroom with a master bathroom and walk-in closet. There is also a common bathroom and laundry. The attic, accessible by pull-down steps, won't be finished and will house an air conditioning unit. It isn't livable space because the height to the peak of the roof is only 8' or 9'.

Mr. Coleman responded to questions from the Board. The units will have forced hot air heating. The equipment for the basement and first floor will be located in the basement. The equipment for the second floor will be located in the attic. There is a two-hour fire wall between the two units. A set of the elevations and floor plans was marked as Exhibit A-3.

Ms. Ananthakrishnan noted that the duplex requires an 18' side-yard setback if it is 30' to the peak. Mr. Ingram responded that the duplex could be moved 2.5' to the west to comply with the setback requirement because the tree there is already coming down. The 55 to 60 SF platform decks will have wall sconces by the sliding doors and will be made of Trex or a composite material. The decks are a step up from the ground and accommodate a small table. Mr. Lynch asked how the house fits in the neighborhood. Mr. Coleman stated that many of the houses in the area have gables and are colonial

style homes. The proposed duplex with clapboard siding and dimensional asphalt shingles fits the colonial style of the neighborhood. Mr. Grob commented that there are lots of windows on the side elevations. The larger windows on the side elevations are in the in dining areas and bedroom. Mr. Coleman attempted to keep the windows narrow to lessen the impact. The windows on the west side face the office building on South Street and the applicant is willing to move the duplex to the west to comply with the 18' setback on the east side to the neighbors so the windows will have less impact with the increased setback.

Mr. Coleman does not believe that it's feasible to fix up the existing house. It isn't worth it to open up the house and renovating the house isn't good for the town. A new, modern home is better. Mr. Morgan is concerned about the volume of the proposed duplex because it's large and is a gateway to the residential area and asked about the volume of the proposed duplex in comparison to the duplex across the street (lot 18). Mr. Ingram responded that the lot 18 is larger and believes the volume for that duplex is larger than the proposed duplex as it is wider although he couldn't comment on the depth of duplex on lot 18. Mr. Ingram did not know the front-yard setback for duplex on lot 18. The setback for the proposed duplex is an improvement over the setback for the existing house. When asked, Mr. Coleman responded that he was not asked to design a single-family house but noted that it could be smaller than the one presented on the Conceptual Plan. If a basement is feasible, there will be too much soil to remain on site and it will be removed. The trees on the site will be protected to the drip line.

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.

Mr. Vitale stated that the witnesses have testified to the positive and negative criteria. He believes the variances should be granted. The proposed duplex is an improvement over the existing house on the site and use of the site for a duplex presents less of burden to the neighborhood than the existing house.

No further witnesses appeared to testify and the hearing was opened to comments from the public.

Erin Wade formerly Badgley, 28 Marion Avenue, was sworn in. Her family is a founding family in New Providence. The existing home has been there for over 100 years and it's the Borough and Board's responsibility to preserve New Providence and its charm and unique history. The one large tree that will be removed is all that she cares about and watches it each season. She is disheartened that the tree will be removed for a two-family house that doesn't fit in the neighborhood the way the existing house does. The applicant is only interested in the money. She has lived across the street from the applicant's other construction site for years. The existing house can be fixed up, a garage added and it will sell. An older home on the block was renovated without having any impact on the neighborhood. It's the Board's responsibility to be the voice of reason and "just because somebody can doesn't mean somebody should". Ms. Wade hopes the house will be as important to the Board as it is to her. The 300-year old house on Mountain Avenue was saved because it mattered.

Roma Wade, 28 Marion Avenue, was sworn in. Referencing the east side elevation, Mr.

Wade stated that he lives in a one-story, 550 SF (804 SF on the tax records) house. The proposed duplex will block the sun. Mr. Wade asked the Board if they would want to live in his house if the duplex is approved.

The hearing was closed.

Discussion: Mr. Karr believes the duplex is out of character with the neighborhood and the applicant could build a single-family house on the site without any variances. He is opposed to the two-family house. Mr. Ammitzboll agreed with Mr. Karr. The property is a transition point to the residential area. That side of Marion Avenue is quaint and many homes on that side have already been improved so it's unlikely that anyone is going to construct a 30' house like the house proposed. Mr. Grob was concerned that a single-family house could be worse for the neighbors as it is unlikely that the existing house will stay. Mr. Ammitzboll commented that a 30' high single-family house would have to have an 18' side-yard setback. In addition, the existing house hasn't been inspected and it's possible that it could be renovated. He doesn't see a hardship to permit construction of a two-family house. Ms. Ananthakrishnan agreed with Mr. Ammitzboll and can't see a hardship to go from a single-family to two-family house with all the variances.

Mr. Karr moved to deny the application. Mr. Ammitzboll seconded the motion. A resolution will be passed at the next meeting. Members voting in favor to deny: Mr. Ammitzboll, Mr. Grob, Mr. Karr, Mr. Ping, Ms. Ananthakrishnan and Mr. Nadelberg. Abstentions: Mr. Morgan. Those opposed: None.

C. PUBLIC HEARINGS SCHEDULED FOR MARCH 5, 2018

Anthony V. Tramonta Application #2017-39
130 Livingston Avenue, Block 141, Lot 1, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article V, Section 310-20 (2) for permission to keep a driveway. The property contains two driveway curb cuts whereas only one curb cut is permitted.

The applicant would like to keep the original driveway on Third Street – the garage was destroyed during a storm several years ago – which was to be removed following completion of the addition with a two-car garage on Livingston Avenue. The Board allowed the driveway to remain during construction of the addition approved in 2015.

Carried from February 5, 2018

123 South Street Realty, LLC Application #2017-33
123 & 125 South Street, Block 171, Lots 28 & 30, OR Zone, New Providence, NJ 07974
Preliminary and final site plan approval and variance relief for floor area ratio, number of stories, size of buffer areas and setback to parking area for four single-family townhomes.

The Board Secretary received a photo simulation of the proposed townhomes from South Street and will distribute it to the Board prior to the hearing.

D. COMMUNICATION ITEMS

The Board approved the 2017 Annual Report as submitted. The Board Secretary will forward it to the Planning Board.

E. MISCELLANEOUS BUSINESS

No miscellaneous business.

F. MINUTES FROM 2/5/2018

The minutes of February 5, 2018, were approved as submitted.

G. ADJOURNMENT

The meeting was adjourned at 9:15 p.m.