

**BOROUGH OF NEW PROVIDENCE
BOARD OF ADJUSTMENT
MEETING MINUTES – MONDAY, APRIL 2, 2018 – 8:00 p.m.**

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

Absent: Mr. Ping

A. CALL TO ORDER

Chairman Nadelberg called the meeting to order at 8:04 p.m. This meeting was held in the Council Conference Room.

B. RESOLUTIONS

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. Grob moved this and Mr. Ammitzboll seconded the motion to approve the resolution to deny. Members voting in favor to deny: Mr. Ammitzboll, Mr. Grob, Mr. Karr, Ms. Ananthakrishnan and Mr. Nadelberg.

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.

Members eligible to vote in favor: Mr. DeSarno, Mr. Grob, Mr. Morgan, Mr. Ping, Ms. Ananthakrishnan and Mr. Nadelberg.

The applicant's attorney requested additional time to review the resolution. This resolution will be memorialized at the April 16, 2018, meeting.

John and Lisa Mundy Application #2018-02
60 Holmes Oval North, Block 40, Lot 4, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedules II and III for permission to construct an addition. The proposed front-yard setback to the addition is 33.9 feet whereas 40 feet is the minimum required. The proposed side-yard setback to the addition is 9.73

feet with a combined total of 13.53 feet whereas 15 feet with a combined total of 18 feet is the minimum required. The proposed building coverage is 1,740 square feet whereas 1,500 square feet is the maximum permitted. The proposed lot coverage is 41.48% whereas 40% is the maximum permitted. The existing side yard to the side porch is 3.8 feet. The existing front yard is 37 feet. The existing side yard to the driveway is 1 foot.

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

Christopher and Tamara Hazlett Application #2018-04
39 The Fellsway, Block 271, Lot 39, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct an addition. The proposed side-yard setback on the right side to the second-floor addition is 8.33 feet whereas 16.5 feet is the minimum required. The existing side yard is 7.5 feet. The existing patio and walkway are on the side property line.

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

C. REQUEST FOR EXTENSION OF TIME

Richard and Nicole Fachet Application #2016-20
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.

The Fachets were unable to start construction on the addition within the timeframe of the variance because of the cost and requested an extension of time. They can now start the work and have engaged a contractor. They have submitted construction documents so they are ready to start work.

Mr. Grob moved to grant a 6-month extension of time to file for permits with a year to complete construction. 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, Ms. Ananthakrishnan and Mr. Nadelberg. Those opposed: None.

D. PUBLIC HEARINGS SCHEDULED FOR APRIL 2, 2018

Carried from March 19, 2018

Michael and Allyson Santacross Application #2018-03
150 The Fellsway, Block 274, Lot 11, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct a garage addition. The proposed front-yard setback to the garage addition is 34 feet whereas 40 feet is the minimum required. The existing driveway is 3 feet from the property line.

Michael Santacross and his architect, Thomas Hofmann, were sworn in and Mr. Hofmann was accepted as a licensed professional architect. The applicants would like

to construct a garage at the front of the house. The survey submitted with the application was outdated so the hearing was carried from March 19, 2018, to allow time for the applicant to get a new survey. Based on the new survey, Mr. Hofmann noted that front-yard setback for the proposed garage is 30.8' rather than 34' as initially submitted. The side-yard setback is 13.5' which would only allow a 3' setback if the garage were constructed to the side of the house rather than in front. Locating the garage in front is more in keeping with the neighborhood in terms of side-yard setbacks. The proposed garage is 12'-5" wide and 20'-5" deep. The interior of the house will be reconfigured to divide the existing master bedroom into two. There is one bathroom upstairs in the rear and a second bathroom is proposed above the garage. The Santacrosses appeared before the Board in 2009 for a dormer addition. At that time, the Board asked about the construction of a garage but they didn't want to add a garage at the time.

Messrs. Santacross and Hofmann responded to questions from the Board. The applicants could put a detached garage in back but the lot coverage would go up because the driveway would have to be extended all the way to the back of the property. Mr. Karr noted that all the houses on The Fellsway have a similar setback so the garage as proposed would noticeably stick out. Mr. Hofmann noted the house four down projects out. Mr. Grob expressed the same concern as Mr. Karr and that it isn't appropriate for the neighborhood as the houses line up as viewed from Greenwood Road. Mr. Santacross showed the plans to the neighbors. He wants the garage and is not doing the addition to get the bathroom although a bathroom makes sense especially for the re-sale value. If the garage is added to the side it would be very close to the neighbor's property. There is a huge flower bed where the garage would be located which is almost wasted space. Mr. Hofmann noted that the garage floor will be 3' lower which keeps the second floor addition lower. The garage is not overly deep. Mr. Santacross added that the proposed location of the garage is similar to what's being done on Salem Road. This is where he got the idea for the placement of the garage in front.

A copy of the site plan with the new survey, left and front elevations and first- and second-floor floor plans was marked as Exhibit A-1. The driveway will be moved over 2.5' to 3'. The whole driveway will be replaced because the applicants are going to replace the sewer. Mr. Ammitzboll asked if Mr. Santacross would consider removing the driveway on the side that runs to the back of the house and make an area in front of the garage that would accommodate two cars. Mr. Grob noted that the Board already granted a variance for encroachment for the side-yard for the dormer addition. Mr. Hofmann responded that the applicant is seeking a variance to provide a garage and is not further encroaching into the side yard. Mr. Santacross added that moving the garage to the side would be a further encroachment into the side yard. Mr. Ammitzboll asked about the existing second-floor layout. The bedroom to the back left of the house is the master bedroom and will be re-configured into two bedrooms.

The Board asked if the applicant could shorten the garage and use the shed in the rear for storage. Mr. Santacross responded that the shed in the rear is really a play fort and will be removed. In addition, he plans to move the other shed. Mr. Santacross was willing to shorten the garage if that is what is required to get approval. Mr. Grob commented that the garage will encroach 9.8' farther into the front yard. Mr. Karr again noted that all the houses on The Fellsway line up and the garage will be noticeable. Mr. Hofmann stated that shortening the garage by 2' will not impact the second floor. The pitch of the garage roof may drop, but the design won't really change. The Board asked

about lighting. There will probably a canopy light under the overhang and possibly a sconce light on the garage but no spotlights. Mr. Nadelberg commented that there are no windows on the left elevation and would like to see windows. Mr. Santacross said that there will be a window in the bathroom on the second floor and also one in the garage. The windows were drawn in on the left elevation on Exhibit A-1.

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. DeSarno was impressed with the applicant's attempt to keep the architecture low and his willingness to shorten the garage. In addition, the applicant recognized that putting the garage to the side would be a problem for the neighbor. Mr. Ammitzboll agreed with Mr. DeSarno. The Board encourages garages and this one is well-considered. The applicant strongly considered where to place the garage so as not to impact the neighbor on the side. The garage will sit lower and shortening it by 2' may mitigate the impact of the front-yard setback. Rarely do applicants come back to the Board to add a garage after a previous application as is the case here. The garage and second-floor bathroom will improve living conditions. The application improves many things in exchange for a reduction in the front-yard setback. Ms. Ananthakrishnan had no objections to the application. It fits in and isn't an imposition on the side neighbor.

Mr. Ammitzboll moved to approve the application with the following conditions: 1) The depth of the garage will be reduced by 2', 2) a window will be added in the bathroom on the second floor above the garage and also in the garage as marked on Exhibit A-1, 3) the applicant will submit revised plans to show the changes discussed, and 4) the driveway and pavement that extend to the back of the house will be removed. Ms. Ananthakrishnan seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Mr. Ammitzboll, Mr. DeSarno, Mr. Morgan, Ms. Ananthakrishnan and Mr. Nadelberg. Those opposed: Mr. Grob and Mr. Karr.

David Hyung Lim Application #2018-06
14 Birch Place, Block 73, Lot 3, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct an addition. The proposed rear-yard setback to the addition is 35 feet whereas 40.62 feet is the minimum required. The proposed building coverage is 1,710 square feet whereas 1,562 is the maximum permitted. The existing front yard is 39.6 feet. The existing side yards are 8.11 and 9.65 feet.

Mr. Ammitzboll lives within 200' of the applicant and recused himself from the hearing.

Lauren and David Lim and Al Leonard, their architect, were sworn in. Mr. Leonard was accepted as a licensed professional architect. Ms. Lim introduced the application stating that they were enamored with the town when looking for a house because of the

proximity to the city and the quality of the schools. They now two children and need more room. The house has no basement. They propose to add a family room off the back of the house. She spoke to the neighbors behind them at 35 and 45 Crescent Drive and they have no objection to the addition. She added that the neighbor across the street was present to attest to the need for the addition.

A sheet with the site plan, colorized rear elevation, floor plan and photographs of the front and back of the house and back yard was marked as Exhibit A-1. Mr. Leonard testified that the house is slab on grade and doesn't have a basement. The previous owner added a second floor. The house has a living room but no family room. The rear property line is skewed so a variance is needed for the rear-yard setback for one corner of the addition. A variance is also required for the building coverage of 1,710 SF an increase of 1.83%. The addition will have double cathedral ceilings and a fireplace in the center with windows on either side. Cultured stone will be used around the foundation. The kitchen will open up into the family room. A patio is proposed at the side of the addition. A 6' fence, as shown on Exhibit A-1, is located around the perimeter of the property. There is little impact to the houses behind.

Mr. Leonard responded to questions from the Board. The addition is 20' 8" deep. It will be a working fireplace and the window in the fireplace is functional although it won't open. Mr. Lynch asked about water management on the site is a flat grade and the rear yard slopes up. Mr. Leonard is aware that there is an issue and that the water can't become someone else's problem. The addition will have a masonry foundation because he can't do wood framing. In addition, a dry well will probably be needed but Mr. Leonard hasn't done a grading analysis to determine the location of a dry well. It will most likely be located in the rear of the property. The gutters/leaders would be directed if a dry well is the solution; however, Mr. Leonard would like to look at all options to manage the water as it would be better if the water can be managed without a dry well. Mr. Lynch stated that the applicant needs to get the water to the street. While less than 1,000 SF of soil will be moved, the applicants were willing to submit a grading application subject to approval by the Borough Engineer as a condition of approval.

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

Hans Ammitzboll, 15 Birch Place, asked if the water can be pumped from the back to the curb. Mr. Leonard agreed that this can be done if he can get a gravity feed. This would be a better option than a dry well.

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

Nakul Kapoor, 3 Birch Place, was sworn in and stated that he lives diagonally across the street from the Lims and has known them for four or five years. He thinks it's a perfect addition that won't be seen from the front of the house. The variance requests are functional not cosmetic. .

Hans Ammitzboll, 15 Birch Place, who lives directly across the street, was sworn in. It's a great addition and can't be seen from the street. When he went through the house after the previous addition his first thought was why the applicant didn't add more to the back of the house because it's not very deep. He knows the pain of having a house built

on a slab without a basement for storage. It's an awesome addition.

Discussion: Mr. Karr believes the addition is a beautiful design and will fit. Mr. Grob added that the back yard is large enough to support the addition and the rendering is so nice that he initially thought it was the front of the house. Mr. DeSarno appreciates the neighbors' support and hopes the applicants' budget will allow them to keep the window in the chimney.

Mr. Grob moved to approve the application with the condition that the applicant will complete a grading analysis subject to approval by the Borough Engineer. Mr. DeSarno seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Mr. DeSarno, Mr. Grob, Mr. Karr, Mr. Morgan, Ms. Ananthakrishnan, Mr. Sorochen and Mr. Nadelberg. Those opposed: None.

Greg Schraft

Application #2018-05

146 Hickson Drive, Block 241, Block 38, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule III for permission to construct an addition. The proposed building coverage is 2,125 square feet whereas 1,952 square feet is the maximum permitted. The existing side yard is 2.37 feet with a combined total of 17.03 feet. The existing side yard to the driveway is 2.37 feet and the curb cut is 21 feet wide.

Greg Schraft was sworn in and described the application to remove the existing deck at the rear of the house and add a 12' wide, 15' deep addition for a family room off of the dining room. The house is a ranch that the Schrafts have lived in since 2005. They have two children and have outgrown the house. The side-yard setback is an existing non-conformance and the proposed den will not encroach further into the side-yard setback.

Mr. Schraft responded to questions from the Board. The Schrafts have a deep back yard and look out onto the park on the other side of the water. The addition will be finished with materials that match the vinyl siding that they replaced three years ago along with the roof.

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 agreed that the addition is *de minimus* and will have no impact.

Mr. Karr moved to approve the application and Mr. Ammitzboll 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, Ms. Ananthakrishnan and Mr. Nadelberg. Those opposed: None.

E. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR APRIL 16, 2018

No public hearings are scheduled for April 16, 2018.

F. COMMUNICATION ITEMS

No communication items

G. MISCELLANEOUS BUSINESS

No miscellaneous business.

H. MINUTES FROM 3/19/2018

The minutes of March 19, 2018, were approved as submitted.

I. ADJOURNMENT

The meeting was adjourned at 9:05 p.m.