

**BOROUGH OF NEW PROVIDENCE
BOARD OF ADJUSTMENT
MEETING MINUTES – MONDAY, MAY 7, 2018 – 8:00 p.m.**

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

Absent: Mr. DeSarno

Also present: Keith Lynch, Director of Planning and Development

A. CALL TO ORDER

Chairman Nadelberg called the meeting to order at 8:02 p.m. This meeting was held in the Council Conference Room.

B. PUBLIC HEARINGS SCHEDULED FOR MAY 7, 2018

Carlos and Sonia Ruiz Application #2018-07
25 Pearl Street, Block 194, Lot 17, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II and Article V, Section 310-20I for permission to construct a detached garage. The proposed front-yard setback to the detached garage is 24 feet whereas 40 feet is the minimum required. The proposed detached garage is 15.4 feet high whereas 14 feet is the maximum height allowed. The proposed 2 feet walkway around the detached garage is 4 feet from the property line whereas 6 feet is required. The existing front yard setback is 39.96 feet. The existing side-yard setback is 9.86 feet. The existing shed is 2 feet from the property line.

Carlos and Sonia Ruiz were sworn in and described their application to construct a detached garage. The applicants have lived in town for 50 years. The right side of their lot is not useable because of the triangular shaped lot. They would like to build a two-car garage in this area of the lot but need a variance for the front-yard setback. They have a small attached garage in the back of the house but it's difficult to maneuver their vehicles to get to it. They have three cars and all currently park in the driveway.

Mr. Karr stated that all of the houses on the street have a 40' front-yard setback: The proposed garage with a 24' setback will be very noticeable. Mr. Ammitzboll asked if the applicants considered other options specifically whether they considered converting the pavement behind the garage to a garage. Mr. Ruiz considered this option but they would use this area in the summer. They don't use the side yard because it has no privacy. Mr. Ruiz believes it would change the look of the house if they added a garage to it. In addition, if they added an attached garage they would lose their long driveway which they would like to keep. Mr. Ammitzboll noted that the driveway could accommodate a two-car garage. Mrs. Ruiz would prefer to have a two-car garage and keep the driveway. Mr. Grob stated that the applicants are asking the Board to allow a two-car garage in the front yard and added that it's a big building for a front yard as it is 24' by 24' and 15' high. Mrs. Ruiz responded that they will make it look nice with landscaping. Mr. Karr stated that the proposed garage is half the footprint of the house

and it will be in the front yard. Ms. Ananthkrishnan added that the proposed garage is situated at a 45° angle so both sides will be visible and it will look as big as the house. Mr. Ruiz believes it's too much to add an attached garage to the right side of the house. Mr. Ammitzball believes that an architect would be able to propose better more creative ways to get a garage. The applicants didn't consult an architect and are not sure financially that it would be better to add a garage to the house. If the application is approved, the applicants will use the existing attached garage and shed for storage.

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

Helena Tielman, 795 Meyersville Road, Gillette, NJ representing the estate of 856 Central Avenue, noted that the property in question backs up to the property at 856 Central Avenue. There is a 4' wide ditch/small brook off the fence along the back of the property. Ms. Tielman asked how such a big garage can be built without impacting the brook. The garage is close to the side yard and she doesn't want to see it encroach on the ditch/small brook. Mr. Ruiz responded that the garage will maintain a 10' setback from the property line so it won't impact the ditch/small brook. Mr. Lynch stated that the ditch/small brook isn't a controlled waterway. There is no easement mapped and it is just a swale.

Mr. Grob asked how the applicants will manage the water with the increase in impervious coverage. The plans show a hip roof on the garage so there will be four sides for the water where the water needs to be controlled. Mr. Ruiz responded that all four sides will have gutters and downspouts that will be directed to daylight. The water could be sent to the driveway. He would prefer the downspouts to drain to the ground - two downspouts to the back yard and two to Pearl Street - but is flexible and could direct the water another way.

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

Helena Tielman, 795 Meyersville Road, Gillette, NJ, was sworn in. Five photographs were marked as follows:

- Exhibit O-1 – A photograph from 1965 showing the fence and the ditch at the rear of her parent's yard at 895 Central Avenue. Her parents moved to New Providence in 1960 when the house was nine years old. The ditch along the rear of the yard has been partially filled in since the photograph was taken.
- Exhibit O-2 – Photograph taken today showing the pipe against the fence behind 856 Central Avenue with water flowing from the pipe.
- Exhibit O-3 – Photograph showing the ditch on the property in question which is where the garage is proposed.
- Exhibit O-4 – Photograph taken from Pearl Street looking down the side yard of the property in question showing the ditch.
- Exhibit O-5 – Aerial photograph showing her parent's property at 856 Central

Avenue in relationship to the property in question.

Ms. Tielman testified that the neighbors have had water and while she would like the applicants to get what they need/want, she would like them to consider a way that keeps the water flowing. The ditch is 3' from the fence and from the plans it looks as if the gravel around the garage will be close to the ditch. Mr. Ruiz responded that the garage will be 10' from the fence.

Michael Gerace, 860 Central Avenue, was sworn in. He lives behind the applicants and stated water is a big issue in the neighborhood and assumes that's why the ditch is there. He's lived in his house for three years and when he did work on his house, he had to re-route the drainage. He has no problem with the garage as long as the water and drainage don't impact the neighborhood. There has been a lot of building in the neighborhood, and in the past few months he has seen water ponding.

The Board had additional questions for the applicant. Mr. Grob noted that the data provided on the application is incorrect so there is no way for the Board to determine the proposed building coverage and impervious coverage.

Mr. Ruiz has talked to the neighbors over the years about the water. He has no intention to block the ditch and doesn't think the two-car garage will have any impact on the water. His property is lower so he already has water coming from the other properties. In addition, it's a drainage ditch not a stream.

Mr. Karr noted that he has been on the Board for many years and has heard a lot of applications. He believes the house will be worth more if the applicants add an attached garage and second floor. Ms. Ananthakrishnan agreed that most people don't want a detached garage.

Mr. Nadelberg offered the applicants the opportunity to carry the hearing so that they can provide the correct information needed to determine building and impervious coverage. Mr. Morin noted that the hearing can be carried without re-noticing the application; however, if the applicants decide to change the plans, they may have to re-notice if the changes result in different/new variances. The hearing was carried to June 18, 2018.

C REVIEW OF PUBLIC HEARINGS SCHEDULED FOR MAY 21, 2018

Paul Ellison Application #2018-09
19 Valentine Road, Block 185, Lot 2, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article V, Section 310-32(B) for permission for a fence. The fence in the front along Central Avenue is 6 feet high whereas 30 inches is the maximum height allowed.

Pratik and Paras Raimugia Application #2018-10
142 Stoneridge Road, Block 252, Lot 9, R-1 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct an addition. The proposed combined side-yard setback to the addition is 32.3 feet whereas 33 feet is the minimum required. The proposed building coverage is 2,359 square feet whereas 2,298 square feet is the maximum allowed.

Marcus and Caroline Virella
44 Chestnut Street, Block 282, Lot 13, R-2 Zone, New Providence, NJ 07974
Application #2018-11
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct an addition. The proposed rear-yard setback to the addition is 39.73 feet whereas 43.7 feet is the minimum required.

D. COMMUNICATION ITEMS

130 Livingston Avenue

The homeowner has said he will remove the driveway on May 11th.

Tide Dry Cleaners

Tide Dry Cleaners opened today.

Chopt Salad

Chopt Salad in the Village Shopping Center had a soft opening and will open this week.

E. MISCELLANEOUS BUSINESS

No miscellaneous business.

F. MINUTES FROM 4/16/2018

The minutes of April 16, 2018, were approved as submitted.

G. ADJOURNMENT

The meeting was adjourned at 8:57 p.m.