

**BOROUGH OF NEW PROVIDENCE
BOARD OF ADJUSTMENT
MEETING MINUTES – MONDAY, JUNE 18, 2018 – 8:00 p.m.**

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

Absent: Messrs. Ammitzboll and DeSarno

Also present: Keith Lynch, Director of Planning and Development

A. CALL TO ORDER

Chairman Nadelberg called the meeting to order at 8:06 p.m.

B. RESOLUTIONS

Hans Nahata and Jain Vandana Application #2018-12
791 Central Avenue, Block 210, Lot 19, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct a deck. The proposed rear-yard setback to the deck is 25 feet whereas 42 feet is the minimum required. The proposed building coverage is 1,635 square feet whereas 1,610 square feet is the maximum allowed.

Mr. Lynch looked at the property file and found that the first-floor deck was constructed without a permit. The Board discussed whether it could still proceed with memorializing the resolution. Mr. Morin stated that the Board heard the application for the second-floor deck based on the merits. The first-floor deck was not brought up until after the hearing on June 4, 2018, was closed; therefore, the Board can memorialize the resolution. Mr. Lynch can withhold issuance of the permits for the second-floor deck pending resolution of permits for the existing deck.

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

Robert and Teresa Muñoz Application #2018-13
3 Alison Court, Block 270, Lot 22, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct a portico. Porticos in excess of 25 square feet must conform to the front-yard setback. The front-yard setback to the portico is 35 feet whereas 40 square feet is the minimum required.

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

Jan and Gregory Martin Application #2017-09
75 Walnut Street, Block 282, Block 25, R-1 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II & III for permission to construct an addition and deck. The proposed rear-yard setback to the addition and deck is 27.7 feet

whereas 49 feet is the minimum required. The proposed building coverage is 2,408 square feet whereas 2,348 square feet is the maximum permitted. The existing driveway is 23 feet wide. REQUEST FOR EXTENSION OF TIME

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

C. PUBLIC HEARINGS SCHEDULED FOR JUNE 18, 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.

This hearing was carried from May 7, 2018. Mr. Ruiz described the correction to the data submitted in the original application. The total area to be occupied by covered structures is 1,746 SF not 13,026 SF as originally submitted. Nothing else has changed. The distance from Pearl Street to the proposed detached garage remains the same. Including the proposed two-car detached garage, the building coverage on the lot is 13% and the impervious lot coverage is 31% which is below the 40% allowed.

Mr. Ruiz responded to questions from the Board. The walkway around the garage is 2' wide and 6' from the property line (Note: The location of the sidewalk and distance from the property line as marked on the application submitted to the Board is different from the location indicated on the survey as reviewed by the Zoning Officer and reflected in the denial letter as being 4' from the property line).

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 stated that the application hasn't changed, and he believes the proposed detached two-car garage is too close to Pearl Street and doesn't fit the neighborhood. In addition, the applicant has chosen not to explore constructing an attached two-car garage. Mr. Grob agreed that the setback from Pearl Street doesn't work. Ms. Ananthakrishnan added that the proportion of the garage is almost equal to the house. Also, because of the placement of the proposed garage, two sides of the garage will be visible from Pearl Street. It's too big.

Mr. Ruiz stated that the house is 27' x 36' while the garage is 24' x 24' so it is smaller

than the house.

Mr. Ping moved to deny the application. Mr. Morgan seconded the motion to deny. A resolution will be passed at the next meeting. Members voting in favor to deny: Mr. Grob, Mr. Karr, Mr. Morgan, Mr. Ping, Ms. Ananthakrishnan and Mr. Nadelberg. Those opposed to denying the application: Mr. Sorochen.

Mr. Ruiz asked why the application was denied. Mr. Morin stated that the applicant is required to meet certain criteria for a variance to be granted and explained that the Board didn't believe that the applicant's testimony met the criteria for a variety of reasons including the proximity to Pearl Street and other aesthetic reasons. Mr. Morin informed that applicant that he can appeal the Board's decision to the Superior Court or can consider submitting a new, substantially different, application to the Board.

Kenneth and Heather Urbano Application #2018-14
52 Crane Circle, Block 200, Lot 13, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct an addition. The proposed building coverage is 2,416 square feet whereas 2,110 square feet is the maximum allowed.

Kenneth and Heather Urbano were sworn in. They would like to construct a 76 SF bump out on the back of the house over part of the existing deck. A 10-page document was marked as Exhibit A-1 and includes the following:

- Page 1 – Photograph of the rear of the house and deck
- Page 2 – Photograph of the rear side of the house highlighting in ping where the deck will be removed and the addition constructed
- Page 3 – Copy of the 200' property owners list with six lots identified
- Pages 4-9 - Copies of the tax records for the six lots identified on Page 3 with the acreage of the properties and square footage of buildings highlighted in yellow, and
- Page 10 – Letter from a neighbor in support of the application.

The addition will be flush to the existing house. The Urbanos hand delivered the legal notice and all property owners were in favor stating the addition would add value to the house and neighborhood. The tax records show that there are neighboring properties with more building coverage than the Urbanos propose. If the deck is already counted as building coverage, then they are already at the maximum coverage. The addition will not be visible from the front of the house. Only the neighbor to the right will be able to see the additional 6' of siding. They will continue the same roofline and the siding will match the existing siding

Mr. and Mrs. Urbano responded to questions from the Board. The existing door out to the deck will be replaced in the same location. They may shift the placement of windows in the addition. There are no windows on the neighbor's side and they don't plan to add any. There is no need for an additional air conditioning compressor. The roofline over the rear door will be continued across the back for the addition.

For the record, Mr. Morin informed the applicants that the Board can only accept the

letter from the neighbor included in Exhibit A-1 as a courtesy. The Board cannot consider it when making its decision.

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 visited the site and stated that the addition will have no impact. The applicants have a large back yard. Mr. Ping agreed that the addition will have a minimal impact.

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

Ted and Katherine Hopkins Application #2018-15
30 Jane Road, Block 51, Lot 7, 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 is 41 feet to the addition whereas 48.45 feet is the minimum permitted. The proposed side-yard setback on the right side to the addition is 9.8 feet whereas 15.96 feet is the minimum permitted. The proposed building coverage is 2,090 square feet whereas 1,688 square feet is the maximum permitted. The existing driveway is 2 feet from the property line.

Ted and Katherine Hopkins and Wayne Damis, Mrs. Hopkins' father and owner of the house, were sworn in. Al Leonard, their architect, was also sworn in and accepted as a licensed professional architect. Mrs. Hopkins testified that she would like to construct an addition on the house where her father lives so she and her husband and father can live together as Mrs. Hopkins and her father have medical issues. Mrs. Hopkins grew up in New Providence and would like to stay. They would like to enlarge the house to accommodate the larger family.

The following exhibits were marked:

- Exhibit A-1 – Colorized front elevation
- Exhibit A-2 – Colorized first floor plan

Mr. Leonard described the application. The house is two stories with four bedrooms on the second floor and a one-car garage on the left side. A family room was previously added to the back. They propose adding a second floor above the garage and a covered porch and foyer in front. Referring to Exhibit A-2, Mr. Leonard testified that the existing kitchen, which is small, will be removed and a new kitchen and breakfast area will be constructed at the right rear of the house along with a powder room where the kitchen

was. An elevator will also be installed. The family room will be opened up and a mud room added to connect to the garage. In addition, they will add a covered porch with a heated foyer in front. The existing second floor cantilevers over the first floor making the house look top-heavy. The covered porch will camouflage the top-heavy façade.

A colorized second-floor plan was marked as Exhibit A-3. The tan area shows the addition that will be constructed over the kitchen and breakfast room on the right side of the house: The green area shows the addition above the garage on the left side of the house. A new master bedroom and bathroom will be added as well as a laundry room. A sheet with photographs of the house and a copy of the survey colorized to show the additions with the zoning requirements was marked as Exhibit A-4. The proposed roof line and “stepping” will be similar to the neighbors to the right. The addition above the garage will be stepped back,

Three variances are required for the side- and front-yard setbacks and building coverage. The side-yard setback is based on the height of the existing roof line and is 13.7’ which differs from the Zoning Officer’s calculation of 9.8.’ The neighbor to the left has no windows on that side of the house so the impact of the addition above the garage is minimal. If built to the zoning ordinances, the addition would be ugly. The rear yard backs up to the Municipal Center’s parking lot so the impact in the rear is minimal. The 400 SF increase in the building coverage has a minor impact.

Mr. Leonard described the rendering of the left elevation which was marked as Exhibit A-5. The hatched areas show the addition. The addition goes up over the garage and is stepped back as previously testified. Part of the existing family room and garage will be converted to a mudroom. .

Mr. Leonard and the applicants responded to questions from the Board. The applicants would like to use Hardy Plank siding but the budget hasn’t been set yet. The existing siding is vinyl. All of the siding will be replaced. The addition on the right side is broken up with windows in the kitchen and in the bedroom and bathroom above. The addition on this side faces the neighbor’s garage and second-floor bedroom, and the height of the addition is similar to the neighbor’s house. The solar panels were installed about six months ago and work well, but the applicants may relocate them to face south where they will be less noticeable. The HVAC system will be located in accordance with the zoning requirements. The deck in the rear will be removed. A platform will extend out of the back of the house which will carriage lights not spotlights. The covered porch will have recessed lighting. Mrs. Hopkins believes the rear addition was constructed in 1993.

Mr. Leonard believes the proposed addition is reasonable and attractive. It represents an improvement.

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.

Jeanne Cook, 36 Jane Road, was sworn in and stated that she has lived next door to the applicants for 13 years. Mrs. Hopkins watched her children. She looks forward to the addition.

The hearing was closed.

Discussion: Mr. Grob believes the addition is a marked improvement to the house. The left side is articulated enough not to have an impact on the neighbors. Mr. Ping agreed adding that the covered porch will reduce the top heaviness of the house and improve its curb appeal.

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

D. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR JULY 2, 2018

Jonathan and Amy Shoemaker Application #2018-17
19 Jane Street, Block 60, Lot 4, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule I & III and Article V, Section 310-32(B) for permission to construct an addition, front porch and fence. The proposed front-yard setback along Jane Road is 38.6 feet and 11.8 feet along George Road whereas 40 feet is the minimum required. The proposed rear-yard setback is 40.8 feet whereas 47.05 feet is the minimum required. The proposed side-yard setback to the addition is 8 feet whereas 11.01 feet is the minimum required. The proposed building coverage is 1,826 square feet whereas 1,582 square feet is the maximum allowed. The proposed fence in the front yard along Jane Road is 5.4 feet high whereas 30" is the maximum allowed. The existing driveway is 1' from the side property line.

Carried from 6/4/18

Gail Souren Application #2018-08
54 Laurel Drive, Block 114, Lot 11, 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-story addition is 26.8 feet whereas 40 feet is the minimum required. The proposed rear-yard setback to the two-story addition is 21.75 feet whereas 40 feet is the minimum required. The proposed building coverage is 2,291 square feet whereas 1,667 square feet is the maximum permitted. The existing front yard is 18.8 feet. The existing side yard is 12.3 feet.

Ms. Souren informed the Board Secretary that she plans to submit revised plans by June 22nd.

E. COMMUNICATION ITEMS

Mr. Grob noted that South Street Realty, LLC, 123-125 South Street, has started to work on the site and limbed up the tree in front of the lots. The Board made preservation of the tree a condition of the resolution. Mr. Grob was concerned about how many limbs were removed and reiterated the need for the applicant to protect the tree during construction as it screens the four townhouse units. Mr. Lynch noted that he stressed

the importance of the preservation of the tree to the applicant when it came in to get permits to remove the other trees on the property as marked on the site plan.

F. MISCELLANEOUS

No miscellaneous business.

GJ MINUTES FROM 6/4/2018

The minutes of June 4, 2018, were approved as submitted.

H. ADJOURNMENT

The meeting was adjourned at 8:59 p.m.