

**BOROUGH OF NEW PROVIDENCE
BOARD OF ADJUSTMENT
MEETING MINUTES – MONDAY, JUNE 4, 2018 – 8:00 p.m.**

Present: 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: Mr. Ammitzboll

Also present: Keith Lynch, Director of Planning and Development

A. CALL TO ORDER

Chairman Nadelberg called the meeting to order at 8:03 p.m.

B. RESOLUTIONS

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.

Mr. Grob moved this and Mr. Morgan seconded the motion. Members voting in favor: Mr. DeSarno, Mr. Grob, Mr. Karr, Mr. Morgan, Ms. Ananthakrishnan and Mr. Nadelberg.

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.

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

Marcus and Caroline Virella Application #2018-11
44 Chestnut Street, Block 282, 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 rear-yard setback to the addition is 39.73 feet whereas 43.7 feet is the minimum required.

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

C PUBLIC HEARINGS SCHEDULED FOR JUNE 4, 2018

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.

Gail Souren and her son John Souren were sworn in. Mrs. Souren would like to build an addition over her garage with a bedroom, living area and bathroom so that she can remain in the house with her children and grandchildren. She was born on Laurel Drive and has lived in New Providence for 70 years and would like to live the rest of her life there. While she looked at other houses that would allow her to live with her children, she couldn't find one. In 2002, she received variances to build the house for her husband and her mother. She proposes a small addition above the garage accessed from a stairway behind the garage that will not have a separate entrance. Mrs. Souren hand delivered the legal notices for the hearing and got positive feedback. She has letters of support from some of her neighbors but knows that she can only submit these to the file.

Robert Emert, Jr. was also sworn in, presented his credentials as a licensed professional architect and was accepted as such. A sheet with photographs of the back and front of the house was marked as Exhibit A-1. Mr. Grob asked for clarification of the lots. The house is located on Lots 11 and 12. The proposed addition will be constructed above the existing garage with a small two-story addition at the rear for stairs to the proposed second floor above. The lot(s) is half of the required lot size for the zone. The 8.5' by 24' addition behind the garage represents a 175 SF increase in building coverage. It will line up with the existing house and is required for the stairs up to the proposed living area above the garage, a hallway and laundry room as the existing laundry room has to be moved to accommodate the stairs. Mr. Emert reviewed the variances required noting the under-sized and irregular-shaped lot. The increase in building coverage is less than 2%.

Mr. Emert described the elevations. He is not changing the roof line and will carry it across for the addition where a gable will be added in the proposed bedroom above the garage. The master bathroom is pushed back to break up the façade. The addition meets the height requirements. The addition in front is only going up over the garage which is 8' back from the front porch. The addition will have the same siding, roofing and shutter treatment as the existing house.

The Board discussed the previous resolutions: One in 2001 that denied the construction of a new single-family home, the second in 2002 approving the construction of a new home and the third in 2004 to widen the curb cut of the driveway to 20.' Mr. Karr commented that he voted on the previous resolutions and it's already a large house. Mr. Karr asked how the mass of the proposed addition compares to others in the neighborhood. Mr. Emert responded that the house constructed across the street on the bend (45 Laurel Drive) is large. The addition will be in keeping with others in the neighborhood.

Mr. Emert responded to additional questions from the Board. The addition will probably require an additional air conditioner condenser but he hasn't determined the location. The existing condenser is on the right side of the house. The house to the left is located on the bend and faces to the left of the bend away from the property in question. The property in question slopes down and back up to the houses behind it on Morehouse Place where there is a hedge of evergreens and large trees. The location of the suite is fixed above the garage. Mr. Emert considered other alternatives to get up to the suite. He looked at using the inside of the garage but this would result in the loss of one bay of the garage. He also looked at locating the steps outside of the garage but this increased the side-yard variance. The proposed addition at the rear of the garage to accommodate the staircase is less obtrusive.

The Board expressed concern about the volume of the addition. Mr. Emert didn't look at constructing the addition at the back of the house because he didn't want to close off the existing living space where there are sliders and steps out to the back yard. He would have had to go back behind the garage which would encroach farther into the rear-yard setback because of the way the house is situated on the lot. Mr. Emert doesn't believe that a hip roof over the proposed addition to reduce the volume would be in keeping with the character of the house. Mr. Grob noted that there is a lot of roof although the gable helps; however, he's concerned about the large continuous frontal façade and asked Mr. Emert if he could add dormers or step it back. Mr. Emert responded that he can probably drop the roof down between the existing house and addition. Converting one bay of the garage isn't an option because Mrs. Souren uses the garages plus cutting the garage in half doesn't provide enough room for living space. Mr. Souren commented that at least two other houses in the neighborhood are larger and Mrs. Souren added that the lots on Laurel Drive are deep and many have constructed additions at the back of their houses. Ms. Ananthakrishnan noted that there is a bedroom on the first floor and again asked if the applicant could convert one of the garages to living space and swap rooms as the habitable living area proposed is 4,200 SF.

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.

Bob Voorhees, 51 Laurel Drive, was sworn in and expressed support for the application. He lives directly across from Mrs. Souren in a one-story house and he has no objections to the addition. Mr. Voorhees appreciates the Board's concern about the massiveness. The Board gave variances for the five-bedroom house across the street (45 Laurel Drive): While it helps that the house has vaulted ceilings and is set back, it looks great. Mr. Voorhees believes that the proposed addition will be fine if it is set back from the garage and the roof line is changed. The proposed addition fits with the block and will bring value to the neighborhood.

Mr. Nadelberg offered Mrs. Souren the opportunity to carry the hearing so she can consider the Board's comments about the massiveness of the addition. Mr. Emert responded that he can add dormers or change the pitch of the roof to lower it

approximately 2' from the existing house but would like to leave the gable pitch on the addition. He asked if the Board would consider approving the application with conditions for these changes rather than carrying the hearing. The Board agreed that it would like to see new elevations with the proposed changes before voting on the application.

The hearing will be carried to July 2, 2018. No new notice is required or will be given.

Hans Nahata and Jain Vandana
791 Central Avenue, Block 210, Lot 19, R-2 Zone, New Providence, NJ 07974
Application #2018-12
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.

Ms. Ananthakrishnan recused herself from the hearing.

Hans Nahata and Jain Vandana and their builder, Mark Jensen, were sworn in. Mr. Nahata and Ms. Vandana have lived in their bi-level house for ten years. The deck on the ground floor is 36' by 12' and they are requesting variances to construct a smaller 18' by 16' second-floor deck. The proposed deck is smaller to mitigate the setback issue because of the irregular shape of the lot and to keep it farther away from the neighbor. They need a variance for the 25' rear-yard setback.

A set of nine photographs of the house and yard were marked as Exhibit A-1. To the left of the house is the brook. On the other side of the brook is the soccer field at C.R. Bard (now Becton Dickinson). There are trees on the C.R. Bard side of the brook so the deck would not be visible above the tree line from C.R. Bard. There are no other houses along that side.

The applicants responded to questions from the Board. Half of the rear yard at 14 Hawthorne Drive backs up to the applicants' back yard and would be able to see the proposed deck. The proposed second-floor deck will have wall-mounted porch lights not spot lights and will be used for small outdoor gatherings of six to eight people. Ms. Vandana likes to garden and will also use the space for her gardening things. The second story of the bi-level house has three bedrooms and a kitchen. The first level also has a kitchen; however, the applicants spend most of their time on the second level of the house. The access to the second-floor deck will be through one of the bedrooms. The applicants plan to leave the ground-level deck and have no plans to enclose the proposed deck. The tree in the back yard will not be removed to build the deck.

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.

Ramesh Vinjamuri, 4 Hawthorne Drive, was sworn in. Mr. Vinjamuri lives right next to the applicant. They have been neighbors for 10 years and he has no issues or problems

with the proposed deck.

The hearing was closed.

Discussion: The Board periodically sees second-floor decks such as the one on Central Avenue by the railroad tracks, and Mr. Grob believes this is similar. The smaller size and the location of the proposed deck are in the applicants' favor. Mr. Karr disagreed. The deck impacts the neighbors and he is concerned about the height: The applicants will be looking down on the neighbors to the right and while the current neighbor may be okay with this, it will impact the next owner. They already have a usable deck. Mr. Grob acknowledged Mr. Karr's point, but the deck isn't visible from the C.R. Bard side and it will only be visible to the back-yard neighbors. Moreover, the existing deck already impacts the neighbors. Mr. DeSarno had no problem with the deck. Mr. Sorothen commented that the photographs in Exhibit A-1 show that it will have no impact on the neighbors. Mr. Ping believes that the deck is secluded enough not to have an impact. The house is configured for living on the second floor although access to the deck through a bedroom is a bit strange. There will be no external staircase to the deck. Mr. Morgan was initially concerned about the height until he saw the photographs.

Mr. Ping moved to approve the application. Mr. Morgan seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Mr. DeSarno, Mr. Grob, Mr. Morgan, Mr. Ping and Mr. Sorothen. Those opposed: Mr. Karr and Mr. Nadelberg.

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.

Robert and Teresa Muñoz were sworn in. A photograph of a four-step portico with railings was marked as Exhibit A-1. Mr. and Mrs. Muñoz propose to add a similar portico but with fewer steps and without a railing. They need a variance for the 35' front-yard setback.

Mr. and Mrs. Muñoz responded to questions from the Board. They would like to have the portico for safety and aesthetic reasons. The house does not have a portico and the portico will provide protection from rain and snow. Mr. Karr commented that he visited the property and the existing steps are awkward and dangerous. Mr. and Mrs. Muñoz don't plan to enclose the portico which will have a center light fixture although they haven't decided if it will be a hanging or recessed light. The existing steps will be removed and rebuilt. The new steps will be 2' wider. The proposed portico is 9' wide and 6' deep (5' for the platform and 1' for the step). The portico will have round columns. Mr. and Mrs. Muñoz are also re-siding the house with Hardy Plank.

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.

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

D. REQUEST FOR EXTENSION OF TIME

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.

The design phase for the addition, which the Board approved in July 2017, took longer than anticipated. The Martins are entering the bidding phase and expect to begin construction in the next few months. The Board had no issue granting an extension and agreed to a six-month extension for the applicants' to apply for permits and a six-month extension to finish construction.

Mr. Morgan moved to grant the extension. Mr. Grob seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Mr. DeSarno, Mr. Grob, Mr. Karr, Mr. Morgan, Mr. Ping, Ms. Ananthakrishnan and Mr. Nadelberg.

E. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR JUNE 18, 2018

Carried from 5/7/18

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.

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.

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.

F. COMMUNICATION ITEMS

Cell Tower

The ground equipment has been installed but the site improvements haven't been finished yet. The street trees haven't been planted yet.

Microbrewery

The Planning Board will hear an application for Untied Brewing Company at 140 Spring Street at its meeting on June 5, 2018. The use is permitted but variances are required as the percentage of retail space to be used for the tasting room exceeds the 5% permitted. The limited liquor license requires customers to take a tour of the brewery before consuming the product in the tasting room. Customers can fill growlers, takeaway containers, or taste onsite in the tasting room. The brewery will manufacture the beer onsite. Per the limited license, the brewery cannot sell food.

G. MISCELLANEOUS BUSINESS

No miscellaneous business.

H. MINUTES FROM 5/21/2018

The minutes of May 21, 2018, were approved as submitted.

I. ADJOURNMENT

The meeting was adjourned at 9:35 p.m.