

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

Present: Ms. Ananthakrishnan, Mr. DeSarno, Mr. Grob, Mr. Karr, Mr. Morgan, Mr. Nadelberg, Mr. Ping, Ms. Jolanta Maziarz, Board Attorney, and Margaret Koontz, Secretary.

Absent: Messrs. Ammitzboll and Sorochen

**A. CALL TO ORDER**

Chairman Nadelberg called the meeting to order at 8:01 p.m.

**B. RESOLUTIONS**

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.

**Mr. Grob moved this and Mr. Karr seconded same: Members voting to deny: Mr. Grob, Mr. Karr, Mr. Morgan, Mr. Ping, Ms. Ananthakrishnan and Mr. Nadelberg.**

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.

**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.**

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.

**Mr. Morgan moved this and Mr. Ping seconded same. Members voting in favor:**

**Mr. Grob, Mr. Karr, Mr. Morgan, Mr. Ping, Ms. Ananthkrishnan and Mr. Nadelberg.**

C. PUBLIC HEARINGS SCHEDULED FOR JULY 2, 2018

Jonathan and Amy Shoemaker Application #2018-17  
19 Jane Road, 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.

Jonathan and Amy Shoemaker and their architect, Jeff Rawding of F.J. Rawding, were sworn in. Mr. Rawding presented his credentials as a licensed professional architect and was accepted as such.

Samantha Alfonso of Dempsey, Dempsey & Sheehan, attorney for the applicants, described the application. The small house was built in 1963 and still has all of the original fixtures, appliances and finishes. It's on an undersized corner lot half the required lot size. The Shoemakers would like to modernize and renovate the house with a wrap-around porch, rear-yard patio and new kitchen and bathroom. They also propose to expand the small bedroom upstairs. A colorized copy of the landscape plan was marked as Exhibit A-1 where the existing house and proposed addition are highlighted in blue and the wrap-around porch is highlighted in yellow. The proposed shrubbery is highlighted in green. Ms. Alfonso reviewed the variances required for the front-yard setback, side-yard setback to the addition, building coverage and fence. The variance for the front-yard setback on Jane Road is required for the stairs to the front porch. The existing front-yard setback to George Road is 19.6' and 11.8' is proposed to accommodate the wrap-around porch. The variance for the rear-yard setback is needed to create functional living space for the kitchen and bathroom. A variance for the side-yard setback is also required for the addition of the bathroom and to create architectural articulation on that side of the house where the existing setback is 10' and 8' is proposed. The porch and additional usable living space in the rear trigger the variance for building coverage. The Shoemakers originally proposed a 5.4' fence but have decided to reduce the height to 4.' The fence will run from the end of the porch along George Road to enclose the rear yard so the family can be outside. The variance for the driveway is a pre-existing non-conformance.

A rendering and description of the proposed fence was marked as Exhibit A-2. Mr. Shoemaker described the PVC fence which will be off-white. The fence will be 10' off of the property line and 18' from the curb. Mr. Karr asked if any other houses on George Road have an 11' setback. Mr. Shoemaker does not believe so but fences on the corner properties on George Road are common.

A rendering showing the Jane and George Road perspectives of the proposed wrap-around porch and fence was marked as Exhibit A-3. The fence is meant to tie into the porch. Mr. Shoemaker testified that the corner lot lacks architectural style and looks like it needs work. The fence is for safety and not privacy. The Shoemakers were comfortable with 3" picket spacing rather than the other option of 1 3/4" spacing.

A set of four color photographs of the existing property was marked as Exhibit A-4 showing:

- Page 1 – The existing front of the house from Jane Road
- Page 2 – The rear yard and back of the house and side of the house and privet hedges
- Page 3 – The rear of the house along George Road, and
- Page 4 – Side and back of the house taken closer to George Road showing the privet hedge along George Road and the neighbor's house.

The fence will be 6' closer to George Road than the hedge. The proposed patio will be on the back left side of the house. The Shoemakers plan to remove and replace the hedges on George Road and are open to suggestions about plantings. They are considering dwarf azaleas along the porch, primrose along the fence and a perennial/herb garden on the right side of the yard. They plan to keep the trees. The Shoemakers can't see the house to the rear because there are lots of shrubs.

Mr. Rawding described the addition with the wrap-around porch. The existing garage will remain with a new door. A peak will be added over the garage and front doors. The painted porch will have lattice work underneath. The house will have Hardy Plank clapboard siding and an asphalt shingle roof. A reciprocal gable will be added in the rear above the 16' x 24' family room with master bedroom above. Stairs will lead off the porch on George Road to the patio at the back. The height of the house remains the same. The proposed setback on the right side of the house is 8': The neighbor's house is 10' away from the property line. The right side of the house is articulated so that it isn't a mass of wall. The existing house is basically a box so Mr. Rawding is breaking it up with the porch on one side and the articulated façade on the other side. The porch is a pleasing architectural element on George Road and is an inexpensive solution to making a modest-size home look larger.

Mr. Rawding responded to questions from the Board. Mr. Rawding didn't measure the distance between the applicant's house and the house to the right on Jane Road but estimated that it would be 18' with the addition. The current setback is 10' and would be reduced by 2' to 8.' The porch on George Road is 8' wide and will be 21' from the curb.

The Shoemakers responded to questions from the Board. They were attracted to New Providence because of the schools and the proximity to Mrs. Shoemaker's sister in Chatham. The feel of New Providence won them over and they loved Jane Road where children are always out playing. The bathroom on the first floor is very small as is the kitchen: Mr. and Mrs. Shoemaker can't fit side by side in the kitchen. The kitchen and bathroom are not usable and need to be enlarged. The fourth bedroom upstairs is also not usable and only fits a bed.

Mr. Grob asked if the applicants had considered limiting the porch to the front of the

house rather than wrapping around to George Road. Mr. Rawding considered this but it would leave a blank wall along George Road. The porch morphed from a front porch to a wrap-around porch which helps aesthetically and also provides secure access to the back yard and patio. The lot is woefully undersized. The building coverage is close to what is allowed on a lot that is half the size required. Mr. Rawding believes the George Road side should look like a front elevation not a side elevation and the porch accomplishes this. The benefits outweigh the detriments.

Mr. Ping commented that there is a lot of porch close to the street but acknowledged that it improves the side of the house. Mr. Karr agreed that there's a lot of porch close to the street. Mr. Rawding responded that he wanted it to be a functional porch rather than a passageway or stage-front façade. Mr. Grob added that the porch is okay on Jane Road but not on George Road. Mr. Rawding stated that distance from the porch on George Road to the road is 20' and there are other more imposing fences in the neighborhood than the proposed porch.

Mr. Nadelberg asked about the shed. Mrs. Shoemaker plans to landscape around the shed because it's adjacent to the neighbor, but she doesn't know what she's going to plant yet. The fence around the back yard screens it. They don't plan to store things around the shed.

Mr. Rawding responded to additional questions from the Board. The air conditioning compressor(s) will be located in the back. The porch will have downward lighting. The front door and door out the patio will have decorative lighting fixtures.

**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

The Board granted Ms. Alfonso's request for a break to consult with the applicants.

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

Margaret and Allan Wadsworth, 29 Jane Road, were sworn in. They live on the opposite core of George and Jane Streets. Mr. Wadsworth has no objection to the addition and welcomes the change. The wrap-around porch is a nice feature. There's another house on Jane Road with a porch. Mrs. Wadsworth thinks it's a beautiful design. The Shoemaker's lot is larger than her lot and she's happy they can enlarge the house.

Mr. Grob noted that the lot coverage will increase by a third to 38%. Mr. Rawding reviewed the calculation for the lot coverage which includes the addition, porch, patio and shed. Mr. Rawding noted that the lot coverage on the application is less than what is shown on the application. The lot coverage is less than what is allowed. Mr. Grob added that the applicants are also doubling the building coverage: Wrapping the porch on the side contributes to the building coverage. Mr. Grob asked if the applicants would consider reducing the depth of the porch on George Road by a couple of feet. Mr. Karr would be more comfortable if the applicants would reduce the depth of the porch on George Road to 4.' Mr. Rawding responded that the corner lot is a hardship, but the applicants are willing to reduce the depth to 6'. Reducing the depth to 4' turns the porch

into a walkway and would create a hazard because of the bay that projects out 2' on that side to create usable interior space for the living/dining room: Reducing the depth of the porch by 4' would require removal of the bay resulting in a very narrow living/dining room. Mr. Rawding proposed reducing the depth of the side porch on George Road by 2' and bringing the fence in 2' as well to line up with the porch.

The Board asked the Shoemakers if they were comfortable reducing the depth of the porch on George Road. Mrs. Shoemaker wants to build her "forever" house and is willing to reduce the depth of the porch by 2' but not 4.'

**The hearing was re-opened to comments from the public.**

There were no additional comments from the public and the hearing was closed.

Discussion: Mr. DeSarno is comfortable with the concession to reduce the depth of the porch along George Road by 2.' Mr. Karr prefers a 4' reduction in the depth of the porch. Mr. Grob agreed with Mr. Karr but understands the need for the bay on that side of the house to create functional interior space. Mr. Ping agreed with Mr. Grob. The bay could be a hazard if the depth of the porch is reduced to 4.'

Mr. Ping moved to approve the application with the following conditions: 1) The depth of the porch along George Road will be reduced by 2' from 8' to 6', 2) the fence along George Road will be moved in 2' to align with the porch, 3) the picket spacing on the fence will be 3", 4) the fence will be 4' high. Mr. DeSarno seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Mr. DeSarno, Mr. Grob, Mr. Morgan, Mr. Ping, Ms. Ananthakrishnan and Mr. Nadelberg. Those opposed: Mr. Karr.

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.

This hearing was carried from June 4, 2018.

Gail Souren, John Souren and Robert Emert, Jr., Mrs. Souren's architect, previously sworn in on June 4, 2018, reappeared before the Board. Mr. Emert modified the plans for the second-floor addition above the garage to reduce the massing. The ridge line over the addition has been reduced and the pitch changed so that it is different from the existing roof and breaks up the façade. The second floor addition has been pushed back 16" which reduces the front-yard setback. As a result, the second-floor addition is slightly smaller. The siding will match the existing siding. The roof line in the rear has also been reduced, but the rest of the elevation remains the same as originally proposed.

The Board compared the original plans to the revised plans. The addition has been

pushed back 16” and the ridge line has been reduced. The bedroom will be 16” shorter and the bathroom will be 8” smaller.

**The Board had no 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.**

Kenneth Johanson, 72 Laurel Drive, was sworn in and expressed his support for the addition. He has lived on Laurel Drive a couple of houses down from Mrs. Souren since 1975. The houses were built in the 1930s and Mr. Johanson believes this was the first development in New Providence. The lots and houses are small but homeowners want to stay in the neighborhood and have modified their homes. No house is the same as when it was built in the 1930s. He has been granted two variances for his house. It’s a wonderful neighborhood and a vibrant community. The addition fits the neighborhood. The addition has architectural merit and is not unattractive. The Sourens have lived in the neighborhood “forever” and are part of the neighborhood. It’s important to the neighborhood to accommodate residents’ needs as they change over time so they can stay in their homes.

Mr. Grob asked if the increase in the size of the houses has impacted the neighborhood with regard to light and air. Mr. Johanson responded that it could but that’s why the Board is here. The addition is an upward expansion and works well appearance wise. The house across the street and the house at the end of Laurel Drive are significantly larger. It doesn’t seem that the larger houses are incompatible size wise. The addition works.

Jeffrey Morse, 53 Laurel Drive, was sworn in and agreed with Mr. Johanson’s comments. He has lived on the street for 20 years directly across from Mrs. Souren. The addition is a nice design and he has no objection to the addition.

**There were no further comments and the hearing was closed.**

Discussion: Mr. DeSarno thinks the applicant has addressed the Board’s concerns about the massing. The façade is much improved and he is comfortable approving the application. He was impressed with the neighbors’ support. Mr. Karr added that people just won’t move from Laurel Drive. Although it is still a large house, the modifications are a huge improvement. Mr. Grob agreed with Mr. Karr. It’s a large house but the changes mitigate the Board’s concerns.

Mr. DeSarno moved to approve the application. Mr. Ping 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. Those opposed: None.

## G. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR JULY 16, 2018

Edwin Moy  
107 Pitney Avenue, Block 111, Lot 21, R-1 Zone, New Providence, NJ 07974  
Application #2018-19  
Chapter 310, Article IV, Section 310-10, Schedule III for permission to construct a deck. The proposed building coverage is 2,704 square feet whereas 2,547 square feet is the maximum allowed.

Jeffrey and Barbara Morse  
53 Laurel Drive, Block 102, Lot 32, R-1 Zone, New Providence, NJ 07974  
Application #2018-21  
Chapter 310- Article IV, Section 310-19 I for permission to install a generator. The side-yard setback to the generator is 1.5 feet whereas 6 feet is the minimum required. The existing right side yard to the house is 5 feet. The existing front yard to the house is 22.33 feet.

11 Clinton Avenue LLC  
11 Clinton Avenue, Block 63, Lot 45, R-2 Zone, New Providence, NJ 07974  
Application #2018-18  
Chapter 310, Article IV, Section 310-10, Schedule II and Article V, Section 310-2-(2) for permission to construct a new house. The proposed front-yard setback is 30 feet to the house whereas 40 feet is the minimum permitted. The proposed rear-yard setback to the house is 37.3 feet whereas 40 feet is the minimum permitted. The driveway curb cut is 20 feet wide whereas 16 feet is the maximum permitted.

## H. COMMUNICATION ITEMS

### *214 Livingston Avenue*

Mr. Karr commented that he believes it is a good thing that the Board required the applicant to reduce the height of the house at 214 Livingston Avenue as the approved roof is still high compared to the surrounding houses.

## I. MISCELLANEOUS BUSINESS

No miscellaneous business.

## J. MINUTES FROM 6/18/2018

The minutes from June 18, 2018, were approved as submitted.

## K. ADJOURNMENT

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