

**BOROUGH OF NEW PROVIDENCE
BOARD OF ADJUSTMENT
MEETING MINUTES – MONDAY, AUGUST 20, 2018 – 8:00 p.m.**

Present: Mr. Ammitzboll, Ms. Ananthakrishnan, Mr. DeSarno, Mr. Grob, Mr. Karr, Mr. Morgan, Mr. Ping, Mr. Sorochen, Ms. Amanda Wolfe, Board Attorney, and Margaret Koontz, Secretary.

Absent: Mr. Nadelberg

Also present: Keith Lynch, Director of Planning and Development

A. CALL TO ORDER

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

B. RESOLUTIONS

19 Birch Place, Block 72, Lot 22, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedules II & III and Article V, Section 310-19 I for permission to construct a new home. The proposed lot area is 8,060 square feet whereas 15,000 square feet is the minimum required. The lot width at the setback is 62 feet whereas the minimum required is 110 feet. The proposed side-yard setback on the right side of the new house is 10.8 feet and 7.8 feet on the left side whereas 18.6 feet on the right side and 12.6 feet on the left side is the minimum required. The proposed building coverage is 1,659 square feet whereas 1,556 square feet is the maximum permitted. The driveway is 1.5 feet from the property line whereas 6 feet is the minimum required.

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

Edwin Moy Application #2018-19
107 Pitney Avenue, Block 111, Lot 21, R-1 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule III for permission to construct a deck. The proposed building coverage is 2,839 square feet whereas 2,547 square feet is the maximum allowed.

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

C. PUBLIC HEARINGS SCHEDULED FOR AUGUST 20, 2018

Frank Mazza Application #2018-22
70 Fairview Avenue, Block 194, Lot 2, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article V, Section 310-19 I and 310-20(2) for permission to expand a driveway. The proposed driveway expansion is 1 foot from the property line whereas 6 feet is the minimum required. The proposed driveway is 17.5 feet whereas 16 feet is the maximum permitted.

Frank Mazza was sworn in and testified that the information in the zoning denial letter is inaccurate. He has a single garage and is permitted a 14' wide driveway but would like to have a 16' wide driveway. In addition, the proposed driveway will be 3' from the property line not 1' as stated in the zoning denial letter. The existing driveway is 9' wide by 58' long. It's 9' from the edge of his driveway to the eastern (left) property line. He proposes to expand his driveway 6' east toward the neighbor's property, leaving 3' of greenery between his driveway and the neighbor's yard, and an additional 1' on the other side of the driveway to get a 16' wide driveway.

The Board asked Mr. Mazza to clarify the extent of the proposed driveway. Mr. Mazza only plans to expand the width of the driveway up to the garage door: He doesn't plan to pave beyond the garage where the walkway is located. The walkway will stay but Mr. Mazza will probably replace the walkway with pavers. Mr. Mazza was comfortable with a condition prohibiting the walkway from being paved. The following exhibits were marked:

- Exhibit A-1 – Two photographs with one showing the property stake on the eastern side of the property with a tape measure showing the 3' distance from the property stake to the edge of the proposed driveway expansion and a close-up photograph of the tape measure.
- Exhibit A-2 – Two photographs with one showing the driveway with a tape measure showing the 9' distance from the property stake to the edge of the existing driveway and a close-up photograph of the tape measure.

Mr. Mazza hasn't looked at curbing on the driveway because he was planning to curb it. The curb cut will be 16'. Mr. Mazza's property is 80' off of Union Avenue and cars turn hard and fast onto Fairview Avenue. He would like to get his vehicles off the road and into the driveway. In addition, it will be easier to get in and out of the wider driveway.

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. DeSarno recapped the application to widen the 58' long and 9' wide driveway by 1' on the inner side of the driveway and 6' on the neighbor's side leaving 3' to the property line. The driveway will only be widened past the garage door. The Board had no issue with the driveway.

Mr. Ammitzboll moved to approve the application with the condition that the driveway will only be widened up to the garage door and not beyond and the walkway will not be paved. Mr. Karr seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Mr. Ammitzboll, Mr. DeSarno, Mr. Karr, Mr. Morgan, Mr. Ping, Ms. Ananthakrishnan and Mr. Grob. Those opposed: None.

Yimin Sun

Application #2018-24

151 Pearl Street, Block 193, Lot 5, R-2 Zone, New Providence, NJ 07974

Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct a deck. The proposed building coverage is 3,242 square feet whereas 2,895 square feet is the maximum permitted.

Tao Zhang, Sino Garden Corporation, appearing on behalf of the applicant was sworn in. The following exhibits were marked:

- Exhibit A-1 – Google Maps image of the property at 151 Pearl Street showing the house with measurements called out and surrounding properties, and
- Exhibit A-2 – Two-page rendering of 1) the rear-yard perspective showing the house and 2) bird's eye perspective of the house showing the deck.

The application for new construction was approved and the house is currently under construction. No variances were required for the new construction. The applicant is seeking a variance for building coverage to add a 370 SF deck (17.5' by 21.2') in the rear yard. The proposed deck represents a 1.4% increase in total lot coverage. The applicant would like the deck because it's 4' or seven or eight steps up from the yard to the first floor which isn't convenient. Studies of the property and neighborhood showed that the water line is high so the applicant raised the building height resulting in more than the usual four steps up to the first floor.

Mr. Zhang responded to questions from the Board. The deck wasn't included in the application to build the new house because the applicant didn't want to hold up construction of the house, which didn't require variances, for the variance required for the deck. The property is located in New Providence and Berkeley Heights. Mr. Lynch clarified that New Providence issued the building permits even though part of the property is located in Berkeley Heights as the taxes for the property are paid in New Providence. The area under the deck will be screened. There will be wall lights that shine downward next to the two sliding doors on the deck. Mr. Zhang noted that the deck is approximately 210' from the house in the rear as shown on Exhibit A-1. The deck will be constructed of composite materials with 1/4" spacing between the decking boards.

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 it's a natural place for the deck which is only 17' by 21' and it doesn't increase the impervious coverage because of the spacing between the decking boards. It's a good application. Mr. DeSarno agreed and would approve the application with conditions for the wall-mounted lights, lattice and restriction from enclosing it in the future.

Mr. Ping moved to approve the application with the following conditions: 1) There will be wall-mounted lights next to the sliders on the deck, 2) the area beneath the deck will be screened with lattice, and 3) the deck will never be enclosed. Mr. DeSarno seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Mr. Ammitzboll, Mr. DeSarno, Mr. Karr, Mr. Morgan, Mr. Ping, Ms. Ananthakrishnan and Mr. Grob. Those opposed: None.

Paul Lomba Application #2018-25
66 Fourth Street, Block 163, Lot 29, R-3 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 is 24 feet whereas 40 feet is the minimum permitted. The proposed rear-yard setback is 22 feet whereas 40 feet is the minimum permitted.

Christine Miseo, architect for the applicants, appeared before the Board and stated that the hearing date on the public notice is incorrect. Ms. Miseo asked if she could re-notice for the hearing on September 17th but present her testimony now since she will not be available for that meeting. The Lombas would be available on September 17th if any members of the public appeared. The Board determined that it could not hear Ms. Miseo's testimony because she would not be available to answer any questions of her testimony at the September 17th hearing.

The hearing will be carried to September 17, 2018. No further notice is required or will be given.

Carried from 7/16/2018 and 8/6/2018

11 Clinton Avenue LLC Application #2018-18
11 Clinton Avenue, Block 63, Lot 45, R-2 Zone, New Providence, NJ 07974
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.

This hearing was carried from August 6, 2018, and carried again to September 17, 2018. The revised plans were not received with sufficient time for the Board and the Borough's professionals to review them prior to the hearing. No further notice is required or will be given.

D. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR SEPTEMBER 17, 2018

Richard Travia Application #2018-26
275 Woodbine Circle, Block 84, Lot 25, 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 2,506 square feet whereas 2,013 square feet is the maximum permitted. The existing rear yard is 35 feet. The existing curb cut is 21 feet. The existing side yard is 11.63 feet.

E. COMMUNICATION ITEMS

No communication items.

F. MISCELLANEOUS

No miscellaneous business.

G. MINUTES FROM 8/6/2018

The minutes of August 6, 2018, were approved as submitted.

H. ADJOURNMENT

The meeting was adjourned at 8:40 p.m.