

**BOROUGH OF NEW PROVIDENCE  
BOARD OF ADJUSTMENT  
MEETING MINUTES – MONDAY, SEPTEMBER 17, 2018 – 8:00 p.m.**

Present: Ms. Ananthakrishnan, Mr. DeSarno, Mr. Grob, Mr. Karr, Mr. Morgan, Mr. Nadelberg, Mr. Ping, Mr. Sorochen, Phil Morin, Board Attorney, and Margaret Koontz, Secretary. Mr. Ping arrived following the resolution review and first hearing.

Absent: Mr. Ammitzboll

Also present: McKinley Mertz, Borough Planner, and 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**

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 allowed.

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

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.

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

**C. PUBLIC HEARINGS SCHEDULED FOR SEPTEMBER 17, 2018**

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.

This hearing was carried from August 20, 2018, because it was noticed with the wrong hearing date. No testimony was heard on August 20<sup>th</sup>.

Paul Lomba was sworn in and testified that he requires front- and rear-yard variances for a proposed 23'-4" by 28'-8" addition. He has two hardships: A non-conforming irregular-shaped lot and existing non-conformances for the front- and rear-yard setbacks. The existing front-yard setback is 30' and the existing rear-yard setback is 27'-8." The lot is a trapezoidal shape. Mr. Lomba would like to construct a one-story addition for a family/TV room, office area, closet and cupboard space for the kitchen. Mr. Lomba also proposes to move the front door over to be closer to the addition.

The following exhibits were marked:

- Exhibit A-1: Twelve photographs on a photo board of their house and property. The top four photographs show the front and back of their house. The middle row has four photographs of their yard and fence. The bottom row has photographs of neighboring houses.
- Exhibit A-2: Two photographs of the neighbor's house at 5 West Third Street at the corner of West Third and Bradford Street.

The property is located on a dead-end street. The average front-yard setback on the street is 28.' Mr. Lomba is asking for a 24' setback for the addition. The photograph on the bottom row (left) of Exhibit A-1 shows the house to the left of them with an addition similar to what the Lomba's propose. The neighbor's lot is also an irregular shape.

The Board asked about the houses on the adjoining lots to the left and to the left rear of the property. The addition will face the side and rear corner of the house to the left (Block 135, Lot 28, 135 Bradford St.) which Mr. Lomba believes is a family room as shown on the photograph on Exhibit A-1 (bottom row, left). The proposed addition fronts the rear of the house on Lot 27 (141 Bradford St.) adjacent to the left rear of the Lomba's property. This house has an addition also shown in the photographs on Exhibit A-1 (bottom row, second from left). The Lomba's proposed addition will be a mirror image of the house shown on Exhibit A-2. The Lombas also propose to have a small front porch to provide shelter from the weather. No changes are proposed to the patio. The existing air conditioner will be replaced. The unit will be located in the nook behind the addition or closer to the masonry porch. No other improvements to the property are proposed.

**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. Grob thinks the addition is tucked in well on a tough-shaped lot. The addition is not huge and it isn't out of scale. Mr. Karr is troubled by the front-yard setback. With the addition, the house will be the closest one to the street. In addition, it's only 22' to the property line which is close to the neighbor. There is a fence there but no trees to provide screening. Mr. Nadelberg commented that the addition is only 5' closer to the setback. Mr. Karr responded that the existing 27' to the house is not

noticeable because the house sits off to the side, but the addition will be straight back from the neighbor's house. He thinks it's a substantial addition for the size of the lot. The Board discussed mitigating the decrease in the rear-yard setback with landscaping.

Mr. DeSarno moved to approve the application with the condition that the applicant will plant trees/install landscaping, subject to the review and approval by the Construction Official, along the rear to provide screening between the addition and the house to the rear. Ms. Ananthkrishnan seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Mr. DeSarno, Mr. Grob, Mr. Morgan, Ms. Ananthkrishnan, Mr. Sorothen and Mr. Nadelberg. Those opposed: Mr. Karr.

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

This hearing was carried from July 16<sup>th</sup>, August 6<sup>th</sup> and August 20<sup>th</sup>. No testimony was heard on August 20<sup>th</sup>.

Messrs. DeSarno and Grob listened to the recording of the hearing on August 6<sup>th</sup> and were eligible to vote on the application. Ms. Ananthkrishnan recused herself as she was not present for the hearings on July 16<sup>th</sup> or August 6<sup>th</sup> and didn't listen to the recordings.

August Santore, attorney for the applicant, noted that the color rendering of the proposed house, Sheet A-0, is not correct as it doesn't show the wrap-around porch as discussed at the August 6<sup>th</sup> hearing. The wrap-around porch is, however, shown on the side elevation, Sheet A-2, and right elevation, Sheet A-3. The pitch of the roof has been restored from the plans presented on August 6<sup>th</sup> to the height as shown on the color rendering of the house, Sheet A-0. As already noted, the porch has been wrapped around the house along the Springfield Avenue elevation (left elevation). Mr. Santore summarized the application stating that the applicant has added things suggested by the Board including the wrap-around porch and landscaping on Springfield Avenue and shifted the house and moved the driveway to save the large tree.

Mr. Cocuzza, previously sworn in on July 16<sup>th</sup>, responded to questions from the Board. The house will look like the one presented in the color rendering (Sheet A-0) except the porch will wrap around to the Springfield Avenue side of the house. The house shown in the upper right corner of Exhibit A-2 shows the colors that will probably be used for the new house. The house will have Hardy Plank siding and vinyl trim and windows. The stone façade shown on the front of the house (Sheet A-0) will be carried around on the Springfield Avenue elevation but only at the foundation level and not across the first floor. The patio behind the house will be constructed of pavers but Mr. Cocuzza is not sure of the materials – the materials would be up to the buyer. Mr. Cocuzza didn't have the dimensions for the patio. Ms. McKinley said the patio is 600 SF and added that the impervious coverage is under the maximum allowed but is 21% not 8% as noted on the site plan prepared by Robert F. Hogan, revised August 15, 2018. The patio is approximately 18' from the rear property line and it's another eight feet to the house

behind which fronts Springfield Avenue. Mr. Cocuzza would like to install a fence at the rear of the property. He may also plant along the rear but that may be too much with the fence. Currently it's just grass at the rear of the property. The Board would prefer that the fence not be white vinyl. The patio will have normal directional lighting such as a coach light or something similar. The site plan prepared by Mr. Hogan shows seven Norway Spruces along Springfield Avenue. Mr. Cocuzza noted that there is a huge shrub in the sight triangle now on the left when going south on Clinton Avenue. He believes the Norway Spruces will be planted 30' back from the property line on Clinton Avenue and will be out of the sight triangle. Mr. Grob commented that the final site plan should show the exact location of the trees and the sight line. The chimney on the Springfield Avenue side of the house may be encased in stone or sided with Hardy Plank. The Board would prefer stone as depicted on A-0 because this is a big visual element as viewed from Springfield Avenue. Mr. Cocuzza agreed to encase the chimney in stone. Mr. Cocuzza noted that the chimney is for aesthetics as it will vent at head level. It will be approximately 36' high, 2' higher than the highest dormer.

**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 commented that the Board's concerns about the Springfield Avenue elevation have been rectified and the Springfield Avenue elevation is now pleasing. Mr. Grob agreed adding that the house will be an improvement on the corner lot. Mr. Lynch was pleased that the applicant was responsive to the Planner's comments about saving the large tree in front and shifted the house and driveway to do so. Mr. Karr stated that the first application was a disaster. The revised plans are much improved. Mr. Karr asked the applicant to come with fully developed plans for any future applications to avoid having to come back over and over with corrections and revisions.

Mr. Grob moved to approve the application with the following conditions: 1) The applicant will prepare a site plan with an accurate depiction of the location of the trees/landscaping and sight line on Springfield Avenue, 2) the chimney will be encased in stone, 3) the patio will have downward directed carriage lighting, and 4) there will be screening at the back of the patio to the neighbor.

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, Mr. Sorothen and Mr. Nadelberg. Those opposed: None.

Richard Travia  
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

Application #2018-26



Mr. Grob moved to grant an extension of time. 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, Mr. Sorothen and Mr. Nadelberg. Those opposed: None

#### E. AMENDMENT OF RESOLUTION

Paul Ellison  
19 Valentine Road, Block 185, Lot 2, R-2 Zone, New Providence, NJ 07974  
Application #2018-09  
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. Ellison appeared before the Board in May 2018 for a variance for his fence along Central Avenue. The Board granted approval to leave the fence, which was already installed, in its present location with the condition that Mr. Ellison would plant in front of the fence within six months of approval of the Governing Board for planting in the right-of-way. In addition, the fence would only be permitted in its current location as long as Mr. Ellison lived on the property. Upon transfer of the property, the fence would have to be moved and set back to match the neighboring property's fence. To ensure this information was made known to the purchaser of the property, the resolution was to be filed with the County Clerk. Mr. Ellison didn't file the resolution with the County Clerk. The house is now under contract and Mr. Ellison has moved the fence to be compliant with the condition of the resolution. Mr. Morin stated that the resolution should be amended to remove the above conditions so that there is no confusion about the location of the fence in the future if a prospective buyer does an Open Public Records Act request on the property.

Mr. Grob moved to amend Resolution 2018-18 to remove conditions 2 and 3. Mr. Sorothen 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, Mr. Sorothen and Mr. Nadelberg. Those opposed: None

#### F. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR OCTOBER 1, 2018

No public hearings are scheduled for October 1, 2018.

#### G. COMMUNICATION ITEMS

Mr. Lynch asked Board to look at the light box sign at McDonalds' and let him know if they are satisfied with it and if it meets the intent of what was agreed at the hearing in September 2017. The applicant incorporated the light box sign on top of the stone monument sign using smaller white stones as part of the renovations he did to the franchise. Mr. Grob has seen the sign and thinks it's an improvement. Mr. Ping stated that he hasn't seen any community notices posted on the sign as agreed to at the hearing. A resolution for the sign was never drafted as approval of the resolution was subject to the review and approval of revised drawings/plans for incorporation of the sign into the existing sign. No detailed plans were ever submitted for review.

H. MISCELLANEOUS

No miscellaneous business.

I. MINUTES FROM 8/20/2018

The minutes of August 20, 2018 were approved as submitted.

J. ADJOURNMENT

The meeting was adjourned at 9:06 p.m.