

**BOROUGH OF NEW PROVIDENCE
BOARD OF ADJUSTMENT
MEETING MINUTES – MONDAY, OCTOBER 21, 2019 – 8:00 p.m.**

Present: Ms. Ananthakrishnan, Mr. Galluccio Mr. Kogan, Mr. Morgan, Mr. Ping, Mr. Sorochen and Mr. Grob. Also present, Phil Morin, Board Attorney, and Margaret Koontz, Secretary.

Absent: Messrs. Ammitzboll and Nadelberg.

A. CALL TO ORDER

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

B. RESOLUTIONS

Christopher Simon and Yuet Ming Simon Application #2019-23
30 Crescent Drive, Block 74, lot 19, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct a second-floor addition and vestibule addition. The proposed side-yard setback to the addition on the left is 6.33 feet with a combined total of 18.33 whereas 19.1 feet on the left side with a combined total of 27 feet is the minimum required. The existing driveway is 2' from the property line and has two curb cuts. The existing property does not have a garage. The existing patio is 3' from the property line.

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

42 Magnolia Drive LLC Application #2019-24
42 Magnolia Drive, Block 181, Lot 14, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II & III for permission to construct a new home. The proposed lot size is 11, 250 Square Feet whereas 15,000 square feet is the minimum required. The proposed lot width at the setback is 75 feet whereas 110 feet is the minimum required. The proposed side-yard on the right is 14.7 feet and 15.7 feet on the left whereas 18 feet is the minimum required. The proposed building coverage is 2,158 .29 square feet whereas 1,875 square feet is the maximum allowed.

The applicant and applicant's attorney reviewed the resolution and found it acceptable as drafted.

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

61 Crescent Drive LLC Application #2019-21
61Crescent Drive, Block 73, Lot 8, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedules II & III for permission to construct a new home. The proposed lot size is 8,125 square feet whereas 15,000 square feet is the minimum required. The proposed lot width at the setback is 65 feet whereas 110 feet is the minimum required. The proposed rear yard is 39.5 feet whereas 43.75 is the minimum required. The proposed building coverage is 1,708.5 square feet whereas

1,563 square feet is the maximum allowed.

The resolution was forwarded to the applicant and applicant's attorney. No comments were received prior to the meeting. The resolution will be memorialized at the next meeting.

Members eligible to vote in favor: Mr. Ammitzboll, Ms. Ananthakrishnan, Mr. Grob, Mr. Morgan, Mr. Ping, Mr. Sorothen and Mr. Nadelberg.

E. PUBLIC HEARINGS SCHEDULED FOR OCTOBER 21, 2019

Michael and Jacqueline Stango Application #2019-25
36 Second Street, Block 163, Lot 20, R-3 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct a deck and addition. The proposed rear-yard setback to the deck is 25 feet whereas 40 is the minimum required. The existing front yard to the stoop is 22 feet and 27.35 feet to the house. The existing side yard is 10.68 feet. The existing rear yard is 37.5 feet. The existing driveway abuts the property line.

Michael and Jacqueline Stango were sworn in. Mrs. Stango would like to have a deck but a variance is required for the rear-yard setback which is 25'. Mr. Stango added that the property has three easements. The proposed deck is 15' from the 10' wide easement. The Borough owns the property behind the easement. The 16' by 21' deck will not impact anyone as the property backs up to Borough property.

The Stangos responded to questions from the Board. The yard backs up to the creek. The deck will be 4' from the ground with lattice underneath and will be constructed of composite materials. A sheet with a partial deck side elevation, partial right side elevation, partial front elevation and partial rear elevation was marked as Exhibit A-1. The deck will have accent lighting: Nothing that shines out. The deck will face the creek not the neighbor and will have stairs on both ends. The Stangos checked with NJDEP and they don't need a permit as long as they don't construct a full concrete base. They plan to put rocks/stones underneath the deck.

The Stangos also plan to enclose the existing porch and bump it out 5.' The existing porch is on columns. There are no hard walls around the perimeter of the porch. The enclosed porch will only have footings and no foundation.

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 hearing was opened to comments from the public.

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

Discussion: Mr. Ping believes it's a straight forward application. It will have no impact on anyone in the back and he was in favor of approving the application. The Board agreed.

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

Christopher and Olivia Yee-Chan
Application #2019-26
15 Northview Avenue, Block 274, Lot 6, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedules II & III for permission to construct a front porch and deck. The proposed front-yard setback to the porch is 31.92 feet whereas 40 feet is the minimum required. The proposed building coverage is 2,240 square feet whereas 1,653 square feet is the maximum permitted. The existing driveway is 2 feet from the property line.

Christopher Yee-Chan was sworn in and testified that he would like to construct a covered front porch and extend his deck across the back of the house. A portion of the deck will be covered. The covered front porch and deck have an aesthetic component as well as a functional component. The covered front porch will protect the family, guests and packages from the weather and the deck will be used for entertaining. The covered portion will provide shelter from the sun. The driveway is an existing non-conformance. The building coverage exceeds what is permitted and requires a variance but Mr. Yee-Chan noted that the property is an undersized lot. The covered front porch and the deck will increase the functionality of the home and its value. Most of the other houses in the neighborhood have porches.

Two sheets of photographs of the existing deck, rear of the house, front of the house and driveway area were marked as Exhibit A-1. Referring to the photograph of the front of the house, Mr. Yee-Chan testified that the existing closed entry way will be removed and the door will be moved back to be flush to the house. The covered porch will extend out from the house as well as across the right front of the house. Mr. Yee-Chan believes the stairs from the proposed covered porch may extend out one step farther than the existing stairs.

The existing deck is located at the back left of the house (when viewed from the rear) with railings around it and a privacy fence on the left side. Mr. Yee-Chan proposes to extend the deck across the back of the house to the right corner of the house. The extended portion of the deck will have a roof.

Ms. Ananthakrishnan asked about the building coverage. The existing building coverage is 1,713 F. The total deck space is 37'-8" by 14". The covered portion of the deck is 19'-4" by 14" and is 272 SF. The Board asked about a retractable awning instead of a covered deck. Mr. Yee-Chan considered a retractable awning but thought a covered deck would be more aesthetically pleasing plus he would like to have a ceiling fan which wouldn't be possible with an awning. Mr. Grob noted that the Board wants to be sure that the deck isn't intrusive or unattractive and asked what the neighbors would see. There are 6' fences on either side of the property but the deck is higher than the fences. The existing deck has a 6' privacy fence on the left side. Ms. Ananthakrishnan commented that the Board approved a similar deck in the neighborhood. The covered front porch will probably have recessed lighting. The ceiling fan on the covered deck will have a light. The entire deck will be removed and rebuilt on the existing footprint. It will

be constructed of composite materials. The privacy fence will be the same. The steps will be reoriented to extend out into the back yard and will be in line with the side of the house. There's a paver patio under the deck. The windows under the deck will remain. The covered porch will have columns on stone pillars. There will lattice under the covered porch. The covered porch will have lighting. Mr. Yee-Chan does not plan to screen the deck.

The Board asked about drainage on the property. The previous owner and Mr. Yee-Chan did a lot of work to address drainage on the property so that he doesn't have a sump pump. The property has French drains on either side.

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 hearing was opened to comments from the public.

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

Discussion: Mr. Galluccio stated that he had an awning and ended up screening in his porch. The roofline of the covered porch looks nicer than an awning. There was no further discussion.

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

Michael and Michelle Scarabaggio Application #2019-27
97 Commonwealth Avenue, Block 74, 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 side-yard setback to the addition on the right is 10.97 feet and on the left is 10.2 feet whereas 12 feet is the minimum required.

Marco Scarabaggio and François Nicolas, project manager at S.J. Kufel Associates/Architects, were sworn in. Mr. Scarabaggio is a local developer who lives on Woodbine Circle. He proposes to reconstruct the house but requires a variance for the side-yard setbacks. Mr. Scarabaggio stated that he is not overdeveloping the property and the reconstructed house will improve the housing stock and curb appeal of the house which is on a narrow lot. There are several recently renovated houses in the area on properties similar in shape and size to the property in question.

A set of six photographs of houses on Commonwealth Avenue (#101 and #87) was marked as Exhibit A-1. At the house next door, 101 Commonwealth Avenue, the left side setback is 12' and the right side is 9'-3." The house has a large exposure. Mr. Scarabaggio proposes a hip roof on the reconstructed house. The left-side setback at 87 Commonwealth is 13' and 8'-6" on the right side.

Mr. Scarabaggio confirmed that the setbacks are 10.97' and 10.2' on the left and right

sides, respectively, and are shy a couple of feet from the required 12.' He is not changing the existing side-yard setbacks. The rear footprint will be extended for the mud room and second-story addition. A copy of the floor plans was marked as Exhibit A-2. The house will have four bedrooms on the second floor. The first floor will be an open floor plan with a mudroom, living room, dining room, family room and study/office. Mr. Scarabaggio may keep one or two walls but basically he plans to reconstruct the house. The house is a 1950s cape now. He will be adding two stories at the rear and a second floor in front.

Ms. Ananthakrishnan commented that she likes the front layout and rarely recommends raising a roof but she thinks the roof could be a little higher. The 6' on 12' is a bit low and 7' on 12' in at least one direction may be better. Mr. Scarabaggio responded that he'd like to raise the roof.

The Board had additional questions for the applicant. The house will be sided in Hardie plank with nice finishes inside and will be similar to the new house on Crescent Drive (#15). As previously stated, he plans to reconstruct the house and may keep two walls. The house has a basement which will be finished and will have a crawl space toward the back. He can put the two-zone air conditioning condensers on the right side of the house. No generator is proposed. Mr. Scarabaggio asked about pushing the house our farther in the back. The Board had no appetite for this and noted that if he wanted to do this, Mr. Scarabaggio should have presented this in the application. The Board asked about the drainage. The property drains from the front to the right rear. There is a swale at the rear of the property. He could fill the area with drainage material but the runoff may go to the neighbor. Some of the water may go to the common swale toward the houses on Crescent Drive. Some of it just pools in the back. Mr. Scarabaggio will mitigate runoff from the house by directing water from the leaders out to the street.

Mr. Scarabaggio amended the application to raise the pitch of the roof

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 hearing was opened to comments from the public.

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

Discussion: Ms. Ananthakrishnan likes the front elevation and believes it will enhance the street. Mr. Galluccio was okay with the application with the higher roof. Mr. Morgan wants to be sure that the applicant is not adding water on the property.

Ms. Ananthakrishnan moved to approve the amended application with the higher roof and Mr. Ping seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Ms. Ananthakrishnan, Mr. Morgan, Mr. Ping, Mr. Sorochen, Mr. Galluccio, Mr. Kogan and Mr. Grob.

F. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR NOVEMBER 4, 2019

Brian and Tracey Carlesimo

Application #2019-28

60 Forest Road, Block 281, Lot 7, R-2 Zone, New Providence, NJ 07974

Chapter 310, Article IV, Section 310-10, Schedules II & III for permission to construct an addition and deck. The proposed front-yard setback to the addition is 30.52 feet whereas 40 feet is the minimum required. The proposed side-yard setback to the addition is 11.8 feet whereas 15 feet is the minimum required. The proposed rear-yard to the addition is 33 feet and 35 feet to the deck whereas 40.04 feet to the addition and 40 feet to the deck are the minimums required. The proposed building coverage is 1,547 square feet whereas 1,503 square feet is the minimum required.

G. COMMUNICATION ITEMS

No communication items.

H. MISCELLANEOUS BUSINESS

No miscellaneous business.

I. MINUTES FROM 10/7/19

The minutes of October 7, 2019, were approved as submitted. Mr. Galluccio was not able to vote as he was not present at the October 7th meeting.

J. ADJOURNMENT

The meeting was adjourned at 9:00 p.m.