

**BOROUGH OF NEW PROVIDENCE
BOARD OF ADJUSTMENT
MEETING MINUTES – MONDAY, MARCH 4, 2019 – 8:00 p.m.**

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

Absent: Messrs. Ammitzboll and Galluccio.

A. CALL TO ORDER

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

B. RESOLUTIONS

Lisa Maria Burkitt Application #2018-31
161 Mountain Avenue, Block 262, Lot 18.01, R-1 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule I for permission to keep alpacas. The keeping of livestock is strictly prohibited in the R-1 Zone.

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

E. PUBLIC HEARINGS SCHEDULED FOR MARCH 4, 2019

Vanderlei Silva Application #2019-01
40 Crest Road, Block 243, Lot 4, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct a front porch. The proposed front-yard setback to the porch is 36.49 feet whereas 40 feet is the minimum required. The existing side yards are 6.5 feet and 10.24 feet. The existing driveway is 4 feet from the property line.

Vanderlei Silva was sworn in and testified that he is enhancing the house and one of the enhancements proposed is a front porch. Three to four houses on the street have similar porches so the proposed porch it is in keeping with new construction on the street. The proposed porch is a few feet closer to the street than is permitted.

Mr. Silva responded to questions from the Board. The existing non-conforming side-yard setbacks are not changing. The only variance is for the front-yard setback. Mr. Silva was not sure of the size of the porch.

Philip Viera was sworn in. Mr. Viera is Mr. Silva's neighbor on Hedden Place and the builder for the property in question. The porch is 20'-2" by 5' and will have a hanging light over the front door and two high hats over the front windows. There is an existing walkway from the driveway to the front door: The applicant is moving the front door closer to the driveway and the covered porch will make it easier to get into the house. The applicant already has permits for the other work on the house and only needs a variance for the covered porch.

Mr. Silva does not plan to enclose the porch and he just wants to make the covered

porch, which will cover the existing patio, consistent with others in the neighborhood. The porch doesn't encroach farther into the front yard than other houses on the street. The covered entry way will provide a mud room rather than the front door opening right into the living room.

The Board had no further questions for the applicant. The hearing was opened to questions from the public

John Signorello, 34 Crest, lives next door and asked about controlling the storm water runoff for the increase in impervious coverage as there is already an issue with storm water runoff on the property. Mr. Silva responded that he just bought the property and was unaware of the storm water issue until Mr. Signorello informed him of this prior to the hearing. He will fix the problem so that it's good for his property and Mr. Signorello's property. Mr. Viera added that he had contacted a mason and they will probably install a dry well on one side of the property to manage the water that comes down the two slopes at the rear of the property.

The Board had questions about the drainage. The applicant wasn't planning on having gutters on the porch because the area around the porch will be landscaped so the rain water will fall onto the beds. In addition, the water issue is on the other side of the house and comes from the rear properties. Mr. Signorello stated that he put a yard drain consisting of stone with a perforated pipe to the street on his property to control the storm water runoff. He would like a yard drain between the applicant's garage and the property line as a condition of approval for the variance. Mr. Viera responded that such a pipe would have to be 15' long to get the water to the curb, and the mason thinks a well is probably necessary. Mr. Signorello is concerned that the water from a perforated well may percolate into his basement and would prefer a yard drain to a well.

The Board discussed the increase in impervious coverage. The increase in impervious coverage is less than 1%. Mr. Silva stated that the increase in impervious coverage is from the other side of the house and not where the water is: He will take care of the water. The Board discussed whether it could make storm water management a condition of approval since this is not part of the variance application. Mr. Morin responded that the Board could but doesn't have to include such a condition if it isn't part of the positive/negative criteria for the variance.

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

Peter Brown, 48 Crest Road, was sworn in and stated that there is a huge water problem in the back of the property and the applicant just doesn't know it yet. He has a drywell. Mr. Viera responded that the mason believes the property may need three drywells. Mr. Brown added that he has lived in his house for 29 years and went to look at the plans at the Municipal Center because the applicant never showed the neighbors the plans. He doesn't understand the need for the porch because the house already has a porch. In addition, the porches referenced by the applicant are on the other side of Crest Road where the properties have more frontage. The properties on his and Mr. Silva's side of the street have less frontage – in the 80' range – so the properties are closer together and originally didn't have garages and are mostly non-conforming. These houses would never be approved now. He is okay with making the house better because the house had a fire and is now vacant, but he heard that the applicant will be flipping the house.

He questioned granting a variance when the applicant is not going to be living in the house and enjoying the porch and would prefer that the porch not require a variance. Mr. Silva responded that he is making the alterations to the house as if he will live there. He may live there, his brother may live there or he may sell it depending on how it comes out. Mr. Silva asked Mr. Brown why he wouldn't want the porch since the porch and alterations will increase the value of his house as well as Mr. Brown's house. Mr. Brown responded that he thinks the variance is over the top, but it's fine if the variance is approved and he trusts the Board will make the right decision.

The Board had additional questions for the applicant. The existing front-yard setback is 42.49' and the proposed setback is 36.49' so the variance is only for 5.' The covered porch wouldn't look good if Mr. Silva maintained the required 40' front-yard set.

Discussion: Mr. Grob asked Ms. Ananthakrishnan for her opinion as an architect on the porch. The existing porch is to the side and she thinks the proposed porch will enhance the frontage. She does not believe that approving the variance for the porch would set a precedent, and the Board has approved setbacks for other porches that are deeper than the one proposed. The porch is only 4' deep and 6' deep at the door as opposed to the 8' deep porch recently approved. The Board discussed the water from the porch and storm water runoff. Mr. Grob believes that if the dry well overflows the water will seep into the ground onto the neighbor's property and thinks it should be directed to the street. The applicant can't put water onto the neighbor's property and the storm water runoff should be managed to today's standards. The Board agreed that the applicant should install gutters on the porch to capture the water from the roof above and get it to the street. Mr. Ping thinks the porch will look nicer in the front than off to the side as it is now and is aesthetically pleasing. Mr. Grob would like to see a review of the grading and drainage as a condition of approval.

Mr. Silva stated that if he hadn't had to come for a variance, he wouldn't be required to do anything about storm water management. The variance for the covered porch is nominal and doesn't impact the drainage which he already knows is a problem and has agreed to address. Mr. Silva questioned why a review of the grading and drainage should be a condition of approval especially if the review represents a cost to him.

Mr. Grob moved to approve the application with the following conditions: 1) The applicant will install gutters on the porch and all roof surfaces, and 2) the project will be reviewed for grading and drainage by the Construction Official. Mr. Morgan seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Ms. Ananthakrishnan, Mr. Grob, Mr. Morgan, Mr. Ping, Mr. Sorothen and Mr. Kogan and Mr. Nadelberg. Those opposed: None.

F. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR MARCH 18, 2019

11 Clinton Avenue LLC Application #2019-02
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 32.7 feet to the house whereas 40 feet is the minimum permitted. The proposed rear-yard setback to the house is 35.8 feet whereas 40 feet is the minimum permitted.

The applicant received variance relief for the front- and rear-yard setbacks in 2018. The foundation was laid in the wrong place. Mr. Lynch, Director of Planning and Development, discussed this with Mr. Morin and determined that the property owner needed to file a new application for the setback relief and an as-built survey for the foundation. Mr. Morin noted that the building envelope has not changed from what was originally approved.

G. COMMUNICATION ITEMS

No communication items.

H. MISCELLANEOUS BUSINESS

No miscellaneous business.

I. MINUTES FROM 2/25/19

The minutes of February 25, 2019, were approved as submitted.

J. ADJOURNMENT

The meeting was adjourned at 8:55 p.m.