

**BOROUGH OF NEW PROVIDENCE  
BOARD OF ADJUSTMENT  
MEETING MINUTES – MONDAY, JUNE 17, 2019 – 8:00 p.m.**

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

Absent: Mr. Nadelberg

**A. CALL TO ORDER**

Vice Chairman Grob called the meeting to order at 8:07 p.m.

**B. RESOLUTIONS**

Bernard and Stacey Renger Application #2019-11  
49 Ridge drive, block 37, Lot 6, R-2 Zone, New Providence, NJ 07974  
Chapter 310, Article IV, Section 310-19 I and 310-20(2) for permission to expand a driveway. The proposed curb cut is 20 feet whereas 16 feet is the maximum permitted. The proposed driveway expansion is 5 feet from the property line whereas 6 feet is the minimum required.

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

D. Joseph and Lisa Gill Application #2019-09  
88 The Fellsway, Block 273, Lot 2, R-2 Zone, New Providence, NJ 07974  
Chapter 310, Article IV, Section 310-10, Schedule II & III for permission to construct an addition and front porch. The proposed front-yard setback to the front porch is 36.25 feet whereas 40 feet is the minimum required. The proposed building coverage is 1,781 square feet whereas 1,590 square feet is the maximum allowed. The proposed lot coverage is 40.42% whereas 40% is the maximum permitted. The existing side-yard setback is 7.67 feet. The existing driveway abuts the property line.

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

Eric Reitter Application #2019-12  
48 Commonwealth Avenue, Block 76, Lot 9, R-1 Zone, New Providence, NJ 07974  
Chapter 310, Article IV, Section 310-10, Schedule II and Article V, Section 310-19 G for permission to construct an addition. The proposed side-yard setback to the addition is 8.2 feet whereas 19.2 feet is the minimum required. The setback between the addition and the detached garage is 11 feet whereas 12 feet is the minimum required. The existing garage is 2' 6" from the side property line. The existing driveway is 4 feet from the side property line.

Mr. Morin noted the reduction in the pitch of the roof from 12 feet on 12 feet to 9 feet on

12 feet as a condition of approval.

**Mr. Galluccio moved this and Mr. Ping seconded same. Members voting in favor: Mr. Ammitzboll, Ms. Ananthkrishnan, Mr. Ping, Mr. Sorochen, Mr. Galluccio, Mr. Kogan and Mr. Grob.**

#### C. PUBLIC HEARINGS SCHEDULED FOR JUNE 17, 2019

Theodore Kwok  
328 Elkwood Avenue, Block 51, Lot 4, R-1 Zone, New Providence, NJ 07974  
Chapter 310, Article V, Section 310-32(B) for permission to erect a fence. The proposed fence in the front yard along Jane Road is 6 feet high whereas 30 inches is the maximum height permitted.

Application #2019-13

Theodore Kwok was sworn in and testified that the chain link fence along Jane Road is already higher than permitted and he would like to remove it and replace it with a privacy fence. The house is at the corner of Jane Road and Elkwood Avenue so he doesn't have much of a back yard. He would like to replace the existing fence with one that exceeds the allowable height of 30." The following exhibits were marked:

- Exhibit A-1 – Photograph of a scalloped, open picket fence on a yard in Chatham that is similar to his, and
- Exhibit A-2 – Photograph of a higher solid fence that he would use in the backyard not along Jane Road.

Mr. Grob asked about the orientation of the house and the proposed fence. The house faces Elkwood Avenue but the property has more exposure on Jane Road than Elkwood Avenue. The fence along Elkwood Avenue would be 4' high and would run from the house to the western property line. The fence along the western property line and the southern property line would be 6' high. From Jane Road to the driveway the fence would be 4' high. The existing post and rail fence in the front along Elkwood Avenue will be removed. The concrete structure shown on the survey has already been removed. Mr. Kwok is not sure what style fence he plans to install. Mr. Grob pointed out that the style of fence makes a difference especially the portion along Jane Road because it's a long stretch. Mr. Kwok stated that his wife picked out the fence shown on Exhibit A-1. Mr. Ammitzboll noted that the fence shown in Exhibit A-1 is only about 3.5' high not 4' as Mr. Kwok proposes. Mr. Galluccio asked about the placement of the fence and possible shrubbery to break it up: He's not so concerned about the 4' fence because the scalloped fence along Jane breaks itself up but is concerned about the 6' fence. Mr. Grob thinks plantings would make a big difference. Ms. Ananthkrishnan noted that a 6' fence is not permitted for the section perpendicular to Jane Road as it is within the 40' front-yard setback.

Zulma Oviedo, Mr. Kwok's wife, was sworn in. The portion of the fence perpendicular to Jane Road will be 6' high. The Board asked about pulling it back 5' to set it back from the neighbor so that the applicants could plant some shrubs in front of it to break it up. The applicants would consider doing this. Mr. Kwok summarized the height of the fence: It will be 4' high along Elkwood Avenue and go to 6' along the western property line to the rear of the property and along the southern property line out to Jane Road where it will be 4' high. Ms. Ananthkrishnan noted that the section along Elkwood Road could also be 6' because it is set back more than 40.'

There were no additional witnesses and 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 likes the scalloped fence along Jane Road and that the applicants are willing to move the portion perpendicular to Jane Road back farther from the property line and break the fence up with shrubbery. Mr. Ammitzboll had no issues. Mr. Ping likes that the applicants are removing the original fence and are will to move the fence back for the neighbors and likes the 4' scalloped fence on Jane Road.

Ms. Oviedo stated that she didn't intend for the fence along Jane Road to be scalloped as shown in Exhibit A-1. She is okay with the fence being 4' high on Jane Road but it has to be a privacy fence so she has privacy when she and her daughters use the hot tub. Mr. Ping knows that there's a lot of activity in backyard action and the desire for privacy, but the applicants need to be considerate of the neighbors and asked if they would consider moving the fence in from Jane Street and planting if they want a solid fence there. Ms. Oviedo would like a solid fence as shown in Exhibit A-2. The chain link fence is 5' from the property line. Ms. Oviedo responded that they will lose a lot of yard if they have to move the fence in an additional 5' to be able to plant in front of it to break it up. Ms. Ananthakrishnan asked if they could keep the chain link fence and plant along the inside to get privacy. Mr. Kwok responded that there were shrubs on the inside of the fence and they had them removed. Mr. Grob believes the applicants have three options: 1) install the 4' scalloped, open picket fence along Jane Road, 2) keep the chain link fence and plant inside, or 3) install a 4' solid fence along Jane Road and move it back 5' from the property line so they can plant in front of it. Mr. Morgan cautioned that applicants that they can't plant in the public right-of-way. Mr. Ammitzboll commented that it's possible that a sidewalk might be installed on Jane Road as part of the Safe Routes to School and advised the applicants that they should consider this possibility when planting along Jane Road to protect plantings from being removed should a sidewalk be installed in the future. Ms. Oviedo commented that they will being the fence to code so that it is not on the property line as the existing is but wanted confirmation that a solid fence would have to be moved back even farther from the property line. Ms. Ananthakrishnan noted that a fence in front yard requires a 40' setback and the Board is only asking for a 5' setback and the applicant needs to consider that setting the fence back 5' from the property line is a compromise.

Mr. Grob offered the applicants the opportunity to carry the hearing so they can figure out the type and location of the fence. The applicants agreed to carry the hearing to July 1, 2019. No further notice is needed or will be given.

Susan and Dan Moroney  
119 Mountain Avenue, Block 267, Lot 19, R-1 Zone, New Providence, NJ 07974  
Also known as 393 Mountain Avenue, Summit, NJ 07901  
Application #2019-10  
Chapter 310, Article IV, Section 310-10, Schedules II & III for permission to construct a sunroom addition. The proposed side-yard setback to the sunroom is 2.17 feet whereas 12 feet is the minimum required.

This hearing was carried from June 3, 2019, at the request of the applicant.

Susan and Dan Moroney were sworn in. The Moroneys moved into the house in 1984 and redid their kitchen in 2011. Their children are grown but they would like to stay in their house and would like to add a sunroom for plantings and year-round enjoyment. The following exhibits were marked:

- Exhibit A-1 – Elevations of the proposed sunroom
- Exhibit A-2 – Photograph of the east facing side of the house with a white sticker showing the location of the proposed shed
- Exhibit A-3 – Photograph taken from the bottom of the eastern neighbor's driveway showing the neighbor's house and a small corner of the applicant's house, and
- Exhibit A-4 – Photograph of the east side of the house showing a small portion of the applicant's house and the area where the proposed sunroom would be located.

The Moroney's house is 14.7 feet to the property line. The proposed sunroom is 12.7' wide and 15' deep leaving a side-yard setback of 2.7' on the eastern side of the property. The property to the east of the applicants was created by a subdivision and there are 30' *arbor vitae*s between their property and the neighbor's driveway. As can be seen in Exhibit A-1, the sunroom would not be visible from the neighbor's driveway because of the *arbor vitae*s. The tree on the neighbor's property, as shown in Exhibit A-3, will not be removed. There is a tree and a vegetable garden on the side of the house where the sunroom will be located. The vegetable garden would be removed for the sunroom. The builder has 30 years experience building sunrooms. The Hardy plank siding will project off the side of the house for the base of the sunroom and then Trex to the ground.

The applicant's responded to questions from the Board. There is a house on Lot 18.01 that was created by a subdivision although it is not shown on the 200' property map. This property is owned by Mia Anderson and will be the most impacted by the sunroom. Ms. Anderson was present at the hearing. Mrs. Moroney had an e-mail of support for the sunroom from Mrs. Burkitt at 161 Mountain, two houses to the east of the applicant, but she is aware that she can't present this to the Board.

Mia Anderson, 321 Mountain Avenue, was sworn in. She moved into her house, which is set back 150' from Mountain Avenue, in 2005. She can see the Moroney's back yard from her bedroom windows and their property is immaculate. She fully supports the application for the sunroom. She won't be able to see it and it won't affect her property. A photograph taken from her front porch looking toward the Moroney's property and south down her driveway was marked as Exhibit A-5. She won't be able to see the sunroom nor will a future owner because of the *arbor vitae*s. Ms. Anderson hopes the Board will allow the Moroneys to construct the sunroom so they can enjoy their property.

The Board asked the Moroneys why they couldn't build the sunroom at the back of the house since the lot is deep. Mrs. Moroney responded that they have a deck in the back that they enjoy and then woods. Mr. Moroney added that sun is an issue if they were to put it in the back. The property gets sun until 1 p.m. on the eastern side of the property. The Board asked if the Moroneys had photographs of the back of the house and yard as it was concerned about granting a variance for a 2.7' side-yard setback when the

property extends 100' in the back: There doesn't appear to be a hardship that would warrant granting a variance. Mrs. Moroney responded that they already extended the house back 16' for the kitchen and the deck is there so there's no room. They would have to take trees down to put it in the back. Mr. Moroney added that they wouldn't have a yard because the sunroom would run into the wall in the back yard.

The Board would like to see what the back yard looks like so that it can understand why it would be a hardship for them to build the sunroom in the back. Mr. Moroney stated that there's only a small margin between the deck and the back of the yard.

Mr. Grob offered the applicants an opportunity to carry the hearing so that they can provide visuals of the back yard. The Board suggested that it would be helpful if the Moroneys could provide photographs and a mark-up of their survey to show the deck, wall and the trees that would have to be removed to construct the sunroom in the back yard. It might also be helpful to match up their survey with Ms. Anderson's survey to show the relationship between the properties and houses.

The applicants agreed to carry the hearing to July 15, 2019. No further notice is required or will be given.

#### D. PUBLIC HEARINGS SCHEDULED FOR JULY 1, 2019

Michael and Denise Jeffries Application #2019-14  
133 Stoneridge Road, block 253, lot 5, R-1 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 2,812.84 square feet whereas 2,404.94 square feet is the maximum permitted. The existing covered front porch is 38 feet from the front property line. The existing driveway is 3.5 feet from the side property line and the curb cut is 18 feet.

The Board Secretary noted that the zoning review was done from the survey submitted with the permit application. The applicant's architect subsequently submitted a survey that shows that the existing covered porch is 38.8' not 38' from the front property line.

#### E. COMMUNICATION ITEMS

No communication items.

#### F. MISCELLANEOUS BUSINESS

The Board received a thank you note from Mr. Karr which Mr. Grob read to the Board.

#### G. MINUTES FROM 6/3/19

The minutes from June 3, 2019, were approved as submitted.

#### H. ADJOURNMENT

The meeting was adjourned at 9:13 p.m.