

**BOROUGH OF NEW PROVIDENCE
BOARD OF ADJUSTMENT
MEETING MINUTES – MONDAY, JULY 1, 2019 – 8:00 p.m.**

Present: Mr. Ammitzboll, Mr. Galluccio, Mr. Grob, Mr. Kogan, Mr. Morgan and Mr. Nadelberg. Also present, Phil Morin, Board Attorney, and Margaret Koontz, Secretary.

Absent: Ms. Ananthakrishnan, Mr. Ping and Mr. Sorochen

A. CALL TO ORDER

Chairman Nadelberg called the meeting to order at 8:05 p.m.

B. 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.

Michael and Denise Jeffries and their architect, Lisa Walzer of Walzer Architecture, were sworn in. Ms. Walzer presented her credentials as a licensed professional architect and was accepted as such. Mr. and Mrs. Jeffries did extensive landscaping/hardscaping of their property with a patio and fire pit but suffer from bug bites and would like to replace part of the patio area with a screened porch so they can enjoy the outdoors without the bugs. The existing building coverage is approximately 25 SF under what is required so they couldn't design a screened porch without requiring a variance for building coverage. There are no areas of the house that the Jeffries can eliminate to reduce the building coverage so they could construct the screened porch without a variance. Some of the patio will be removed which reduces the impervious coverage. Ms. Walzer testified that the screened porch and increase in building coverage present no detriments as the screened porch will not be visible from the street. The lot is slightly undersized, but even if the lot size were conforming in size, the screened porch would still need a variance for being over the allowable building coverage by 1%. The rear- and side-yard setbacks are more than required so the screened porch won't make the house appear oversized for the lot. The impervious coverage on the lot is also less than required. The property is on a hill so the screen porch will look smaller. The screen porch is only one-story so it's not like a two-story addition. It's a nice architectural feature that balances out the addition on the other side. Some of the neighbors at the rear and side of the property will be able to see the porch, but it will be pleasing to those neighbors who can see it.

Ms. Walzer responded to questions from the board. The roof of the screened porch will have the same pitch as the existing roof. The roofing material for the porch will match the existing roof. The architectural elements from the addition will be repeated for the screened porch. The applicants have a family room and plenty of interior space and, therefore, do not plan to enclose the screened porch. The purpose of the screened porch is to enable the applicants to enjoy the outdoors without getting bitten. The

screened porch could be used for three seasons if the weather cooperates but the applicants will not install storm windows to enable winter use. Ms. Walzer hasn't designed the interior of the porch but it will probably have a ceiling fan with a light. The existing patio can be accessed from the office and dining room. The patio will also be accessible from the screened porch. There is no issue with drainage on the property.

Mr. and Mrs. Jeffries had a letter of support from the neighbors. Mr. Morin informed them that the Board cannot consider the letter as the neighbor was not present. Mr. Jeffries testified that they have a very cordial relationship with their neighbor and that their fence, until they replaced it, encroached 7' onto their neighbor's yard and the neighbor's never complained.

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. Grob commented that he grew up in a house with a screened porch and it was wonderful. The proposed screened porch is near the addition and complements the neighborhood. Mr. Galluccio added that he constructed a screened porch several years ago and enjoys it. Mr. Ammitzball was fine with the screened porch as long as the drainage on the property is okay. It represents a small increase in building coverage and the screened porch is "light" and not massive.

Mr. Galluccio moved to approve the application with the condition that the screened porch will never be enclosed. Mr. Grob seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Mr. Ammitzball, Mr. Grob, Mr. Morgan, Mr. Galluccio, Mr. Kogan and Mr. Nadelberg. Those opposed: None.

Theodore Kwok
328 Elkwood Avenue, Block 51, Lot 4, R-1 Zone, New Providence, NJ 07974
Application #2019-13
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.

This hearing was carried from June 17, 2019. Chairman Nadelberg listened to the recording and was eligible to vote.

The following exhibit was marked:

Exhibit A-3 – Five pages of photographs of fences.

Mr. Kwok, previously sworn in on June 17, 2019, testified that his wife is passionate about the property because she chose it and one of the reasons she chose it was because of the size of the yard. However, they realized that the existing shrubbery along Jane Road didn't provide the privacy they would like for them and their children.

They would like more privacy for the yard. Mr. Kwok drove around town and looked at fences. He found some that were 10' back from the curb but none that had shrubbery in front of them as discussed at the previous hearing. Mr. Kwok now proposes a 5' fence all the way around the property adjacent to the property line. Instead of a solid fence as originally proposed, the fence would have spaces between the balusters.

Mr. Grob noted that none of the fences shown in Exhibit A-3 are similar to the 5' semi-privacy fence to be installed adjacent to the property line, 5' back from Jane Road and added that the fences shown in the exhibit are more transparent than what the applicant is proposing. Mr. Kogan asked about the scalloped fence originally proposed. Mr. Kwok responded that this is no longer in play: His wife wanted this along the front of the house but she now wants the fence to be consistent all the way around the property. Mr. Ammitzboll doesn't think that the existing chain link fence is 5' from the property line. It seems to be more like 7' from the property line so the applicant may not lose as much of the yard as he thinks if the fence were located 5' from the property line as discussed at the previous hearing. Mr. Ammitzboll added that there's a rise in the backyard so the fence will get a boost from the grade; therefore, a 5' fence will mass like a 6' fence. Because of the grade, even if the fence were 4', people walking by wouldn't be able to look over it nor would a motorist driving down Jane Road. Mr. Galluccio stated that there wouldn't be room to plant in front of the fence if it were installed adjacent to the property line and he is not in favor of a solid fence without plantings to break up the mass. Mr. Grob is concerned about the length of the fence without plantings in front of it and 5' are required to plant. The Board would like the fence to be located 5' back from the property line so there is room to plant in front of it rather than 5' from the curb as requested.

Mr. Kwok asked how he can determine where the property line is. Mr. Grob recommended that he hire a surveyor to stake the corners of the property. The Board noted that he can get a rough idea of the property line by measuring in from the center line of Jane Road. The curb line can't be used as a reference in determining the property line.

Mr. Nadelberg asked Mr. Kwok if he would like to amend his application to request a 5' fence to be located 5' from the property line. Mr. Kwok responded that his wife doesn't want to move the fence farther into the property and asked if it he could bring the fence in 2.5' to 3' from the property line rather than 5'. The Board believes that 5' is the minimum needed to plant in front of the fence.

The following exhibit was marked:

Exhibit A-4 – Six pages of photographs of houses in the area with fences at the following locations: Elkwood & Madison; Madison and close to Commonwealth; Edgewood & Crescent; Crescent & Commonwealth; Osborne & Commonwealth; Stanley & Clinton; and, Walton & Vista.

Mr. Kwok testified that most of the fences shown in Exhibit A-4 don't have shrubs planted in front and on those that do, the plantings are closer to the curb than 5'. The Board asked if any of the fences shown in Exhibit A-4 are the same height or length as the proposed fence. Mr. Kwok didn't have the linear information on the fences in the photographs. The Board stated that it's a long stretch of fence along Jane Road and the mass needs to be mitigated. Mr. Kwok responded that that's why his wife wants a

privacy fence so people can't see into the backyard.

Mr. Nadelberg told that applicant that the Board could vote on the application as presented with a 5' fence adjacent to the property line or he could amend the application to move the fence back from the property line. Mr. Kwok asked about other options such as a black metal fence adjacent to the property line with plantings inside. Mr. Grob stated that a fence serves two purposes: Security and privacy. He added that Mr. Kwok can get both by installing a more open fence with shrubbery planted inside. Mr. Kwok could also leave the existing chain link which provides security now and plant inside it to obtain privacy. Mr. Kwok asked about installing a 4' black aluminum fence adjacent to the property line with plantings along Jane Road with a 5' privacy fence along the back side of the property. Mr. Grob stated that the south side of the fence by the neighbor would need to have plantings to mitigate the mass. Mr. Kwok responded that he previously testified that he would soften that section of fence with plantings but he may consider a black aluminum fence there as well. He really wants the privacy fence between his property and the neighbor's property on Elkwood Avenue.

Mr. Morin didn't believe the Board was in a position to vote on the application and that it would be more prudent to carry the hearing so that Mr. Kwok can confer with his wife regarding the type and height of the fence and landscaping as well as the location of the fence which requires determining the distance between the curb and the property line. Mr. Nadelberg added that the Board can't mandate the height of the fence but it seems that the Board would prefer a 4' fence along Jane Road.

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

C. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR JULY 15, 2019

Darrin and Hope Estep Application #2019-15
16 Ridgeview Avenue, Block 32, Block 8, R-2 Zone, new Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule III and Article V, 310-10 (G&I) and 310-32 (B) for permission to construct an addition, shed and fence. The proposed rear-yard setback is 38 feet whereas 43.75 feet is the minimum required. The proposed side-yard setback is 7.65 feet whereas 8 feet is the minimum required. The proposed shed is 4.10 feet from the rear property line, 1.5 feet from the front property line and abuts the detached garage whereas 6 feet from the rear property line, 40 feet from the front property line and 12 feet away from the detached garage are the minimums required. The proposed fence in the front yard along Holmes Oval South is 6 feet high whereas 30 inches is the maximum height is allowed.

Mark McDonnell and Sarah Namini Application #2019-16
304 Charnwood Road, Block 36, Lot 20, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct a deck. The proposed side-yard setback to the deck is 5 feet whereas 12 feet is the minimum required.

Carried from 6/17/19

Susan and Dan Moroney Application #2019-10
119 Mountain Avenue, Block 267, Lot 19, R-1 Zone, New Providence, NJ 07974

Also known as 393 Mountain Avenue, Summit, NJ 07901
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

D. COMMUNICATION ITEMS

No communication items.

E. MISCELLANEOUS BUSINESS

No miscellaneous business.

F MINUTES FROM 6/17/19

The minutes from June 17, 2019, were approved as submitted.

G. ADJOURNMENT

The meeting was adjourned at 9:10 p.m.