

**BOROUGH OF NEW PROVIDENCE  
BOARD OF ADJUSTMENT  
MEETING MINUTES – MONDAY, OCTOBER 5, 2020 – 8:00 p.m.  
VIRTUAL MEETING**

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

Absent: All present.

**A. CALL TO ORDER**

Chairman Nadelberg called the meeting to order at 8:01 p.m. Per Governor Murphy's Executive Order No. 103 issued on March 9, 2020 declaring a State of Emergency and Public Health Emergency in the State of New Jersey, and extended by Executive Orders No 119 on April 7, 2020, No. 138 on May 6, 2020 and No 151 on June 4, 2020, this meeting was held remotely by conferencing software provided by zoom.us.

**B. PUBLIC HEARINGS SCHEDULED FOR OCTOBER 5, 2020**

Chairman Nadelberg announced that the hearings for Eric and Diana Benites, 2 Ridgeview Avenue, Application #2020-26, and Edgewood NP LLC, 14 Edgewood Avenue, Application #2020-24, would not be heard at the meeting and were rescheduled to November 2, 2020, and October 19, 2020, respectively.

Hany and Hanaa Daniel [Application #2020-22](#)  
117 Commonwealth Avenue, Block 75, Lot 9, R-2 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 Edgewood Avenue is 4 feet high whereas 30 inches the maximum height allowed.

Hany Daniel was sworn in and testified that his property is a corner lot and he would like to install a fence in his yard facing Edgewood Avenue for privacy and safety. Children cut through his yard and a fence would prevent this. He has three panels of chain link fence that were on the rear of the property when he bought it and he proposes to continue the fence along Edgewood Avenue toward Commonwealth Avenue. Mr. Daniel referenced the three photographs submitted with his application of homes on corner lots in his neighborhood that have fences.

Mr. Daniel responded to questions from the Board. There are three panels of chain link fence at the back of the property on Edgewood Avenue that was there when he bought the property, but there is no fence along the rest of Edgewood Avenue. Mr. Daniel plans to remove the dog run: The existing fence panels for the dog run along Edgewood Avenue will be continued toward the house on Commonwealth. The chain link fence will not have privacy slats. The Board asked why not given Mr. Daniel's testimony about wanting privacy. Mr. Daniel responded that the fence will still provide privacy because nobody will be able to cut through his yard. The Board cautioned Mr. Daniels about the difference between the curb and right-of-way and not installing the fence in the right-of-

way. The Board added that existing fence panels for the dog run may be close to the property line. Mr. Grob was concerned that the proposed fence is close to property line which wouldn't allow any plantings. Mr. Ammitzboll stated that there are already quite a few trees along the property on Edgewood Avenue: These may be in the right-of-way. Since it's a chain link fence, Mr. Ammitzboll is not concerned about plantings to screen the fence. Mr. Daniels stated that the fence would be located inside the plantings. The fence will not run to the corner of the property at Commonwealth and Edgewood Avenues. It will only extend to the front corner of the house. The fence will have two gates on either side of the house on Commonwealth Avenue. The gates are not shown on the plan.

Mr. Nadelberg commented that he isn't a fan of chain link fences and added that the photographs included in the application are wooden fences which look nice. Mr. Nadelberg asked if the applicant would consider different materials for the fence. Mr. Daniel had no problem with a different type of fence. He only proposed a chain link fence because he thought it would be an easier application. Mr. Daniel stated that a different type of fence would be better for him. A wooden fence will give him more privacy. Mr. Grob asked if the fence had to be 4' since a compliant 30" fence would keep people from cutting through his yard. Mr. Daniel needs a 4' fence to contain his dog. Mr. Daniel agreed to amend his application for a 4' wood picket fence in a neutral color to be located behind the existing plantings.

**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. Morgan asked for clarification about the dog run. The fence for the dog run will be replaced with a wood picket fence so that the fence will be the same material along Edgewood Avenue. The Board had no issues with the amended application.

Mr. Grob moved to approve the amended application for a 4' wood picket fence in a neutral color. Mr. Ammitzboll seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Mr. Ammitzboll, Ms. Ananthakrishnan, Mr. Grob, Mr. Morgan, Mr. Ping, Mr. Sorothen, and Mr. Nadelberg. Those opposed: None.

Eric and Diana Benites [Application #2020-26](#)  
2 Ridgeview Avenue, Block 32, Lot 11, R-2 Zone, New Providence, NJ 07974  
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct an addition and portico. The proposed front-yard setback to the portico is 36.3 feet whereas 40 feet is the minimum required. The proposed side-yard setback to the addition is 10.29 feet whereas 17.46 feet is the minimum required. The existing front-yard setback along Springfield Avenue is 26.09 feet.

**This application will be heard on November 2, 2020.**

Edgewood NP LLC [Application #2020-24](#)  
14 Edgewood Avenue, Block 75, Lot 8, R-2 Zone, New Providence, NJ 07974  
Chapter 310, Article IV, Section 310-10, Schedules II & III for construction of a new home. The proposed lot size is 8,985 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 building

**This application will be heard on October 19, 2020.**

#### C. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR OCTOBER 19, 2020

Dilip Gohel [Application #2020-27](#)  
89 The Fellsway, Block 271, Lot 30, R-2 Zone, New Providence, NJ 07974  
Chapter 310, Article IV, Section 310-10, Section 310-32(B) for permission to erect a fence. The proposed fence in the front yard along Elmore Road is 6 feet high whereas 30 inches is the maximum height allowed.

Adam M. Novak [Application #2020-28](#)  
119 Ryder Way, Block 356, Lot 5, R-1 Zone, New Providence, NJ 07974  
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct a deck. The proposed rear-yard setback to the deck is 32 feet whereas 40 feet is the minimum required.

Brendan and Melissa Reilly [Application #2020-29](#)  
45 Ashwood Road, Block 91, 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 Ashwood Road is 4 feet high whereas 30 inches is the maximum height allowed.

Edgewood NP LLC [Application #2020-24](#)  
14 Edgewood Avenue, Block 75, Lot 8, R-2 Zone, New Providence, NJ 07974  
Chapter 310, Article IV, Section 310-10, Schedules II & III for construction of a new home. The proposed lot size is 8,985 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 building coverage is 1,672 square feet is the maximum allowed.

#### D. COMMUNICATION ITEMS

No communication items.

#### E. MISCELLANEOUS BUSINESS

No miscellaneous business.

#### F. MINUTES FROM SEPTEMBER 21, 2020

The minutes from September 21, 2020, were approved as submitted.

#### G. ADJOURNMENT

The meeting was adjourned at 8:22 p.m.