

**BOROUGH OF NEW PROVIDENCE
BOARD OF ADJUSTMENT
MEETING MINUTES – MONDAY, FEBRUARY 3, 2020 – 8:00 p.m.**

Present: Mr. Dunscombe, Mr. Grob, Mr. Kogan, Mr. Morgan, Mr. Sorochen and Mr. Nadelberg. Also present, Nick Giuditti, Substitute Board Attorney and Margaret Koontz, Secretary.

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

A. CALL TO ORDER

Chairman Nadelberg called the meeting to order at 8:00 p.m.

Chairman Nadelberg announced that the application for Tiedan Huang, 25 Division Avenue, carried from January 6, 2020, to February 3, 2020, will not be heard by the Board. The applicant submitted revised plans that comply with the previously granted variance.

B. RESOLUTIONS

Revathi Ananthakrishnan Application #2019-34
76 Woodland Road, Block 231, Lot 8, 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 is 9.5 feet with a combined total of 24.9 feet whereas 12 feet with a combined total of 30.6 feet is the minimum required. The existing front-yard setback to the stoop is 34 feet and 38 feet to the house.

Mr. Morgan moved this and Mr. Sorochen seconded same. Members voting in favor: Mr. Morgan, Mr. Sorochen, Mr. Kogan, Mr. Dunscombe and Mr. Nadelberg.

Murray Hill Hospitality LLC Application #2019-29
535 Central Avenue and 195 South Street, Block 220, Lots 19 and 20, TBI-II Zone, New Providence, NJ 07974
Preliminary and final site approval, d(2) expansion of a pre-existing nonconforming use variance and bulk variance approvals to construct a 722 SF elevated wooden deck along the south west corner of the Best Western Plus Murray Hill Hotel and Suites.

The resolution is pending review by the applicant's attorney and will be memorialized at the meeting on February 24, 2020.

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

C. PUBLIC HEARINGS SCHEDULED FOR FEBRUARY 3, 2020

Joseph Leonard and Grace Pai-Leonard Application #2019-35
34 Newcomb Drive, Block 84, Lot 6, R-2 Zone, New Providence, NJ 07974

Chapter 310, Article IV, Section 310-10, Schedules I & III and Article V, Section 310-19I for permission to construct an addition and front porch. The proposed front-yard setback to the front porch is 37.01 feet whereas 40 feet is the minimum required. The proposed side-yard setback to the addition is 9.98 feet whereas 12 feet is the minimum required. The proposed building coverage is 2,276 square feet whereas 2,120 square feet is the maximum required. The proposed driveway is 5 feet from the property line whereas 6 feet is the minimum required. The existing shed is 5.86 feet from the rear property line and 5.06 feet from the side property line.

Joseph Leonard and Grace-Pai Leonard were sworn in along with their architects, Brian Siegel and Thomas Bijak, of Siegel Architects P.C. Mr. Bijak testified that the house is a split level built in 1959 with existing non-conformances including the lot width at the setback which is 89' whereas 110' is required. In addition, the lot area is only 13,699 SF, 1,301 SF less than the 15,000 SF required in the zone. Variances are required to construct the addition and front porch. These include variances for the side-yard setback and for building coverage of 2,276 SF which is 221 SF more than allowed. A variance is also required for the front-yard setback of 37.01' for the open covered front porch and for the setback to widen the driveway. The shed doesn't meet the setback requirements but has been on the property for years and will remain.

The house is a split level that has undergone multiple additions for a family room and to expand the kitchen. The additions were ineffective solutions to create usable space and better circulation. The applicant proposes an open-floor concept with a new enlarged kitchen. The applicant also proposes an infill addition at the back of the house by the deck with a crawl space underneath. The blue stone patio will remain. The applicant proposes a 9.9' addition to allow for a second garage next to the existing one-car garage on the left side of the house with a second story above the existing and proposed garage. The addition to the garage will allow for three more equal-size bedrooms on the second level.

A copy of the site plan and elevations composed of seven sheets was marked as Exhibit A-1. Sheet V5-7 of Exhibit A-1 was corrected to indicate that the elevation is the rear not front elevation. Mr. Bijak responded to questions from the Board regarding the lower level/first floor layout. The kitchen will be expanded and rotated and the living room will become the dining room. The renovated den/family room will replace the living room. The roof will be reframed to create a hip roof for the garage and front porch. The rear addition will have a simple gable roof. The existing house is 21.5' to the peak. The height of the proposed addition to the peak is 26.5.' The hip roof was chosen so the roof will fall away from the neighbor. The house has no attic storage now. The proposed attic will be accessed by pull-down stairs and will be used for storage and HVAC mechanicals. The air conditioning condensers will be located on the right side of the house behind the chimney inside the 12' setback and could be screened.

A photo board with an aerial image of the neighborhood, a rendering of the proposed addition and porch, photographs of houses on Newcomb Drive and photographs of other renovations in the neighborhood was marked as Exhibit A-2. Mr. Bijak described some of the houses on the exhibit including one farther down the road from the applicant that has a two-car garage and a porch. The house at 238 Woodbine Circle was similar to the Leonard's house and the homeowners added a two-car garage with bedrooms above and a front porch similar to what the applicant proposes

The Board had additional questions. The whole house will be re-sided with vinyl siding and AZEC trim. The roof will be asphalt shingles. There is a minimal step into the existing foyer. Mr. Bijak testified that the proposed renovations attempt to get rid of the "split levelness" of the house. The existing second floor cantilevers 2' over the front door. There will be decorative wall sconces by the front door and recessed downward - directed lights in the ceiling of the covered front porch. The two doors on the deck as well as the doors to the den and garage will also have exterior lights that will conform to the lighting ordinance. They will not be floodlights. The covered protective roof over the proposed garage addition is recessed from the house. The garage will have a single double-garage door. The existing deck is 5' off grade with 10 steps to the yard and no work will be done on the deck other than the lattice beneath the deck. The property drains to the backyard. The low point is where the shed is located.

The neighbor's house to the left at 28 Newcomb Drive (Exhibit A-2) is a similar split level. The neighbor's kitchen and living room face the proposed garage addition. Mr. Siegel reiterated that the height of the side of the house is 26.5'. The proposed garage and bedroom addition will face the neighbor at 28 Newcomb Drive. The Leonards talked to the neighbors, who were present in the audience, about the addition.

Mr. Grob commented that a lot of façade faces the neighbor and asked if the applicant would consider another window to break it up. The applicant agreed to add another window on the side of the addition toward the front of the garage. Mr. Bijak again stated that a hip roof was chosen for the addition to lessen the impact on the neighbor. Mr. Siegel added that the neighbors already look at "funny" façade: With the addition, there will be a more uniform roof line.

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 stated that Mr. Siegel's final comment regarding the existing elevation is appropriate. The existing south elevation where the garage addition is proposed is wacky and the proposed elevation is better. The Board didn't discuss the setback for the driveway, but the applicant tapered it at the curb cut and he was okay with this since the Board has approved many driveways. The addition and interior renovations will make a more livable arrangement for the applicants. The Board agreed. Mr. Nadelberg was comfortable approving the application with screening of the HVAC equipment, lattice under the deck and an extra window in the garage to break up the façade that faces the neighbor.

Mr. Grob moved to approve the application with the following conditions: 1) The applicant will screen the HVAC equipment, 2) the area under the deck will be screened with lattice, and 3) an extra window will be added on the side of the garage addition toward the front of the garage. Mr. Dunscombe seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Mr. Grob, Mr. Morgan, Mr. Sorochen, Mr. Kogan, Mr. Dunscombe and Mr. Nadelberg. Those opposed: None.

Marc and Atsuko Jones

Application #2019-36

63 Chestnut Street, Block 281, Lot 25, R-2 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 13 feet whereas 40 is the minimum required. The existing front-yard setback is 26.6 feet.

Marc and Atsuko Jones were sworn in. Mr. Jones testified that the house has an existing rear-yard setback of 31' where 40' is required and they would like to construct an 18' deep deck that encroaches into the rear yard leaving a 13' setback. The property is the narrowest property in the neighborhood. The following were marked:

- Exhibit A-1 – A photograph of the back yard showing the distance to the house behind the applicant. The proposed deck will be 80' to 90' from the rear neighbor's house.
- Exhibit A-2 – Photograph of the back of the house showing the kitchen door and glass sliders. The deck is 27" high and will be at the height of the kitchen door.
- Exhibit A-3 – Photograph of the house to the right of the applicant showing the neighbor's deck. The neighbor's house is set farther back on the property so the deck extends farther into the rear yard. The applicant's deck will not extend as far back on the property as the neighbor's deck does.

Mr. Jones responded to questions from the Board. Mr. Jones confirmed that he has two rear-yard neighbors: One on The Fellsway and one on Forest Road. The deck is 18' deep to balance it with the existing 12' deep patio to the right of the proposed deck. The 13' rear-yard setback allows enough room for landscaping. The deck will be constructed of composite materials with AZEK railings. Mr. Jones plans to screen the area beneath the deck. The cement landing shown on Exhibit A-2 will be completely covered by the deck. Mr. Jones tapered the rear corner of the deck where it abuts the patio for aesthetic reasons. There will be steps from the deck down to the patio. There won't be any stairs off the back of the deck only off of the left side and to the patio. Mr. Jones may replace the existing light fixture by the back door.

Mr. Grob noted that it's a skinny lot but had concerns about the depth of the deck and the impact on the neighbor on Forest Lane and suggested a more robust landscape buffer. Messrs. Nadelberg and Morgan expressed the same concern and asked if the depth of the deck could be reduced to 16.' Mr. Jones responded that he already has privacy screening in the back of his yard and he would like to have enough space on the deck for a table and chairs. Mr. Jones added that there will be more privacy for the neighbors in the back when the leaves are out which is when they will be using the deck. The Board again expressed concern about the size of the deck and would be happier with a smaller deck. Mr. Jones responded that the usable space on the deck is only 14' because of the step down from the dining room. Mr. Jones explained that the proposed deck has two levels with a 50" landing outside the dining room and then a step down to the deck where there will be a step down to the patio. Mr. Nadelberg commented that 14' of usable deck is a bit different from an 18' deep deck.

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 believes it's a reasonable application and the applicant tried to accommodate for the rear-yard setback. The two levels of the deck explain the need for the 18' deep deck. Mr. Grob agreed that the levels on the deck help with the 18' depth of the deck and thought additional shrubs in the rear would mitigate the rear neighbor's view of it. The applicant was okay with planting additional shrubs in the rear for screening.

Mr. Grob moved to approve the application with the condition that the applicant will add landscaping at the rear of the property, subject to review by the Borough's Construction Official, to provide additional screening. Mr. Sorochen seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Mr. Grob, Mr. Morgan, Mr. Sorochen, Mr. Kogan, Mr. Dunscombe. and Mr. Nadelberg. Those opposed: None.

D. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR FEBRUARY 24, 2020

Kurt and Natalie McPoland Application #2020-01
41 Brook Hollow Lane, Block 254, Lot 26, R-1 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule III for permission to construct a detached garage. The proposed height of the detached garage is 16 feet whereas 14 feet is the maximum allowed. The existing driveway is 4.5 feet from the property line.

Joan Stoessel Application #2020-02
489 Charnwood Road, Block 25, Lot 1, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article V, Section 310-19I for permission to install a generator. The front-yard setback along Central Avenue to the generator is 34 feet whereas 40 feet is the minimum required. The existing right side-yard setback to the house on Charnwood Road is 10.45 feet.

E. COMMUNICATION ITEMS

No communications items.

F. MISCELLANEOUS BUSINESS

No miscellaneous business.

G. MINUTES FROM 1/13/2020

The minutes of January 13, 2020, were approved as submitted.

H. ADJOURNMENT

The meeting was adjourned at 8:51 p.m.