

**BOROUGH OF NEW PROVIDENCE  
BOARD OF ADJUSTMENT  
MEETING MINUTES – MONDAY, APRIL 20, 2020 – 8:00 p.m.  
VIRTUAL MEETING**

Present: Mr. Ammitzball, Ms. Ananthkrishnan, Mr. Dunscombe, Mr. Grob (by phone) Mr. Kogan, Mr. Nadelberg, Mr. Ping and Mr. Sorochen. Also present: Phil Morin, Board Attorney; Keith Lynch, Director of Planning and Development; Doug Marvin, Borough Administrator; and Margaret Koontz, Secretary.

Absent: Mr. Morgan

**A. CALL TO ORDER**

Chairman Nadelberg called the meeting to order at 8:05 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 Order No 119 on April 7, 2020, this meeting was held remotely by conferencing software provided by zoom.us.

**B. REVIEW OF UPCOMING PUBLIC HEARINGS**

**Scheduled for May 4, 2020:**

Rebecca Weinstein Application #2020-04  
31 Coddington Drive, Block 182, Lot 11, 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 28 feet whereas 40 feet is the minimum required. The existing front-yard setback is 34.9 feet. The existing curb cut is 21 feet. The existing rear-yard setback to the shed is 3 feet.

The applicant is seeking variance for the rear-yard setback for a 20' x 14' deck. The Board noted that the application stated that the distance between the proposed deck and the neighboring house to the rear is more than 75 feet.

Stephen Serge Zarsky Application #2020-05  
28 Club Lane, Block 234, Block 9, R-1 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 front porch is 35.5 feet whereas 40 feet is the minimum required. The proposed side-yard setback to the front porch is 10 feet whereas 12 feet is the minimum required.

The proposed front porch, which would extend half way across the front of the house encroaches 4.5' into the front yard. The Board granted a variance for the rear-yard setback for a deck last September.

**Scheduled for May 18, 2020:**

David and Edith Rosciszewski Application #2020-03  
11 Edward Court, Block 25, Lot 42, 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 7.9 feet whereas 17.04 feet is the minimum required. The existing driveway abuts the property line. The existing shed is 3 feet from the side property line and abuts the rear property line.

This application was originally heard on March 2, 2020, at which time there were objectors. The applicant asked the Board to carry the application and submitted revised plans that flipped the front façade moving the gable from the right to the left side of the house thereby reducing the side-yard setback requirement.

**Tentatively scheduled for June 1, 2020:**

Faith Lutheran Church of New Providence Application #2020-06  
524 South Street, Block 310, Lot 4.01, R-1 Zone, New Providence, NJ 07974  
Minor subdivision and conditional approval and bulk variance approval to re-subdivide Lot 4.01 into proposed Lots 4 and 5. Lot 4 would contain the existing church and school buildings and Lot 5 would contain the existing one-story single-family home.

Faith Lutheran Church is requesting minor subdivision approval to subdivide the lot with one lot containing the church and the other lot containing the parsonage. These lots were previously merged into one lot. The applicant informed Mr. Lynch that the surveyor for the applicant died of Covid-19, but it has retained a new professional that can testify to the plans. Mr. Lynch noted that the deceased's license is valid for six months from the date of death and the plans are still valid.

The Board discussed moving the hearing date up to May 18, 2020. The Board Secretary will contact the applicant to see if it would like to move the hearing from June 1, 2020, to May 18, 2020.

**C. COMMUNICATION ITEMS**

*Other applications in the queue*

The Board asked about other applications in the queue. There is an application to demolish the dwelling at 35 Salem Road and construct a new dwelling that is scheduled for June 1, 2020.

*Meeting Time*

The Board discussed holding the meetings earlier than 8:00 p.m. for the duration of the state of emergency. Mr. Morin stated that the calendar of meetings with the dates and times were advertised at the beginning of the year. Any change to the meeting date or time would have to be re-advertised. The Board agreed to leave the meeting times as scheduled.

*Tree Removal at 123-125 South Street*

The utility company removed the tree in front of 123-125 South Street. Protection of this tree was required as a condition of approval to 123 South Street Realty for the construction of four town homes (Res. #2017-13). The tree was tagged for removal a month ago. Mr. Lynch stated that the Board has no jurisdiction over removal of the tree: The applicant fulfilled its obligation and had no choice in the matter of its removal. Mr.

Grob believes the tree may have been on private property rather than in the right-of-way. He talked to the arborist last week who agreed that the tree was healthy and would survive if the power company removed only the two limbs that might damage the power line, but the arborist already had an order to remove the tree. Mr. Grob would like to get notification of tree removals on properties for which the Board has granted variance approvals before it's too late. Mr. Grob doesn't believe that the applicant had much choice about the removal of the tree but it cost the applicant money to relocate things so as to avoid the tree when constructing the town homes.

Messrs. Morn and Lynch will talk to Mr. Marvin, the Borough Administrator, to see if the Borough gets a list from the utilities of trees to be removed. This way the Board could review the list to determine if any of the trees are on properties for which the Board has granted variance approval. The Board asked if the utilities are required to replant trees. The utilities are not required to replant; however, Mr. Lynch responded that a homeowner could plant a replacement tree as long as it's not in the right-of-way. Mr. Lynch added that the Bureau of Public supersedes municipal jurisdiction.

#### D. MISCELLANEOUS BUSINESS

No miscellaneous business.

#### E. MINUTES FROM MARCH 2, 2020

The minutes from March 2, 2020, were approved as submitted.

#### F. ADJOURNMENT

The meeting was adjourned at 8:40 p.m.