

**BOROUGH OF NEW PROVIDENCE
BOARD OF ADJUSTMENT
MEETING MINUTES – MONDAY, SEPTEMBER 14, 2020 – 8:00 p.m.
VIRTUAL MEETING**

Present: Ms. Ananthakrishnan, Mr. Dunscombe, Mr. Grob, Mr. Morgan, Mr. Nadelberg, Mr. Ping and Mr. Sorochen. Also present: Keith Lynch, Director of Planning and Development; .Phil Morin, Board Attorney; and, Margaret Koontz, Secretary.

Absent: Mr. Ammitzball and Mr. Kogan

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. RESOLUTIONS

Anthony J. Zotti Application #2020-07
25 Fairmount Road, Block 191, Lot 25.03, R-2 Zone, New Providence, NJ 07974
Subdivision approval of Lot 25.03, resulting from a previous subdivision in 1995 per Resolution #1995-26, into two single-family lots for the construction of two new single-family homes and termination of the pre-existing non-conforming landscape yard for the construction of two new homes.

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

Danielle Ayer Application #2020-18
17 Magnolia Drive, Block 180, Lot 2, 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 32 feet whereas 40 feet is the minimum required. The existing front-yard setback is 39.2 feet.

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

Darrin and Hope Estep Application #2020-17
16 Ridgeview Avenue, Block 32, Lot 8, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II and Article V, 310-19 (G & I) and 310-32(B) for permission to construct a garage and fence. The proposed garage is 4.10 feet from the rear property line, 0.5 feet from the front property line whereas 6 feet from the rear property line and 40 feet from the front property line are the minimum required. The proposed fence in the front yard along Holmes Oval South is 5 feet high whereas 30 inches is the maximum height allowed.

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

Ferdinand Jewelers Inc. Application #2020-19
571 Central Avenue, Block 220, Lot 21.14, TBI 2 Zone, New Providence, NJ 07974
Use variance for permission to operate a retail jewelry business within the TBI 2 Zone.

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

E. PUBLIC HEARINGS SCHEDULED FOR SEPTEMBER 14, 2020

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.

Chairman Nadelberg announced that this application was not noticed properly and will be heard on October 5, 2020.

Patrick Michael Gailliot Application #2020-20
39 Glenbrook Road, Block 134, Lot 10, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-19I and 310-20(2) for permission to expand the driveway. The proposed driveway is 1.2 feet from the property line whereas 6 feet is the minimum required.

Patrick Gailliot was sworn in and testified that he would like to improve and repave his driveway as well as expand it so that two cars can be parked side by side. He proposes to expand the driveway one car length and width on the left side of the existing driveway starting 10 feet back from the street. The expanded driveway will be only a foot from the property line.

Mr. Gailliot responded to questions from the Board. He can't reconfigure the driveway any other way without covering too much space by the front door. The area to the left of the existing driveway is grass and there are no structures there. If approved, the area to the left the expanded driveway will remain grass. There are similar driveways in the neighborhood. The proposed driveway will be a mirror image of the driveway to the left of his house. Mr. Grob noted that there are similar driveways in the neighborhood and other properties have space for two vehicles to park side by side; however, it's not a common design for the neighborhood. .

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's only concern is that the proposed driveway mirrors the neighbor's driveway so that there won't be much grass between the driveways. Most of the driveways in the neighborhood are single driveways. Although this type of expansion to permit two vehicles to park side by side is not predominant in the neighborhood, it's not out of the ordinary. Mr. Ping agreed. There are still a lot of single driveways in the neighborhood, but the request is not out of the ordinary. Ms. Ananthakrishnan noted that the neighbor to the right has a large driveway that extends to the back of the property and has a lot more pavement.

Mr. Ping moved to approve the application and Mr. Dunscombe seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Ms. Ananthakrishnan, Mr. Grob, Mr. Morgan, Mr. Ping, Mr. Sorochen, Mr. Dunscombe and Mr. Nadelberg. Those opposed: None.

Wesley Girnius Application #2020-21
34 Pleasantview Avenue, Block 134, Lot 30, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct an addition and deck. The proposed side-yard setback to the addition and deck is 6 feet whereas 12 feet to the addition and 8 feet to the deck is the minimum required.

Wesley and Melissa Girnius were sworn in. They propose to construct an addition on the left side of the house for a garage with a mudroom behind it and a deck off of the mudroom. The first floor expansion will also include an enlarged kitchen, master bedroom and a front portico but these do not require variances.

Courtney Lowry of Courtney Lowry Architect LLC and Manny Fernandez, Design Consultant with Woodbridge Guilders Corp., were sworn in and presented their credentials. Ms. Lowry was accepted as a licensed professional architect and Mr. Fernandez as a licensed contractor. Ms. Lowry described the left-side addition for a one-car garage with a mudroom behind it. The application requires a variance for the setbacks for the garage, mudroom and deck. The property is 9,362 SF which is undersized for the required 15,000 SF in the R-2 Zone. The required lot width at the setback is 110' and the property is 66.87' at the setback. The property is a long narrow lot. The application complies with all of the coverage requirements. The addition is proposed on the left side of the house. The house to the left of the applicants is very close to the side yard and doesn't appear to meet the 12' side-yard setback, but the proposed addition will not be close to the house next door. The proposed garage will be 12'-4" wide. The mudroom will be located behind the garage. The deck behind the mudroom will wrap around to the back of the house. The 1.5 story addition is proposed so as to match the Cape Cod style of the house. The proposed rear-yard setback is 58.5' and conforms. The addition for the master bedroom on the right rear of the house and the proposed front portico conform to the zoning requirements.

Ms. Lowry responded to questions from the Board. There will be sconce lights on the deck by the kitchen windows and by the patio door. No light posts on the deck are proposed. Mr. Nadelberg commented that the left elevation is not very appealing to the neighbor to the left because it's a long stretch of siding. Mr. Nadelberg asked if the applicants were considering landscaping along the garage/mudroom or if they could do

something else to break up the mass of the elevation such as adding a window. Ms. Lowry responded that this would be up to the applicants. They could add a window or other architectural elements such as a trellis with plantings to break up the façade. Ms. Lowry didn't include windows because she didn't want a lot of windows looking out onto the neighbor's property. Mr. Grob agreed with Mr. Nadelberg about the left-side elevation. Ms. Ananthakrishnan stated that the 6' setback for the garage is close and added that the narrow lot widths are the reason why the garages on Hickson Drive are detached. She suggested that the applicants might want to consider a detached garage. Ms. Lowry agreed about the garages on Hickson Drive, but there are attached garages on Pleasantview Avenue including the house across the street and reiterated that it's a long narrow lot. The applicants would like to have a garage and mudroom and still have a back yard. They would have less back yard with a detached garage and there would be more impervious coverage. The houses will have mini split air conditioning units on the right side of the house.

The Board had no further questions for the applicants. The hearing was opened to questions from the public.

Marc and Evelyne Green, 26 Pleasantview Avenue, live to the left of the applicant and asked about the height of the deck. The deck will be 24" from grade and doesn't require a railing. Ms. Green also asked about the fence and the height of a new fence. Ms. Girnius responded that the existing fence needs to be repaired but a fence is not part of this project and added that the maximum height of a fence is limited to 6.'

Mr. Lynch asked if the applicants would be willing to add windows to the side of the garage. The applicants were willing to add two windows at the same level to the side of the garage. .

The hearing was opened to comments from the public.

Joe Eberle, 46 Pleasantview Avenue, was sworn in and stated that he lives two doors down to the right of the applicants and has a direct line of sight to the addition on the right side of the house and to the deck. He's excited about the addition. It will enhance the home and the neighborhood.

Marc and Evelyne Green, 26 Pleasantview Avenue, were sworn in. Ms. Green stated that they moved in a year ago and love their property. She talked to Mr. Girnius briefly in the spring about changes but didn't expect the applicants to require variances for the addition. The charm of the neighborhood is the symmetry. The proposed garage will be very close to their yard so she is opposed to it. A detached garage in the back would be better. The Girnius's application states that many homes on the same side of the block and across the street have attached one-car garages which is true if you count the bi-level homes but there are numerous detached garages in back yards. The Greens have a nice space to the left of their house but with the proposed garage, the right side will look like an alley. The applicant's addition will reduce the curb appeal of their home. The Greens have a peaked garage roof so the proposed peak roof for the garage will look like two peaks side by side and this will take away from the charm of their house as well as reduce what they can do to increase the charm of their house. Mr. Green stated that they would not have bought their house had the applicant's house looked as now proposed. The addition is a shocking plan. Ms. Green also expressed concern about water and drainage and the loss of privacy they will have because of the deck and

entertaining on the deck.

Ms. Girnius responded that they have lived in their home for seven years. Both sides of their property butt up to single-car garages. The neighbors to the right just moved in and they entertain on their deck. The fence exists today and actually extends 4' onto their property. If they put a detached garage at the back of the property, they would have to move the fence over to the property line. In addition, both of the driveways on either side of them are on their property line. Mr. Girnius added that a detached garage would take up a lot of space in the yard.

Ms. Green commented that when they bought their house, they didn't expect the Girniuses to expand their house and she doesn't agree with granting variances for the addition. Windows in the garage will help but the garage will still be claustrophobic for her. Maybe the garage could be smaller.

There were no further comments from the public and the hearing was closed.

Discussion: Mr. Grob stated that it's difficult to add on narrow lots and stacking things on the short side of the lot doesn't help. A garage in the back, however, will impact the back yard. Ms. Ananthkrishnan commented that long narrow lots have limitations so it's a tough situation, but it might help if the deck were pulled in to meet the 8' side-yard setback requirement and if the garage roof were lowered since the neighbor's garage roof is lower. Mr. Grob agreed that these changes would help to reduce the bulk. Mr. Ping also agreed. Mr. Morgan lives close to the neighborhood and his concern is with the mass of the addition. A different roof line might help and lowering the height of the garage would address some of the neighbor's concerns. Mr. Ping added that windows in the garage would also help. Mr. Nadelberg asked the applicants if they would like to consider the Board's comments and carry the hearing.

The Girniuses were agreeable to lowering the height of the roof of the garage 5' with the same roof line since the area above it was only going to be used for storage. They were also agreeable to adding two windows on the side of the garage and were comfortable with having the Board vote on an amended application rather than carrying the hearing to present revised plans. Ms. Ananthkrishnan summarized the amended application to lower the height of the roof to 15' so that it would be similar in height to a detached garage; add two windows to the side of the garage; and, decrease the left side of the deck by 2' to meet the required 8' side-yard setback. The deck will still be large enough.

Ms. Ananthkrishnan moved to approve the application as amended to: 1) add two windows on the side of the garage, 2) lower the garage roof by 5' to 15', and 3) decrease the deck by 2' on the left side so that it conforms to the 8' setback requirement. The amended plans will be reviewed by the Construction Official to determine conformance with the changes agreed to by the applicant and approved by the Board. Mr. Ping seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Ms. Ananthkrishnan, Mr. Grob, Mr. Morgan, Mr. Ping, Mr. Sorochen, Mr. Dunscombe and Mr. Nadelberg. Those opposed: None.

F. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR SPECIAL MEETING ON SEPTEMBER 21, 2020

PUR New Providence LLC

Application #2020-23

1236 & 1248 Springfield Avenue and 84, 115 & 116 Gales Drive, Block 150, Lots 1 and 24; Block 151, Lot 1; and Block 163, Lots 38 and 44, R-4 Zone, New Providence, NJ
Site plan approval and use variance for the construction of a 3,144 SF clubhouse with leasing office, bocce court with seating area and 34-space parking lot for existing residential development along with new refuse enclosures and signage.

The Board looked at the proposed location for the clubhouse on the curve of Gales Drive and noted the request for additional parking spaces. The Board would like testimony about the parking and who will use the parking spaces. Mr. Lynch confirmed that vehicles are not allowed to park on the street overnight unless the vehicle owners contact the Police Department.

G. COMMUNICATION ITEMS

No communication items.

H. MISCELLANEOUS BUSINESS

No miscellaneous business.

I. MINUTES FROM AUGUST 17, 2020

The minutes from August 17, 2020, were approved as submitted.

J. ADJOURNMENT

The meeting was adjourned at 9:01 p.m.