

**BOROUGH OF NEW PROVIDENCE
BOARD OF ADJUSTMENT
MEETING MINUTES – MONDAY, DECEMBER 19, 2016 – 8:00 p.m.**

Present: Chairman Nadelberg, Mr. Ammitzboll, Mr. DeSarno Mr. Grob, Mr. Karr, Mr. Montrone, Mr. Morgan, Mr. Ping, Mr. Phil Morin, Board Attorney, and Margaret Koontz, Secretary

Absent: All present.

Others present: Keith Lynch, Director of Planning and Development

A. CALL TO ORDER

Chairman Nadelberg called the meeting to order at 8:00 p.m. and welcomed new Board member, Thomas Montrone, as First Alternate.

B. PUBLIC NOTICE

Chairman Nadelberg stated that this is a meeting of the Board of Adjustment of the Borough of New Providence, County of Union, and State of New Jersey. Adequate notice of this meeting was given in accordance with P.L. 1975, Chapter 231, in that a notice was made in conformance with Section 13 of the Act. He also stated the protocol for the meeting.

C. RESOLUTIONS

George Castellano Application #2016-29
139 Madison Avenue, Block 80, Lot 2, 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 along Madison Avenue is 5 feet high whereas 30 inches is the maximum height allowed.

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

D. PUBLIC HEARINGS SCHEDULED FOR NOVEMBER 21, 2016

Lena Chen Application #2016-02
87 Passaic Street, Block 53, Lot 1, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II and III, to construct a new house. The proposed lot area is 11, 867 sq. ft. whereas 15,000 sq. ft. is the minimum required. The proposed lot width at the right of way along Passaic Street is 58 feet whereas 70 feet is the minimum required. The proposed lot width at the setback along Passaic Street is 70 feet whereas 110 feet is the minimum required. The proposed front yard along Lincoln Lane is 15.75 feet and 22.9 feet along Passaic Street. The proposed side-yard setback is 10.48 feet whereas 11.10 feet is the minimum required. The proposed driveway width is 19 feet whereas 16 feet is the maximum permitted. At this time the review cannot be completed due to missing elevation information. The property is on the Borough historical register. The property has two existing sheds one is 3 feet from the

property line and the other is in the right of way along Lincoln Lane. Also there is an existing 6' high fence along Lincoln Lane. The application must adhere to the Borough's grading ordinance.

This application has been withdrawn. Mr. Karr moved to have Mr. Morin write a letter to the applicant stating that the application has been withdrawn without prejudice. Mr. Grob seconded the motion. All voted in favor.

Krishan Nayyar

Application #2016-30

97 Pleasantview Avenue, Block 144, Lot 18, 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 house along Pleasantview Avenue is 35.4 feet and the front-yard setback along Fifth Street is 22.9 feet whereas 40 is the minimum required.

Krishan Nayyar and Karen Khalaf, his architect, were sworn in. Ms. Khalaf was accepted as a licensed professional architect. Ms. Karen described the variances for the front-yard setbacks on Pleasantview Avenue and Fifth Street. The setback on Fifth Street is an existing non-conformance. The lot is small and narrow with a lot width of only 71.59' when 110' is required which causes difficulties. Mr. Nayyar proposes to add a covered portico and a one-story open porch on the right side of the house with a two-story addition behind the porch to soften the setback. The covered porch encroaches 3' into the required setback. It does not run the length of the house. The house has no garage. The applicant would prefer an attached garage but is sensitive to the neighbors to the right because the lot is tight and is proposing a detached garage instead with a 6' setback at the rear of the right corner of the property.

Ms. Khalaf testified that the proposed addition is compliant with building coverage requirements and no variance is required. The floor plan is very efficient with bedrooms of medium size. The exterior steps and door on Fifth Street will be removed which improves the setback on Fifth Street. The rear-yard setback and right side-yard setbacks are conforming. The addition will align with the right side of the house so as not to encroach further into the setback. A hip roof, which fits the neighborhood and is less massive than a gable roof, is proposed to control massing. There is one small gable roof over the front door. The open porch along Fifth Street cascades back to the addition as does the hip roof of the addition along Fifth Street. Ms. Khalaf is sensitive to the neighborhood and worked to control the massing.

The Board asked about the distance between the air conditioner condensers and the neighbor's house. Shaun Cunningham, who lives next door at 91 Pleasantview Avenue, stated that his house is quite close to his property line and estimated his house to be 14' from the applicant's house. The applicant was agreeable to relocating the condensers from the side to the rear of the house. The house and addition will be sided with high-quality vinyl or Hardy Plank with some stone on the front entrance to add interest. The detached garage will be sided with the same material. The setback for the second story along Fifth Street is almost 30' (23.1' to the porch and 6' from the porch to the addition). The Board noted that a variance is also required for the 18' curb cut for the driveway.

The Board also asked about the construction equipment on the property. Mr. Nayyar visited the site today and was surprised to see the equipment as it is not for his

construction. It is being used at the house three doors down and was parked on his property without his knowledge. Mr. Nayyar has already asked the property owner to remove it from his property. Mr. Grob is concerned about damage to the trees from the construction equipment there now and in the future and asked for a condition to protect the critical root zone of the trees prior to and during the construction should the application be approved. The applicant is only removing one 20" caliper tree for the driveway and was willing to protect the other trees. There will be a walkway from the garage to the patio - possibly a small stone walk but it will still be under the lot coverage. Mr. Nayyar expects to put small solar lights on the walkway. There will be no spotlight on the pathway. The garage will probably have wall sconces.

Mr. Grob asked about drainage issues. Mr. Nayyar believes the water flows to Pleasantview Avenue. Ms. Khalaf testified that the appliance will abide by engineering requirements for lot grading and will install a dry well if required and will tie the leaders to it. Mr. Lynch noted that the requirement for a lot grading permit will be made coincident with issuance of the building permit. The area is fairly flat and Mr. Lynch has not received any complaints about water and run off which must be captured.

Ms. Khalaf recapped the application. The property is unique and has challenging characteristics. She did her best to keep the mass down and do what's best for the public view. She believes the design is positive for and in keeping with the neighborhood. The existing house is run down and needs fixing up. A board with photographs showing the house next door on Fifth Street; the Fifth Street and Pleasantview Avenue views of the property in question; and, the houses at 87 and 77 Pleasantview Avenue was marked as Exhibit A-1. As shown by the photographs in Exhibit A-1, Ms. Khalaf believes the addition is in keeping with what's going on in the neighborhood.

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

Paul Loria, 14 East Fifth Street, lives in the house that abuts the property and asked how high the garage will be because there is swale that runs along the side of his yard and the back of the applicant's yard. When the swale fills it runs toward Fifth Street but the storm drain on Fifth Street can't handle the water and he's concerned about the water backing up because of the garage. Ms. Khalaf responded that the garage is above grade and the leaders will not drain to his property. She is not sure if the driveway will be curbed but the leader from the garage could be routed under the driveway.

Debbie Picorale, 91 Pleasantview Avenue, also asked about the garage and whether the Borough can maintain the swale as it used to 20 years ago. The water pools and can sit for two to three days. She is concerned that the garage will block the flow of water when the area floods and pools and the water will back up into her property. Ms. Khalaf doesn't have a grading plan but will get one if necessary. It should be possible to grade the property to prevent pooling on her property. Also, the garage is 6' from the property line. The water conditions on the property should be improved with the addition.

No further witnesses appeared to testify and the hearing was opened to comments from the public.

Paul Loria, 14 East Fifth Street, was sworn in. The house is an older house. The

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

Mr. Ammitzboll moved to approve the application with the following conditions: The applicant must protect the critical root zone of the trees prior to and throughout construction; the path from the detached garage to the patio will have low path lighting; the air conditioning compressors will be relocated from the right side of the house as proposed to the back of the house; and, the front portico will never be enclosed. Mr. Grob seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Mr. Ammitzboll, Mr. DeSarno, Mr. Grob, Mr. Karr, Mr. Morgan, Mr. Ping, and Mr. Nadelberg. Those opposed: None.

Michael and Kathleen Ondrejko and their architect, Carol Hewit, were sworn in and Ms. Hewit was accepted as a licensed professional architect and engineer. Mr. Ondrejko testified that he and his family moved into the house eight years ago. They have three children and are very involved with the town and want to stay in New Providence. They live in on a cul-de-sac near the middle/high school so their children can walk to school.

Ms. Hewit reviewed the variances required for the front, side and combined side-yard

setbacks. The front-yard and side-yard setbacks are existing non-conformances. Variances are also required for building coverage and the width of the driveway. Ms. Hewit described the changes as proposed on Sheet A-1 of the application. The house is a split level with the garage on the side. The applicants propose to split the garage and create a mud room and den and keep one bay of the garage for storage with a front-facing entrance and add another front-facing garage with an addition over it for a master bedroom and bath and closets. The master bedroom will remain on the same level as it is now. One bedroom will be split up to create a hallway, laundry room and closet. The first floor will be altered to create a front-facing garage and to add a front porch. The side-facing steps will be replaced with front-facing steps. The driveway, which is close to the property line, will be removed and re-located farther in from the property line to line up to the proposed garages reducing the impervious coverage and creating an area for grass and shrubbery.

Ms. Hewit responded to questions from the Board. The second garage will be set back 2.8' to create more interest. The Board asked about modulating the ridge line as the end-to-end straight ridge line is very apparent especially on the rear elevation. Ms. Hewit responded that it's a little difficult to change the ridge line: It would be awkward if the roof line goes up plus there wouldn't be enough head room in other areas. However, the house is 22.7' high and 30' to the mean of the roof is the maximum height allowed so she could work on raising the roof. It wouldn't have to be raised a lot. Ms. Hewit suggested that pictures of the house might help the Board visualize the ridge line of the addition more than looking at the elevations. A photo board with photographs of the house and other porches in the neighborhood was marked as Exhibit A-1. Ms. Hewit described the photographs on the Board. Mr. Lynch cautioned that raising the height of the addition may make it look an addition.

Three trees will be removed: Two in the driveway and one for the addition. The ash in the rear is dying. The applicants are happy to replace them with nice trees.

Ms. Hewit reviewed the proposed changes as shown on the survey (Sheet GN-1 of the application). As previously testified, some of the driveway will be eliminated and the new driveway will be a lot smaller because it doesn't have to loop around as it does today to access the side-loading garage. This will result in 16' instead of 8' of grass to the right of the driveway which is a positive for the neighbor. The house is not aligned with the lot lines which creates some of the variances. The property is undersized. If the lot size were compliant, a 2,240 SF house would be allowed. The proposed building coverage is 2,100 SF. The building coverage includes the 3' high deck that was added in the rear several years ago and the proposed covered porch.

Ms. Hewit and the applicants answered additional questions from the Board. The second level will still have three bedrooms but they will be reconfigured. The small bedroom on the third level (attic) is used as a den. Ms. Hewit looked at other designs but the rooms were smaller which makes it hard to place furniture. If the deck and porch are not counted as building coverage, the addition is only 41 SF or 2.4% over what is permitted. Mrs. Ondrejko stated that they came to the Board in 2011 for a variance for the deck because the back yard is too wet for the children to play there. She doesn't want to lose the deck to put the addition there.

Mr. Morgan commented that moving the garages to the front detracts from the house as the applicants are going wider rather deeper on the lot. Mr. Karr also commented that

the double garage represents 30% to 40% of the front façade. The Board discussed moving the second garage forward and whether the left garage could be changed to something else to minimize the impact especially if it's going to be used for storage rather for a vehicle. Mrs. Hewit commented that reducing the two-car to a one-car garage could reduce the real estate value. She could come straight across the front and use a 17' wide double garage door closer to the side of the house and add a window to the side although she's not sure she likes this option. Moving the left garage door closer to the right would impact the symmetry of the windows above. Mr. Nadelberg suggested that nicer garage doors and dividing the area between the garage doors and planting there might make a difference. Mr. Karr suggested that adding framing around the garage doors would help. Ms. Hewit thinks that adding a pergola over the garage doors would provide some dimension.

Ms. Hewit summarized the application. The applicants need more room to stay in the neighborhood. The proposed addition meets the needs of the family and the intent of the zoning ordinance. The house will be updated with new windows and siding so it will be more aesthetically pleasing. One variance has been eliminated by moving the driveway. The increase in building coverage will not have much impact. The lot is undersized and the building location on the lot creates a hardship.

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

There were no questions from the public.

No further witnesses appeared to testify and the hearing was opened to comments from the public.

Kevin Kelly, the next-door neighbor at 50 Whitman Drive, was sworn in and expressed full support for the addition. He loves the Borough and plans to stay here because of families like the Ondrejkos as they are the kind of community members that make New Providence special.

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

Discussion: Mr. Karr was initially concerned about the 25% increase in building coverage, the straight ridge line and the garage doors. Mr. Lynch assuaged his concern about the ridge line and he is less concerned about the lot coverage knowing that the increase is small when the portico and deck are excluded from the coverage. If the applicants are willing to frame the garage doors, he would be in favor of the application. Mr. Ammitzboll was also concerned about the increase in building coverage prior to Ms. Hewit's testimony. Moving the driveway away from the property line is a plus. It would be difficult to do anything else to achieve what the applicants want. Changing the garage doors will help and he's not worried that the garage doors will look as bad as the Board envisions from the elevations. Mr. Ping likes the additional green area along the property line that will result from moving the driveway and believes the addition fits well in the neighborhood. The proposed garage doors could be nicer. Although Mr. DeSarno prefers a side-loading garage, he appreciates the applicants' affection for the community and likes the increase in the side-yard setback and resulting increase in pervious coverage.

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

E. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR JANUARY 9, 2017

No hearings are scheduled.

F. COMMUNICATION ITEMS

Mr. Nadelberg reported that residents at Lantern Hill (Redwood ERC - New Providence) have been calling New Providence Emergency Services rather than internal security for medical emergency services. Erickson Living testified at the public hearings in 2012 that it would have a contract for emergency medical and ambulance services so there would be a minimal impact on the volunteer services in New Providence. This may just be a matter of educating residents about the protocol in the event of a medical emergency. Mr. Morin will review the resolution and stated that Erickson Living/Lantern Hill has been very responsive to the Board's issues with the site in the past.

G. MISCELLANEOUS BUSINESS

No miscellaneous business.

H. MINUTES FROM 11/21/2016

The minutes from November 21, 2016, were approved as submitted.

I ADJOURNMENT

The meeting was adjourned at 9:51 p.m.