

**BOROUGH OF NEW PROVIDENCE
BOARD OF ADJUSTMENT
MEETING MINUTES – MONDAY, OCTOBER 16, 2017 – 8:00 p.m.**

Present: Mr. Ammitzboll, Mr. DeSarno, Mr. Morgan, Mr. Nadelberg, Mr. Ping, Mr. Sorochoen, Mr. Phil Morin, Board Attorney, and Margaret Koontz, Secretary.

Also present: Keith Lynch, Director of Planning and Development.

Absent: Messrs. Ananthakrishnan, Mr. Grob and Mr. Karr. .

A. CALL TO ORDER

Chairman Nadelberg called the meeting to order at 8:07 p.m.

B. RESOLUTIONS

102 Livingston LLC Application #2017-19
102 Livingston Avenue, Block 142, Lot 10, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II, and Article V, 310-20 2 for permission to construct a new home. The proposed lot area is 10,708 square feet whereas 15,000 square feet is the minimum required. The proposed lot width at the setback is 105 feet whereas 110 feet is the minimum required. The proposed front-yard setback to the house along Fourth Street is 31 feet and 27.4 feet along Livingston Avenue whereas 40 feet is the minimum required. The proposed rear-yard setback to the house is 23.9 feet whereas 40 feet is the minimum required. The proposed driveway curb cut is 19 feet whereas 16 feet is the maximum allowed.

Mr. Morgan moved this and Mr. DeSarno seconded same. Members voting in favor: Mr. DeSarno, Mr. Morgan and Mr. Sorochoen.

Michael Crawford Application #2017-26
48 Second Street, Block 163, Lot 22, R-3 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct a deck, generator and relocation of air conditioning condenser unit. The proposed front-yard setback to the deck is 31 feet and 26 feet to the generator and A/C condenser whereas 40 feet is the minimum required. The existing front-yard setback is 27 feet. The existing driveway is 2 feet from the property line.

Mr. Sorochoen moved this and Mr. Morgan seconded same. Members voting in favor: Mr. DeSarno, Mr. Morgan, Mr. Ping and Mr. Sorochoen.

C. PUBLIC HEARINGS SCHEDULED FOR OCTOBER 16, 2017

Enterprise Home Builders LLC Application #2017-28
15 Crescent Drive, Block 74, Lot 14, R-2 Zone, New Providence, NJ 07974
Chapter 310, Article IV, Section 310-10, Schedule II, and Article V, Section 310-20(2) for permission to construct a new home. The proposed lot area is 8,283 square feet

whereas 15,000 square feet is the minimum required. The proposed lot width at setback is 62 feet whereas 110 feet is the minimum required. The proposed driveway curb cut is 21 feet whereas 16 feet is the maximum allowed.

Donald Rinaldo, Enterprise Home Builders, LLC, was sworn in. Donna Rinaldo, attorney for the applicant, described the application to demolish the existing house on the site, which is an eyesore, and build a new house in accordance with the plans as submitted that will be up to today's living standards. Three variances are required but two are for pre-existing non-conformances. The lot is only 8,283 square feet where 15,000 square feet is the minimum required and the lot width at setback is 62' where 110' is required. A variance is required for the proposed driveway curb cut. Ms. Rinaldo noted the error on the zoning chart on the site plan by Harbor Consultants Inc. The required minimum lot width should read 110' not 60' and the table should show that the lot width at the setback is not in compliance. The following exhibits were marked:

Exhibit A-1 – A board with photographs of three houses in the neighborhood with curb cuts of more than 16' and a copy of the 200' property owners' map showing the property in question in pink and houses in the neighborhood with curb cuts that exceed 16' in yellow.

Exhibit A-2 – A board with photographs of four houses with curb cuts of more than 16.'

Mr. Rinaldo took the photographs and measured the curb cuts. The houses shown on Exhibit A-1 have curb cuts as follows: 7 Birch Place, which is five doors down from the property in question, has a 26' curb cut; 35 Crescent Avenue has a curb cut of 24'; and, 44 Crescent has a curb cut of 22.' The curb cuts for the houses shown on Exhibit A-2 are as follows: 19' curb cut at 20 Birch; 19' – 7" curb cut at 64 Commonwealth; 21' curb cut at 14 Birch Place; and, 21' curb cut at 21 Osborne Avenue. Mr. Rinaldo testified that other houses in the neighborhood, as indicated in the exhibits, have curb cuts that allow two cars to exit the driveway without having to "juggle" the cars. The lot size and lot width at setback are existing non-conformances and are similar and characteristic of many of the lots in the neighborhood. The proposed house is better situated on the lot and is more in conformance with the zoning requirements than the existing house.

Mr. Rinaldo responded to questions from the Board. Mr. Rinaldo hasn't done a landscape plan yet but will probably plant in front of the living room and on the left corner of the driveway. The plants will most likely be shrubs and maybe an ornamental tree. Mr. Rinaldo was not sure how many other lots in the neighborhood are as narrow as the lot in question but the map of the property owners shows that most of the lots are approximately the same width. He will probably locate the air conditioning equipment in the back yard or in the rear side yard. His preference is the rear side yard but regardless, the location of the equipment will conform. The Board discussed the location of the equipment. Mr. Rinaldo stated that there's room for the equipment on either side of the house. The Board would prefer for the equipment to be located in the rear or at the right rear of the house rather than on the left side of the house to be farther away from the neighbors.

The Board asked for Mr. Lynch's comments. A tree will be removed in the front which presents an opportunity to require the applicant to plant two street trees. The house is an improvement over the existing one which is a slab on grade without a garage. The plan is more conforming and is not out of character in the neighborhood which is

witnessing similar expansions. The new house will be up to today's standards. The back of the property is low and the applicant already has a grading plan so the drainage on the property should be improved. Mr. Rinaldo added that the house has a hip roof and the roof water will be captured via the leaders and gutters and will drain into the seepage pit located in the front yard.

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.

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

Discussion: Mr. Ping believes that the proposed house is consistent with what is going on in the neighborhood. Mr. Ammitzboll agreed: There are similar houses on Crescent Road, Commonwealth Avenue and Birch Place. The house is reasonable and doesn't need to be re-designed. The proposed driveway is close to the house and the width, which will accommodate two cars, is in keeping with others in the neighborhood. It's good that the applicant will be capturing roof water with the leaders and gutters on the house and directing it to a seepage pit. Mr. DeSarno supports approval of the application.

Mr. Ping moved to approve the application with the conditions that 1) the air conditioning compressor will be relocated to the right rear or right rear side of the house, and 2) the applicant will plant two street trees in the front of the property. Mr. Morgan seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Mr. Ammitzboll, Mr. DeSarno, Mr. Morgan, Mr. Ping, Mr. Sorothen and Mr. Nadelberg. Those opposed: None.

Tim Green and Venessa Regali
41 Brook Road, Block 44, Lot 25, R-2 Zone, New Providence, NJ 07974
Application #2017-29
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct a deck. The proposed building coverage is 2,082 square feet whereas 1,926 square feet is required.

Tim Green and Al Leonard, his architect, were sworn in. Mr. Leonard was accepted as a licensed professional architect. Mr. Green moved into the house two months ago. He has two children and they love the town and schools. Mr. Green would like to have a deck so that he can have maximum use of the back yard as he would like the children to be outside playing rather than inside on their computers. The existing stoop-less stairs are a safety issue with the children. The deck is a modest increase in building coverage and will improve the property.

Mr. Leonard testified that the Board approved variances for the house a year ago. The following exhibits were marked:

Exhibit A-1 – A board with a copy of the site plan for the deck, survey and color photos

of the existing house.

Exhibit A-2 – Two color photographs of the rear of the house.

Mr. Leonard noted that the house has a “weird” orientation on the irregularly shaped lot. The deck will be added to the rear left side of the house but the closest setback is on the other side because of the orientation of the house on the lot. The application, however, does not require a variance for the setback. It only requires a variance for building coverage which is a *de minimus* increase. The building coverage is only over by 1%. There is a landscape buffer of *arbor vitae* in the back yard. The deck will allow the applicants to go outside without going down the steps. The deck is 12’ by 16’ and will be cantilevered with nice features and a bracket. It’s not large and is meant for a table.

Mr. Green responded to questions from the Board. He does not plan to use the deck for a grill but would like to have a patio in the future for the grill. The deck will have an open cathedral ceiling with a ceiling fan. It will probably have high hat lights and wall sconces. The lighting will conform. The deck is 4’ from the ground. Mr. Green was willing to put lattice under the deck and he may plant shrubs. He has no plans to enclose the deck.

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.

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

Discussion: The Board agreed that the covered deck will have a minimal impact as the yard has year-round screening. It represents a small increase in building coverage and it makes sense given the shape of the lot.

Mr. DeSarno moved the application with the following conditions: The applicant will install lattice under the deck and the deck will never be enclosed. Mr. Ping seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Mr. Ammitzboll, Mr. DeSarno, Mr. Morgan, Mr. Ping, Mr. Sorothen and Mr. Nadelberg. Those opposed: None.

Donato Minicozzi
29 Radcliff Drive, Block 185, Lot 12, R-2 Zone, New Providence, NJ 07974
Application #2017-30
Chapter 310, Article IV, Section 310-10, Schedule II for permission to construct a deck. The proposed rear-yard setback to the deck is 26 feet whereas 40 feet is the minimum required. The existing front-yard setback is 35.29 feet.

Donato and Dana Minicozzi were sworn in. The house is a split level and they have no access to the back yard off of the first floor. They have to go down to the family room and through the mud room to get out to the yard. The other option to a deck is stairs. The deck won’t be covered and they have no plans to enclose it. They propose to have a light by the slider but no flood lights. A color photograph of the front and side of the

house was marked as Exhibit A-1. Mr. Minicozzi testified that the deck will not be visible from the street because of the shrubs and the tree along the side of the house as shown on Exhibit A-1.

The applicants responded to questions from the Board. They could put lattice under the deck but they already have shrubs planted there and there's a tree on right side of the deck. The deck will be four steps up from the yard and will be built over the existing patio which will remain but will not be usable.

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.

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

Discussion: The Board had no issues with the deck but would like the applicants to put lattice under it to screen it and to keep animals out. This is consistent with the condition(s) of approval required for other deck applications the Board has approved.

Mr. Ammitzboll moved the application with the following conditions: 1) lattice will be installed under the deck, 2) the deck will never be enclosed, and 3) the lighting will be limited to a light by the slider as testified. Mr. Sorochen seconded the motion. A resolution will be passed at the next meeting. Members voting in favor: Mr. Ammitzboll, Mr. DeSarno, Mr. Morgan, Mr. Ping, Mr. Sorochen and Mr. Nadelberg. Those opposed: None.

D. REVIEW OF PUBLIC HEARINGS SCHEDULED FOR November 6, 2017

Carried from September 18, 2017

Blue Star Homes

Application #2017-02

214 Livingston Avenue, Block 241, Lot 6, R-2 Zone, New Providence, NJ 07974

Chapter 310, Article IV, Section 310-10, Schedules II & III for permission to construct an addition. The proposed front-yard setback to the addition is 30.86 feet and 25.8 feet to the front overhang whereas 40 feet is the minimum required. The proposed rear-yard setback to the addition is 37.72 feet whereas 40 feet is the minimum permitted. The proposed side-yard setback on the right is 8.94 feet and on the left is 5.58 feet whereas 12.6 feet on the right side and 13.8 feet on the left side are the minimum required. The proposed building coverage is 1,424 square feet whereas 1,123 square feet is the maximum allowed.

The secretary has not yet received revised plans.

David and Luisa Azevedo

Application #2017-31

48 Edgewood Avenue, Block 75, Lot 2, R-2 Zone, New Providence, NJ 07974

Chapter 310, Article IV, Section 310-10, Schedules II & III for permission to construct an addition. The proposed front-yard setback to the porch is 34.6 feet and 39.6 feet to the

addition whereas 40 feet is the minimum required. The proposed side-yard setback to the addition on the left side is 10.9 feet whereas 17.7 feet is the minimum required. The proposed side-yard setback to the addition on the right side is 7.7 feet and 15 feet whereas 15.9 and 18 feet are the minimum required. The proposed building coverage is 1,676 square feet whereas 1,635 square feet is the maximum allowed. The existing shed is on the property line.

Charles D'Amico
13 Crest Road, Block 241, Lot 23, R-2 Zone, New Providence, NJ 07974
Application #2017-32
Chapter 310, Article IV, Section 310-10, Schedules II & III, Article II, Section 310-6 and Article 310-19 I for permission to construct a covered porch. The proposed building coverage is 2,589 square feet whereas 2,100 square feet is the maximum allowed.

The house was demolished and a new house is currently being constructed. No variances were required for the house. The applicants would now like to add a covered porch at the rear of the house which requires a variance for building coverage.

E. COMMUNICATION ITEMS

No communication items.

F. MISCELLANEOUS BUSINESS

Tide Dry Cleaners

Work has started again at Tide Dry Cleaners. The applicant had trouble getting water to the site because of its location and the need for an easement from the Village Shopping Center.

Chop't Salad

The Planning Board will hear an amended site plan application for Chop't Salad to be located in the former Investor's Bank space at the Village Shopping Center.

G. MINUTES FROM 9/18/17 and 10/2/2017

The minutes of September 18, 2017, and October 2, 2017, were approved as submitted.

J. ADJOURNMENT

The meeting was adjourned at 8:55 p.m.