

Township of Millburn  
Minutes of the Zoning Board of Adjustment  
February 8, 2016

A regular meeting of the Township of Millburn Zoning Board of Adjustment was held on **Monday, February 8, 2016** at 7:00 PM in Millburn Town Hall.

Chairman Joseph Steinberg opened the meeting by reading Section 5 of the Open Public Meetings Act.

A roll-call indicated the following members were present:

Michael Birnberg, Alt. #2  
Matthew Brett  
Jessica Glatt  
Mary McNett  
Craig Ploetner, Alt. #1  
Steven Togher  
Michael Parlavecchio, Vice Chairman  
Joseph Steinberg, Chairman

Also present:

Gail Fraser, Board Attorney  
Eric Fishman, Court Reporter

**BUSINESS**

Joseph Steinberg expressed his thanks, on behalf of the entire Board, to Vice Chairman Michael Parlavecchio for his many years of service to the Board. Michael Parlavecchio is resigning from the Board due to conflicting business obligations. Joseph Steinberg complemented Michael on his contribution to the Board and his insight into the many applications that this Board has ruled on.

**APPROVAL OF MINUTES**

A motion to approve the minutes of December 21, 2015 was made by Matthew Brett, seconded by Michael Parlavecchio and carried with a unanimous voice vote.

A motion to approve the minutes of January 11, 2016 was made by Matthew Brett, seconded by Steven Togher and carried with a unanimous voice vote.

**MEMORIALIZATIONS**

**Cal#3445, Gerald & Jacqueline Holmes, 27 Whitney Road, Short Hills**

A motion to approve the resolution memorializing the approval of variance relief to Gerald & Jacqueline Holmes to construct an addition on the property located at 27 Whitney Road was made by Mary McNett, seconded by Matthew Brett, and carried with the following roll-call vote:

- Michael Birnberg – yes
- Matthew Brett – yes
- Jessica Glatt – yes
- Mary McNett – yes
- Steve Togher – yes
- Michael Parlavecchio – yes
- Joseph Steinberg – yes

**Cal#3446, George Wolfson/Joanne Gould, 3 Cape Court, Millburn**

A motion to approve the resolution memorializing the approval of variance relief to George Wolfson/Joanne Gould to construct an addition on the property located at 3 Cape Court was made by Michael Parlavecchio, seconded by Mary McNett, and carried with the following roll-call vote:

- Matthew Brett – yes
- Jessica Glatt – yes
- Mary McNett – yes
- Steve Togher – yes
- Michael Parlavecchio – yes
- Joseph Steinberg – yes

**Cal#3450, Brandon & Corrine Haase, 45 W. Beechcroft Road, Short Hills**

A motion to approve the resolution memorializing the approval of variance relief to Brandon & Corrine Haase to construct an addition on the property located at 45 W. Beechcroft Road was made by Steven Togher, seconded by Jessica Glatt, and carried with the following roll-call vote:

- Matthew Brett – yes
- Jessica Glatt – yes
- Mary McNett – yes
- Steven Togher – yes
- Michael Parlavecchio – yes
- Joseph Steinberg – yes

**APPLICATIONS**

**CAL#3455, RALPH FERDINAND, 56 WALNUT AVENUE, MILLBURN**

Ralph Ferdinand appeared and was sworn. He would like to maintain a patio in its current location. Proposal is in violation of:

606.2e3a – Accessory structure side yard setback

Mr. Ferdinand stated that he installed a patio in his back yard, unaware that a permit was required. He stated that when he was informed that a permit was required, he went to Town Hall to fill out the required paperwork and was informed that the patio did not meet the Township’s requirement for a 12’ side yard setback for the patio. The patio is 5’ off the property line.

Michael Moaba, 29 Mountain View Road, appeared and was sworn. He stated that he lives on the adjoining property and feels the patio is a beautiful enhancement to the applicant’s rear yard area. He supports the application.

Upon a motion made by Jessica Glatt, seconded by Craig Ploetner, and with a roll-call vote as follows:

- Matthew Brett – yes
- Jessica Glatt – yes
- Mary McNett – yes
- Craig Ploetner –yes
- Steven Togher – yes
- Michael Parlavecchio – yes
- Joseph Steinberg – yes

Cal#3455, Ralph Ferdinand, 56 Walnut Avenue, was **APPROVED**.

**CAL#3459, JOHN GERBINO/KATHERINE EKLUND, 125 FOREST DRIVE, SHORT HILLS**

Katherine Eklund, John Gerbino and John James, Architect, appeared and were sworn. John James’ credentials were presented and accepted by the Board.

- Entered as A-1: photos
- Entered as A-2: photos
- Entered as A-3: photos

The applicant would like to construct an addition to the dwelling. Proposal is in violation of:

606.2e1d – Front yard setback

606.2e2a – Building coverage  
606.2e2d – FAR

Katherine Eklund stated that they would like to construct an addition in order to accommodate a more functional circulation plan. She stated that the plans have been presented and approved by the Historical Preservation Commission in October.

John James gave a brief summary of the proposed construction. He stated that the proposal is to enlarge the existing kitchen and family room on the first floor, as well as create a new mudroom, side entry and powder room. In addition, a new 2-car garage is proposed, with a new master suite on the second floor.

John James summarized by stating that the non-conforming lot area presents an exceptional condition that imposes a hardship on the applicant in seeking to develop the property. Even though the property is an undersized lot in the R-3 zone, the building coverage and floor area ratio are well below the maximums allowed in the zone district.

Richard Keller, PE, PP, appeared and was sworn. His credentials were presented and accepted by the Board. He gave a brief summary of the proposed construction and the variances required. He stated that the lot is a corner lot in the Short Hills Park Historic District. The lot is an undersized, corner lot in the R-3 zone, with a lot area of 18,471 square feet, where the zone minimum is 29,000 square feet. The existing house is non-conforming with respect to both the 40' front yard setback and the average front yard setback along Western Drive. The existing front yard setback on Western Drive is 37.8' and the proposal will result in a front yard setback of 37.4'. The existing building coverage is 11.5% and is proposed to be 16.3%, where the zone permits a maximum building coverage of 13%. A variance is also required in order to extend the currently existing front facing garage in a zone which does not permit front facing garages. Finally, variance relief is required to permit 26 % FAR where the ordinance allows a maximum of 25%. Richard Keller stated that the lot in question is more in line with the minimum lot size required in the R-5 zone, which permits an FAR of 30%.

He continued by stating that the improvements proposed are consistent with the established character of the neighborhood and will not cause a substantial detriment to the public good or the intent and purpose of the zone plan and zoning ordinance.

Joseph Steinberg indicated that he was initially concerned with the variances being requested. However, upon visiting the site and listening to the testimony of the architect and planner, he feels the house will continue to be in character with other houses in the neighborhood. There is a lot of natural screening surrounding the property which will serve to buffer this proposed construction from the adjacent neighbor.

Upon a motion made by Matthew Brett, seconded by Michael Parlavecchio, and with a roll-call vote as follows:

Matthew Brett – yes

Jessica Glatt – yes  
Mary McNett – yes  
Craig Ploetner – yes  
Steven Togher – yes  
Michael Parlavecchio – yes  
Joseph Steinberg – yes

Cal#3459, John Gerbino/Katherine Eklund, 125 Forest Drive, “d” variance for FAR was **APPROVED**.

Upon a motion made by Mary McNett, seconded by Michael Parlavecchio, and with a roll-call vote as follows:

Matthew Brett – yes  
Jessica Glatt – yes  
Mary McNett – yes  
Craig Ploetner – yes  
Steven Togher – yes  
Michael Parlavecchio – yes  
Joseph Steinberg – yes

Cal#3459, John Gerbino/Katherine Eklund, 125 Forest Drive, “c” variance relief for front yard setback and building coverage was **APPROVED**.

**CAL#3461, MICHAEL GORDON, 36 HOBART AVENUE, SHORT HILLS**

Rhea and Michal Gordon, John James, Architect, and Richard Keller, PE, PP, appeared and were sworn. The applicants would like to construct an addition to their dwelling. Proposal is in violation of:

606.2e1d – Front yard setback  
606.2e1f – Combined side yard setback

Entered as A:1 – 4 photos of the house

John James’ credentials were presented and accepted by the Board. He gave a brief description of the proposed construction. He stated that the existing lot is a corner lot in the R-6 zone, having 2 front yards, 2 side yards and no rear yard. The existing house is currently non-conforming with respect to front yard setback and combined side yard setback. There is virtually nothing that can be done to the dwelling without triggering need for variance relief. This is a small house that has not been updated or renovated to the character of the existing neighborhood.

Entered as A-2: satellite photo  
Entered as A-3: photoboard of 6 photos

Richard Keller's credentials were presented and accepted by the Board. He spoke to the variances being requested. The property fronts on Hobart Avenue and Hawthorne Road. Both existing front yard setbacks are non-conforming. The proposed addition on Hobart Avenue is set back 42'-9", which is compliant with the ordinance requirement. The garage extension on Hawthorne Road is set back 22' from the front property line, thereby needing variance relief. The setback, although non-conforming, is consistent with other garages and front yard setbacks in the neighborhood. The garage extension will result in a depth that will accommodate the larger cars that have been built since the house was constructed many years ago. The existing combined side yard setback is also currently non-conforming. The proposed addition is in line with the current side yard setback and does not increase the non-conformity.

Richard Keller summarized by stating that the existing lot location with two non-conforming front yard setbacks and a non-conforming combined side yard setback present an unusual and exception situation that imposes a practical difficulty and hardship upon the applicant. It is virtually impossible to create any new development on the property without triggering the need for variance relief. The new work fits in carefully with the existing layout and design of the current dwelling. The improvements proposed are consistent with the established character of the neighborhood and there is no substantial detriment caused by this construction.

Overall, Board members felt the unique lot configuration makes it impossible to develop the property without needing variance relief. The architectural plans are very respectful of the neighborhood.

Upon a motion made by Craig Ploetner, seconded by Steven Togher, and with a roll-call vote as follows:

Matthew Brett – yes  
Jessica Glatt – yes  
Mary McNett – yes  
Craig Ploetner – yes  
Steven Togher – yes  
Michael Parlavecchio – yes  
Joseph Steinberg – yes

Cal#3461, Michael Gordon, 36 Hobart Avenue, was **APPROVED**.

**ADJOURNMENT**

A motion to adjourn was made by Mary McNett, seconded by Jessica Glatt, and carried with a unanimous voice vote. (9:15 PM)

Eileen Davitt  
Board Secretary

Motion: MBr  
Second: MBi  
Date Adopted: 3/7/16