

Township of Millburn
Minutes of the Zoning Board of Adjustment
February 22, 2016

A regular meeting of the Township of Millburn Zoning Board of Adjustment was held on **Monday, February 22, 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:

Matthew Brett
Jessica Glatt
Mary McNett
Craig Ploetner
Vanessa Scaglione
Steve Togher
Joseph Steinberg

Also present:

Gail Fraser, Board Attorney
Eric Fishman, Court Reporter
Eileen Davitt, Zoning Officer/Board Secretary

ELECTION OF VICE CHAIRMAN

A motion to elect Jessica Glatt as Vice Chairwoman was made by Craig Ploetner, seconded by Matthew Brett, and carried with a unanimous roll-call vote.

APPROVAL OF MINUTES

A motion to approve the minutes of January 25, 2016 was made by Mary McNett, seconded by Jessica Glatt, and carried with a unanimous voice vote.

MEMORIALIZATIONS

Cal#3441, Mingjun & Feng Huang, 52 Wellington Avenue, Short Hills

A motion to approve the resolution memorializing the granting of variance relief to Mingjun & Feng Huang to construct an attached garage and patio on the property located at 52 Wellington Avenue was made by Jessica Glatt, seconded by Matthew Brett, and carried with the following roll-call vote:

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

Cal#3449, Jiming Yu, 8 Elmwood Place, Short Hills

A motion to approve the resolution memorializing the granting of variance relief to Jiming Yu to construct an addition on the property located at 8 Elmwood Place was made by Mary McNett, seconded by Matthew Brett, and carried with the following roll-call vote:

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

Cal#3451, Main Street Lot 17, LLC, 272 Main Street, Millburn

A motion to approve the resolution memorializing the granting of variance relief to Main Street Lot 17, LLC to construct a 2-family dwelling on the property located at 272 Millburn Avenue was made by Craig Ploetner, seconded by Vanessa Scaglione, and carried with the following roll-call vote:

Mary McNett – yes
Craig Ploetner – yes
Vanessa Scaglione – yes
Steve Togher – yes
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3452, Matthew & Ani Stone, 39 Winding Way, Short Hills

A motion to approve the resolution memorializing the granting of variance relief to Matthew & Ani Stone to construct an addition on the property located at 39 Winding Way was made by Mary McNett, seconded by Jessica Glatt, and carried with the following roll-call vote:

Mary McNett – yes
Craig Ploetner – yes
Vanessa Scaglione – yes
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3453, Andrew & Denise Salerno, 365 Wyoming Avenue, Millburn

A motion to approve the resolution memorializing the granting of variance relief to Andrew & Denise Salerno to construct a retaining wall/driveway area on the property located at 365 Wyoming Avenue was made by Vanessa Scaglione, seconded by Craig Ploetner, and carried with the following roll-call vote:

Mary McNett – yes
Craig Ploetner – yes
Vanessa Scaglione – yes
Steve Togher – yes
Jessica Glatt – yes
Joseph Steinberg – yes

APPLICATIONS

CAL#3457, ADAM & KAREN SCHECK, 221 LONG HILL DRIVE, SHORT HILLS

*It is noted that Jessica Glatt recused and left the meeting room

Danial Dubinett, Architect, and Adam Scheck, appeared and was sworn. The applicant would like to construct an addition to the dwelling. Proposal is in violation of:

505 – Accessory structure setback on a corner lot
606.2e3a – Accessory structure side yard setback
606.2e1e1a – Side yard setback

Danial Dubinett’s credentials were presented and accepted by the Board. He gave a brief description of the proposal. The applicants would like to construct a small single story addition to the rear of the dwelling. They would also like to construct a raised patio, which will replace an existing raised deck.

Variance relief is required for the raised patio, which does not meet the 80’ setback requirement from the front lot line or the 12’ side yard setback requirement. In addition, the dwelling requires variance relief to allow a setback of 9.6 feet, where 12’ is required.

The lot is a pie-shaped lot, wide at the street line and narrowing at the rear of the property. The lot is heavily screened which will serve to buffer the addition from the adjacent property owner.

Mary McNett asked when the dwelling was built. Adam Scheck indicated that the home was built in the 1950’s.

Entered as A-1: set of 3 photos taken February 2015 showing existing conditions.

Overall Board members were satisfied that variance relief could be granted without substantial detriment to the zone plan.

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

Matthew Brett – yes
Mary McNett – yes
Craig Ploetner – yes
Steve Togher – yes
Joseph Steinberg – yes

Cal#3457, Adam & Karen Scheck, 221 Long Hill Drive, was **APPROVED**.

*Jessica Glatt returned to the meeting room.

CAL#3458, EDWARD & LILY MAGUIRE, 109 SAGAMORE ROAD, MILLBURN

Edward Maguire and Doug Miller, Architect, appeared and were sworn. Doug Miller's credentials were presented and accepted by the Board. The applicant would like to construct a front porch and portico. Proposal is in violation of:

606.2e1f – Combined side yard setback
606.2e1e2b – Side yard setback

Doug Miller gave a brief description of the proposal.

Entered as A-1: photoboard

The house is a front to back split level. The house is sited close to the side yard and the entry door is located on the side where the porch addition is proposed to be constructed. The porch addition will not extend into the required front yard setback line nor surpass the existing front entry garage. The existing dwelling is pre-existing non-conforming with regard to the side yard setbacks. The house to the left of the subject property is set back over 100' from the street and will not be negatively affected by the addition of the porch. The combined side yard setback is currently non-conforming at 30.7% and is proposed to be continued.

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

Matthew Brett – yes
Mary McNett – yes
Craig Ploetner – yes
Vanessa Scaglione – yes
Steve Togher – yes

Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3458, Edward & Lily Maguire, 109 Sagamore Road, was **APPROVED**.

CAL#3462, JEFF & KIRSTEN UTTZ, 301 WHITE OAK RIDGE ROAD, SHORT HILLS

Kirsten & Jeff Uttz, Brian Horle, PE, and Bob Hessels, Architect, appeared and were sworn. The applicants would like to construct an addition to the dwelling. Proposal is in violation of:

- 501.2 – Accessory structures shall be in rear yard only
- 606.2e1d – Combined side yard setback
- 606.2e2a – Building coverage
- 606.2e1g – Rear yard unoccupied

Bob Hessels, Architect, gave a brief description of the proposal. The applicants are proposing to create an outdoor living area to include an open air porch.

Brian Horle’s credentials were presented and accepted by the Board. He gave a brief description of the proposal. He stated that the applicants require variance relief in order to allow a fireplace in the side yard, where the ordinance allows accessory structures in the rear yard only. The proposal also requires variance relief to permit a combined side yard setback of 30.2% where the ordinance requires 35%. Building coverage variance relief is required to allow 15.4% coverage, whereby the ordinance permits a maximum of 13%. Finally, rear yard unoccupied variance relief is required to permit an unoccupied area of 23.6% where 25% is required by the ordinance.

Overall, Board members expressed their support of the application.

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

- Matthew Brett – yes
- Mary McNett – yes
- Craig Ploetner – yes
- Vanessa Scaglione – yes
- Steve Togher – yes
- Jessica Glatt – yes
- Joseph Steinberg – yes

Cal#3462, Jeff & Kristen Uttz, 301 White Oak Ridge Road, was **APPROVED**.

CAL#3464, LESLIE & DEAN SHULMAN, 10 BODWELL TERRACE

Leslie & Dean Shulman, and Timothy Klesse, Architect, appeared and were sworn. Timothy Klesse's credentials were presented and accepted by the Board. The applicants would like to renovate and update their existing dwelling by constructing an addition to accommodate a family room on the first floor and a master bedroom suite on the second floor. Proposal is in violation of:

- 606.2e1d – Front yard setback
- 606.2e1f – Combined side yard setback
- 606.2e2a – Building coverage
- 606.2e2d – FAR

Timothy Klesse gave a description of the proposal. He stated that the lot is located in the R-6 zone and has a lot size of 5,475 square feet, where the minimum lot size in the R-6 zone is 6,000 square feet. The addition has been designed so as to have minimal impact on the neighborhood.

Timothy Klesse referred to BOA-1. He stated that they are proposing a small addition to the rear of the garage which will allow them to create a powder room and mudroom. A 2-story addition is proposed which will allow for a family room on the first floor and a master bedroom suite above the family room on the second floor.

Entered as A-1: photoboard

Timothy Klesse spoke to the variances required. A front yard setback variance is required to allow for the construction of a dormer which will be 30.9' off the front lot line where 40' is required by ordinance. The existing dwelling has a current front yard setback of 27'. Combined side yard setback variance relief is required to permit 25.6% where the ordinance requires 35%. Rear yard unoccupied variance relief is required to permit 20.6% where the ordinance requires 25%. Building coverage variance relief is proposed to be 27.9% where the ordinance allows 23%. Side yard setback variance relief is required for a small portion of the 3rd floor dormer, proposed to be 8' off the property line, where the ordinance requires 11.3'. Floor area ratio variance relief is required to permit 47.3% where the ordinance allows 36%. Finally, accessory structure setback variance relief is required for the patio, proposed to be 6.3' off the property line where 12' is required.

Entered as A-2: photo of subject area

Mary McNett asked if any of the variances could be eliminated. Tim Klesse stated that he could move the patio in to conform to the 12' setback. He could also remove the patio which would eliminate the need for accessory structure side yard setback as well as rear yard unoccupied.

In response to Vanessa Scaglione's comments, Mr. Klesse stated that he could bring the 3rd floor dormer in to meet the required side yard setback.

Nina Singleton, 12 Bodwell Terrace, appeared and was sworn. She stated that she spoke to Mr. Klesse regarding the proposed blocking of sunlight due to the roof line. She stated that she was happy with the applicants' revision to the roof line and is happy to welcome them to the neighborhood.

Joseph Steinberg stated that this is a difficult case. He feels the proposed floor area ratio is one of the largest he can remember seeing during the time he has been on the Board. In addition, he is not happy with the applicants' proposal to put the patio 6' off the property line. He feels this house is too large for this undersized lot but will certainly listen to fellow Board members to hear their remarks on this case.

Steve Togher feels this is a clever design because it cannot be seen from the street. He does not feel the currently proposed location of the patio at 6.3' off the property line is a problem because there is a fence surrounding the area.

Matthew Brett echoed Steve Togher's comments. He feels the addition is contained to the rear of the dwelling and stated that he believes he can support the application.

Mary McNett is happy to see applicants improving the property. However, she is troubled by the large deviation from the floor area ratio.

Craig Ploetner stated that he thinks the application can be trimmed down a little. He likes to see these houses brought up to a more desirable standard. It improves the overall appearance of the house and makes the neighborhood more attractive.

Vanessa Scaglione feels the requested floor area ratio is entirely too big. She indicated that she would not be in favor of such a large deviation from the allowable floor area ratio. In addition, she feels the applicants have asked for other variances for items that could have been eliminated, such as the patio.

At the applicants' request, the matter was carried to March 21, 2016.

ADJOURNMENT

A motion to adjourn was made by Mary McNett, seconded by Craig Ploetner, and carried with a unanimous voice vote. (9:05 PM)

Eileen Davitt
Board Secretary

Motion: MBr
Second: MBi
Date Adopted: 4/4/16