

Township of Millburn
Minutes of the Zoning Board of Adjustment
April 4, 2016

A regular meeting of the Township of Millburn Zoning Board of Adjustment was held on **Monday, April 4, 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
Matthew Brett
Mary McNett
Craig Ploetner
Vanessa Scaglione
Steve Togher
Jessica Glatt, Vice Chairwoman
Joseph Steinberg, Chairman

Also present:

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

APPROVAL OF MINUTES

A motion to approve the minutes of February 22, 2016 was made by Craig Ploetner, seconded by Mary McNett, and carried with a unanimous voice vote.

MEMORIALIZATIONS

Cal#3465, Xiaoqing Han/Dayu Lin, 24 Reeve Circle, Millburn

A motion to approve the resolution memorializing the granting of variance relief to Xiaoqing Han/Dayu Lin to construct an addition on the property located at 24 Reeve Circle was made by Matthew Brett, seconded by Mary McNett, and carried with the following roll-call vote:

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

Cal#3466, Charles Raifman, 3 Athens Road, Short Hills

A motion to approve the resolution memorializing the granting of variance relief to Charles Raifman to construct an addition on the property located at 3 Athens Road was made by Steve Togher, seconded by Craig Ploetner , and carried with the following roll-call vote:

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

APPLICATIONS

CAL#3475, JOSHUA & JULIE LANDAU, 22 TIOGA PASS, SHORT HILLS

*Jessica Glatt recused and left the meeting room.

Joshua Landau and Timothy Coleman, Architect, appeared and were sworn. The applicant would like to construct a small addition to their present dwelling. Proposal is in violation of:

606.2e1e2b – Side yard setback

Timothy Coleman’s credentials were presented and accepted by the Board. He gave a brief description of the proposal. The applicant would like to construct an addition to accommodate a master bedroom suite. The proposal requires variance relief for the 2nd floor setback, required to be 22’, proposed at 13’9”. The property is pie-shaped and the side property lines get narrower, necessitating variance relief in the area where the new construction is proposed. There are no other variances required for the proposal. They have tried to alter the proposed addition in order to bring the construction into conformance. However, it reduced the size of the addition by half. The neighboring property’s rear yard faces the applicant’s side yard and will not be impacted by this proposal. The neighbor’s dwelling is approximately 76’ from the property line.

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

- Michael Birnberg – yes
- Matthew Brett – yes
- Mary McNett – yes
- Craig Ploetner – yes

Vanessa Scaglione – yes
Steve Togher – yes
Joseph Steinberg – yes

Cal#3475, Joshua & Julie Landau, 22 Tioga Pass, was **APPROVED**.

*Jessica Glatt returned to the meeting room.

CAL#3476, ELIZABETH & RICHARD COHEN, 39 NOTTINGHAM ROAD, SHORT HILLS

Thomas Singer, Architect, and Elizabeth Cohen, appeared and were sworn. Thomas Singer's credentials were presented and accepted by the Board.

The applicant would like to construct a patio. Proposal is in violation of:

501.2 – Accessory structures shall be in rear yard only
606.2e1g – Rear yard unoccupied
606.2e3a – Accessory structure side yard setback

Thomas Singer gave a brief description of the proposal. The existing dwelling has a rather large front yard setback, resulting in a small rear yard. They are required to provide 25% of their lot area unoccupied in the rear yard. They currently have only 20.4% rear yard unoccupied and the proposal will result in a rear yard unoccupied of 20.1%. The patio also requires variance relief because it is not entirely in the rear yard. A portion is located in the side yard, not permitted by ordinance. Finally, variance relief is required to permit the patio to be 9.5' from the side property line where 12' is required.

Greg Kam, 31 Nottingham Road, asked what the distance from the proposed patio to the property line will be. Thomas Singer stated there will be a distance of 9.5'.

Greg Kam, 31 Nottingham Road, appeared and was sworn. He feels the area to the right is not heavily landscaped. He would ask that more vegetation be planted in the area of the proposed patio.

Thomas Singer stated that his client would be agreeable to that condition.

Upon a motion made by Craig Ploetner, seconded by Matthew Brett, 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#3476, Elizabeth & Richard Cohen, 39 Nottingham Road, was **APPROVED** with the condition that a 6'privet or evergreen hedge be installed along the side property line in the patio area.

CAL#3478, GC PROPERTY ESTATES, 33 BLEEKER STREET, MILLBURN

Bette Grayson, Attorney for the applicant, stated her appearance. The applicant would like to install a ground graphic. Proposal is in violation of:

526.1 – Ground graphic area/height
526.3a1 – Minimum building setback
526.3a4 – Ground graphic setback

Michael Lanzafama, P.P., P.E., appeared and was sworn. His credentials were presented and accepted by the Board. He gave a brief description of the proposal. The applicant would like to install a ground graphic on the site in order to better identify the subject property and the tenants. The property is located in the CMO zone.

Entered as A-1: photo of subject property looking toward Main Street
Entered as A-2: photo of subject property coming from Main Street

The CMO zone requires the building to have a minimum setback of 35' in order to allow a ground graphic. This building does not meet that requirement as it is setback only 24.06'. In addition, the graphic will exceed the allowable area of 20 square feet and 5' height. The applicant is seeking relief to allow a 36.2 square foot sign to be 8.04' in height. The graphic setback is proposed to be 3.67' where 12.06' is required by ordinance.

The sign is ground illuminated and will be designed to coordinate with the existing building

Vanessa Scaglione feels the sign is too big and the size is being dictated by the number of tenants rather than the address of the building.

Mary McNett feels this is a commercial area and a sign of this size is necessary in order to give the clients direction.

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 – no
Steve Togher – no
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3478, GC Property Estates, 33 Bleeker Street, was **APPROVED**.

CAL#3482, LANDING 68, LLC, 60-68, 70 ESSEX STREET, MILLBURN

Lawrence Levitt, Attorney for the applicant, stated his appearance. He stated that the purpose of the application tonight is a direct appeal of 40:55D-68. The applicant would like to occupy the space as office space. The Zoning Officer has made the determination that offices are not permitted on the ground floor and any issuance of a certificate of non-conformity is under the jurisdiction of the Zoning Board.

Entered as A-1: C/O from 2005
Entered as A-2: C/O from 1994

Daniel Tarantini, sole owner of the subject property, appeared and was sworn. He stated that he purchased the property in April, 2015. It was his understanding that the subject premise then was occupied by office space.

Michael Savia appeared and was sworn. He was a barber for 52 years in the Township. He stated that while he had his business in town, he was affiliated with the Chamber of Commerce and the DMDA. He is familiar with the subject site and there have been law offices and doctor offices on the subject site for many years.

Hans Beyer, Jr. appeared and was sworn. He is a Police Officer for Millburn Township and is familiar with the downtown area. He stated that as far back as the 60's, the subject site has been used as office space.

Entered as A-3: property record card for 70 Essex Street

Marc Schwartz appeared and was sworn. He is a commercial real estate broker. He stated that he made several inquiries regarding the subject property. He conducted several interviews with former tenants and the property has always been used for office use.

Lawrence Levitt stated that he has provided adequate testimony regarding the matter and he asks the Board to authorize a certificate of non-conformity.

The Board discussed the testimony that was provided by Mr. Levitt and was satisfied that the subject property has been used as an office space continually and pre-existed the ordinance.

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

Michael Birnberg – yes
Matthew Brett – yes
Mary McNett – yes
Vanessa Scaglione – yes
Steve Togher – yes
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3482, Landing 68, LLC, 60-68, 70 Essex Street, certificate of non-conforming was
APPROVED.

ADJOURNMENT

A motion to adjourn was made by Matthew Brett, seconded by Michael Birnberg, and
carried with a unanimous voice vote. (8:45 PM)

Eileen Davitt
Board Secretary

Motion: ST
Second: CP
Date Adopted: 5/2/16