

Township of Millburn
Minutes of the Zoning Board of Adjustment
June 6, 2016

A regular meeting of the Township of Millburn Zoning Board of Adjustment was held on **Monday, June 6, 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
Ellen Nimaroff Hirsch, Alt. #2
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.

BUSINESS

A motion to go into closed session to discuss pending litigation was made by Jessica Glatt, seconded by Matthew Brett, and carried with a unanimous voice vote.

A motion to return to open session was made by Craig Ploetner, seconded by Jessica Glatt, and carried with a unanimous voice vote.

MEMORIALIZATIONS

Cal#3460, Elliot Rogoff, 101 Millburn Avenue, Millburn

A motion to approve the resolution memorializing the granting of variance relief to Elliot Rogoff to convert medical office space to residential on the property located at 101 Millburn Avenue was made by Mary McNett, seconded by Steve Togher, and carried with the following roll-call vote:

Mary McNett – yes

Craig Ploetner – yes
Steve Togher – yes
Jessica Glatt – yes

Cal#3481, Jayme Todd Goldstein, 56 Westview Road, Short Hills

A motion to approve the resolution memorializing the granting of variance relief to Jayme Todd Goldstein to install a fence on the property located at 56 Westview Road was made by Steve Togher, seconded by Mary McNett, 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#3486, FC Delbarton, 25 Delbarton Drive, Short Hills

A motion to approve the resolution memorializing the granting of variance relief to FC Delbarton to install a pool/patio/AC condenser on the property located at 25 Delbarton Drive was made by Matthew Brett, seconded by Craig Ploetner, and carried with the following roll-call vote:

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

Cal#3489, Derrick & Katuska Carlo, 70 Meadowbrook Road, Short Hills

A motion to approve the resolution memorializing the granting of variance relief to Derrick & Katusak Carlo to construct an addition on the property located at 70 Meadowbrook Road was made by Craig Ploetner, seconded by Vanessa Scaglione, and carried with the following roll-call vote:

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

APPLICATIONS

CAL#3485, DAVID & ERIN SCHONBRAUN, 30 LAKE ROAD, SHORT HILLS

The matter was carried to August 1, 2016 with no further notice required.

CAL#3494, ST. STEPHEN’S CHURCH, 119 MAIN STREET, MILLBURN

Marguerite Greenfield, representative for St. Stephen’s Church, appeared and was sworn. The applicant would like to replace a fence in the Church Street front yard of the property. Proposal is in violation of:

510.1 – Front yard fences are prohibited

Ms. Greenfield stated that they would like to replace the currently existing 4-1/2 foot fence with a 5-1/2 foot fence in order to provide protection to the school children and offer privacy as the children play outside.

The existing fence is old and in poor condition. They would like to replace the fence with a white shadow box style fence.

Upon a motion made by Jessica Glatt, seconded by Mary McNett, 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#3494, St. Stephen’s Church, 119 Main Street, was APPROVED.

CAL#3477, SHILPA VASWANI/ABHAYAD KAMAT, 37 TENNYSON DRIVE, SHORT HILLS

Daniel Encin, Architect, Shilpa Vaswani and Abhayad Kamat, appeared and remain sworn from their April 25, 2016 appearance before the Board.

Daniel Encin stated that they took the Board’s comments from the April 25, 2016 meeting and revised their plans accordingly. The proposal has been redesigned and the front facing garage has been eliminated from the plan. The new proposal will still require variance relief from the allowable building coverage and the required combined side yard setback. The ordinance requires a 35% combined side yard setback. The new proposal will require variance

relief to permit a 31% combined side yard setback. The ordinance permits building coverage of 14% and the new proposal will require variance relief to permit 15%, which equates to 214 square feet.

Robert Broder, 27 Audubon Court, questioned what the allowable building coverage is. Daniel Encin stated that the allowable building coverage is 14% and the applicant's proposal is asking for relief to permit 15% building coverage.

Robert Broder, 27 Audubon Court, appeared and was sworn. He stated that the Township has ordinance requirements and he feels the applicants should be required to adhere to the ordinance. The zoning laws are in place to protect the interests of all the Township residents.

Overall, Board members were pleased with the revisions made to the application.

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

Cal#3477, Shilpa Vaswani/Abhayad Kamat, 37 Tennyson Drive, was **APPROVED**.

CAL#3491, JASON SHUM, 99 WELLINGTON AVENUE, SHORT HILLS

Board members expressed concerns with respect to the lack of documentations presented in the application.

Jason Shum agreed to provide specifications as to the shed dimensions and location, as well as the extension of the driveway area.

The matter was carried to June 27, 2016 with no further notice required.

CAL#3468, HUIYUAN SHAN/LIHUA YANG, 822 RIDGEWOOD ROAD, MILLBURN

Stephen Ritz, Attorney for the applicant, stated his appearance. The applicant would like to construct an addition to the existing dwelling. Proposal is in violation of:

- 606.2e1f – Combined side yard setback
- 606.2e1e1a – Side yard setback
- 606.2e1e1b – Addt'l side yard setback

Lihua Yang appeared and was sworn. Upon questioning by Mr. Ritz, Ms. Yang stated that they would like to construct a 2nd floor addition in order to add a bathroom and bedroom space.

- Entered as A-1: photoboard of even numbered houses
- Entered as A-2: photoboard of odd numbered houses

Many of the surrounding dwellings in the neighborhood have additions similar to the applicants' proposal. The dwelling, after construction, will be in size and scale to the neighboring houses.

James Kin, P.E., appeared and was sworn. His credentials were presented and accepted by the Board. He stated that the proposal will have no negative impact on the adjoining properties or the surrounding neighborhood. The combined side yard is currently non-conforming and will not be impacted further.

Shean Wang, Architect, appeared and was sworn. His credentials were presented and accepted by the Board. He gave a brief description of the proposed construction.

- Entered as A-3: architect's plan

Mr. Wang gave a description of the existing and proposed floor plans. The proposed construction will be over the existing left side of the bi-level dwelling. There is no expansion to the existing footprint of the dwelling.

Joseph Steinberg asked for testimony as to what effect this 2nd floor addition will have to the adjacent property to the left of the subject dwelling.

Ms. Yang stated that she has spoken to her adjoining property owner and they have voiced support of the application. In addition, there are no windows proposed on the left side of the 2nd floor addition.

Mr. Ritz gave a brief summation and indicated that this proposal will be an improvement to the property and will have no detriment to the surrounding neighborhood.

Overall, Board members felt the proposal was modest and will be in keeping with the neighborhood.

Upon a motion made by Steve Togher, 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#3468, Huiyuan Shan/Lihua Yang, 822 Ridgewood Road, was **APPROVED**.

CAL#3487, DENISE CHAO, 163 MYRTLE AVENUE, MILLBURN

Vincent Chao and Chris Papaleo, Architect, appeared and were sworn. The applicant would like to construct an addition to the dwelling. Proposal is in violation of:

- 606.2e2a – Building coverage
- 606.2e2b – Lot coverage

Chris Papaleo’s credentials were presented and accepted by the Board. He gave a brief description of the proposal. The property is an 8,113 square foot lot in the R-6 zone district. The existing building coverage is currently non-conforming at 26.1% where the ordinance permits 23%. The applicant is seeking variance relief to allow 26.9% building coverage. In addition, the applicant requires variance relief to permit lot coverage of 49% where the ordinance allows 45% lot coverage. The dwelling is conforming with regard to side yard, front yard and rear yard setbacks.

Steve Togher asked for testimony as to the impact this addition will have on the neighbors. Vincent Chao stated that this addition will have no negative impact on the adjoining properties.

Overall, Board members were in favor of the proposal.

Upon a motion made by Craig Ploetner, seconded by Mary McNett, 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#3487, Denise Chao, 163 Myrtle Avenue, was **APPROVED**.

CAL#3492, JAMES MAGUIRE, 86 MINNISINK ROAD, SHORT HILLS

James Maguire and Sean Maguire appeared and were sworn. The applicant would like to install a fence on his property. Proposal is in violation of:

510.1 – Front yard fences are prohibited

James Maguire stated that he would like to replace his existing deteriorating fence.

Entered as A-1: photo of subject property from Oxford
Entered as A-2: photo of subject property from Oxford
Entered as A-3: photo of subject property from Minnisink
Entered as A-4: photo of existing broken fence

The fence proposed along Oxford Drive will be approximately 42 foot from the street line and will not be visible from the street. He is proposing a 5 foot ornamental black aluminum fence along Oxford Drive and a 6 foot board on board fence along the common property line.

Vanessa Scaglione feels the fence could be reduced to a 4 foot height. She would also like to see any approval conditioned on a screening buffer being installed.

Matthew Brett was in favor of the application, as proposed. He does not feel the fence will be visible from the street due to the extreme setback.

The applicant was agreeable to reducing the height of the black ornamental fence from 5 feet to 4 feet.

Upon a motion made by Mary McNett, 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 – yes
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3492, James Maguire, 86 Minnisink Road, was **APPROVED**, with the condition that the applicant file revised plans depicting the reduction of the black ornamental fence from 5 feet in height to 4 feet in height.

ADJOURNMENT

A motion to adjourn was made by Steve Togher, seconded by Craig Ploetner, and carried with a unanimous voice vote. (9:25 PM)

Eileen Davitt
Board Secretary

Motion: MM
Second: CP
Date Adopted: 6/27/16