

Township of Millburn  
Minutes of the Zoning Board of Adjustment  
August 1, 2016

A regular meeting of the Township of Millburn Zoning Board of Adjustment was held on **Monday, August 1, 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  
Ellen Nimaroff Hirsch  
Mary McNett  
Craig Ploetner  
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

**MEMORIALIZATIONS**

**Cal#3481, Steven & Jennifer Fishkoff, 9 Canoe Brook Road, Short Hills**

A motion to approve the resolution memorializing the granting of variance relief to Steven & Jennifer Fishkoff to construct an addition on the property located at 9 Canoe Brook Road was made by Michael Birnberg, seconded by Jessica Glatt, and carried with the following roll-call vote:

Michael Birnberg – yes  
Mary McNett – yes  
Craig Ploetner – yes  
Jessica Glatt – yes  
Joseph Steinberg – yes

**Cal#3491, Jason Shum, 99 Wellington Avenue, Short Hills**

A motion to approve the resolution memorializing the granting of variance relief to Jason Shum to install a shed and enlarge a driveway on the property located at 99 Wellington Avenue was made by Mary McNett, seconded by Michael Birnberg, and carried with the following roll-call vote:

Michael Birnberg – yes  
Mary McNett – yes  
Craig Ploetner – yes  
Jessica Glatt – yes  
Joseph Steinberg – yes

**Cal#3499, Natalie & David Reichman, 515 Wyoming Avenue, Millburn**

A motion to approve the resolution memorializing the granting of variance relief to Natalie & David Reichman to construct an addition on the property located at 515 Wyoming Avenue was made by Craig Ploetner, seconded by Mary McNett, and carried with the following roll-call vote:

Michael Birnberg – yes  
Mary McNett – yes  
Craig Ploetner – yes  
Jessica Glatt – yes  
Joseph Steinberg – yes

**Cal#3500, Alex Zaltsman, 28 Marion Avenue, Short Hills**

A motion to approve the resolution memorializing the granting of variance relief to Alex Zaltsman to install a fence on the property located at 28 Marion Avenue was made by Mary McNett, seconded by Craig Ploetner and carried with the following roll-call vote:

Michael Birnberg – yes  
Mary McNett – yes  
Craig Ploetner – yes  
Jessica Glatt – yes  
Joseph Steinberg – yes

**APPLICATIONS**

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

\*Jessica Glatt recused and left the meeting room

John Wyciskala, Attorney for the applicant, stated his appearance. John J. Delaney, Jr. stated his appearance for Mr. & Mrs. Randy Barker, neighbors located at 20 Adams Avenue.

The applicants would like to install a tennis court on the property. Proposal is in violation of:

- 501.2 – Location of accessory structure
- 510.1 – Front yard fences are prohibited
- 510.1 – Maximum wall height
- 501.3 – Maximum accessory use coverage

David Schonbraun, Applicant, appeared and was sworn. He gave a brief description of the proposal. He stated that they have done substantial interior renovations and would like to install a tennis court. They have designed the court so that it is substantially hidden from view from the adjoining property owners. They are also proposing a landscape plan that will further aid in the screening of the tennis court. There is no lighting proposed for the tennis court.

Entered as A-1: 4-page letter sent to neighbors within 200'

Mr. Schonbraun stated that this proposal is an aesthetic improvement to the property. Due to the lower elevation of the tennis court and the extensive landscaping proposed, the court will be invisible to the surrounding properties on Lake Road and Adams Avenue.

Mr. Delaney cross-examined Mr. Schonbraun. He asked where they currently play tennis. Mr. Schonbraun stated that he and his family play at several clubs in the surrounding towns.

Entered as A-2: 4-page letter sent to Deborah Barker from Schonbraun

Mary McNett asked who would be using the tennis court. Mr. Schonbraun indicated that the courts are intended to be used by his family and perhaps neighbors.

Craig Ploetner asked if the court would be used as a sports court for basketball. Mr. Schonbraun stated that they may eventually use the court for other sports.

Richard Keller, P. E., P. P., appeared and was sworn. His credentials were presented and accepted by the Board. Mr. Keller stated that he was hired by the applicant in September, 2015. He gave a brief description of the proposed tennis court. Mr. Keller stated that the property in question is an 81,414 square foot lot in the R-3 zone district. The property is approximately 2.8 times larger than the 29,000 square foot minimum lot size for the zone. The property is at the corner of Lake Road and Jefferson Avenue and is also a through lot with frontage on Adams Avenue.

Variance relief is required in order to permit a front yard fence in the Adams Avenue front yard of the property. Variance relief is required in order to permit a wall in a front yard that exceeds the ordinance 2 foot restriction. Variance relief is required to permit a portion of the tennis court in the Adams Avenue front yard area. And finally, variance relief is required in order to exceed the allowable 7% accessory coverage on a corner lot.

Matthew Brett asked which variances would be required if the lot were only a corner lot and not a through lot, as well. Mr. Keller stated that if the property were only a corner lot, variance relief would only be required for exceeding the maximum accessory use coverage.

Joseph Steinberg asked for the distance of the proposed tennis court to the neighbor's house at 40 Lake Road. Richard Keller stated that there is a 44 foot distance from the proposed tennis court surface to the neighbor's dwelling.

Jan Saltiel, Landscape Architect, appeared and was sworn. Her credentials were presented and accepted by the Board. She gave a brief description of the proposed landscaping.

Entered as A-3: colorized rendering of tennis court plan

Ms. Saltiel indicated that they have provided a very dense screening around the perimeter of the tennis court along Adams Avenue.

Entered as A-4: 2-page handout of proposed tennis court plan

The applicant is proposing to install a 6 foot wooden picket fence facing Jefferson Avenue. The remainder of the fencing is proposed to be 6 foot flexible deer fencing.

Richard Keller appeared and remains sworn. He spoke to the variances required for the proposal. He stated that the unusual corner lot/through lot status causes extreme hardship to the applicant in locating accessory structures. He stated that the proposal promotes a desirable visual environment.

Entered as A-5: subdivision feasibility study

Richard Keller stated that they looked at the property and prepared a subdivision feasibility study to show that this lot could be subdivided with no need for variance relief. If the property were subdivided, a 10,000 square foot dwelling could be constructed in the area where the tennis court is proposed to be located.

Entered as A-6: site plan marked up to show fence location

John Delaney respectfully requested that the matter be carried to August 15 in order to allow him the opportunity to review new testimony that was presented.

After discussion between counsel, it was agreed that the matter would be carried to October 24, 2016.

Chairman Joseph Steinberg announced that the matter was carried to October 24, 2016 with no further notice required.

\*Jessica Glatt returned to the meeting room.

**CAL#3490, YUSUF & NAOMI MUSAJI, 55 ADDISON DRIVE, SHORT HILLS**

Roberto Hernandez, Architect for the applicant, appeared and remains sworn. He stated that the applicants considered the Board members' comments and revised their plans in order to present a more compliant proposal.

The original plans required 4 variances including side yard setback, building coverage, combined side yard and lot coverage. The new plans have been scaled back and the new proposal requires only 1 variance for the combined side yard setback.

Roberto Hernandez explained the changes to the plans, which included the elimination of the large patio and the reduction of the size of the family room.

Board members were pleased with the revisions made to the plans.

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

Michael Birnberg – yes  
Mary McNett – yes  
Craig Ploetner – yes  
Jessica Glatt – yes  
Joseph Steinberg – yes

Cal#3490, Yusuf & Naomi Musaji, 55 Addison Drive, was **APPROVED**.

**CAL#3493, JEFFREY & ALYCIA KELLY, 85 FARLEY ROAD, SHORT HILLS**

Jeffrey Kelly and David McIlwain, Landscape Architect, appeared and were sworn. The applicant would like to install a small patio on the property. Proposal is in violation of:

501.2 – Accessory structures shall be in rear yard only

The property is a through lot with frontage on Farley Road and Park Road. Jeffrey Kelly stated that the patio will have no effect on the adjoining properties.

Michael Birnberg asked if the patio is at grade level. David McIlwain stated that the rear portion of the patio is slightly elevated due to the topography of the land.

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

Cal#3493, Jeffrey & Alycia Kelly, 85 Farley Road, was **APPROVED**.

**CAL#3503, GRETCHEN BREWER, 74 MOUNTAINVIEW ROAD, MILLBURN**

Gretchen Brewer and Cindy Boerner Jay, Architect, appeared and were sworn. The applicant would like to construct an addition. Proposal is in violation of:

606.2e1e1b – Side yard setback  
606.2e1f – Combined side yard setback

The proposal is to enlarge the kitchen and provide a laundry room and powder room on the first floor in addition to adding a master bedroom suite on the second floor.

Entered as A-1: photo of rear yard neighbor w/similar addition

Cindy Boerner Jay's credentials were presented and accepted by the Board. She gave a brief description of the proposal.

Entered as A-2: 8-page handout of immediate area

Variance relief is required for side yard setback and combined side yard setback. Both are pre-existing non-conforming conditions. The additions will not be visible from the street and will be in keeping with the scale and character of the surrounding area.

Overall, Board members felt the proposal was modest.

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

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

Cal#3503, Gretchen Brewer, 74 Mountainview Road, was **APPROVED**.

**CAL#3504, ALDRIN DELESSEPS, 22 DEERFIELD ROAD, SHORT HILLS**

Aldrin DeLesseps appeared and was sworn. The applicant would like to install a patio on the property. Proposal is in violation of:

505 – Accessory structure location on a corner lot

The property is a corner lot, requiring an 80 foot setback from both front yards. The patio will be set back 68 feet from Exeter Road and Deerfield Road. He stated that he has already received a zoning permit to install a fence which will enclose the patio area.

Michael Birnberg asked what type of patio the applicant is proposing. Mr. DeLesseps indicated that it is proposed to be a bluestone patio.

Chao Li, 19 Exeter Road, appeared and was sworn. He stated that he has concerns with the proposal. He feels that his privacy will be adversely affected due to the patio.

Overall, Board members were in favor of the proposal.

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

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

Cal#3504, Aldrin DeLesseps, 22 Deerfield Road, was **APPROVED**, with the condition that the fence be installed prior to the issuance of a C/A.

**NEW BUSINESS**

There were no members of the public who wished to speak about non-agenda items.

**ADJOURNMENT**

A motion to adjourn was made by Craig Ploetner, seconded by Matthew Brett, and carried with a unanimous voice vote. (11:00 PM)

Eileen Davitt  
Board Secretary

Motion: MM  
Second: CP  
Date Adopted: 10/24/16