

Township of Millburn
Minutes of the Zoning Board of Adjustment
September 19, 2016

A regular meeting of the Township of Millburn Zoning Board of Adjustment was held on **Monday, September 19, 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
Mary McNett
Ellen Nimaroff Hirsch
Craig Ploetner
Vanessa Scaglione
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#3490, Yusuf & Naomi Musaji, 55 Addison Drive, Short Hills

A motion to approve the resolution memorializing the granting of variance relief to Yusuf & Naomi Musaji to construct an addition on the property located at 55 Addison Drive was made by Michael Birnberg, 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

Cal#3493, Jeffrey & Alycia Kelly, 85 Farley Road, Short Hills

A motion to approve the resolution memorializing the granting of variance relief to Jeffrey & Alycia Kelly to construct a patio on the property located at 85 Farley Road was made by Jessica Glatt, 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#3503, Gretchen Brewer, 74 Mountainview Road, Millburn

A motion to approve the resolution memorializing the granting of variance relief to Gretchen Brewer to construct an addition on the property located at 74 Mountainview Road was made by Craig Ploetner, 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#3504, Aldrin DeLesseps, 22 Deerfield Road, Short Hills

A motion to approve the resolution memorializing the granting of variance relief to Aldrin DeLesseps to construct a patio on the property located at 22 Deerfield Road was made by Michael Birnberg, 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#3509, Liyang Zhang, 124 Greenwood Drive, Millburn

A motion to approve the resolution memorializing the granting of variance relief to Liyang Zhang to construct an addition on the property located at 124 Greenwood Drive was made by Craig Ploetner, seconded by Vanessa Scaglione, and carried with the following roll-call vote:

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

APPLICATIONS

CAL#3512, PAWAN VERMA, 45 TROY DRIVE, SHORT HILLS

Pawan Verma appeared and remains sworn.

Entered as A-1: survey of property

Entered as A-2: 3 photos

Mr. Verma stated that they would like to install a 6 foot aluminum fence in the Athens Road front yard of their property. The proposed fence would be installed on the street side of the existing line of evergreen trees on the property and then connect to the neighbor's wooden fence.

Mr. Verma indicated that they have hired a landscape architect to supplement the existing trees on the property to further buffer the view of the fence.

Michael Birnberg stated that he would prefer to see the fence inside the shrubbery. In addition, he feels a 6 foot fence is excessive and would be more agreeable to a 4 foot fence.

Mary McNett stated that she would not vote in favor of a fence outside the line of trees. She feels the existing tree line needs to be supplemented with more trees.

Craig Ploetner stated that he does not support the application.

Jessica Glatt agreed that she would like to see a denser line of trees and would like the fence installed on the inside of the trees.

Joseph Steinberg indicated that he agreed with the comments of the Board members. He feels the Board needs to see a landscape plan.

The matter was carried to November 7, 2016 with no further notice.

CAL#3506, ROBERT RICE, 14 WYNDHAM ROAD, SHORT HILLS

Robert Rice and Peter DeWitt, Architect, appeared and were sworn. The applicant would like to construct an addition to the dwelling. Proposal is in violation of:

501.2 – Accessory structures shall be in rear yard only

606.2e1f – Combined side yard setback

606.2e3d – Front facing garage

607.3 – Front yard parking

606.2e1d – Front yard setback

606.2e1e1b – Side yard setback

Robert Rice gave a brief description of the proposal. The existing dwelling does not have a garage. Their proposal is to add a garage to the dwelling with a small closet area on the 2nd floor above the garage. The property is located in the Short Hills Historic District and received approval from the Historic Preservation Commission at their June 2, 2016 meeting.

Peter DeWitt's credentials were presented and accepted by the Board. He gave a brief description of the proposal. The existing house has a right side yard setback of approximately 20 feet. The garage addition will decrease the setback to 12 feet. The property is located in the R-4 zone which requires a 15 foot setback. The proposed addition will also require variance relief for combined side yard setback. Thirty five percent is required and the proposal will result in a combined side yard setback of 27.6%.

Entered as A-1: photoboard

Mr. DeWitt indicated that they are proposing a trellis in the front yard and a parking area in the front yard, both requiring variance relief. There is a parking area on the side of the house which the Rices propose to remove if they receive approval.

Mr. Rice indicated that they do not need the front yard parking area and he is removing it from the plans. They will landscape that area instead. The landscape area will create an aesthetic visual barrier that does not exist at this time.

Mary McNett feels the applicant has tried to minimize the effect this proposal will have on the adjacent property owner. She is pleased with the plan and is in favor of the proposal.

Vanessa Scaglione feels the architect has done a nice job in keeping the proposal as unobtrusive as possible.

Joseph Steinberg indicated that he is pleased that the request for a variance for a front yard parking space has been withdrawn.

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

Michael Birnberg – yes
Mary McNett – yes
Ellen Nimaroff Hirsch – yes
Craig Ploetner – yes
Vanessa Scaglione – yes
Jessica Glatt – yes
Joseph Steinberg –yes

Cal#3506, Robert Rice, 14 Wyndham Road, was **APPROVED**.

CAL#3508, JULIE BETANCOUR, 320 HOBART AVENUE, SHORT HILLS

Julie & Alex Betancour and Richard Keller, P.E., P.P., appeared and were sworn. The applicants would like to replace a backyard patio and retaining wall on their property. Proposal is in violation of:

- 505 – Accessory structure front setback on a corner lot
- 501.1 – Front yard walls shall not exceed 2 feet in height

Richard Keller’s credentials were presented and accepted by the Board. He stated that the property is on the corner of Hobart Avenue, North Road and Windermere Terrace. As such, the property has 3 front yards, making the location of any accessory structure on the property nearly impossible without the need for variance relief.

There is an existing patio in the Windermere Terrace front yard of the property. The applicants would like to replace the patio due to its deteriorating condition. The patio proposed will be slightly larger than the existing patio. There is also a proposed 3.5 foot retaining wall surrounding the proposed patio. There is an existing retaining wall in the Windermere Terrace front yard that is approximately 4.2 feet in height.

- Entered as A-1: photoboard
- Entered as A-2: proposed landscaping

The existing holly and boxwoods will remain along Windermere Terrace. They will be supplemented with 5 American Arborvitae as well as 3 flowering dogwoods and American Boxwood.

Joseph Steinberg stated that the new patio will be lower than the existing patio. He feels there is no substantial detriment to the public good and indicated that he can support the application.

Mary McNett feels the landscape plan enhances the property.

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

- Michael Birnberg – yes
- Mary McNett – yes
- Ellen Nimaroff Hirsch – yes
- Craig Ploetner – yes
- Vanessa Scaglione – yes
- Jessica Glatt – yes
- Joseph Steinberg – yes

Cal#3508, Julie Betancour, 320 Hobart Avenue, was **APPROVED**.

CAL#3510, KATHLEEN & JAMES RYAN, 12 PINE TERRACE WEST, SHORT HILLS

Kathleen & James Ryan appeared and were sworn. The applicants would like to maintain a shed in the existing location. Proposal is in violation of:

606.2e3a – Accessory structure side yard setback

606.2e3b – Accessory structure rear yard setback

Kathleen Ryan stated they installed a shed on their property, unaware that a zoning permit was required. The shed is currently installed 4 feet 10 inches off the rear property line and 3 feet 10 inches off the side property line.

David Ehrenfried, 87 Wellington Avenue, appeared and was sworn. He stated that the shed is several feet off the property line and it is too close to his home. In addition, he feels the applicants' fence has been installed over the property line and on his property. He stated that he has tried to resolve several of these issues with the Ryans. He respectfully requests that the Board deny the Ryan's request for variance relief.

Jessica Glatt asked Ms. Ryan if she considered another location for the shed. Ms. Ryan indicated that they had the cement slab poured for the shed when they had the mason at the house doing the house renovation. Moving the shed to maintain 12 foot setback would put the shed in the middle of the rear yard.

Joseph Steinberg indicated that he is troubled with the fact that the shed was put up without first obtaining a permit. He is less concerned with the side yard setback variance but he feels the request for rear yard setback relief is troublesome.

Jessica Glatt and Vanessa Scaglione were in agreement with Mr. Steinberg.

Craig Ploetner indicated that he supported the application.

James Ryan explained that they adhere to Township policies. They were unaware that a permit was needed to erect a shed. They appeared before this Board previously for other variance relief and have been careful to obtain the required permits along the way. This was an error on their part and they apologize for their oversight.

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

Michael Birnberg – yes

Ellen Nimaroff Hirsch – yes

Mary McNett – yes

Craig Ploetner – yes

Vanessa Scaglione -- no

Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3510, Kathleen & James Ryan, 12 Pine Terrace West, side yard setback variance relief was **APPROVED**.

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

Michael Birnberg – yes
Mary McNett – yes
Ellen Nimaroff Hirsch – yes
Craig Ploetner – yes
Vanessa Scaglione – no
Jessica Glatt – no
Joseph Steinberg – no

Cal#3510, Kathleen & James Ryan, 12 Pine Terrace West, rear yard setback variance relief was **APPROVED**.

CAL#3513, CLIFFORD & GAIL SCHOB, 15 PRINCETON TERRACE, SHORT HILLS

Gail Schob, John James, Architect, and Richard Keller, PE, PP, appeared and were sworn. The applicants would like to construct an addition. Proposal is in violation of:

606.2e2a – Building coverage

Entered as A-1: photoboard

Gail Schob stated that they would like to construct a small one story addition in place of the existing rear porch. The addition will allow for the expansion of their existing kitchen area.

John James, Architect, appeared and was sworn. His credentials were presented and accepted by the Board. He gave a brief description of the proposal. The existing lot is located in the R-4 zone but is an irregularly shaped lot on a cul-de-sac. The dwelling is also constrained by several easements along the left side of the property. The proposed addition will allow for a direct connection between the existing family room and the newly expanded kitchen/breakfast areas. The proposal results in 137 square feet of building coverage over the allowable.

Richard Keller, P.E., P.P., appeared and was sworn. His credentials were presented and accepted by the Board. He gave a brief description of the proposal and spoke to the variance relief being requested.

Entered as A-2: variance application map dated 6/17/16

Mr. Keller stated that the plans proposed will allow for a view around the existing chimney to the rear yard area that stretches towards the opposite corner of the property. The proposed breakfast area addition improves the living spaces of the home while giving the applicants a much better visual connection with the back yard.

Mary McNett feels the applicant has presented the necessary proofs. This proposal poses no negative impact on the zone plan.

Michael Birnberg is troubled by a lot that is in excess of the required lot size for the zone district and yet is seeking variance relief for building coverage by a very small amount.

Joseph Steinberg indicated that the Board takes into the account the extent, as well as the number of variances being requested. He supports the application as proposed.

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

Michael Birnberg – yes
Mary McNett – yes
Ellen Nimaroff Hirsch – yes
Craig Ploetner – yes
Vanessa Scaglione – yes
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3513, Clifford & Gail Schob, 15 Princeton Terrace, was **APPROVED**.

CAL#3514, SANTIAGO MUNNE, 55 LAKEVIEW AVENUE, SHORT HILLS

Santiago Munne and Dean Andricsak, Architect, appeared and were sworn. Gary Steele, Attorney for the applicant, stated his appearance. The applicant would like to construct a garage. Proposal is in violation of:

606.2e3d – Front facing garage prohibited
606.2e1e2b – Side yard setback
606.2e1f – Combined side yard setback

Entered as A-1: front facing garage area inventory

Vanessa Scaglione asked if the garages noted in the inventory are attached or detached. Mr. Munne indicated that some are attached and some are detached.

Dean Andricsak's credentials were presented and accepted by the Board. He gave a brief description of the proposal. He stated that due to the egress windows in the area above the

existing garage, the newly proposed garage space cannot be located next to the existing garage, as the gable roof will block the egress bedroom window.

Mr. Andricsak indicated that a side yard setback of 15 feet is required. The proposed garage will require variance relief in order to allow a side yard setback of 10.83 feet. The proposed addition will also result in the need for variance relief for combined side yard setback in order to allow 26.7% where 35% is required.

Mary McNett stated that she would prefer garage doors without windows. She feels solid doors would mitigate the effect of the garage doors on the streetscape.

Mr. Munne indicated that he would be agreeable to that suggestion.

Upon a motion made by Jessica Glatt, seconded by Ellen Nimaroff Hirsch, and with a roll-call vote as follows:

Michael Birnberg – yes
Mary McNett – yes
Ellen Nimaroff Hirsch – yes
Craig Ploetner – yes
Vanessa Scaglione – yes
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3514, Santiago Munne, 55 Lakeview Avenue, was **APPROVED**, with the condition that the plans be revised to show a carriage style garage door with no windows.

CAL#3515, BRIAN & CRYSTAL SKINNER, 64 JEFFERSON AVENUE, SHORT HILLS

Brian Skinner and Timothy Klesse, Architect, appeared and were sworn. Timothy Klesse's credentials were presented and accepted by the Board. The applicants would like to expand and relocate a patio on the property. Proposal is in violation of:

505 – Accessory structure setback on a corner lot

Timothy Klesse stated that the applicants received variance approval on May 19, 2014. A patio setback was granted at that time. However, since that approval the Skinners have decided to relocate and expand the patio. The patio was initially proposed to be 36.28 feet from Jefferson Avenue and 33 feet from Montview Avenue. The new proposed patio will be set back 49 feet from Jefferson Avenue and 46 feet from Montview Avenue.

Entered as A-1: photos

There is a dense landscape buffer along the Jefferson Avenue front property line which will shield the view of the patio from the street.

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

Michael Birnberg – yes
Mary McNett – yes
Ellen Nimaroff Hirsch – yes
Craig Ploetner – yes
Vanessa Scaglione –yes
Jessica Glatt – yes
Joseph Steinberg – yes

CAL#3516, CONGREGATION B’NAI JESHURUN, 1025 SOUTH ORANGE AVENUE, SHORT HILLS

*It is noted that Jessica Glatt and Michael Birnberg recused and left the meeting.

Lawrence Levitt, Attorney for the applicant, stated his appearance. The applicant would like to install a splash pad on the property. Proposal is in violation of:

501 – Accessory structures shall be in rear yard only

Alice Lutwak, Executive Director of B’nai Jeshurun, appeared and was sworn. She indicated that the Congregation has been at the current location since 1968.

Stacey Tavel, Chair of the Parent Organization, appeared and was sworn. She stated that they would like to enhance the outdoor play opportunities for their summer campers with the proposed sprinklered playground.

Richard Keller, PE, PP, appeared and was sworn. His credentials were presented and accepted by the Board. He gave a brief description of the proposal.

Entered as A-1: aerial photo—north

There are 3 storage sheds proposed to be removed and replaced with the proposed splash pad.

Entered as A-2: partial site plan

The proposed splash pad will be setback 80 feet from South Orange Avenue.

Entered as A-3: photoboard

The splash pad will be heavily buffered by existing dense landscaping.

Richard Keller feels variance relief can be granted as there is no substantial detriment to the public.

Board members were in favor of the proposal.

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

Mary McNett – yes
Ellen Nimaroff Hirsch – yes
Craig Ploetner – yes
Vanessa Scaglione – yes
Joseph Steinberg – yes

Cal#3516, Congregation B'nai Jeshurun, 1025 South Orange Avenue, was **APPROVED**.

BUSINESS

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

ADJOURNMENT

A motion to adjourn was made by Vanessa Scaglione, seconded by Craig Ploetner, and carried with a unanimous voice vote. (10:30 PM)

Eileen Davitt
Board Secretary

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