

Township of Millburn
Minutes of the Zoning Board of Adjustment
April 2, 2018

A regular meeting of the Township of Millburn Zoning Board of Adjustment was held on **Monday, April 2, 2018** at 7:00 PM in Millburn Town Hall.

Chairman Joseph Steinberg opened the meeting by reading Section 5 of the Open Public Meetings Act.

The following members were present for the meeting:

Ellen Hirsch
Mary McNett
Craig Ploetner
Jyoti Sharma
Joy Siegel
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 March 5, 2018 was made by Craig Ploetner, seconded by Ellen Hirsch and carried with a unanimous voice vote.

A motion to approve the minutes of March 19, 2018 was made by Mary McNett, seconded by Joy Siegel and carried with a unanimous voice vote.

MEMORIALIZATIONS

Cal#3603-18, Tara Bradley, 30 Hillside Avenue, Short Hills

Upon a motion made by Craig Ploetner seconded by Joy Siegel and with the following roll-call vote:

Mary McNett – yes
Craig Ploetner – yes
Jyoti Sharma – yes

Joy Siegel – yes
Steve Togher – yes
Jessica Glatt – yes
Joseph Steinberg – yes

the following resolution was approved:

**TARA BRADLEY
BLOCK 1506, LOT 23**

**CALENDAR NO. 3603-18
APRIL 2, 2018**

Mister Chairman, I move the adoption of the following resolution memorializing the granting of variance relief requested by the Applicant, Tara Bradley, to permit the construction of a new patio and additions on the dwelling on property located at 30 Hillside Avenue, Short Hills, New Jersey known and designated as Lot 23, Block 1506 on the tax map of the Township of Millburn.

RESOLUTION

WHEREAS, the Millburn Township Zoning Board of Adjustment (hereinafter the “Board”) has held a public hearing according to law on March 5, 2018 in Calendar No. 3603-18 filed by Tara Bradley (hereinafter the “Applicant”) for permission to construct a new patio and additions on the dwelling on property located at 30 Hillside Avenue, Short Hills, New Jersey; and

WHEREAS, the Board does hereby set forth the following findings of fact, circumstances, reasons and conclusions:

1. The application and service of notice were found to be in order. The Applicant appeared without counsel. Todd Millman of 24 Hillside Avenue appeared and testified at the hearing as an interested party.

2. The property is located in the R-4 zone district. The R-4 zone district requires a front yard setback of 46.4 feet based upon the average front yard setback of properties within 500 feet or to the nearest corner on the same side of the street, minimum 22 foot second story side yard setback, minimum 35% combined side yard setback, maximum 20% accessory coverage and all accessory uses shall be located in the rear yard. The Applicant proposes to construct additions on the dwelling that would result in a 44.95 foot front yard setback, 17.66 foot second story side yard setback, and 30.4% combined side yard setback. The Applicant also proposes the construction of a new patio that would not be located in the rear yard. Therefore, variance relief is required. Initially, the Applicant also requested variance relief to permit 22.3% accessory coverage, but the Applicant withdrew that variance request in the course of the hearing.

3. The Board received and considered the following documents:
a. Plans prepared by Thomas Singer Associates, consisting of three sheets, A1 through A3, dated June 21, 2017 and revised through December 4, 2017.

b. A survey of the property prepared by Casey & Keller, Inc. dated October 17, 2017 and a copy of the survey marked up by the Applicant's architect to depict the proposed additions and patio.

c. An exhibit with an April 4, 2018 aerial of the neighborhood and photographs of homes in the neighborhood, which was admitted into evidence as A-1.

4. Applicant Tara Bradley, the Applicant's husband Phillippe Greenberg and Thomas Singer, Licensed Architect, testified in support of the application. The Board also heard the testimony of Todd Millman, of 24 Hillside Avenue.

5. The Applicant wishes to construct a new patio and additions to the dwelling which would provide a master bedroom, family room, new two-car attached garage and support space inside the home for the existing in-ground pool. The Applicant also proposes to install bay windows in the first floor front façade of the home.

6. The existing dwelling has a 46.95 foot front yard setback, which conforms to the required average front yard setback. The proposed bay windows would be installed on either side of the front entry to the home. The proposed bay windows would extend two feet into the front yard, reducing the front yard setback to 44.95 feet. The Applicant proposes to install the bay windows as part of an overall plan to improve the front façade of the dwelling with a new portico and windows to enhance the streetscape of the property.

7. The existing dwelling has an attached rear facing one-car garage. The Applicant wishes to construct a new addition at the rear of the existing dwelling that would provide a new two-car garage at the basement level, a family room on the first floor, and master bedroom suite on the second floor. The proposed addition in the rear yard is a conforming addition that does not require variance relief. Because of the proposed placement of the new addition at the rear of the existing dwelling, after construction the rear yard of the property would be considered that area of the property behind the rear façade of the new addition. As a result, the proposed new patio which the Applicant wishes to construct in a location between the new two-story addition and the existing in-ground pool would not be located within the rear yard, even though the patio would be located behind the existing dwelling and screened from view from the street by the proposed one-story addition at the east side of the existing dwelling. In addition, during the course of the hearing, the Applicant agreed to reduce the size of the patio to eliminate the need for variance relief for accessory coverage.

8. The remaining two variances relate to the proposed change in the roofline of the dwelling and the proposed addition at the east side of the dwelling. The existing dwelling has a pre-existing nonconforming westerly second story side yard setback of 17.66 feet. The proposed change in the roofline over the main portion of the dwelling would continue to maintain the pre-existing 17.66 foot nonconforming second story westerly side yard setback for a small portion of the new roofline. In addition, the construction of the one-story addition at the east side of the dwelling would result in a new 18.84 foot easterly side yard setback. The first floor side yard

setbacks of the dwelling after construction of the additions would continue to conform to the minimum 15 foot side yard setback required in the R-4 zone. However, the Applicant's property has an oversized lot width of 120 feet. As a result, the minimum 35% combined side yard setback would require a 42 foot combined side yard setback, whereas the home with the proposed one-story addition at the east side of the dwelling would result in a combined side yard setback of 36.50 feet, or 30.4%. However, the proposed one-story addition at the east side of the dwelling would serve to screen the existing in-ground pool from view from the street. The home with the proposed additions and other improvements will continue to provide lot coverage, building coverage and floor area ratio that conform to the zone requirements. The proposed additions and improvements would not have any negative impact on the adjacent neighbors and the home with the proposed improvements would remain in keeping with the neighborhood.

9. Todd Millman, the adjacent neighbor to the east at 24 Hillside Avenue, expressed an interest in a landscape buffer on the Applicant's property. The Applicant's husband advised the Board that the placement of the Applicant's existing in-ground pool and patio are too close to the shared property line to allow for additional landscaping. The Applicant's husband also advised the Board that there is currently a line of trees on the Millman property that buffers Mr. Millman's view of the Applicant's property, which Mr. Millman proposes to remove and replace with a driveway and garage that will be within 3 feet of the shared property line.

10. The Board concludes that variance relief may be granted to permit the proposed additions on the dwelling, patio and bay window improvements. The property has an oversized lot width. In addition, the dwelling is constrained by a pre-existing nonconforming second story side yard setback due to the placement of the existing dwelling on the property. The Board is satisfied that these conditions present exceptional circumstances uniquely affecting the property that justify variance relief. The Board is satisfied that even though the new bay windows proposed for the front façade of the dwelling will extend an additional two feet farther into the front yard, the home with the new portico entry, bay windows and other façade improvements will be an aesthetic improvement to the property that will enhance the streetscape. Moreover, a small section of the roofline will maintain the existing 17.66 foot second story side yard setback due to a proposed change in the roofline of the dwelling. The Board acknowledges that the proposed two-story addition with garage under at the rear of the home is a conforming addition that does not require variance relief. As a result of that addition, however, the proposed patio, which will be located between the existing in-ground pool and the proposed new addition at the rear of the dwelling, will not be located in the rear yard. The Board is satisfied that the proposed patio will not be visible from the street. The Board also notes that the Applicant has agreed to reduce the size of the proposed patio to mitigate the need for variance relief for accessory structure coverage. As for the proposed combined side yard setback variance, combined side yard setback is calculated as a percentage of the lot width. Thus, the oversized lot width of the property results in the need for a larger combined side yard setback, 42 feet, than would be required if the Applicant's property conformed to the minimum 100 foot lot width required in the R-4 zone. The proposed combined side yard setback of 30.4%, or 36.50 feet, would satisfy the 35%, or 35 foot, combined side yard setback required for a 100 foot wide lot. In this case, the proposed one-story addition at the east side of the dwelling will serve to screen the existing accessory in-ground pool and existing pool surround from view from the street. Moreover, the

proposed one-story addition will provide an 18.84 foot side yard setback, which exceeds the minimum 15 foot side yard setback required in the R-4 zone. The Board finds that the proposed additions to the dwelling and patio will improve the function of the dwelling, while maintaining conforming lot coverage, building coverage and floor area ratio. In addition, the Applicant has proposed to reduce the size of the patio and has withdrawn the request for accessory coverage variance relief. The Board is satisfied that the proposed additions and improvements will not have any negative impact on the streetscape or the adjacent neighbors. The home with the additions will provide conforming first floor side yard setbacks so the proposed additions will have no substantial negative impact on the neighbors to the east or west. The subject property has a rear yard setback of approximately 90 feet, so the proposed addition will not have any negative impact on the neighbor to the rear. The two-story addition at the rear of the dwelling and the proposed patio will be concealed from view from the street by the existing dwelling, while the one-story addition on the east side of the dwelling, as well as the new portico and bay windows, will enhance the front façade of the property resulting in an aesthetic improvement that enhances the streetscape. The Board is satisfied that the home with the proposed additions and patio will continue to be in keeping with the neighborhood. Therefore, the Board concludes that the granting of variance relief can be done without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of April, 2018 that variance relief granted by this Board on March 5, 2018 to permit the construction of an accessory structure patio not located in the rear yard, and additions on the dwelling that would result in a 44.95 foot front yard setback, 17.66 foot second story side yard setback, and 30.4% combined side yard setback, be and it hereby is memorialized pursuant to the provisions of N.J.S.A. 40:55D-10(g) subject to the following conditions:

1. Prior to the issuance of a building permit, the Applicant shall submit revised plans depicting the reduction of the patio and eliminating the need for accessory coverage variances. Construction shall be in accordance with the testimony at the hearing and the plans prepared by Thomas Singer Associates, consisting of three sheets, A1 through A3, dated June 21, 2017 and revised through December 4, 2017 and as further revised in accordance with this condition.

2. The Applicant shall apply for a building permit within 365 days from the date of publication of this decision.

3. The Applicant shall be bound to comply with the representations made before this Board by the Applicant and the Applicant's professional and other witnesses at the public hearing, as set forth in the Board's findings of fact contained in this Resolution. The Board has relied upon such representations in adopting its findings of fact and granting the approvals set forth herein. Such representations are hereby made conditions of such approvals.

4. Prior to the issuance of a Certificate of Occupancy/Approval, the Applicant shall remove all debris from the subject premises immediately upon completion of construction and shall maintain the site in reasonable order during construction.

5. The Applicant shall comply with all other rules, regulations and requirements affecting development in the Township, County and State.

CLERK CERTIFICATION

I, Eileen Davitt, Secretary of the Zoning Board of Adjustment of the Township of Millburn, County of Essex, State of New Jersey, hereby certify that the foregoing is a true and exact copy of a Resolution adopted at the meeting of the Zoning Board of Adjustment of the Township of Millburn held on the 2nd day of April, 2018.

Cal#3606-18, Neil & Kiva Barr, 20 Woodcrest Avenue, Short Hills

Upon a motion made by Mary McNett, seconded by Joy Siegel and with the following roll-call vote:

- Mary McNett – yes
- Craig Ploetner – yes
- Jyoti Sharma – yes
- Joy Siegel – yes
- Steve Togher – yes
- Jessica Glatt – yes
- Joseph Steinberg – yes

the following resolution was approved:

**Neil and Kiva Barr
Block 1403, Lot 14.01**

**Calendar No. 3606-18
April 2, 2018**

Mister Chairman, I move the adoption of the following resolution memorializing the granting of variance relief requested by the Applicants, Neil and Kiva Barr, in Calendar No. 3606-18 for permission to construct an open covered rear porch, patio and walkway on the property located at 20 Woodcrest Avenue, Short Hills, known and designated as Lot 14.01, Block 1403 on the tax map of the Township of Millburn.

RESOLUTION

WHEREAS, the Millburn Township Zoning Board of Adjustment (hereinafter referred to as the “Board”) has held a public hearing according to law on March 5, 2018 in Calendar No. 3606-18 filed by Neil and Kiva Barr (hereinafter referred to as the “Applicants”) for permission to construct an open covered rear porch, patio and walkway on the property located at 20 Woodcrest Avenue, Short Hills, New Jersey known and designated as Lot 14.01, Block 1403 on the tax map of the Township of Millburn; and

WHEREAS, the Board does hereby set forth the following findings of fact, circumstances, reasons and conclusions:

1. The application and service of notice were found to be in order. The Applicants appeared without counsel. No objectors or interested parties appeared or testified at the hearing.

2. The Applicants are the owners of the subject property which is located in the R-5 zone district. The R-5 zone requirements include the following: maximum 35% lot coverage and minimum 25% rear yard unoccupied. The Applicants propose the construction of an open covered rear porch, patio and walkway, which would result in 39.3% lot coverage and 18% rear yard unoccupied. Therefore, the Applicants require variance relief.

3. The Board received and considered the following in support of the application:

A. A one sheet plan, Sheet V-1, prepared by Dubinett Architects, LLC, dated November 27, 2017.

B. A survey of the property prepared by Casey & Keller, dated August 8, 2013 and a copy of the Casey & Keller survey, marked up by the Applicants' architect to depict the proposed improvements.

C. Three photographs, consisting of a Google Earth aerial view and two photographs of the rear yard, which were admitted into evidence as A-1.

4. Applicants Neil and Kiva Barr and Danial Dubinett, Licensed Architect, testified in support of the application.

5. The Applicants propose to construct a roof over the existing bluestone patio in the rear yard, converting the patio into a covered rear porch that would provide the Applicants with a sheltered outdoor dining and seating area. The Applicants also propose to construct a new open patio area that would include an outdoor barbecue counter, as well as a walkway between the proposed open patio and existing driveway.

6. The subject property is an oversized lot with a conforming 22,121 square foot lot area, 137.6 foot lot width and 158 foot lot depth. The existing lot coverage is a pre-existing nonconforming 35.5%, or 7,857.5 square feet, whereas the R-5 zone permits a maximum 35%, which in this case would be 7,743 square feet. The proposed improvements would result in 39.3% lot coverage, or 8,693, which exceeds the allowable lot coverage by approximately 950 square feet. The pre-existing nonconforming lot coverage is attributable to the long paved driveway of almost 4,000 square feet, which traverses the property to reach the side facing two-car garage in the existing dwelling on the property.

7. The Applicants' proposed improvements also require variance relief to permit a 23.3%, or 5,163 square foot, rear yard unoccupied, instead of the maximum permitted 25%, or 5,531 square foot, rear yard unoccupied. Although the property has an oversized lot depth of 158 feet, the existing dwelling has a front yard setback of more than 70 feet from Woodcrest Avenue, which is more than 30 feet greater than the minimum front yard setback required in the zone. The Applicants' architect advised the Board that in all likelihood the front yard setback of the existing dwelling was designed to align with the average front yard setbacks of other homes in the neighborhood, but the deep front yard setback reduces the useable rear yard area on the property. The proposed porch roof, patio and walkway would result in a 23.3%, or 5,163 square

foot rear yard unoccupied, which is 368 square feet greater than permitted. The southerly neighbors' patio is a significant distance away from the proposed covered porch and the view between the properties is buffered by existing landscaping. However, the Applicants have designed the proposed covered porch area with a small stone wall that would further enhance the privacy between the Applicants' proposed covered porch and the neighbors' patio. The dwelling of the neighbors to the North is a substantial distance away and the neighbors' garage and landscaping screen the view of the Applicants' property. In addition, there is no residential neighbor to the rear because the rear yard of the Applicants' property faces the heavily wooded South Mountain Reservation.

8. The Board concludes that the variance relief requested by the Applicants may be granted. The Board is satisfied that the Applicants have demonstrated the right to relief pursuant to N.J.S.A. 40:55D-70c(1). The need for variance relief is the result of the pre-existing nonconforming lot coverage affecting the property and the improvements on the property, as well as the placement of the dwelling with its deep front yard setback, which results in a relatively shallow rear yard given the lot depth of this property. The Board is satisfied that these conditions are exceptional circumstances that result in undue hardship and practical difficulties to the Applicants. The proposed covered porch, patio and walkway will be located at the rear of the existing dwelling where the improvements will be concealed from view from the street. The proposed improvements will not result in any negative impact on the adjoining residential neighbors as their dwellings are located some distance away from the shared property lines and screened from view of the proposed improvements by existing landscaping. Moreover, there is no residential neighbor to the rear of the Applicants' property. As a result, the Board finds that there will be no negative impact on the streetscape, or the neighboring properties. Therefore, the Board further concludes that the granting of variance relief can be done without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of April, 2018 that variance relief to permit the construction of a covered rear porch, open patio and walkway at the rear of the existing dwelling that would result in 39.3% lot coverage and 23.3% rear yard unoccupied, granted by this Board on March 5, 2018 is hereby memorialized pursuant to the provisions of N.J.S.A. 40:55D-10(g) subject to the following conditions:

1. Construction shall be in accordance with the testimony at the hearing and the one sheet plan, Sheet V-1, prepared by Dubinett Architects, LLC, dated November 27, 2017.

2. The Applicants shall apply for a building permit within 365 days from the date of publication of this decision.

3. Prior to the issuance of a Certificate of Occupancy, the Applicants shall remove all debris from the subject premises immediately upon completion of construction and shall maintain the site in reasonable order during construction.

4. The Applicants shall be bound to comply with the representations made before this Board by the Applicants' professional witness at the public hearing, as set forth in the Board's findings of fact contained in this Resolution. The Board has relied upon such

representations in adopting its findings of fact and granting the approvals set forth herein. Such representations are hereby made conditions of such approvals.

5. The Applicants shall comply with all other rules, regulations and requirements affecting development in the Township, County and State.

CLERK CERTIFICATION

I, Eileen Davitt, Secretary of the Zoning Board of Adjustment of the Township of Millburn, County of Essex, State of New Jersey, hereby certify that the foregoing is a true and exact copy of a Resolution adopted at the meeting of the Zoning Board of Adjustment of the Township of Millburn held on the 2nd day of April, 2018.

Cal#3612-18, Liz Kennedy/Mark Brown, 58 Crescent Place, Short Hills

Upon a motion made by Mary McNett, seconded by Jyoti Sharma and with the following roll-call vote:

Mary McNett – yes
Craig Ploetner – yes
Jyoti Sharma – yes
Joy Siegel – yes
Steve Togher – yes
Jessica Glatt – yes
Joseph Steinberg – yes

the following resolution was approved:

**ELIZABETH KENNEDY AND MARK BROWNE
BLOCK 1606, LOT 19**

**CALENDAR NO. 3612-18
APRIL 2, 2018**

Mister Chairman, I move the adoption of the following resolution memorializing the granting of variance relief requested by the Applicants, Elizabeth Kennedy and Mark Browne, to permit the construction of an addition on the dwelling and installation of air conditioning units in the front yard on property located at 58 Crescent Place, Short Hills, New Jersey known and designated as Lot 19, Block 1606 on the tax map of the Township of Millburn.

RESOLUTION

WHEREAS, the Millburn Township Zoning Board of Adjustment (hereinafter the “Board”) has held a public hearing according to law on March 19, 2018 in Calendar No. 3612-18 filed by Elizabeth Kennedy and Mark Browne (hereinafter the “Applicants”) for permission to construct an addition on the dwelling and installation of air conditioning units in the front yard

on property located at 58 Crescent Place, Short Hills, New Jersey; and

WHEREAS, the Board does hereby set forth the following findings of fact, circumstances, reasons and conclusions:

1. The application and service of notice were found to be in order. The Applicants appeared without counsel. No objectors or interested parties appeared or testified at the hearing.

2. The property is located in the R-5 zone district. The R-5 zone district requires a minimum 40 foot front yard setback and air conditioning units are not permitted in the front yard. The Applicants propose to construct an addition that would result in a 34.14 foot front yard setback and air conditioning units would be located in the front yard. Therefore, variance relief is required.

3. The Board received and considered the following documents:

a. Plans prepared by Klesse Architects, consisting of five sheets, BOA-1 through BOA-5, dated January 23, 2018.

b. A survey of the property prepared by Thomas S. Benjamin, Parker Engineering and Surveying P.C., dated July 3, 1984, and a copy of the survey marked up by the Applicants' architect to depict the proposed addition and air-conditioning units.

c. A photo board exhibit prepared by Klesse Architects consisting of three photographs of the property, which was admitted into evidence as A-1.

4. Applicants Elizabeth Kennedy and Mark Browne and Timothy Klesse, Licensed Architect, testified in support of the application.

5. The Applicants reside at the property with their children and they require additional living space to suit their growing family's needs. The property is a slightly oversized corner lot at the intersection of Crescent Place and Great Oak Drive, with a lot area of 15,350 square feet. The existing dwelling is a Cape Colonial. As a result of its corner lot status, the property has two front yards and two side yards. The Applicants propose to widen the existing enclosed porch on the side of the dwelling, which fronts on Great Oak Drive, by five feet, repurpose it for his and her home office use and construct a second floor addition over the new repurposed space for additional closet space. The proposed improvements include one-story and two-story additions at the rear of the existing dwelling, which would conform to the zone requirements, but require the relocation of two existing air-conditioning units to the Great Oak Drive front yard and the installation of a third air-conditioning unit in the new location. The relocated air-conditioning units would be 48 feet from Great Oak Drive and they would be shielded from view by four foot high conifers. The home with the proposed addition on the east

side of the dwelling would align with the house on the neighboring lot fronting on Great Oak Drive. In addition, the Great Oak Drive side of the property has dense evergreens and other plantings, so the home with the addition would be heavily screened from view from the street and the neighbors on Great Oak Drive. The home with the proposed additions and other improvements would remain well below the maximum floor area ratio, building coverage and lot coverage allowable in the R-5 zone. Moreover, the home with the proposed additions and other improvements would remain in keeping with the size and scale of other homes in the neighborhood.

6. The Board concludes that variance relief may be granted to permit the proposed addition on the dwelling and three air-conditioning units in the Great Oaks Drive front yard. The need for variance relief is the result of the corner lot status of the property, as well as the placement of the existing dwelling and driveway on the property. The proposed two-story addition on the east side of the dwelling would extend the existing screened-in porch an additional six feet into the Great Oak Drive front yard. In addition, the proposed conforming addition at the rear of the home would require the relocation of the air-conditioning units to the Great Oak Drive front yard. Due to the rear facing garage and placement of the driveway, no other conforming location for the air-conditioning units is feasible. The Board is satisfied that these conditions present exceptional circumstances uniquely affecting the property that justify variance relief. Although the proposed addition on the east side of the dwelling will extend farther into the Great Oak Drive front yard, and the air-conditioning units will be located in the Great Oak Drive front yard, the Board is satisfied that the proposed addition and air-conditioning units will not have any negative impact on the streetscape because the property is heavily buffered from view from the street and the adjoining neighbor on Great Oak Drive. The proposed additions and relocation of the air-conditioning units will improve the function and efficiency of this dwelling, while continuing to satisfy the floor area ratio, building coverage and lot coverage permitted in the zone. The Board is satisfied that the home with the improvements will continue to be in keeping with the size and scale of other homes in the neighborhood. Therefore, the Board concludes that the granting of variance relief can be done without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of April, 2018 that variance relief granted by this Board on March 19, 2018 to permit the construction of a two-story addition on the east side of the dwelling with a 34.14 foot front yard setback from Great Oak Drive and three air-conditioning units in the Great Oak Drive front yard, be and it hereby is memorialized pursuant to the provisions of N.J.S.A. 40:55D-10(g) subject to the following conditions:

1. Construction shall be in accordance with the testimony at the hearing and the plans prepared by Klesse Architects, consisting of five sheets, BOA-1 through BOA-5, dated January 23, 2018.

2. The Applicants shall perpetually maintain dense evergreen landscaping along Great Oak Drive to screen the home from view from the street and the 4 foot high conifer border around the air-conditioning units in the Great Oaks Drive front yard.

3. Prior to the issuance of a Certificate of Occupancy/Approval, the Applicants shall record a copy of this Resolution in the Office of the Essex County Register and provide the Board Secretary with a conformed copy of the Resolution, which bears the recording information.

4. The Applicants shall apply for a building permit within 365 days from the date of publication of this decision.

5. The Applicants shall be bound to comply with the representations made before this Board by the Applicants and the Applicants' professional at the public hearing, as set forth in the Board's findings of fact contained in this Resolution. The Board has relied upon such representations in adopting its findings of fact and granting the approvals set forth herein. Such representations are hereby made conditions of such approvals.

6. Prior to the issuance of a Certificate of Occupancy/Approval, the Applicants shall remove all debris from the subject premises immediately upon completion of construction and shall maintain the site in reasonable order during construction.

7. The Applicants shall comply with all other rules, regulations and requirements affecting development in the Township, County and State.

CLERK CERTIFICATION

I, Eileen Davitt, Secretary of the Zoning Board of Adjustment of the Township of Millburn, County of Essex, State of New Jersey, hereby certify that the foregoing is a true and exact copy of a Resolution adopted at the meeting of the Zoning Board of Adjustment of the Township of Millburn held on the 2nd day of April, 2018.

APPLICATIONS

CAL#3615-18, MINDY GENSLER/THOMAS TRAUTNER, 359 WYOMING AVENUE, MILLBURN

Danial Dubinett, Architect, Mindy Gensler and Thomas Trautner, applicants, appeared and were sworn. The applicant would like to construct an addition and enlarge a patio area. Proposal is in violation of:

- 606.2e1d – Front yard setback
- 606.2e1e1a – Side yard setback
- 606.2e1e1b – Addt'l side yard setback
- 609.5 – Accessory structure front setback on a corner lot

Danial Dubinett's credentials were presented and accepted by the Board. He gave a brief description of the applicants' proposal. The subject property is a slightly undersized corner lot in the R-5 zone district. The applicants would like to construct an addition on the Maple Street side of the dwelling above the existing den. The currently existing front yard setback is 12.3 feet. The proposal is to add a 2nd floor dormer addition above the den. The applicants would also like to expand a patio area which will not meet the required 80 foot front setback requirement. There is also an addition proposed on the right side of the dwelling which will continue the nonconforming 10.3 foot setback. The additions will not have a negative effect on the adjacent property or the streetscape and will add to the architectural appeal of the dwelling. A non-conforming patio on the right side of the dwelling will be removed as part of this proposal.

Overall, Board members felt the additions were well designed.

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

Mary McNett – yes
Craig Ploetner – yes
Jyoti Sharma – yes
Joy Siegel – yes
Steve Togher – yes
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3615-18, Mindy Gensler/Thomas Trautner, 359 Wyoming Avenue, Millburn, was **APPROVED**.

CAL#3608-18, VAIBHAV JOSHI, 8 BLAINE STREET, MILLBURN

Taimour Chaudra, Attorney for the applicant, stated his appearance. The applicant would like to install a parking space in the front yard of the property. Proposal is in violation of:

607.3e – Front yard parking; Front yard coverage
606.2e2b – Lot coverage

Vaibhav Joshi, applicant, appeared and was sworn. Mr. Joshi explained his proposal and his need for an additional parking area. He stated that the dwelling is a 2-family house and there is insufficient parking to accommodate the residents of the dwelling. The parking space is proposed to be installed on the right front of the lawn area, adjacent to the driveway of the adjoining property.

Entered as A-1: 8 photos of subject area

Mr. Joshi described each photo. He explained that there are several properties in the immediate area that have expanded their driveway areas in a similar fashion.

Craig Ploetner asked how many cars currently park on site. Mr. Joshi stated there are currently 3 cars parked on site.

Jessica Glatt asked the applicant if he gave any consideration to expanding the paved driveway on the left side of the property. Mr. Joshi stated that he preferred to add the parking space on the right side to keep it separate from the main driveway area. This spot would be for the tenant.

Joy Siegel questioned whether the 15 foot length of the proposed parking space would accommodate a car without encroaching into the right-of-way. Mr. Joshi stated that the 15 foot length would accommodate his tenant's car.

Mary McNett and Craig Ploetner were not in favor of the applicant's proposal. They feel the existing driveway on the left side of the property is sufficiently long and can accommodate three cars.

Chairman Joseph Steinberg stated that this ordinance has been on the books for quite a while. He stated that the Township Committee has not seen fit to exempt any areas of the Township from this requirement.

Jessica Glatt was in agreement and felt the symmetry of the property would be negatively affected.

Upon a motion to deny made by Mary McNett, seconded by Joy Siegel, and with a roll-call vote as follows:

Mary McNett – yes
Craig Ploetner – yes
Jyoti Sharma – yes
Joy Siegel – yes
Steve Togher – no
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3608-18, Vaibhav Joshi, 8 Blaine Street, Millburn, was **DENIED**.

CAL#3613-18, DEBRA & TONY WOLK, 52 WINTHROP ROAD, SHORT HILLS

Debra & Anthony Wolk and Timothy Klesse, Architect, appeared and were sworn. The applicants would like to construct an addition and install an in-ground pool and patio. Proposal is in violation of:

606.2e1d – Front yard setback
606.2e1g – Rear yard unoccupied

609.1c – Maximum accessory coverage
606.2e2a – Building coverage
606.2e2b – Lot coverage

Tim Klesse's credentials were presented and accepted by the Board. HE gave a brief description of the applicants' proposal. He stated that the 21,999 SF property is a slightly oversized lot in the R-4 zone.

Entered as A-1: colorized Tapestry Landscape rear yard concept plan

The dwelling is set back 72 feet which causes many of the rear yard variance conditions. The proposed addition in the front will result in front yard setback of 66.93 feet, where the average established front setback required is 68.84 feet. The pool and patio conform to the required 12 foot setback. However, due to the placement of the dwelling on the property, the rear yard area is small. Rear yard unoccupied variance relief is needed in order to permit 23.4% where 25% is required. Accessory coverage variance relief is needed in order to permit 29.6% coverage where 20% is allowed.

Entered as A-2: proposed rear yard rendering
Entered as A-3: proposed rear yard rendering

Lot coverage variance relief is needed in order to allow 41.8% coverage where 35% coverage is permitted. Building coverage variance relief is needed to allow 14.8% where 14% is permitted.

Tim Klesse stated that the impact of this proposed to surrounding properties is minimal. The majority of the proposed work is confined to the rear yard area and is concealed from the street. The building addition proposed in the front has been designed to be in keeping with the architecture of the existing dwelling.

Mary McNett expressed her concern with variances required for the lot coverage and accessory coverage.

Chairman Steinberg indicated that he has the same concerns as Mary McNett with regard to the coverages being requested considering this lot is oversized for the zone.

Joy Siegel feels the proposal goes beyond a residential appearance and looks almost like a hotel. Several other members agreed.

Timothy Klesse asked for an adjournment to a future date in order to revise the plans.

The matter was carried to May 21, 2018 with no further notice required.

CAL#3614-18, MADHAV/RAMA RANGAVAJJULA, 40 HARAN CIRCLE, MILLBURN

*Jyoti Sharma recused and left the meeting room

Ramakrishna Rangavajjula and Tim Klesse, Architect, appeared and were sworn. Timothy Klesse's credentials were presented and accepted by the Board. The applicant would like to construct an addition to the dwelling. Proposal is in violation of:

606.2e1d – Front yard setback
606.2e1f – Combined side yard setback
606.2e1h – Rear yard setback
606.2e2a – Building coverage
606.2e1g – Rear yard unoccupied
606.2e2d – FAR

Tim Klesse gave a brief description of the proposal.

Entered as A-1: 2-page tax map/google aerial map

There is a small 2-story addition proposed to the front of the dwelling.

Entered as A-2: photoboard of 5 photos

The subject property is a 6,550 SF, pie-shaped lot located in the R-6 zone district. The lot is slightly oversized for the R-6 zone which has a minimum lot size of 6000 SF. However, the irregular lot shape creates some difficulties in designing an addition that does not require variance relief.

Tim Klesse spoke to the variances being requested. Many of the conditions are pre-existing non-conforming conditions. Front yard setback variance relief is required to allow a setback of 23 feet where 40 feet is required. The existing front yard setback is 18.7 feet. Combined side yard setback variance relief is required to permit 22% where 35% is required. The existing combined side yard setback is 22%. Rear yard setback variance relief is required to permit 8.7% where 20% is required. The existing rear yard setback is 8.7%. Rear yard unoccupied variance relief is required to permit 17.2% where 25% is required. The current rear yard unoccupied is 18.4%. Finally, FAR variance relief is required to permit 49.9% where 36% is required. The existing FAR is 45.3%. This situation arises on the split level dwellings due to the garage, which is above-grade and counted in the FAR.

Madhavi Rangavajjula appeared and was sworn. She stated that the layout of the house is currently very awkward and they would like to renovate the dwelling in order to improve the layout and the conditions.

Chairman Steinberg spoke to the FAR and indicated that it is a rather substantial encroachment. He indicated that he drove the immediate neighborhood and he feels the proposed front elevation would be significantly out of character.

Jessica Glatt echoed Chairman Steinberg's comments. She appreciates the applicants' request to update their house but feels the massing of the house will be a detriment to the neighborhood.

Mary McNett felt the project was over building on the lot.

Overall, Board members were not in favor of the project, as proposed.

Tim Klesse requested an adjournment.

The matter was carried to May 21, 2018 with no further notice required.

*Jyoti Sharma returned to the meeting room.

CAL#3609-18, SRIKANT CHERUVU, 921 RIDGEWOOD ROAD, MILLBURN

*Joy Siegel recused and left the meeting room.

Srikant Cheruvu and Michael Marvin, Architect, appeared and were sworn. The applicant would like to construct an addition. Proposal is in violation of:

- 606.2e2a – Building coverage
- 606.2e2b – Lot coverage
- 606.2e2d – FAR

Michael Marvin's credentials were presented and accepted by the Board. He gave a brief description of the proposal. The applicant would like to construct a 2-story addition in the rear of the dwelling in order to provide an expanded first floor bathroom and a new 2nd floor master suite. Mr. Marvin indicated that they attempted to relocate the planned construction in order to avoid the need for variance relief for building and lot coverage. However, this resulted in unfavorable conditions on the property to the east. The proposed design is more respectful of the adjoining property and more architecturally appropriate.

Mr. Marvin stated that this 5,500 SF property is slightly undersized for the R-6 zone, which has a minimum lot size of 6,000 SF.

Dianne Eglow, 40 Greenwood Drive, questioned whether the proposed addition is taking air space away from any neighbors. She fears that the applicant is overbuilding. Mr. Marvin indicated that they have been sensitive to the effect this addition will have on adjoining properties and have designed it to have little to no negative impact on the adjoining properties.

Overall, Board members felt the proposed addition was appealing and well-designed.

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

Ellen Hirsch – yes
Mary McNett – yes
Craig Ploetner – yes
Jyoti Sharma – yes
Steve Togher – yes
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3609-18, Srikant Cheruvu, 921 Ridgewood Road, Millburn, was **APPROVED**.

BUSINESS

Sara Sherman, 42 Greenwood Drive, stated that she is the president of the South Mountain Civic Association and had some concerns with the proposed 7-11/Exxon gas station. Board Attorney, Gail Fraser, indicated that any concerns with the 7-11 application would have to be expressed when the application is heard on May 7, 2018.

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

ADJOURNMENT

A motion to adjourn was made by Craig Ploetner, seconded by Ellen Hirsch, and carried with a unanimous voice vote. (9:30 PM)

Eileen Davitt
Board Secretary

Motion: JG
Second: MM
Date Adopted: