

Township of Millburn  
Minutes of the Zoning Board of Adjustment  
May 7, 2018

A regular meeting of the Township of Millburn Zoning Board of Adjustment was held on **Monday, May 7, 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:

Mary Esquivel  
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  
Philip Fishman, Court Reporter  
Eileen Davitt, Zoning Officer/Board Secretary

**APPROVAL OF MINUTES**

A motion to approve the minutes of April 2, 2018 was made by Jessica Glatt, seconded by Mary McNett and carried with a unanimous voice vote.

**MEMORIALIZATIONS**

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

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

Mary McNett – yes  
Craig Ploetner – yes  
Jyoti Sharma – yes  
Joy Siegel – yes  
Jessica Glatt – yes

Joseph Steinberg – yes

the following memorializing resolution was approved:

**VAIBHAV JOSHI  
BLOCK 1102, LOT 17**

**CALENDAR NO. 3608-18  
MAY 7, 2018**

Mister Chairman, I move the adoption of the following resolution memorializing the denial of variance relief requested by the Applicant, Vaibhav Joshi, to permit the construction of a front yard parking space on property located at 8 Blaine Street, Millburn, New Jersey known and designated as Lot 17, Block 1102 on the tax map of the Township of Millburn.

**RESOLUTION**

**WHEREAS**, the Millburn Township Zoning Board of Adjustment (the “Board”) has held a public hearing according to law on April 2, 2018 in Calendar No. 3608-18 filed by Vaibhav Joshi (the “Applicant”) for permission to construct a front yard parking space on property located at 8 Blaine Street, Millburn, New Jersey; and

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

1. The application and service of notice were found to be in order. Taimour Chaudri, Esq. represented the Applicant. No objectors or interested parties appeared or testified at the hearing.

2. The subject property is located in the R-7 zone district. The Township Zoning Ordinance requirements for the R-7 zone district permit a maximum 45% lot coverage, maximum 30% front yard coverage, and parking spaces in the front yard are prohibited. The Applicant wishes to construct a parking space in the front yard, which would result in 50.7% lot coverage, 42,8% front yard coverage and violate the prohibition on front yard parking spaces. Therefore, the Applicant requires variance relief.

3. The following documents were submitted in support of the application:

A. A survey of the property prepared by Diaz Land Surveying, LLC, dated June 30, 2014, which was marked up by the Applicant to depict the proposed front yard parking space.

B. An exhibit admitted into evidence as A-1, which consisted of an aerial photograph and seven photographs of the subject property and other homes in the neighborhood.

4. Vaibhav Joshi testified in support of the application. The Applicant’s property contains a two-family dwelling. The Applicant and his family occupy one of the units and a tenant family occupies the other unit. The property has a single width asphalt driveway along

the north side of the property, which extends from the street to the rear of the lot, well beyond the rear façade of the dwelling. Parking is not permitted on the Applicant's side of Blaine Street, but two-hour parking is allowed on the opposite side of the street. The Applicant and his wife have two cars and the Applicant imposes a restriction on the occupancy of the other dwelling unit, which restricts the tenant to one car due to the limited on-site parking. Because the paved driveway is single width, it sharing the driveway between the two families is often difficult because one of the three cars are always blocking the other cars, which requires the Applicant and his tenant to regularly move cars to allow the blocked cars to exit the property. To eliminate this inconvenience, the Applicant wishes to install a 9 foot by 15 foot paved driveway along the southerly property line in the front yard of the property for his tenant's use. The Applicant chooses not to widen the existing driveway at the left side of the front yard so that the front yard parking space would not be completely in front of the Applicant's dwelling, or adjacent to the driveway on the property to the north. Existing Belgian block curbing would separate the proposed front yard parking space on the Applicant's property from the southerly neighbor's driveway. The proposed front yard parking space would also require a new driveway opening on Blaine Street. The Applicant testified that most of the homes in the neighborhood are two-family homes and many have separate driveways for each dwelling. In response to questions from the Board, the Applicant testified that although the proposed driveway would be as close as 2.8 feet from the front façade of the dwelling, he hoped to be able to preserve the existing Japanese maple tree at the southwest corner of the dwelling.

5. The Board concludes that the Applicant has not satisfied the statutory criteria required under N.J.S.A. 40:55D-70c(1) or c(2) to permit the granting of variance relief to construct the front yard parking space. Based upon the testimony and evidence presented, the Board finds that there are no exceptional characteristics such as its shape, topographical condition or physical features that affect the property or the dwelling. In addition, the Board finds that there are no extraordinary or exceptional situations or circumstances that uniquely affect the property or the lawful structures existing on the property. Despite the inconvenience to the Applicant and his tenant, the existing driveway extends to the rear of the lot and it is deep enough to accommodate 3 cars, which satisfies the requirement of Township Ordinance for on-site parking for two cars. Unlike some of the other two-family properties on both sides of the street which have two separate dwelling entrances, the Applicant's two-family dwelling maintains a single shared center front entry door. Thus, two driveways on this lot will be awkward and a substantial disturbance to the streetscape and it will not result in the symmetrical appearance of the other two-family homes with separate entrances and separate driveways. Moreover, the size and location of the proposed driveway would result in passengers exiting the vehicle on the neighbor's property. Although the Applicant wish to avoid the inconvenience of jockeying their cars to allow the vehicle parked at the rear of the driveway to exit the property, the Board finds that inconvenience does not constitute an undue hardship. As a result, the Board concludes that the Applicant has not demonstrated any peculiar or exceptional practical difficulty or exceptional and undue hardship that would warrant variance relief to permit the construction of the front yard parking space. The Board is also satisfied that the Applicant have not demonstrated a right to variance relief under the standard set forth in N.J.S.A. 40:55D-70c(2). The Applicant has not offered any testimony or evidence to demonstrate that the purposes of the Municipal Land Use Law would be advanced by granting the requested variances and the Board

concludes that the only benefits derived from the proposed construction of the front yard parking space are personal to the Applicant. In addition, based upon the negative impact on the streetscape of this property from the construction of additional impervious surface in plain view of the street and in close proximity to the adjacent neighboring property, the Board finds and concludes that the proposed front yard parking space would result in a substantial negative impact to the public good and a substantial detriment to the zone plan and zoning ordinance.

**NOW, THEREFORE, BE IT RESOLVED** on this 7th day of May, 2018 that the variance relief requested by the Applicant to construct a front yard parking space in violation of the maximum lot coverage and front yard coverage requirements and the front yard parking space prohibition, denied by this Board at its meeting on April 2, 2018 be and it hereby is memorialized pursuant to the provisions of N.J.S.A. 40:55D-10(g).

**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 7th day of May, 2018.

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

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

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

the following memorializing resolution was approved:

**SRIKANT CHERUVU  
BLOCK 808, LOT 17**

**CAL. NO. 3609-18  
MAY 7, 2018**

Mister Chairman, I move the adoption of the following resolution memorializing the granting of variance relief requested by the Applicant, Srikant Cheruvu, in Calendar No. 3609-18 for permission to construct an addition on the existing dwelling on property located at 921 Ridgewood Road, Millburn, New Jersey, known and designated as Lot 17, Block 808 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 April 2, 2018 in Calendar No. 3609-18 filed by Srikant Cheruvu (hereinafter the “Applicant”) for permission to construct an addition on property located at 921 Ridgewood Road, Millburn, New Jersey, known and designated as Lot 17, Block 808 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 Applicant appeared without counsel. Dianne Eglow of 40 Greenwood Road appeared at the hearing as an interested party

2. The subject property is located in the R-6 zone, which requires a maximum 36% floor area ratio, maximum 45% lot coverage and maximum 23% building coverage. The proposed addition will result in a 41.6% floor area ratio, 52.3% lot coverage and 30.8% building coverage. Therefore, variance relief is required. The floor area ratio variance requires relief pursuant to N.J.S.A. 40:55D-70d(4). In a floor area ratio variance application pursuant to N.J.S.A. 40:55D-70d(4), an Applicant must demonstrate that the proposed site will accommodate the problems associated with the proposed floor area larger than that permitted by the zoning ordinance to establish special reasons. Randolph Town Center v. Tp. of Randolph, 324 N.J. Super. 412 (App. Div. 1999).

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

a. Plans prepared by MRVN Architecture, LLC, consisting of four sheets, Sheets A000, A200 and A201, dated January 22, 2017 and revised through May 29, 2017 and Sheet A101, dated January 22, 2017 and revised through June 23, 2017.

4. The Applicant, Srikant Cheruvu, and Michael Marvin, Licensed Architect, testified in support of the application.

5. The Applicant has resided at the property for approximately 1 year. The existing dwelling has one and one-half bathrooms and no master bedroom suite. The Applicant wishes to convert an existing first floor powder room into a full bathroom and convert an existing second floor bedroom into a master bedroom suite by constructing a master bathroom and closet addition. The existing half-bathroom is located behind the living room and adjacent to the family room. The half-bathroom appears to be a former closet and it is so small that it is nearly unusable. Moreover, that portion of the dwelling has an oddly shaped hip roof, which is causing some drainage and moisture problems, including moss and mildew on the roof. The Applicant proposes to bump out the half-bathroom approximately seven feet farther to the rear to convert the half-bathroom into a full bathroom. The second story component of the proposed addition would be constructed above a portion of the existing dwelling and the new first floor addition.

6. The placement of the addition has been chosen because it is located at the midpoint of the rear of the existing dwelling so the addition would be farther away from the neighbor to the east. The subject property has a 5,500 square foot lot area and 50 foot lot width, instead of the minimum 6,000 square foot lot area and 60 foot lot width required in the R-6 zone district. In addition, the existing dwelling is constrained by three pre-existing nonconforming conditions: a 37.0% floor area ratio, 50.7% lot coverage and 29.8% building coverage. As a result of these pre-existing nonconforming conditions, any addition to the dwelling would require variance relief.

7. The proposed floor area ratio and lot coverage deviations cannot be reduced because the existing driveway is already very narrow and it is necessary to provide access to the detached garage in the rear northwest corner of the lot. Moreover, although the existing 5,500 square foot lot is only 500 square foot less than the minimum lot area required in the R-6 zone, the subject property has a lot area of approximately 1,200 square foot less than the average lot area of the properties on this block of Ridgewood Road. The proposed addition as designed by the Applicant would not be visible from the street due to the existing dwelling. The proposed addition would be located in the middle of the rear yard where it does not require any side yard setback variance relief and existing trees and landscaping would conceal the addition from the view of the nearest neighbor to the east. Moreover, the proposed addition would be an aesthetic improvement to the rear façade of the dwelling.

8. The Board finds that the property with the proposed addition can accommodate the problems associated with the increased floor area ratio. The Board notes that the existing floor area ratio is a pre-existing nonconforming condition, as it exceeds the permitted floor area ratio by 54 square feet. The proposed addition will increase the existing floor area ratio by 352 square feet, resulting in a 41.6% floor area ratio, which is 406 square feet greater than the floor area ratio permitted in the zone district. However, the Board is satisfied that the property can accommodate this increased floor area ratio without any negative impact on the neighborhood or the adjacent neighbors due to the design and placement of the proposed addition which will have no negative impact on the views from the adjoining properties and will be in keeping with the architectural style of the neighborhood.

9. The Board also finds that the need for lot coverage and building coverage variance relief is the result of the undersized lot area, the placement of the dwelling, detached garage and other improvements on the property, as well as pre-existing nonconforming conditions affecting the property and the structures. The Board finds these conditions are exceptional circumstances that result in undue hardship and practical difficulties to the Applicant. The existing lot coverage is already 312 square feet larger than permitted in the R-6 zone district, which is the result of the rear yard location of the detached garage and the paved driveway necessary for access to the garage. The construction of any improvement would require variance relief from this condition. The proposed addition would result in an 89 square foot increase over the existing lot coverage. Similarly, the existing building coverage is 372 square feet larger than permitted in the R-6 zone district, due to the dwelling and detached garage. The proposed addition would result in a 56 square foot increase over the existing building coverage. The Board finds these increases in lot coverage and building coverage to be

modest increases, which will update this home to modern living standards without any negative impact on the streetscape or the neighbors. Although the Applicant considered an alternative design that would not have required variance relief from building coverage, such an alternative would have placed the proposed addition closer to the neighbor to the east, while the location of the proposed addition does not result in any negative impact on the light, air and views of the neighboring properties. The proposed addition will serve to be more in keeping with the architecture of the dwelling on the property and there will be no negative impact on the streetscape. 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 7th day of May, 2018 that variance relief to permit the construction of a rear addition to the dwelling resulting in a 41.6% floor area ratio, 52.3% lot coverage and 30.8% building coverage, granted by this Board on April 2, 2018, 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 plans prepared by MRVN Architecture, LLC, consisting of four sheets, Sheets A000, A200 and A201, dated January 22, 2017 and revised through May 29, 2017 and Sheet A101, dated January 22, 2017 and revised through June 23, 2017.
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, 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 7th day of May, 2018.

**Cal#3615-18, Mindy Gensler, Thomas Trautner, 359 Wyoming Avenue**

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

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

the following memorializing resolution was approved:

**THOMAS TRAUTNER AND MINDY GENSLER  
BLOCK 106, LOT 9**

**CALENDAR NO. 3615-18  
MAY 7, 2018**

Mister Chairman, I move the adoption of the following resolution memorializing the granting of variance relief requested by the Applicants, Thomas Trautner and Mindy Gensler, to permit the construction of a patio and additions on the dwelling on property located at 359 Wyoming Avenue, Millburn, New Jersey known and designated as Lot 9, Block 106 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 April 2, 2018 in Calendar No. 3615-18 filed by Thomas Trautner and Mindy Gensler (hereinafter the “Applicants”) for permission to construct a patio and additions on the dwelling on property located at 359 Wyoming Avenue, Millburn, 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 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 front yard setback of 40 feet, minimum 12 foot side yard setback, minimum 13.32 foot side yard setback for building segments over 18 feet in height, and an 80 foot accessory structure corner lot front yard setback. The Applicants proposes to construct a patio and additions on the dwelling that would result in a 32.66 foot front yard setback from Wyoming Avenue, 12.3 foot from Maple Street, 10.3 foot side yard setback, 10.3 foot side yard setback form building segments over 18 feet in height, and a 36 foot accessory structure corner lot front setback from Maple Street. Therefore, variance relief is required.

3. The Board received and considered the following documents:

A. A one-sheet plan prepared by Dubinett Architects, LLC, dated June 23, 2017 and revised through November 8, 2017.

B. A survey of the property prepared by D.P. Sweeney & Assoc. Inc. dated June 12, 2012, marked up by the Applicants' architect to depict the proposed additions and patio.

4. The Applicants, Thomas Trautner and Mindy Gensler, and Danial Dubinett, Licensed Architect, testified in support of the application.

5. The Applicants' dwelling was built in 1924. The Applicants wish to update the home to modern living standards while retaining the architectural character of the existing dwelling. The subject property is a corner lot at the intersection of Wyoming Avenue and Maple Street. The property has an undersized lot area of 11,250 square feet, rather than the minimum 14,500 square foot lot area required in the zone district. Moreover, due to the corner lot location of the property, the allowable building envelope is very small and a substantial portion of the existing dwelling is outside the allowable building envelope. All four variances requested are already pre-existing nonconforming conditions due to the placement of the dwelling on the lot. The existing dwelling is slightly skewed on the lot with the result that the front yard setback from Wyoming Avenue ranges from a pre-existing nonconforming 30.8 feet at the two-story portion of the dwelling to 32.66 feet at the one-story portion of the home, which contains the family room. In addition, the existing one-story family room portion of the dwelling has a 12.3 foot front yard setback from Maple Street.

6. The Applicants propose to construct a second floor addition above the family room, which would allow for a new master bathroom and walk-in closet. The proposed second floor addition has been designed with a dormered gambrel roof to reduce the massing of the second floor addition from the street. Although the existing dwelling and proposed second floor addition would provide a 12.3 foot front yard setback from the Maple Street property line, Maple Street is not paved to the full width of this 60 foot wide right-of-way so the proposed front yard setback from Maple Street appears to be much greater than 12.3 feet. In addition, there are many mature trees in the Township's Maple Street right-of-way which serve to screen the view of the dwelling from Maple Street.

7. The proposed two-story addition at the rear of the dwelling would allow for a first floor mudroom and kitchen expansion with an eating area, and an additional bedroom on the second floor. The proposed two story addition would be located at the rear of the two-story portion of the existing dwelling. The proposed addition would align with the side façade of the existing dwelling, extending the existing 10.3 side yard setback and 10.3 foot additional side yard setback for building segments over 18 feet in height to the new addition. The Applicants cannot shift the proposed two-story addition an additional 1.7 feet towards the center of the lot to provide a conforming side yard setback without a substantial negative impact on the design and

circulation of the proposed kitchen addition. However, the proposed two-story addition with the 10.3 foot side yard setback and 10.3 foot additional side yard setback would not have a negative impact on the adjacent neighbors to the north. A portion of the new two-story addition would be concealed from view from the adjacent property to the north by an existing wood fence on the Applicants' property along the northerly side yard. The northerly neighbor's home also has a very deep front yard setback from Wyoming Avenue so that the neighbor's dwelling is aligned with the Applicants' garage, rather than the Applicants' dwelling and the proposed new addition. In conjunction with the construction of the new two-story addition, the Applicants' propose to remove an existing patio in the northerly side yard of the property.

8. The Applicants also propose a 202 square foot expansion of the existing patio at the rear of the dwelling so that the patio would be accessible from the new mud room in addition to the access from the living room. Because the property is only 75 feet wide along the Wyoming Avenue side of the lot, it would be impossible for the Applicants to construct an accessory patio with an 80 foot front yard setback from Maple Street. The proposed patio would be concealed from view from the neighboring lot to the north by the existing wood fence. The proposed patio expansion would also be concealed from view from Maple Street by the mature trees in the Township right-of-way.

9. The Board concludes that variance relief may be granted to permit the proposed patio and additions on the dwelling. The property has an undersized lot width. In addition, the four variances requested to permit the proposed improvements are pre-existing nonconforming conditions due to the placement of the existing dwelling on the property in 1924. The Board is satisfied that these conditions present exceptional circumstances uniquely affecting the property that justify variance relief. The Board is satisfied that the new second story addition proposed for the Wyoming Avenue front façade of the dwelling will be no closer to the street than the existing dwelling. Moreover, the second story addition has been designed with a dormered gambrel roof, which will be an aesthetic improvement to the front façade of the dwelling while it also reduces the massing of the addition from the street. The proposed addition will be buffered from view from Maple Street by mature street trees in the Township right of way, which also serve to give the appearance of a much deeper front yard setback from Maple Street than the 12.3 foot front yard setback of the existing home and proposed second story addition. The proposed patio expansion and two-story addition at the rear of the property will not be visible from Wyoming Avenue, as these improvements will be concealed from view by the existing dwelling. The proposed patio expansion with a 36 foot setback from Maple Street will also be buffered from view from Maple Street by the mature street trees in the right-of-way that now serve to buffer the view of the existing patio, which has a 16.5 foot setback from the Maple Street right-of-way. Although the proposed two-story addition will extend the pre-existing 10.3 foot side yard setback and 10.3 foot additional side yard setback for building segments over 18 feet in height farther to the rear of the property, the Board is satisfied that the proposed addition will not have any negative impact on the adjacent property to the north. The neighboring dwelling has a very deep front yard setback from Wyoming Avenue, which places the neighbor's dwelling closer to the Applicants' garage than the Applicants' dwelling. In addition, an existing wood fence will serve to buffer the lower portion of the two-story addition and patio from the neighbor's property. The Board notes that Applicants also propose to eliminate a small patio on

the north side of the dwelling in conjunction with the construction of the proposed improvements. 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, despite the undersized 11,250 square foot lot area. 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 7th day of May, 2018 that variance relief granted by this Board on April 2, 2018 to permit the construction of a patio expansion and additions on the dwelling that would result in a 32.66 foot front yard setback from Wyoming Avenue, 12.3 foot from Maple Street, 10.3 foot side yard setback, 10.3 foot side yard setback for building segments over 18 feet in height, and a 36 foot accessory structure corner lot front setback from Maple Street, 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 one-sheet plan prepared by Dubinett Architects, LLC, dated June 23, 2017 and revised through November 8, 2017.
2. The Applicants shall apply for a building permit within 365 days from the date of publication of this decision.
3. The Applicants shall be bound to comply with the representations made before this Board by the Applicants and the Applicants' 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 Applicants 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 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 7th day of May, 2018.

**APPLICATIONS**

**CAL#3619-18, DEBORAH DINE, 384 WHITE OAK RIDGE ROAD, SHORT HILLS**

Deborah Dine, applicant, and Robert Kiefer, appeared and was sworn. The applicant would like to construct a deck on her house. Proposal is in violation of:

606.2e3a – Accessory structure side yard setback

Entered as A-1: site photo

Ms. Dine stated explained that she would like to construct a deck on the back of her house. The deck is proposed to be 8 feet off the side property line, where a 12 foot setback is required.

Entered as A-2: site photo

Ms. Dine feels the proposal will have no adverse effect on her neighbor’s property. She stated that her lot is undersized for the R-4 zone and her lot width is also less than the required 100 foot setback.

Entered as A-3: photo of sample deck

Ms. Dine stated that the deck will be an aesthetic improvement to her property.

Entered as A-4: zoning calculation form

Overall, Board members felt they could support the application.

Upon a motion made by Mary McNett, seconded by Jyoti Sharma, 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#3619-18, Deborah Dine, 384 White Oak Ridge Road, was **APPROVED**.

**CAL#3622-18, ZERO GRAVITY, LLC, 622 MORRIS TURNPIKE, SHORT HILLS**

Steven Flyer, Attorney for the applicant, stated his appearance. John Buchholz, Architect, and Timothy Bombaci, applicant/owner, appeared and were sworn. The applicant would like to operate a physical fitness/1-on-1 personal training studio. Proposal is in violation of:

- 606.6.1b – Not a permitted use
- 607.1 – Loading space requirement

The application also requires site plan approval for a change of use.

Mr. Bombaci stated that he operates on an appointment basis and works 1-on-1 with clients. He books 45-minute sessions on the hour. He is the only trainer on site. He currently operates across the street on Morris Turnpike in Springfield and is excited to move his business into Short Hills.

Mr. Bombaci stated there is very little trash. His proposed hours are 7:30 AM – noon and 3:30 -6 Monday through Friday. Proposed Saturday hours are 8 AM- noon. There is no signage proposed with this application.

John Buchholz's credentials were presented and accepted by the Board. He gave a brief description of the proposal. He referenced sheet A-O of the submitted plans. He indicated that the site has been operating as OXXO cleaners. OXXO does not need the entire space and is looking to lease this small space. The proposed tenant has a small 1-on-1 personal training operation in the 725 SF space.

The proposal requires use variance relief to permit personal training, which is not specifically permitted in the B-3 zone. A variance is also required for not providing a loading space. This proposed use does not receive deliveries. There is adequate parking for the existing OXXO dry cleaner and the proposed personal training facility.

John Buchholz spoke to the reports from the Township Engineer, Township Police and Township Forester. There were no comments/concerns from the Township professionals.

Steven Flyer summarized and respectfully requested the Board's consideration of the application.

Chairman Steinberg stated that the proposal requires a d(1) variance. He feels this site is particularly suited for the proposed use and will generate very little parking due to the nature of the business.

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#3622-18, Zero Gravity, LLC, 622 Morris Turnpike, 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 Craig Ploetner, seconded by Mary McNett, and carried with a unanimous voice vote. (8:00 PM)

Eileen Davitt  
Board Secretary

Motion: JG  
Second: JSi  
Date Adopted: 6/4/18