

Township of Millburn
Minutes of the Zoning Board of Adjustment
May 21, 2018

A regular meeting of the Township of Millburn Zoning Board of Adjustment was held on **Monday, May 21, 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
Eric Fishman, Court Reporter
Eileen Davitt, Zoning Officer/Board Secretary

APPROVAL OF MINUTES

There were no minutes for approval.

MEMORIALIZATIONS

There were no resolutions to be memorialized.

APPLICATIONS

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

Debra & Tony Wolk and Tim Klesse, Architect, appeared and remain sworn. Mr. Klesse stated that the applicants took the Board's comments into account and revised their plans.

Entered as A-4: colored rendering

Mr. Klesse indicated that the addition was pushed back so as to delete the need for front yard setback variance relief. They also removed 640 SF of lot coverage in the rear yard and lowered the pool approximately 5 inches. The 3rd floor work has also been deleted from the plan and the rear and side yard setbacks have been increased. The request for rear yard unoccupied variance relief has been eliminated.

Overall, Board members were pleased with the applicants' revisions to the plan.

Upon a motion made by Craig Ploetner, seconded by Mary McNett, 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#3613, Debra & Tony Wilk, 52 Winthrop Road, was **APPROVED**.

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

*Jyoti Sharma recused and left the meeting room.

Madhav Rangavajjula and Tim Klesse appeared and remain sworn. Mr. Klesse gave a brief description of the revisions that have been made to the plan. He stated that the applicant took the Board's comments into account and made revisions accordingly. The need for rear yard unoccupied variance relief has been eliminated. The combined side yard setback was increased from 22% to 28%. Front yard setback was increased to 23 feet to the portico. Rear yard setback was increased from the originally proposed 8.7% to 10.1%, where 20% is required. Building coverage was increased to 29.9% where 23% is permitted. FAR was reduced to 49.4% from the originally proposed 49.9%.

Entered as A-2: sheet BOA-12 (marked up)
Entered as A-3: sheet BOA-13 (marked up)

Sarabjeet Singh, 40 Southern Slope Drive, asked for the total floor area ratio. Tim Klesse stated that the total floor area ratio proposed is 3,268 SF.

Sarabjeet Singh, 40 Southern Slope Drive, appeared and was sworn. He asked if the garage area is the only reason for the FAR variance. Tim Klesse stated that the garage is above grade and therefore must be included in the FAR. Mr. Singh stated that there is not enough clarity in the FAR definition as to whether garage space should be included in the calculation. He feels garage space should not be included in FAR calculations.

Overall, Board members were pleased with the applicants' revisions to the plan.

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

Ellen Hirsch – yes
Mary McNett – yes
Craig Ploetner – yes
Joy Siegel – yes
Steve Togher – yes
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3614-18, Madhav & Rama Rangavajjula, 40 Haran Circle, was **APPROVED**.

CAL#3616-18, TODD BULLIONE, 250 HARTSHORN DRIVE, SHORT HILLS

The matter was carried to July 16, 2018.

CAL#3623-18, ROBERT RICE, 14 WYNDHAM ROAD, SHORT HILLS

*Jyoti Sharma returned to the meeting room.

Robert Rice appeared and was sworn. He stated that they would like to install a generator on the property. Proposal is in violation of:

609.1f2 – Generator setback

Mr. Rice stated that the generator is proposed to be set back 9 feet from the side property line where 12 feet is required. The proposed location is behind an existing AC unit and will be approximately 30 feet from the adjoining neighbor's dwelling.

The applicant was agreeable to restoring the existing fence along the property line in the area of the generator.

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#3623-18, Robert Rice, 14 Wyndham Road, was **APPROVED**.

CAL#3621-18, JIMMI SHAH/SARIKA ARORA, 60 HEMLOCK ROAD, SHORT HILLS

Jimmi Shah, Sarika Aroro and Steven Hockstein, Architect, appeared and were sworn. The applicants would like to construct an addition to their dwelling. Proposal is in violation of:

- 606.2e3d – Front facing garage
- 606.2e1d – Front yard setback
- 606.2e1h – Rear yard setback
- 606.2e2a – Building coverage

Steven Hockstein’s credentials were presented and accepted by the Board. He gave a brief description of the proposal.

Entered as A-1: 2-page handout of photos

Mr. Hockstein stated that the dwelling is a contemporary ranch style house. In addition, the lot is constrained by some steep slopes which limit the area that can be built on. The house currently has a front facing garage and the proposal is to enlarge the garage to accommodate 2 cars. In addition, the applicants would like to add 2nd floor living space.

Mr. Hockstein stated that the siting of the house, the shallowness of the lot and the constraints of the steep slope area cause a hardship.

Joseph Steinberg stated that Wyndham Road is an unusual street. The lot has steep slopes that limit the area that can be built upon. In addition, the shape of the lot creates a bit of a hardship. He feels the requested variances can be granted without substantial detriment to the zone plan or the adjacent properties.

Mary McNett feels the proposed addition will integrate nicely with the street scape.

Upon a motion made by Craig Ploetner, 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#3621-18, Jimmi Shal/Sarika Arora, 60 Hemlock Road, was **APPROVED**.

CAL#3620-18, ANUJA VAJALLA, 15 SHORT HILLS AVENUE, SHORT HILLS

Larry Freundlich, Attorney for the applicant, stated his appearance. The applicant proposes to operate a SAT/ACT tutoring facility. Proposal is in violation of:

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

In addition, under section 301.60b site plan approval is required.

Anuja Vejalla, manager/sole member, appeared and was sworn. She stated that she would like to operate a learning center for the purpose of SAT/ACT preparation for students. The proposed hours of operation will be 2 PM – 10 PM Monday through Friday; 7 AM – 10 PM on Saturday and Sunday. The facility is a small operation by design. There are 4 rooms and she operates on a 1-on-1 basis with approximately 7 students at any given time. There will be 2 instructors in addition to her.

Richard Keller, P. E., P. P., appeared and was sworn. His credentials were presented and accepted by the Board. He stated that he prepared the site plan for the applicant. He gave a brief description of the site conditions. The property is a 5,448 SF lot located in the B-3 zone. The site is well-suited for the proposed use. The site is fully developed with no room available for a loading space.

Mary McNett asked how noise will be addressed at 10 PM at night. Mr. Keller stated that the area has commercial activities surrounding it and he does not believe this use will cause noise concerns to surrounding properties. Ms. Vejalla stated that the evening hours and early morning hours are typically used for administrative purposes, preparing for the next day. Occasionally, there may be 1 or 2 students who may have an exam the next day and have some last-minute questions.

Overall, Board members felt the proposed use would be a welcome addition to the town and could support the application.

Upon a motion made by Steve Togher, 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#3620-18, Anuja Vejalla, 15 Short Hills Avenue, was **APPROVED**.

CAL#3624-18, VIJAY MEHTA, 171 HIGHLAND AVENUE, SHORT HILLS

Vijay Mehta and Richard Keller, P. E., P. P., appeared and were sworn.

Chairman Joseph Steinberg first wanted to address the issue of res judicata. Mr. Keller stated that the plan has been amended and has reduced the amount of steep slope disturbance by approximately 35%. The change to the application is significant and allows the applicant to come before the Board. He does not believe that res judicata applies.

A motion that res judicata does not apply was made by Mary McNett, seconded by Jessica Glatt, and carried with a unanimous voice vote.

Richard Keller stated that the lot is approximately 1.1 acres in the R-3 zone. It is a non-designated site in the Short Hills Historic District and received approval from the HPC.

Entered as A-1: variance application plan

Steep slope ordinance allows the disturbance of 1000 SF. The applicant is proposing to disturb 3,350 SF resulting in the need for variance relief to disturb 2,350 SF more than the allowable. The proposed slope disturbance is approximately 6.8% of the total lot area.

Entered as A-2: slope diagram

Mr. Keller stated that the first homes in the neighborhood were developed with the larger lots broken up and developed steadily through the mid-1950's. The subject property was one of the last lots to be developed with the prior home being constructed in 1955. Aerial topography for the area indicates that soil was moved throughout the block to accommodate earlier development by creating level building pads between Stewart Road and Highland Avenue. The result is that the subject property was left with areas of concentrated steep slopes.

The proposed application will allow the homeowner to fill steep portions of the rear yard in order to create a more usable rear yard area for outdoor enjoyment for his family. The proposal will also allow for stormwater to be directed to a proposed inlet.

Entered as A-3: 3-page HPC memorandum (4/17/18); 1-page HPC memorandum (5/9/18)

Entered as A-4: highlighted tax map

Richard Keller stated that the existing topography and the location of the lawfully existing structure create a hardship in upgrading the existing property without the need for

variance relief. He added that the benefits resulting from the deviation outweigh any potential detriment.

Entered as A-5: off-site drainage plan
Entered as A-6: photoboard

Denise Glassman, 100 Stewart Road, appeared and was sworn. She stated that she supports the application and is satisfied that the proposal will result in an enhanced drainage plan.

Board members felt variance relief could be granted.

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#3624-18, Vijay Mehta, 171 Highland 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 Craig Ploetner, seconded by Mary McNett, and carried with a unanimous voice vote. (9:00 PM)

Eileen Davitt
Board Secretary

Motion: MM
Second: JSi
Date Adopted: 6/25/18