

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

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

Mary Esquivel
Ellen Hirsch
Mary McNett
Craig Ploetner
Jyoti Sharma
Joy Siegel
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 June 4, 2018 was made by Craig Ploetner, seconded by Ellen Hirsch, and carried with a unanimous voice vote.

MEMORIALIZATIONS

Cal#3625-18, David Blackburn, 889 Ridgewood Road, Millburn

Upon a motion made by Mary McNett, a second by Jyoti Sharma, 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 adopted:

David Blackburn
Block 608, Lot 9

Calendar No. 3625-18
July 2, 2018

Mister Chairman, I move the adoption of the following resolution memorializing the granting of variance relief requested by the Applicant, David Blackburn, in Calendar No. 3625-18 for permission to construct a patio and one-story addition to the dwelling located at 889 Ridgewood Road, Millburn, known and designated as Lot 9, Block 608 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 June 4, 2018 in Calendar No. 3625-18 filed by David Blackburn (hereinafter referred to as the “Applicant”) for permission to construct a patio and one-story addition to the existing single family home located at 889 Ridgewood Road, Millburn, New Jersey known and designated as Lot 9, Block 608 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. No objectors or interested parties appeared or testified at the hearing.
2. The Applicant is the owner of the subject property which is located in the R-6 zone district. The R-6 zone requirements include the following: maximum 36% floor area ratio, maximum 45% lot coverage, maximum 23% building coverage, minimum 20% rear yard unoccupied and minimum 12 foot accessory structure setback. The proposed patio and addition to the dwelling would result in a 40.5% floor area ratio, 55.0% lot coverage, 26.5% building coverage, 22.5% rear yard unoccupied and 11 foot accessory side yard setback. Therefore the Applicant requires variance relief. 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 in support of the application:
 - A. A one sheet plan, V-1, prepared by Dubinett Architects LLC, dated February 20, 2018.

B. A survey of the property prepared by Louis R. Puopolo III, dated June 9, 2010, marked up by the Applicant's architect to depict the proposed patio and addition to the dwelling.

4. The Applicant, David Blackburn, and Danial Dubinett, Licensed Architect, testified in support of the application.

5. The Applicant resides at the property with his family. The property has an existing deck and side entrance which are awkward and dysfunctional. The existing side entrance to the home is unsafe as the door opens directly onto the narrow driveway that extends to the detached garage at the rear of the lot. Sight distance is limited by the topography of the lot which slopes upwards towards the garage. The existing deck is too small to allow for a barbeque grill and seating. When the Applicant and his family wish to use the barbeque grill, they must do so on the driveway. Although the home has a front entrance, it is rarely used because of the large number of steps at the front of the home. The Applicant wishes to replace the existing side entrance to the dwelling with a new mudroom entrance at the rear of the dwelling. The proposed improvements include the removal of the existing deck, which would be replaced with a ground level patio area. The proposed one-story mudroom would provide an access door to the proposed patio area at the rear of the home, eliminating the current direct exit to the paved driveway. Part of the proposed mudroom addition would be located under the existing second story of the home, which is cantilevered to the rear.

6. Although the property has a conforming lot area and lot depth, the lot is only 50 feet wide rather than the minimum 60 foot width required in the R-6 zone district. Moreover, all five variances requested are pre-existing nonconforming conditions. The existing floor area ratio is 39.9%, lot coverage is 54%, building coverage is 26.5%, rear yard unoccupied is 23.6% and the accessory setback of the existing deck is 11 feet. As a result of the existing cantilever, the proposed mudroom addition would only extend an additional 3 foot 10 inches beyond the existing dwelling. The proposed addition and patio improvements would result in an additional 58 square feet of building coverage and 68 square feet of lot coverage. Any addition to the dwelling or other site improvement, no matter how modest, would require variance relief due to the pre-existing nonconforming conditions. The proposed addition has been designed to have the least impact on the neighborhood and the adjacent properties. The improvements are located at the rear of the existing dwelling. The addition and patio will be no closer to the adjacent neighbors than the existing dwelling and deck.

7. The Board concludes that the variance relief requested by the Applicant may be granted. The Board finds that the property can readily accommodate the proposed increase in floor area ratio, which is only 37.8 square feet greater than the pre-existing nonconforming floor area ratio of 2,508.4 square feet. The proposed addition will be located in the rear yard where it will not be visible from the street. Moreover, approximately half of the proposed addition will be located underneath the existing cantilevered second floor of the home so the proposed addition will extend less than four feet farther into the rear yard than the existing dwelling. The proposed addition is modest in size and it will eliminate the need for people exiting the side entry directly onto the narrow paved driveway, an unsafe condition that currently exists on the

property. The Board is also satisfied that the remaining variances are the result of the undersized lot width, as well as the placement of the existing structures on the property, which includes a large detached garage, paved driveway and deck in the rear yard. These structures result in the pre-existing nonconforming floor area ratio, lot coverage, building coverage, rear yard unoccupied and accessory setback conditions affecting this property. The Board is satisfied that these conditions are exceptional circumstances that result in undue hardship and practical difficulties to the Applicant. The proposed patio will be at ground level and it will be no closer to the side property line than the existing deck. The home with the proposed improvements will not result in any substantial negative impact on the light, air or open space of the adjoining neighbors. The Board is satisfied that the home with the addition will be in keeping with the other homes in the neighborhood. 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 July, 2018 that variance relief to permit the construction of a patio and one-story addition to the Applicant's dwelling, which results in 40.5% floor area ratio, 55.0% lot coverage, 26.5% building coverage, 22.5% rear yard unoccupied and 11 foot accessory side yard setback, granted by this Board on June 4, 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, V-1, prepared by Dubinett Architects LLC, dated February 20, 2018 and survey of the property prepared by Louis R. Puopolo III, dated June 9, 2010, marked up by the Applicant's architect to depict the proposed patio and addition to the dwelling.
2. The Applicant 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/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.
4. The Applicant shall be bound to comply with the representations made before this Board by the Applicant and the Applicant's professionals 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.
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 July, 2018.

Cal#3627-18, Andrea & Rick Spaar, 84 Cedar Street, Millburn

Upon a motion made by Jessica Glatt, a second by Mary McNett, 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 adopted:

**ANDREA AND RICK SPAAR
BLOCK 302, LOT 16**

**CAL. NO. 3627-18
JULY 2, 2018**

Mister Chairman, I move the adoption of the following resolution memorializing the granting of variance relief requested by the Applicants, Andrea and Rick Spaar, in Calendar No. 3627-18 for permission to construct a two-story addition to the dwelling on property located at 84 Cedar Street, Millburn, New Jersey, known and designated as Lot 16, Block 302 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 June 4, 2018 in Calendar No. 3627-18 filed by Andrea and Rick Spaar (hereinafter referred to as the “Applicants”) for permission to construct a two-story addition to the dwelling on property located at 84 Cedar Street, Millburn, New Jersey, known and designated as Lot 16, Block 302 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 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 regulations permit a maximum building height of 32 feet and maximum building height of 37 feet from the lowest elevation around the perimeter of the foundation and a minimum 12 foot side yard setback. The Applicants propose an addition to the dwelling that will result in a 36.5 foot building height and 42.3 foot building height from the lowest elevation, and a 10.33 foot side yard setback. Therefore, the Applicants require variance relief. The Applicants require variance relief pursuant to N.J.S.A. 40:55D-70d(6) because the proposed height of the principal structure would exceed, by more than 10%, the maximum building height and the maximum building height from the lowest elevation around the perimeter of the foundation. To establish special reasons in a principal structure height variance application pursuant to N.J.S.A. 40:55D-70d(6), an applicant must demonstrate that the proposed height would nonetheless be consistent with the surrounding neighborhood and the proposed height would not offend any of the purposes of the height limitations set forth in the Township's zoning ordinance. Grasso v. Borough of Spring Lake Heights, 375 N.J. Super. 41, 53, (App. Div. 2004).

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

(a) Plans prepared by Dubinett Architects, LLC, consisting of two sheets, V-1 and V-2, dated December 21, 2017.

(b) A survey of the property prepared by William T. Manning, PLS, dated January 16, 2018, marked up by the Applicants' architect to depict the proposed addition.

4. Applicant Andrea Spaar and Danial Dubinett, Licensed Architect, testified in support of the application.

5. The subject property contains a dwelling which is a contributing resource in the Wyoming Historic District. The Applicants applied to the Millburn Historic Preservation Commission ("HPC") for a Certificate of Appropriateness for the proposed addition, which was authorized by the HPC on April 5, 2018.

6. The subject property is an undersized lot in the R-5 zone, with a lot area of 10,000 square feet and 50 foot lot width instead of the minimum 14,500 square foot lot area and minimum 75 foot lot width. The existing dwelling is a 1,500 square foot three bedroom, 2 bathroom home. In addition, the main staircase in the dwelling is narrow and unsafe. The Applicants wish to construct a new two-story addition at the rear of the dwelling, which would allow for a reconfiguration of the existing staircase, a new family room, mudroom, powder room and basement access on the first floor. The proposed addition would permit a reconfiguration of the main staircase at the front of the home to provide safe access between floors, and a new master bedroom and bathroom suite on the second floor. The home after the addition would still provide three bedrooms and two full bathrooms on the second floor, as well as a small home office space. The existing dwelling has a conforming 16.33 foot easterly side yard setback. However, the proposed rear addition would maintain a first floor side yard setback of 10.33 feet, which is 1.7 feet closer to the easterly property line than permitted. The proposed placement

would allow for a powder room and rear staircase adjacent to the new family room. It would also allow the rear mudroom entry to a paved walkway area. Presently, the exit is directly onto the existing driveway that serves the detached garage, which is located in close proximity to the dwelling. The second story of the addition is offset from the first floor to provide a conforming easterly side yard setback. If this property had a conforming lot width of 75 feet, in all likelihood side yard setback variance relief would not be required to permit the proposed placement of the addition.

7. Because of the topography of the lot and the manner in which building height is calculated under the Township Ordinance, the existing dwelling has a pre-existing nonconforming 35.4 foot building height measured from average grade. The proposed rear yard addition to the home would require a recalculation of building coverage measured from average grade and from the lowest point. Due to the lower elevation at the rear of the existing home, this recalculation of building coverage would result in a 36.5 foot building height measured at average grade and a 42.3 foot building height when measured at the lowest grade.

8. The proposed addition will not have a negative impact on the neighboring property to the east, because the neighbor's detached garage is 38 feet away and their dwelling is more than 65 feet away. Moreover, there is a brick wall on the neighbor's property and natural vegetation provides privacy buffering between the two properties.

9. The Board is also satisfied that sufficient special reasons exist to grant the Applicants variance relief pursuant to N.J.S.A. 40:55D-70d(6), to permit the proposed height of the addition. The proposed height variances are the result of the grade of the property and the height of the existing structure, including the point of the attachment of the addition to the existing dwelling. The topography of the lot is such that the placement of the rear addition impacts the average grade of the property. That change affects the building height calculations. The Board concludes that the Applicants have demonstrated the proposed height of the addition satisfies the standard enunciated in Grasso v. Borough of Spring Lake Heights, 375 N.J. Super. 41, 53, (App. Div. 2004). Despite its undersized lot status, the property can accommodate the proposed addition. The addition will be located at the rear of the dwelling where it will have a minimum impact on the streetscape. The home with the addition will be a considerable distance from the nearest neighbor's dwelling and there is natural vegetation that provides a privacy buffer between the two properties. The lot is 200 feet deep, which places the rear neighbor a considerable distance away from the proposed rear addition. The Board finds and concludes that the proposed addition will improve the safety and utility of the existing dwelling for its residents and guests. In addition, the home with the new addition and exterior improvements will be an aesthetic improvement to the property in keeping with its historic designation without any negative impact on the nearest neighbors. Therefore, the Board concludes that the granting of variance relief to permit the proposed side yard setback and building height 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 July, 2018 that variance relief to permit a rear two-story addition to the dwelling with a 36.5 foot building height based on average grade, 42.3 foot building height from the lowest elevation, and a 10.33 foot side yard

setback, granted by this Board on June 4, 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 the plans prepared by Dubinett Architects, LLC, consisting of two sheets, V-1 and V-2, dated December 21, 2017 and the survey of the property prepared by William T. Manning, PLS, dated January 16, 2018, marked up by the Applicants' architect to depict the proposed addition.
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/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.
4. The Applicants shall be bound to comply with the representations made before this Board by the Applicants and the Applicants' professionals at the public hearings, 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 July, 2018.

Cal#3634-18, Daniel Mayo, 17 Thackeray Drive, Short Hills

Upon a motion made by Jyoti Sharma, a second by Joy Siegel, 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 adopted:

Mister Chairman, I move the adoption of the following resolution granting the variance relief requested by the Applicant, Daniel Mayo, in Calendar No. 3634-18 for permission to install an air conditioning condenser in the front yard on property located at 17 Thackeray Drive, Short Hills, New Jersey, known and designated as Lot 10, Block 5103 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 June 4, 2018 in Calendar No. 3634-18 filed by Daniel Mayo (hereinafter referred to as the Applicant) for permission to install an air conditioning condenser in the front yard of property located at 17 Thackeray Drive, Short Hills, New Jersey, known and designated as Lot 10, Block 5103 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. No objectors or interested parties appeared or testified at the hearing.
2. The Applicant is the owner of the subject property that is located in the R-5 zone district. The Township Ordinance requires that all air conditioning condenser units be placed in rear or side yards only. The Applicant proposes to place an air conditioning condenser unit in the front yard of the property. Therefore, variance relief is required.
3. The Board received and considered a survey of the Applicant's property prepared by JMH Associates, dated June 9, 2007, marked up by the Applicant to depict the proposed location of the air conditioning condenser unit.
4. The Applicant, Daniel Mayo, testified in support of the application. The subject property is a corner lot at the intersection of Thackeray Drive and Wordsworth Road. The property presently contains two air conditioning condenser units in the front yard. However, the existing HVAC system in the home is inadequate to sufficiently cool the master bedroom. The Applicant wishes to install a mini-split ductless air conditioning unit in the master bedroom to supplement the existing air-conditioning units, which requires the installation of a third air conditioning condenser unit. The proposed mini-split ductless air conditioning unit would require the installation of an outdoor condenser unit, which would be much smaller and quieter than a typical condenser unit. Although the proposed location would be in the front yard of the

property, the new unit would be hidden from view by the existing landscaping which now shields the existing condenser units from view from the street.

5. The Board concludes that variance relief may be granted to permit the installation of the proposed condenser unit. The Board finds that the need for variance relief is the result of the corner lot status of this property and the placement of the existing condenser units in the front yard, which is a pre-existing nonconforming condition. The Board finds these conditions are exceptional circumstances that result in undue hardship and practical difficulties to the Applicant. The proposed location will be obscured from view from the street by landscaping, which conceals the view of the existing condenser units. Moreover, despite its front yard placement, the proposed air conditioning condenser unit will have a setback of almost 50 feet from Thackeray Drive. The proposed location is buffered from the adjoining residential properties by distance, as well as the placement of the existing dwelling. As a result, the Board concludes that the granting of variance relief requested 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 July, 2018 that variance relief to permit the installation of an air conditioning condenser unit in the front yard of the property, granted by the Board on June 4, 2018 is hereby memorialized pursuant to the provisions of N.J.S.A. 40:55D-10(g) subject to the following conditions:

1. The placement of the condenser unit shall be located as shown on the marked up survey submitted with the application.
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 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 July, 2018.

APPLICATIONS

CAL#3626-18, N. BASAVARADHYA, 33 ROSEDALE AVENUE, MILLBURN

Allende Matos, Architect for the applicant, appeared and was sworn. His credentials were presented and accepted by the Board. The applicant would like to construct an addition to his dwelling. Proposal is in violation of:

- 606.2e1d – Front yard setback
- 606.2e1e1a – Side yard setback
- 606.2e1e1b – Additional side yard setback
- 606.2e1f – Combined side yard setback
- 606.2e2b – Lot coverage
- 606.2e2d – FAR
- 606.2e1g – Rear yard unoccupied

Mr. Matos gave a brief description of the proposal. The proposal is to add a 2nd floor above the existing 1st floor. The addition will accommodate a master bedroom suite as well as 2 additional bedrooms. The addition will also allow for the enlargement of the existing garage from a 1-car to a 2-car garage. The existing dwelling is a small Cape Cod style home. The existing lot is undersized at 4, 095 SF where the zone requirement is 6,000 SF. In addition, the lot width requirement is 60 feet and the existing lot has a lot width of only 37 feet. The proposed addition is staying within the existing footprint of the dwelling.

The existing dwelling has 3 bedrooms and 2 bathrooms. After the proposed construction, there will be 4 bedrooms and 3 bathrooms.

Several Board members questioned if the applicant considered any other alternatives that would have eliminated some of the necessary variance relief. In addition, members were concerned with the size of the enlarged garage. They also questioned the ability of a car to exit the newly expanded garage area.

Nagaraj Basavaradhyia appeared and was sworn. In response to a Board member's question, he stated that there are several neighborhood properties that have 2-car garages.

Overall, Board members expressed concern with the massing of this addition. This is an area where the houses are on small lots. They were concerned with such a large addition. Many members were very concerned with the FAR variance request.

The applicant indicated that he would be agreeable to eliminating the garage expansion in order to reduce the FAR and lot coverage variance requests. The elimination of the garage expansion would also result in the elimination of the need for rear yard unoccupied variance relief.

After a brief adjournment, the applicant agreed to eliminate the garage expansion.

Chairman Steinberg felt the applicant and his professionals should come back with a set of plans that they are prepared to go forward with. In addition, the new calculations must be provided.

The matter was carried to August 6, 2018.

CAL#3629-18, VIJAY & MEETA GAUR, 931 RIDGEWOOD ROAD, MILLBURN

Thomas Baio, Architect, and Meeta Gaur, appeared and were sworn. Thomas Baio's credentials were presented and accepted by the Board. The applicant would like to construct an addition to their dwelling. Proposal is in violation of:

- 606.2e2a – Building coverage
- 606.2e2b – Lot coverage
- 606.2e2d – FAR
- 606.2e3a – Accessory structure setback
- 606.2e1d – Front yard setback

Thomas Baio gave a brief description of the proposal. He stated that the existing property has a large 2-car garage that the owners would like to maintain. This garage accounts for a large amount of the building coverage, lot coverage and FAR.

- Entered as A-1: photoboard of subject property
- Entered as A-2: photo of subject dwelling/tax map

The proposed addition will provide the applicant with a larger kitchen and family room on the first floor and a master bedroom suite on the second floor.

The subject property is a 7500 SF lot in the R-6 zone district, which has a minimum lot size of 6,000 SF. Although it is oversized for the zone, the lot width is only 50 feet where the zone requirement minimum is 60 feet.

Vijay Gaur appeared and was sworn. He stated that the 1st floor office is for his use and is not proposed to be used as a bedroom.

Thomas Baio spoke to the variances being requested. Building coverage variance relief is required to allow building coverage of 26.5% where 23% is permitted. Lot coverage variance relief is required to allow lot coverage of 51.6% where 45% is permitted. FAR variance relief is

required to allow 42.4% where 36% is permitted. Front yard setback variance relief is required to allow a setback of 31.6 feet where 40 feet is required. Finally, accessory structure side yard setback variance relief is required to allow a setback of 8 feet where 12 feet is required.

The applicant agreed to remove the proposed egress windows from the attic portion of the dwelling. Those windows will be replaced with non-egress windows. That area is not intended to be utilized for bedroom purposes.

Chairman Steinberg asked how the variances would be affected by the elimination of the proposed front porch. Mr. Baio stated that front yard setback variance relief would be eliminated. Building coverage and lot coverage variance relief requested would be reduced by 57.4 SF. The applicant amended the application by removing the front porch area.

Some Board members felt that the FAR variance being requested was excessive. They indicated that this is an oversized lot for the zone and they do not support the request for the FAR variance.

The matter was carried to August 6, 2018.

CAL#3631-18, SWATI & SAMEER NARANG, 297 FOREST DRIVE SOUTH, SHORT HILLS

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

- 606.2e2d – FAR
- 606.2e1f – Combined side yard setback
- 606.2e1g – Rear yard unoccupied
- 606.2e1h – Rear yard setback

Mr. Klesse gave a brief description of the proposal. He spoke to the variances being requested. The property is a 6,129 SF lot in the R-6 zone. The addition proposed is a 1st floor addition to enclose a covered porch, add a portico and add an addition in the rear of the dwelling. A 2nd floor addition is proposed to the rear of the dwelling.

Mr. Klesse spoke to the variances being requested. An FAR variance is being requested to allow 36.9% where 36% is permitted. Combined side yard setback variance relief is being requested to permit 18% where 35% is required. This is an existing condition. Rear yard unoccupied variance relief is being requested to allow 16.1% where 25% is required. Finally, rear yard setback variance relief is being requested to allow a setback of 16% where 20% is required.

Mr. Klesse stated that he met with neighbors who were concerned with drainage.

Rob Simon, Attorney, stated his appearance on behalf of Walter & Joanne Luby at 299 Forest Drive South.

Entered as A-1: letter dated 6/20/18 from Luby to Narang

Mr. Simon indicated that the letter raised 3 points that the Narangs indicated they would agree to. The patio and walkways in the rear right portion of the property will be removed and replaced with landscaping. The Narangs would hire a professional engineer to ensure that drainage will be adequately handled and a temporary fence would be installed from front right corner of their property to the face of the house

Chairman Steinberg spoke to the applicant's request for an FAR variance of 56 SF. He indicated that he would like to see the FAR brought into conformance. Mr. Klesse indicated that the applicants will remove 56 SF from the left rear 2nd floor addition and they withdrew their request for FAR variance relief.

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

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

Cal#3631-18, Swati & Sameer Narang, 297 Forest Drive South, was **APPROVED**.

CAL#3632-18, LISA & PAT HAGGERTY, 316 LUPINE WAY, SHORT HILLS

Timothy Klesse, Architect, and Lisa & Pat Haggerty, appeared and were sworn. The applicants would like to construct an addition to their dwelling. Proposal is in violation of:

606.2e2d – FAR

Mr. Klesse's credentials were presented and accepted by the Board. He gave a brief description of the proposal. The applicants propose to add a detached garage to the property. The existing garage is a rear facing attached garage. However, the driveway bisects the rear of the property and renders a large portion of the rear yard unusable. The proposed detached garage will be in a conforming location. However, the addition of the garage adds to the FAR of the property.

Gail Kanef, 318 Lupine Way, appeared and was sworn. She stated that she is concerned with the drainage that may be caused by the construction of a garage 3 feet off the property line.

Entered as O-1: photo of pooling water at 318 Lupine
Entered as O-2: photo of pooling water at 318 Lupine
Entered as O-3: photo of pooling water at 318 Lupine

Board Attorney, Gail Fraser, indicated that the proposed construction will require review and approval from the Township Engineer. All drainage and grading guidelines will be followed according to the Township requirements.

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

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

Cal#3632-18, Lisa & Pat Haggerty, 316 Lupine Way, was **APPROVED**.

CAL#3633-18, SAVITA & ALOK RAI, 5 FARLEY ROAD, SHORT HILLS

Timothy Klesse, Architect, and Savita & Alok Rai, appeared and were sworn. Timothy Klesse's credentials were presented and accepted by the Board. The applicants would like to construct an addition to their dwelling. Proposal is in violation of:

606.2e1d – Front yard setback
606.2e2a – Building coverage
606.2e2d – FAR

Tim Klesse gave a brief description of the proposal. The property is located in the R-5 zone district. The lot is undersized at 10,359 SF where the minimum lot size is 14,500 SF. He spoke to the variances being requested. Front yard setback variance relief is required to permit a setback of 20.9 feet where 40 feet is required. Building coverage variance relief is required to allow 20.4% where 18% is permitted. Finally, FAR variance is required to allow 38.1% where 30% is permitted.

The existing front yard setback is non-conforming and the applicant is proposing a small 3 foot expansion forward on the existing garage. In addition, the applicant proposes a 2nd floor addition over the right side of the house. The 2nd floor addition is proposed over the existing 1st floor footprint and will not extend forward of the current dwelling.

Board members felt the awkward lot configurations as well as the placement of the existing house on the lot created the need for the front yard setback variance relief. In addition, they felt the lot could adequately accommodate the FAR being requested.

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

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

Cal#3633-18, Savita & Alok Rai, 5 Farley Road, 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 Ellen Hirsch, and carried with a unanimous voice vote. (10:15 PM)

Eileen Davitt
Board Secretary

Motion: CP
Second: EH
Date Adopted: 8/6/18