

Township of Millburn
Minutes of the Zoning Board of Adjustment
March 20, 2023

A regular meeting of the Township of Millburn Zoning Board of Adjustment was held on **Monday, March 20, 2023** at 7:00 PM at Millburn Town Hall.

Chairman Craig Ploetner opened the meeting by reading Section 5 of the Open Public Meetings Act.

The following members were present for the meeting:

Chandru Harjani
Amy Lawrence
Gary Rosen
Regina Truitt
Craig Ploetner, Chairperson

Also present:

Robert Simon, Board Attorney
Eileen Davitt, Zoning Officer/Board Secretary

BUSINESS

Cal#3743-20, Christopher & Margaret Craig, 15 Rippling Brook Drive, Short Hills
Request for extension of variance relief

The Board discussed the residents' request for an extension of variance relief. Variance relief was granted to the applicant on July 20, 2020, with a memorializing resolution dated August 17, 2020.

With a motion made by Amy Lawrence, seconded by Regina Truitt, and a unanimous voice vote, the Board agreed to grant a 1-year extension of variance relief, with said relief to expire March 20, 2024.

Cal#3849-21, Jonathan Shehee, 97 Oakview Terrace, Short Hills
Request for extension of variance relief

The Board discussed the applicant's request for an extension of variance relief. Mr. Shehee stated that he had difficulty obtaining bids from contractors.

With a motion made by Gary Rosen, seconded by Chandru Harjani, and a unanimous voice vote, the Board agreed to a 1-year extension of variance relief to expire March 20, 2024.

APPLICATIONS

CAL#3889-22, CORNELIUS/DONGMEI GUTH, 9 BAILEY ROAD, MILLBURN

Xiaoxuan Peng, Architect for the applicant, appeared and remained sworn. He explained that they have taken great measures to revise the original plans and present a proposal that is more in keeping with the neighborhood. They have reduced the 2nd floor and attic plan, thereby reducing the floor area ratio from 43.5% to 36.8%. The building coverage variance request will remain at 23.7% and lot coverage variance request will remain at 46.6%. The applicant will also require side yard setback for the structure over 18 feet in height.

The Board was pleased with the applicants’ revisions and their efforts to reduce the proposal to a more modest request.

With a motion made by Amy Lawrence, a second by Chandru Harjani, and a roll-call vote as follows:

- Chandru Harjani – yes
- Amy Lawrence – yes
- Gary Rosen – yes
- Regina Truitt – yes
- Craig Ploetner – yes

Cal#3889-22, Cornelius/Dongmei Guth, 9 Bailey Road, was **APPROVED**.

CAL#3890-22, BEN & HELEN HALL, 83 MAPLE STREET

Ying Li, Architect, and Helen Hall, appeared and were sworn. The applicants would like to construct an addition to their dwelling. Proposal is in violation of:

- 606.2e1d – Front yard setback
- 606.2e1e1a – Side yard setback
- 606.2e1e1b – Addt’l side yard setback
- 606.2e1f – Combined side yard setback
- 606.2e2a – Building coverage
- 606.2e2d – FAR

Ying Li gave a brief description of the applicants’ proposal. The 7,500 SF lot is undersized for the R-5 zone, which has a minimum lot area requirement of 14,500 SF. The lot also has a deficient lot width of 50 feet where 75 feet is the minimum required lot width.

Entered as A-1: sheet A.101 with mark-up

The current dwelling is a 1-1/2 story structure on an undersized lot. It has a narrow width of 50 feet and the existing detached 2-car garage and driveway leading to it drive up the building and lot coverage. The addition does not change the footprint of the house or lot coverage. The

proposed building height is below the maximum allowed and the design is mindful of the impact to the streetscape. The roof is being changed to a hip roof to minimize the visual impact as well as the deviation of the side yard setback.

Chandru Harjani feels this is a modest request given there would be no increase to the building footprint. He also acknowledged the lot's many pre-existing non-conforming conditions. Regina Truitt believes the proposal will be an enhancement to the neighborhood. Gary Rosen supports this application. Amy Lawrence is not as supportive of this application as she is concerned with the effect of the height being so close to the property line. Craig Ploetner feels the size of the lot is problematic but appreciates that the height of the structure was kept lower than the allowable.

With a motion made by Gary Rosen, a second by Regina Truitt, and a roll-call vote as follows:

Chandru Harjani – yes
Amy Lawrence – yes
Gary Rosen – yes
Regina Truitt – yes
Craig Ploetner – yes

Cal#3890-22, Ben & Helen Hall, 83 Maple Street, Millburn was **APPROVED**.

CAL#3883-22, RAMESH LAKSHMINARAYANAN, 92 MYRTLE AVENUE, MILLBURN

Vinu Patel, Architect, Charles Osterkorn, P. E., and Ramesh Laksminarayanan, appeared and were sworn. The applicant would like to construct an addition and a front porch to the dwelling. Proposal is in violation of:

606.2e1d – Front yard setback
606.2e2c – Building height

Vinu Patel's credentials were presented and accepted by the Board. Mr. Patel gave a brief description of the application.

Entered as A-1: colorized version of submitted sheet A-3
Entered as A-2: photo of subject dwelling (front facade, September 2022)
Entered as A-3: photo of subject dwelling (rear facade, September 2022)
Entered as A-4: colorized version of submitted sheet A-2

The proposed front porch would have a front setback of 32.4 feet where 40 feet is the minimum required setback.

Charles Osterkorn's credentials were presented and accepted by the Board. He provided testimony regarding the applicant's request for a building height variance. Mr. Osterkin clarified that the applicant is proposing an addition in the rear and a covered porch with a proposed rear setback of 40.4 feet. An analysis was done comparing nearby homes facing Myrtle Avenue, and this analysis concluded that the average setbacks for these homes was approximately 18.5 feet.

Craig Ploetner has no issues with the proposed building height, but feels the request for the porch is excessive as he sees no hardships related to it. Regina Truitt is not in favor of the proposed front porch and struggles to agree with the decks facing Glen Avenue. Gary Rosen is not in favor of the porch.

With a motion to approve the height variance and deny the front yard setback variance made by Gary Rosen, a second by Chandru Harjani, and a roll-call vote as follows:

Chandru Harjani – yes
Amy Lawrence – yes
Gary Rosen – yes
Regina Truitt – yes
Craig Ploetner – yes

Cal#3883-22, Ramesh Lakshminarayanan 92 Myrtle Avenue, Millburn, building height variance was **APPROVED** and front yard setback variance was **DENIED**.

CAL#3912-23, MIKE LEVINE, 60 LAKEVIEW AVENUE, SHORT HILLS

Tim Klesse, Architect, Anisha Levine and Michael Levine appeared and were sworn. Tim Klesse's credentials were presented and accepted by the Board. The applicant's site is a corner lot at Hobart Avenue and Lakeview Avenue. The applicants are proposing a 4-foot fence in the front yard. Proposal is in violation of:

609.1a – Front yard fence

Tim Klesse indicated that the site is located on the corner of Lakeview Avenue and Hobart Avenue in the R-4 zone. These are primary roads leading into the historic district, which was considered in the proposed design for the fence.

Amy Lawrence indicated that she has seen similar applications for corner lot front yard fences and is not sure about the two different styles of the proposed fence. Craig Ploetner does not see the need to enclose the entire property. Regina Truitt understands the hardships and supports this application. Gary Rosen and Chandru Harjani also support this application.

With a motion made by Regina Truitt, a second by Gary Rosen, and a roll-call vote as follows:

Chandru Harjani – yes
Amy Lawrence – no
Gary Rosen – yes
Regina Truitt – yes
Craig Ploetner – no

Cal#3912-23, Mike Levine, 60 Lakeview Avenue, Short Hills was **APPROVED**.

CAL#3914-23, DAVID & LORI SCHLANGER, 86 SLOPE DRIVE, SHORT HILLS

Danial Dubinett, Architect, appeared and was sworn. His credentials were presented and accepted by the Board. The applicant would like to construct a detached garage. Proposal is in violation of:

606.2e3d – Detached garage setback, garages facing/opening onto public streets are prohibited (R-3 zone)

Entered as Exhibit A-1: Site Photos

Danial Dubinett gave a brief description of the application. The site is located in the R-3 zone, where front facing garages are prohibited. Due to the topography and nature of the existing architecture, the only other option is to locate the detached garage in the backyard. The property is very large, with an area of over 40,000 square-feet in a zone where 29,000 square-feet is required. Mr. Dubinett believes the more lawful location for the proposal, such as the rear yard, would be more detrimental to the applicant and surrounding neighbors. The design includes a gate and 6-foot high evergreens to partially screen the garage.

Robin & Jeffery Karp, 8 Slope Drive, asked why they did not consider a side facing garage further back. Danial Dubinett said this was not possible due to topographical issues.

Robin & Jeffery Karp, 8 Slope Drive, appeared and were sworn. They are opposed to the application because they believe it will have a negative impact on the view from their living room. They stated that there are many other solutions that could be explored.

Craig Ploetner is not in favor of this application. Regina Truitt believes this proposal is not in keeping with the character of the neighborhood.

The matter was carried to May 15, 2023.

CAL#3907-22, GARY PLOWMAN & MICHELLE MILLER, 79 CHESTNUT STREET, MILLBURN

Daniel Steinhagen, Attorney for the applicants, stated his appearance. The applicants are seeking an interpretation of the Zoning Ordinance as it pertains to accessory structures.

Mr. Steinhagen spoke to the current accessory balloon/air-dancer located at 445 Wyoming Avenue. This accessory is visible to 79 Chestnut Street as well as surrounding properties. The height varies due to the inflatable nature of the balloon, but it is over 10 feet tall. The balloon/air-dance in question is on every day, morning and night. The electric fan powering the balloon is audible at the common property line as well as inside the applicant's house with the windows closed. The history between the property owners was briefly discussed.

Michele Miller, 79 Chestnut Street, appeared and was sworn. She stated that she feels the balloon structure was put on the site by the adjacent property owner because she objected to their placement of a swing set in close proximity to her property line. That matter was heard by this Board and ultimately denied in 2021. The balloon structure was erected 2 days after the swings were taken down.

Barbara Wensberg, 86 Chestnut Street, appeared and was sworn. Ms. Wensberg lives across the street from the applicants and states she can hear the motor as well. She believes this is a huge problem and all the neighbors are baffled as to why this air-dancer/balloon has remained for over 1 year.

Daniel Steinhagen indicated that this is not a customarily incidental use in the R-3 zone. Mr. Steinhagen believes this is a zoning issue, not a police issue.

The matter was carried to May 15, 2023.

ADJOURNMENT

A motion to adjourn was made by Amy Lawrence, seconded by Regina Truitt, and carried with a unanimous voice vote. (11:05 PM)

Eileen Davitt
Board Secretary

Motion: AL
Second: GR
Date Adopted: 4/17/23