

Township of Millburn
Minutes of the Zoning Board of Adjustment
May 20, 2019

A regular meeting of the Township of Millburn Zoning Board of Adjustment was held on **Monday, May 20, 2019** 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 McNett
Craig Ploetner
Joy Siegel
Wolfgang Tsoutsouris
Kevin Wenzel
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 May 6, 2019, was made by Craig Ploetner, seconded by Mary McNett, and carried with a unanimous voice vote.

MEMORIALIZATIONS

Cal#3683-19, Alexander & Irina Peckel, 19 Reeve Circle, Millburn

Upon a motion made by Jessica Glatt, a second by Kevin Wenzel, and with a roll-call vote as follows:

Mary McNett – yes
Craig Ploetner – yes
Wolfgang Tsoutsouris – yes
Kevin Wenzel – yes
Jessica Glatt – yes
Joseph Steinberg – yes

the following memorializing resolution was approved:

**ALEXANDER AND IRINA PECKEL
BLOCK 402, LOT 7**

**CALENDAR NO. 3683-19
MAY 20, 2019**

Mister Chairman, I move the adoption of the following resolution memorializing the granting of variance relief requested by the Applicants, Alexander and Irina Peckel, to permit the construction of an attic dormer addition to the dwelling on property located at 19 Reeve Circle, Millburn, New Jersey known and designated as Lot 7, Block 402 on the tax map of the Township of Millburn.

RESOLUTION

WHEREAS, the Millburn Township Zoning Board of Adjustment (hereinafter the “Board”) has held public hearings according to law on May 6, 2019 in Calendar No. 3683-19 filed by Alexander and Irina Peckel (hereinafter the “Applicants”) for permission to construct an attic dormer addition to the dwelling on property located at 19 Reeve Circle, 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. Bonnie Wofsy of 21 Reeve Circle, Ann Rosenthal of 25 Reeve Circle and Alex Moaba of 17 Reeve Circle appeared and testified at the hearing as objectors or interested parties.
2. The property is located in the R-6 zone district. The R-6 zone district requires a minimum 40 foot front yard setback, minimum 12 foot side yard setback for building segments over 18 feet in height. The Applicants propose to construct an attic dormer addition to the dwelling that would result in a 39 foot front yard setback and a 9.71 foot side yard setback for building segments over 18 feet in height. Therefore, variance relief is required.
3. The Board received and considered plans prepared by Space & Mark, LLC, consisting of three sheets, A-1 through A-3, dated November 14, 2018 and revised through January 24, 2019 submitted by the Applicants in support of the application.
4. Hayk Ekshian, Licensed Architect, and Applicant Alex Peckel testified in support of the application.
5. The subject property is a conforming lot in the R-6 zone district. The existing dwelling on the property is a three bedroom, two and one-half bathroom home, which has a pre-existing nonconforming 39 foot front yard setback and a pre-existing nonconforming 9.71 foot side yard setback for building segments over 18 feet in height. The Applicants propose to raise the roof of the dwelling to convert an existing walk-up attic space into a dormered master bedroom suite. After the proposed addition, the home will have the appearance of a two and

one-half story dwelling. The proposed addition would be constructed directly above the existing second story of the home, extending the pre-existing nonconforming front yard setback and side yard setback for building segments over 18 feet in height to the new attic dormer addition. The proposed addition would include a change in the pitch of the roof to provide adequate ceiling height in the new addition while maintaining a conforming building height. Although the proposed addition would increase the height of the roof by five feet at the front façade of the dormer, the peak of the roof would only increase by two feet, limiting the impact of the proposed addition on the streetscape. Although the family room and garage in the existing dwelling both include one-story components, it is not possible to construct a second story master bedroom and bathroom suite over either, which are on opposite sides of the structure. The one-story portion of the family room is too small to allow for a master bedroom and bathroom addition and placement over the family room or existing garage would not eliminate the need for variance relief. The proposed addition with its attic dormer appearance serves to match the existing dormers on the front façade of the home and lessens the impact of the proposed addition on the streetscape.

6. Neighboring property owners on Reeve Circle advised the Board of their opinions that the dwelling with the proposed addition would be the tallest home on Reeve Circle, and as such it would not be in keeping with the homes that were built when Reeve Circle was originally developed. They also questioned whether the addition could be made more aesthetically pleasing.

7. The Board concludes that variance relief may be granted to permit the proposed attic dormer addition to the dwelling. The property is a conforming lot, but the existing dwelling has a pre-existing nonconforming 39 foot front yard setback and a pre-existing nonconforming 9.71 foot side yard setback for building segments over 18 feet in height. In addition, the existing attic space is currently accessible from an interior staircase. The Board is satisfied that these conditions present exceptional circumstances uniquely affecting the property that justify variance relief. As a result of the placement of the existing dwelling, the proposed attic dormer addition would extend the pre-existing nonconforming front yard setback and side yard setbacks for building segments over 18 feet to the new addition. No portion of the proposed attic dormer addition will extend farther into the front or side yards of the property than the existing dwelling. Moreover, the building height after the construction of the proposed addition will be a conforming 32 feet, which is only two feet greater than the existing 30 foot building height. The home with the addition will maintain and reinforce the architectural appearance of the existing dwelling. The Board is satisfied that the proposed addition will not have any negative impact on the streetscape or on the surrounding properties. The Board finds that the proposed addition to the existing dwelling will provide a master bedroom suite, which is a reasonable amenity for modern living. The Board is satisfied that the home with the addition will continue to be in keeping with the neighborhood in which it is located. 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 20th day of May, 2019 that variance relief granted by this Board on May 6, 2019 to permit the construction of an attic dormer addition resulting in a 39 foot front yard setback and a 9.71 foot side yard setback for building

segments over 18 feet in height, 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 Space & Mark, LLC, consisting of three sheets, A-1 through A-3, dated November 14, 2018 and revised through January 24, 2019.
2. The Applicants shall apply for a building permit within 365 days from the date of publication of this resolution, or this variance approval shall expire unless one or more of the provisions of Section 422 of the Township Land Development Ordinance shall provide otherwise.
3. The Applicants shall be bound to comply with the representations made before this Board by the Applicants and the Applicants' professional at the public hearing, as set forth in the Board's findings of fact contained in this Resolution. The Board has relied upon such representations in adopting its findings of fact and granting the approvals set forth herein. Such representations are hereby made conditions of such approvals.
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 6th day of May, 2019.

Cal#3685-19, Judson & Zoe LaLonde, 84 Myrtle Avenue, Millburn

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

- Mary McNett – yes
- Craig Ploetner – yes
- Wolfgang Tsoutsouris – yes
- Kevin Wenzel – yes
- Jessica Glatt – yes
- Joseph Steinberg – yes

the following memorializing resolution was approved:

**JUDSON AND ZOE LA LONDE
BLOCK 309, LOT 4**

**CALENDAR NO. 3685-19
MAY 20, 2019**

Mister Chairman, I move the adoption of the following resolution memorializing the granting of variance relief requested by the Applicants, Judson and Zoe La Londe, in Calendar No. 3685-19 for permission to construct a second story addition to the dwelling on property at 84 Myrtle Avenue, Millburn, New Jersey, known and designated as Lot 4, Block 309 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 May 6, 2019 in Calendar No. 3685-19 filed by Judson and Zoe La Londe (hereinafter the “Applicants”) for permission to construct a second story addition to the dwelling on property located at 84 Myrtle Avenue, Millburn, New Jersey, known and designated as Lot 4, Block 309 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. No interested parties or objectors appeared or testified at the hearing.

2. The Applicants are the owners of the subject property, which is located in the R-6 zone. The R-6 zone district requires a minimum 40 foot front yard setback. The proposed second story addition would result in an 11.92 foot front yard setback. Therefore, variance relief is required.

3. The Board received and considered the following documents in connection with the application:

a. Plans prepared by Dubinett Architects, LLC, consisting of one sheet, Sheet V-1, dated February 21, 2019; and

b. A survey of the property prepared by DMC Associates, Inc. dated August 22, 2003, marked up by the Applicants’ architect to depict the proposed addition.

4. Applicant Judson La Londe and Danial Dubinett, Licensed Architect, testified in support of the application. The existing dwelling is a colonial farmhouse dwelling which was built in the early 1900’s. The existing dwelling has a pre-existing nonconforming front yard setback which ranges from 9.25 feet at the bay window in the first floor living room to 11.92 feet at the existing one-story play room on the right side of the dwelling. Presently, the dwelling has three bedrooms and one and one-half bathrooms. The Applicants propose to construct a second-story addition over the existing one-story playroom to provide a master bedroom and bathroom

suite. After the proposed addition, the home would be a three bedroom, two and one-half bathroom home. The majority of the existing home is located within the required 40 foot front yard setback and outside of the allowable building envelope. Most of the homes in the neighborhood have nonconforming front yard setbacks because their construction predated the Township Zoning Ordinance. Although the homes on the adjacent lots to the left and right of the Applicants' dwelling are setback a few feet farther than the Applicants' home, the proposed addition would not have any negative impact on the neighboring properties. The proposed addition would be located on the right side of the existing dwelling with a side yard setback of more than 9 feet, which exceeds the required 8 foot side yard setback required in the R-6 zone district. Moreover, the home on the property to the right is approximately 20 feet away, so the proposed addition would not have any impact on the neighbor's light, air and open space. The home with the addition would continue to be in keeping with the other homes in the neighborhood.

5. The Board finds that the need for variance relief is the result of the placement of the existing dwelling on the property, the majority of which is located within the required 40 foot front yard setback. The existing dwelling pre-dates the Township Zoning Ordinance and therefore the front yard setback is a pre-existing nonconforming condition, which the Board finds to be an exceptional circumstance that results in undue hardship and practical difficulties to the Applicants. The proposed second story addition over the existing dwelling would extend the existing 11.92 foot front yard setback of the one-story playroom portion of the dwelling to the new second story. The home after construction of the addition will be no closer to the street than the existing dwelling. The Board is satisfied that the proposed addition which allows for a master bedroom suite is a modest addition which will make the home more livable for a modern family. The Board finds that the home after the construction of the addition will continue to be in keeping with the other homes on the same Myrtle Avenue block as the Applicants' dwelling. 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 20th day of May, 2019 that variance relief to permit the construction of a second story addition to the dwelling that would result in a 11.92 foot front yard setback from Myrtle Avenue, granted by this Board on May 6, 2019 be and 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 plans prepared by Dubinett Architects, LLC, consisting of one sheet, Sheet V-1 dated February 21, 2019.
2. The Applicants shall apply for a building permit within 365 days from the date of publication of this resolution, or this variance approval shall expire unless one or more of the provisions of Section 422 of the Millburn Township Development Regulations and Zoning Ordinance shall provide otherwise.

3. The Applicants shall be bound to comply with the representations made before this Board by the Applicants' professional and other witnesses 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 20th day of May, 2019.

Cal#3687-19, Jacob & Robin Feldman, 153 Highland Avenue, Short Hills

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

- Mary McNett – yes
- Craig Ploetner – yes
- Wolfgang Tsoutsouris – yes
- Kevin Wenzel – yes
- Jessica Glatt – yes
- Joseph Steinberg – yes

the following memorializing resolution was approved:

**JACOB AND ROBIN FELDMAN
BLOCK 3104, LOT 2**

**CAL. NO. 3687-19
MAY 20, 2019**

Mister Chairman, I move the adoption of the following resolution memorializing the granting of variance relief requested by the Applicants, Jacob and Robin Feldman, in Calendar No. 3687-19 to permit the construction of a tennis court on property located at 153 Highland Avenue, Short Hills, New Jersey, known and designated as Lot 2, Block 3104 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 May 6, 2019 in Calendar No. 3687-19 filed by Jacob and Robin Feldman (hereinafter the “Applicants”) to permit the construction of a tennis court on property located at 153 Highland Avenue, Short Hills, New Jersey, known and designated as Lot 2, Block 3104 on the tax map of the Township of Millburn; and

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

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

2. The Applicants are the owners of the subject property, which is a Non-Contributing Historic District Resource in the Short Hills Park Historic District in the R-3 zone district. The Applicants propose to construct a tennis court on the property. Township Zoning Ordinance requirements for the R-3 zone permit a maximum 20% accessory use coverage. The Applicants’ proposed tennis court would result in 27.81% accessory coverage. Therefore, variance relief is still required.

3. The Board received and considered the following documents submitted with the application:

A. Plans prepared by Casey & Keller, Inc., consisting of two sheets, Sheet 1 dated March 25, 2019 and Sheet 2 dated December 15, 2018 and revised through March 25, 2019; and

B. An aerial photograph of the property prepared by Casey & Keller, which was admitted into evidence as A-1.

4. The following persons testified in support of the application: Applicant Jacob Feldman, Timothy Klesse, Licensed Architect, Richard Keller, P.E. & P.P., Alison Canfield, Chairperson of the Millburn Historic Preservation Commission, and Lynne Ranieri, Member of the Board of Directors of the Millburn-Short Hills Historical Society.

5. The Applicants previously filed an application in Calendar No. 3679-19 for variance relief to permit the original masonry stone house portion of an existing dwelling on the property to be converted into a pool cabana with an accessory structure building height of 27.16 feet in connection with the construction of a new dwelling on the property. The Board granted variance relief in a Resolution adopted on April 15, 2019. That earlier application also included a variance request to permit the construction of a tennis court which exceeded the allowable 20% accessory coverage. Prior to the Board’s decision in Calendar No. 3679-19, the Applicants withdrew their request for variance relief relating to the proposed tennis court with the intention of returning at a later date with a new application to provide the Board with witness testimony to

establish the proofs necessary to support the granting of variance relief to permit 27.81% accessory use coverage.

6. Because the subject property is a Non Contributing Historic District Resource within the Short Hills Park Historic District, prior to submission of the earlier application to the Board in Calendar No. 3679-19, the Applicants had applied to the Millburn Historic Preservation Commission (“HPC”) for a Certificate of Appropriateness to construct a new single-family dwelling, in-ground swimming pool, patios and tennis court on the property. In the course of the HPC hearings, the Applicants agreed to preserve the original 1914 masonry stone house portion of the existing dwelling on the property by converting it into an accessory pool cabana. The proposed conversion also included the demolition of two later additions to the original 1914 masonry stone house dwelling.

7. Alison Canfield, Chairperson of the HPC, testified in support of the current application before the Board. She advised the Board that the HPC conducted hearings on the Applicants’ application for a Certificate of Appropriateness in June, July, August and September of 2018. Ms. Canfield testified that the subject property was originally part of the Stewart Hartshorn tract. Until that property was subdivided, the masonry stone house portion of the existing dwelling on the Applicants’ property was an ancillary structure to the Stewart Hartshorn dwelling located on the adjacent lot to the north at 163 Highland Avenue. Because of the history of the original 1914 masonry stone house portion of the dwelling and its association with the Stewart Hartshorn dwelling on the adjacent property at 163 Highland Avenue, the HPC determined it was important for the Applicants to retain and re-use the original 1914 masonry stone house portion of the dwelling. The HPC concluded that the proposed pool cabana would be an adaptive re-use of that original masonry stone house structure.

8. During the course of the hearings before the HPC, the Commissioners and Barton Ross, the HPC’s Consultant, itemized more than 14 recommendations regarding the design, placement and materials for the construction of the new single-family dwelling and other site improvements as well as the proposed alterations to the existing masonry stone house structure. The HPC’s recommendations included the placement of the new single-family dwelling farther back on the property with a deep front yard setback so that the front façade of the new single-family home would align with the Stewart Hartshorn dwelling on the adjacent property at 163 Highland Avenue with the goal of preserving the harmonious setting of the original Stewart Hartshorn tract.

9. Ms. Canfield testified that the proposed tennis court was always part of the Applicants’ application for a Certificate of Appropriateness before the HPC. Ms. Canfield further testified that at the time of the HPC’s hearings on the Feldman application, the HPC’s focus was on the placement of the new dwelling in relationship to the Stewart Hartshorn dwelling at 163 Highland Avenue and the HPC did not consider that the deep front yard setback recommended by the Commission would reduce the rear yard of the subject property to such a degree that the proposed tennis court would require variance relief to permit its construction. She also acknowledged that the HPC’s memorializing resolution adopted on November 1, 2018

neglected to include the HPC's recommendation concerning the deep front yard setback of the proposed new single-family dwelling, which was an oversight on the part of the HPC.

10. Lynne Ranieri advised the Board that she has spent more than twenty-five years researching the history of Short Hills and she previously served as a Member of the Millburn Historic Preservation Commission. Ms. Ranieri testified regarding the history of Short Hills Park which was established as a residential community with sweeping front lawns to create a park-like atmosphere. She testified that the deep front yard setback recommended by the HPC for the new single-family dwelling serves the goal of protecting and preserving the characteristics which earned the Short Hills Park Historic District its placement on the State and National Registers of Historic Places.

11. The Applicants' professional engineer and professional planner, Richard Keller, testified that the average front yard setback on Highland Avenue within 500 feet of the subject property is 64.21 feet. With the exception of the front portico entry to the dwelling which would have a 128.7 foot front yard setback, the proposed placement of the new single-family dwelling would provide a 131.79 foot front yard setback placing the new single-family dwelling in alignment with the Hartshorn house at 163 Highland Avenue, which has a 136.76 foot front yard setback. Mr. Keller testified that if the new single-family dwelling were moved forward on the property to provide a 64.21 foot front yard setback it would conform to the average front yard setback and the rear yard of the property would be large enough to permit the construction of all the proposed accessory uses, including the tennis court, within the permitted 20% accessory use coverage requirement. However, such a placement would place the new single-family dwelling significantly much closer to Highland Avenue than the adjacent Hartshorn house at 163 Highland Avenue, contrary to the HPC's setback recommendation for the placement of the home at the proposed 131.79 foot setback, which is designed to preserve the harmonious setting of the original Hartshorn tract.

12. The Board finds that the Applicants have satisfied the statutory criteria as required by N.J.S.A. 40:55D-70(c)(2) and concludes that it is appropriate to grant the variance relief requested by the Applicants to permit the construction of the proposed tennis court resulting in 27.8% accessory use coverage. The Board is satisfied that the need for variance relief is the result of the proposed placement of the new single-family dwelling on the property. Although the Applicants could physically move the proposed new single-family dwelling forward on the lot to provide a conforming 20% accessory use coverage, such a placement would be contrary to the goal of preserving the harmonious setting of these two lots within the Short Hills Park Historic District. The Board is satisfied that the granting of variance relief to permit the proposed accessory coverage deviation advances one of the purposes of zoning set forth in N.J.S.A. 40:55D-2j, the preservation of a historic site, because it preserves the relationship between the proposed new single-family dwelling and the historic Hartshorn house to the north. The Board finds that the benefits of granting relief to permit the 27.8% accessory coverage outweigh any potential detriment because the proposed placement represents a better planning alternative which serves to foster the park-like setting of these properties within the Short Hills Park Historic District. Therefore, the Board also concludes that the granting of the variance

relief requested herein 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 20th day of May, 2019 that the variance relief requested by the Applicants to construct a tennis court resulting in 27.81% accessory coverage on property located at 153 Highland Avenue, Short Hills, granted by this Board at its meeting of May 6, 2019 be and it hereby is memorialized pursuant to the provisions of NJSA 40:55D-10(g), subject to the following conditions:

1. Construction shall be in accordance with the testimony of the witnesses at the hearing and the plans prepared by Casey & Keller, Inc., consisting of two sheets, Sheet 1 dated March 25, 2019 and Sheet 2 dated December 15, 2018 and revised through March 25, 2019.
2. The Applicants shall apply for a building permit within 365 days from the date of publication of this resolution, or this variance approval shall expire unless one or more of the provisions of Section 422 of the Millburn Township Development Regulations and Zoning Ordinance shall provide otherwise.
3. The Applicants shall be bound to comply with the representations made before this Board by the Applicants and the Applicants' professionals and other witnesses 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.
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 20th day of May, 2019.

APPLICATIONS

CAL#3686-19, FIDELCO ROI, LLC, 251-257 ESSEX STREET, MILLBURN

Thomas Sateary, Attorney for the applicant, stated his appearance. The applicant, Fidelco ROI, LLC, proposes to construct an office building to be attached with the existing

restaurant building on site. The proposal requires site plan approval, use and bulk variances as well as a waiver from the requirement to submit an Environmental Impact Statement.

Richard Keller, P. E., P. P., and Nancy Dougherty, Architect, appeared and were sworn. Richard Keller's credentials were presented and accepted by the Board.

Entered as A-1: satellite photo of subject property

Richard Keller gave a brief description of the existing property. He referred to sheet 2 of the submitted application documents and discussed the current structures on the subject properties. The applicant proposes to merge lot 14, which contains a 2-family dwelling and a vacant restaurant, and lot 15, which is currently vacant. The proposal will result in 1 lot with 2 principal structures (the existing 2-family dwelling and the newly constructed office building). The uses proposed are permitted uses in the zone; however, variance relief is required to permit 2 principal structures on 1 lot. The applicant is also seeking variance relief to permit a building height of 30.67 feet where 28 feet is the maximum permitted. In addition, a parking variance is required for 19 on-site spaces where 50 spaces are required.

Mr. Keller stated that lot 14 was the subject of a previously approved application for use variance and site plan approval in 2008 (Cal#2919). It was also the subject of a previously approved application in 2010 (Cal#3008) for amended site plan approval and variance relief. Lot 15 was the subject of a previously approved application for site plan approval in 2017 for the proposed construction of an office building (Appl#17-018).

Nancy Dougherty's credentials were presented and accepted by the Board. She gave a description of the proposed construction. She stated that they are combining an existing structure with a newly proposed structure. The space is proposed to be used as an office which is permitted above the 1st floor. The ground floor will be used for parking purposes.

Entered as A-2: architectural rendering

Ms. Dougherty briefly described the elevations and the design elements.

Entered as A-3: ground floor site plan w/streetscape

Many Board members were not pleased with the aesthetic appearance of the building. They felt it was not in keeping with the surrounding commercial buildings or the building that was originally proposed to be built at the site.

Entered as A-4: Planning Board approved rendering

Several members felt the plan approved by the Planning Board had an appearance that was more appealing and blended nicely with the existing neighborhood buildings. Members felt the building being proposed was very industrial in appearance. In addition, questions were raised about dangers posed to pedestrians and automobiles on Essex Street by cars which would

enter and depart the proposed enclosed parking area on the first floor of the proposed building and the adequacy of visibility for the drivers of cars departing that area.

The matter was carried to July 15, 2019 with no further notice required.

CAL#3691-19, FRANK LANDI, 1 NOTTINGHAM ROAD, SHORT HILLS

Timothy Klesse, Architect, and Frank Landi appeared and were sworn. Timothy Klesse's credentials were presented and accepted by the Board. The applicant proposes to construct a second garage bay on the property. Proposal is in violation of:

606.2e1d – Front yard setback

Timothy Klesse gave a brief description of the existing conditions on the lot. The property is located in the R-5 zone which has a minimum lot size of 14,500 SF. The property is undersized at 9,278 SF. The property has 3 front yards which make any additions to the dwelling almost impossible without the need for variance relief. The applicant proposes to add a 2nd garage bay as well as add a 2nd floor to the western portion of the existing dwelling. The addition has been designed so as to have minimal impact on surrounding properties and to be in scale and size with other dwellings in the surrounding neighborhood.

Lynne Ranieri, 94 Oakview Terrace, member of Board of Directors of Millburn-Short Hills Historical Society, provided historical information about the property. She stated that the property is not in one of the Township's historical districts but it is almost 100 years old. The dwelling was designed and built by American architect Bernhardt Mueller in the 1920's. It is an English Tudor-style with a roof constructed of Vermont slate.

Board members were satisfied that the unusual shape of the lot as well as the 3 front yards make any addition to the dwelling impossible without the need for variance relief.

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

Mary McNett – yes
Craig Ploetner – yes
Joy Siegel – yes
Wolfgang Tsoutsouris – yes
Kevin Wenzel – yes
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3691-19, Frank Landi, 1 Nottingham Road, Millburn, was **APPROVED**.

CAL#3692-19, PERFORMERS THEATRE WORKSHOP, INC, 131 MILLBURN AVENUE, MILLBURN

Anthony Cerciello, Attorney for the applicant, stated his appearance. The applicant, Performers Theatre Workshop, Inc., is seeking site plan approval, use, parking and loading variance relief as well as a waiver from the requirement to submit an Environmental Impact Statement. The applicant proposes to convert one of the three residential apartment on the 2nd floor into an office for the proposed workshop and maintain the other two apartments for residential use. The applicant also proposes to operate a performing arts studio and school on the ground and lower levels.

John Buchholz, Architect, appeared and was sworn. His credentials were presented and accepted by the Board. He gave a brief description of the proposed renovations to the site. He spoke to sheet A-1 of the submitted plans. The subject property is located in the R-O zone and was formerly used for medical offices on the ground and lower levels and residential units on the second and third floors. The applicant is proposing to convert one of the second floor apartments into office space.

John Buchholz spoke to the professional reports and indicated that the applicant will comply with all recommendations made by the Fire Marshal with regard to the submittal of AutoCAD drawings of the site.

Dean and Elizabeth Kravitz, owners of Performers Theatre Workshop, appeared and were sworn. They spoke briefly about their proposed operation. They are currently located in Maplewood and are hoping to relocate their business to this site on Millburn Avenue. They offer private classes as well as group classes. Mr. Kravitz gave a short summary of the staff members and their performing and educational credentials. He indicated that the anticipated hours of operation will be Monday through Friday from 2:45 PM – 8:45 PM and Saturday from 10:45 AM – 12:45 PM. The school operates on a ten-week fall and spring schedule and serves approximately 150-200 students. In addition to Dean and Elizabeth Kravitz, the staff will consist of 7 instructors. The average number of people on-site at any one time would be six teachers and 2-8 students. The most people on-site at any one time would typically occur on Monday evenings, when there would be 6 teachers and 16 students.

Richard Keller, P. E., P. P., appeared and was sworn. His credentials were presented and accepted by the Board.

Entered as A-1: photoboard of 4 photos

Mr. Keller spoke to the variances required. He indicated that the applicant is seeking a variance from the parking and loading space requirement. The previous use of the building as a doctor's office and 3 residential apartments, required 22 parking spaces. The required parking for the proposed performing arts studio and 2 residential apartments is also 22 spaces, 9 spaces more than the 13 spaces that are on-site. In addition, there is no loading space proposed. Mr. Keller opined that the 13 spaces on-site will adequately accommodate the proposed use. Mr.

Keller also spoke to the use variance required for the proposed performing arts studio. He stated that the subject property is particularly suited for the proposed use as it promotes the general welfare and promotes a commercial and educational use to meet the needs of the community. Mr. Keller stated that the R-O zone was created at a time when it was popular for medical practitioners to have their practice and residence in the same building. That scenario is no longer viable for today's medical professionals.

Public comments in support of the application were received by Jeffrey Braverman, 242 Hartshorn Drive, Short Hills; Zeynap Allyn, 7 Robbins Lane, Short Hills; Rachel Braverman, 242 Hartshorn Drive, Short Hills; Sheri Friedman, 162 Hartshorn Drive, Short Hills; Thomas McCauley, 112 South Kingman Road, South Orange; Wendy Lee, 115 Fairfield Drive, Short Hills.

Board members were supportive of the application and felt the use proposed would be a benefit to the Township.

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
Joy Siegel – yes
Wolfgang Tsoutsouris – yes
Kevin Wenzel – yes
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3692-19, Performers Theatre Workshop, Inc. 131 Millburn Avenue, “d” use variance was **APPROVED**.

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

Mary McNett – yes
Craig Ploetner – yes
Joy Siegel – yes
Wolfgang Tsoutsouris – yes
Kevin Wenzel – yes
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3692-19, Performers Theatre Workshop, Inc. 131 Millburn Avenue, parking/loading space variance and site plan 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 Joy Siegel, seconded by Wolfgang Tsoutsouris, and carried with a unanimous voice vote. (11:00 PM)

Eileen Davitt
Board Secretary

Motion: MM
Second: JSi
Date Adopted: 7/15/19