

Township of Millburn
Minutes of the Zoning Board of Adjustment
July 20, 2020

A regular meeting of the Township of Millburn Zoning Board of Adjustment was held on **Monday, July 20, 2020** at 7:00 PM via Zoom webinar.

Board Secretary, Eileen Davitt 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
Jyoti Sharma
Joy Siegel
Steve Togher
Wolfgang Tsoutsouris
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 15, 2020, as corrected, was made by Joy Siegel, seconded by Steve Togher, and carried with a unanimous voice vote.

BUSINESS

A motion to retain the services of Lee Klein as a traffic consultant for the matter of Cal#3751-20, Springfield 92 Millburn Avenue Urban Renewal, LLC was made by Craig Ploetner, seconded by Joy Siegel, and carried with a unanimous voice vote.

APPLICATIONS

CAL#3751-20, SPRINGFIELD 92 MILLBURN AVENUE URBAN RENEWAL, LLC, 92 MILLBURN AVENUE, SHORT HILLS, NJ 07078

The application was carried to August 17, 2020.

CAL#3743-20, CHRISTOPHER/MARGARET CRAIG, 15 RIPPLING BROOK DRIVE, SHORT HILLS—continued from 6/15/20

Tom Conway, Architect, and Christopher & Margaret Craig appeared and remain sworn. Mr. Conway indicated that the applicants revised their plans based on Board and neighbor comments. They eliminated the 2nd floor double windows and balcony. They are now proposing a 1-story addition to the rear of the existing attached garage. The revision to the plans eliminate the need for building coverage variance relief. The applicant still requires 2nd story side yard setback and combined side yard setback variance relief.

Julia Chen & Tom Iben, adjoining property owners, stated that they were pleased with the applicants' revisions.

With a motion made by Jessica Glatt, a second by Jyoti Sharma, and a roll-call vote as follows:

Craig Ploetner – yes
Jyoti Sharma – yes
Joy Siegel – yes
Steve Togher – yes
Wolfgang Tsoutsouris – yes
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3743-20, Christopher & Margaret Craig, 15 Rippling Brook Drive, was **APPROVED** with the condition that 2 evergreens, 12 feet above the root ball at the time of planting, be planted on the easterly side adjacent to the proposed addition and be maintained in perpetuity.

CAL#3748-20, CHARLES MORSEL, 266 MILLBURN AVENUE, MILLBURN, NJ 07041

Christine Miseo, Architect, and Charles Morsel appeared and were sworn. The applicant is proposing to construct an addition and install a patio and fence. Proposal is in violation of:

606.11c – Patio not a permitted accessory structure
606.11d1 – Front yard setback
609.5 – Accessory structure front setback on a corner lot
609.6a – Front yard fences are prohibited

Ms. Miseo gave a description of the applicant's proposal. The property is a corner lot located in the RO zone district with a single-family dwelling on it. The applicant would like to install a patio, fence and front portico.

Variance relief is required to permit the patio, which is not a permitted accessory structure in the RO zone. In addition, the patio does not meet the required 80 foot setback from the front lot lines. Front yard setback variance relief is required in order to permit the

construction of a 5 foot deep front portico in the Parkview Drive front yard area. Finally, the applicant is seeking variance relief to permit the installation of a 5 foot vinyl board-on-board fence in the Millburn Avenue and Parkview Drive front yards.

The proposed patio is 14 feet by 26 feet and is replacing the previous 17 foot by 26 foot patio. The proposed patio will be 28.1 feet from the Millburn Avenue front lot line and 43 feet from the Parkview Drive front lot line, where 69.8 feet is required (based on twice the average front yard setback of 34.9 feet).

The Board felt the portico and patio were modest and supported the applicant's request for variance relief. However, there was significant concern with regard to the applicant's request for a 5 foot tall vinyl fence in the front yard. Several Board members felt this was a very visible corner and the fence would be unsightly. Several members felt the applicant could reduce the fence to a 4 foot height, which would be permitted by ordinance on the Millburn Avenue side of the property.

The applicant indicated that he would agree to a 4 foot fence along Millburn Avenue with appropriate landscaping to provide screening but would like to retain the board on board cedar fence along Parkview Drive.

The Board opted to vote first on the applicant's patio and portico variance requests.

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

- Mary McNett – yes
- Craig Ploetner – yes
- Jyoti Sharma – yes
- Joy Siegel – no
- Steve Togher – yes
- Jessica Glatt – yes
- Joseph Steinberg – yes

A motion to approve a 4 foot board-on-board cedar style fence with appropriate landscaping was made by Jessica Glatt. Said motion failed for lack of a second.

A motion to deny the applicant's request for a 5 foot fence was made by Craig Ploetner, seconded by Steve Togher, and carried with the following roll-call vote:

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

Joseph Steinberg – yes

CAL#3750-20, MARC BERSON, 63 SAGAMORE ROAD, MILLBURN, NJ

Richard Keller, P. E., P. P., Robert Zampolin, Architect, and Marc Berson appeared and were sworn. The applicant would like to construct an addition to his dwelling. Proposal is in violation of:

606.2e2a – Building coverage

606.2e2b – Lot coverage

Robert Zampolin’s credentials were presented and accepted by the Board. He gave a brief description of the applicant’s proposal. The applicant proposes to construct a family room on the first floor, replacing an existing elevated patio. The family room would also serve as a connection between the existing living room and dining room. The addition would also accommodate an elevator shaft which will go from the basement area to the 2nd floor master bedroom.

Richard Keller’s credentials were presented and accepted by the Board.

Entered as A-1: 5 photographs of site

Entered as A-2: Attachment E (revised 7/20/20)

Mr. Keller stated that the property is an oversized lot in the R-4 zone. The rear of the property abuts the South Mountain Reservation. He spoke to the applicant’s request for variance relief and indicated that the building coverage and lot coverage are pre-existing non-conforming conditions that relate to an existing enclosed pool that was constructed in the 1950’s. In order to alleviate the extent of the proposed lot coverage deviation, the applicant is removing some existing patio area and stone walks and replacing it with lawn area.

Allen Rush and Joan Netsky, 73 Sagamore Road, appeared and were sworn. They stated that they were opposed to the applicant’s proposal. They felt this was an overwhelming addition to the dwelling. They stated that they are working from home at this time and are concerned with the noise associated with construction of this proposal. Mr. Keller indicated that the construction would conform to all Township ordinances in place with regard to hours of construction.

The Board was supportive of the proposal.

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#3750-20, Marc Berson, 63 Sagamore Road, was **APPROVED**.

CAL#3747-20, YAIR NAVEH, 5 CANOE BROOK ROAD, SHORT HILLS, NJ

Danial Dubinett, Architect, Katherine Fishkoff and Yair Naveh, appeared and were sworn. The applicants would like to construct an addition to their property. Proposal is in violation of:

606.2e3d – Front facing garages are prohibited
606.2e1e2b – 2nd story side yard setback
606.2e1f – Combined side yard setback
606.2e2a – Building coverage
606.2e2d – Floor area ratio

Entered as A-1: 22 slide photos of site/submitted plans/rendering

Danial Dubinett's credentials were presented and accepted by the Board. He gave a brief description of the proposed construction. He stated that the property is located in the R-4 zone district yet has size and dimension properties of the R-5 zone. The applicants are proposing to update the dwelling to a 4 bedroom-4-1/2 bathroom house. The applicants propose to enlarge the existing attached front facing garage. The proposed expansion will require variance relief from the prohibition of front facing garages in the R-4 zone. In addition, the applicants propose to expand the upper level and change the roof line. Variance relief is required for the 2nd floor side yard setback. The proposal also requires combined side yard setback, building coverage, and floor area ratio variance relief. The applicants are seeking a floor area ratio variance to permit 30% where 26% is permitted. The building coverage is pre-existing non-conforming at 18.4%. The proposal will increase the building coverage to 20.9%.

Mr. Dubinett stated that the proposed construction is not excessive or over-designed. This property is across the street from the R-5 zone and the lot is more indicative of an R-5 lot. The right side has dense screening and the existing bushes will soften the impact of the addition on the right side.

Several Board members were concerned with the floor area ratio variance request and asked if it could be eliminated. Mr. Dubinett stated that he could reduce the floor area ratio to be within R-5 standards but he could not eliminate it. There was also concern with the 2nd story setback variance request.

Other Board members felt the design was attractive and was not out of character for the neighborhood.

After consulting with the applicants, Mr. Dubinett stated that they are able to make revisions to the plans. The 2nd floor side yard setback was increased to 15.6 feet and the floor area ratio was decreased to 29.5%.

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

Craig Ploetner – yes
Jyoti Sharma – yes
Joy Siegel – yes
Steve Togher – yes
Wolfgang Tsoutsouris – yes
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3747-20, Yair Naveh, 5 Canoe Brook Road, was **APPROVED** with the condition that revised plans be submitted.

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 Steve Togher, and carried with a unanimous voice vote. (9:50 PM)

Eileen Davitt
Board Secretary

Motion: MM
Second: JG
Date Adopted: 8/17/20