

Township of Millburn
Minutes of the Zoning Board of Adjustment
March 2, 2020

A regular meeting of the Township of Millburn Zoning Board of Adjustment was held on **Monday, March 2, 2020** 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
Jyoti Sharma
Steve Togher
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 February 3, 2020 was made by Mary McNett, seconded by Kevin Wenzel, and carried with a unanimous voice vote.

MEMORIALIZATIONS

Cal#3735-19, Brian & Stephanie Abrahams, 15 Park Road, Short Hills

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

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

the following memorializing resolution was adopted:

Mr. Chairman, I move the adoption of the following resolution memorializing the granting of variance relief requested by the Applicants to permit the construction of a one-story addition to the dwelling on property located at 15 Park Road, Short Hills, New Jersey, known and designated as Block 2406, Lot 17 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 February 3, 2020 on the application filed by Brian and Stephanie Abrahams to permit the construction of a one-story addition to the dwelling on property located at 15 Park Road, Short Hills, New Jersey, known and designated as Block 2406, Lot 17 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 located in the R-4 zone. The R-4 zone district requires a minimum 15 foot side yard setback. The Applicants' proposed addition would result in an 11.04 foot side yard setback. Therefore, variance relief is required.
3. The Board received and considered the following documents:
 - A. A plan prepared by Dubinett Architects, LLC, consisting of one sheet, V-1, dated September 30, 2019 and revised through January 13, 2020;
 - B. A survey of the property prepared by DMC Associates, Inc., dated March 13, 2014, marked up by the Applicants' Architect to depict the proposed addition;
 - C. A photograph of the subject property at its westerly side property line, which was admitted into evidence as A-1.
4. The following witnesses testified in support of the application: Applicant Brian Abrahams, and Danial Dubinett, Registered Architect.
5. The Applicants wish to construct an addition on the dwelling, which would provide an expanded dining room and family room. The dwelling is a split-level home, which

limits the placement of an addition that would expand the existing communal living spaces. The proposed addition would align with the kitchen and living room and extend the westerly façade of the dwelling an additional 26.5 feet farther to the rear. However, the home has a pre-existing nonconforming westerly side yard setback, which ranges from 11.97 feet at the front of the dwelling to 11.5 feet at the rear. In addition, the dwelling is slightly skewed on the property. As a result, the proposed addition would result in an 11.04 foot side yard setback at the northwestern-most corner. Although the Applicants could offset the proposed addition from the existing dwelling in order to provide a conforming 15 foot side yard setback, such a placement would impact the internal circulation of the home, and the home with the proposed addition would extend even deeper into the rear yard. The proposed addition would be concealed from view from the street because it is located behind the existing dwelling. There would be no negative impact on the adjacent neighbor, as the neighbor's dwelling fronts onto Old Short Hills Road. The neighbor's detached garage is the structure closest to the proposed addition and it is approximately 40 feet away. Furthermore, mature landscaping and a six foot fence separates the two properties.

6. The Board is satisfied that the variance requested is appropriate and satisfies the criteria for the granting of variance relief. The Board finds that the skewed placement of the existing home on the property and its pre-existing nonconforming side yard setback are exceptional circumstances that result in undue hardship and practical difficulties to the Applicants. The Board is also satisfied that the home with the proposed addition will continue to be hidden from view from the street by the existing dwelling. It will be buffered from the westerly neighbor's view by mature landscaping and an existing six foot fence. Therefore, the proposed side yard setback will not have any negative impact on the neighboring property. The Board finds and concludes, therefore, 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 March, 2020 that variance relief granted by this Board on February 3, 2020 to permit the construction of a one-story addition to the dwelling resulting in an 11.04 foot side yard setback, 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 of the witnesses at the hearing and the plans prepared by Dubinett Architects, LLC, consisting of one sheet, V-1, dated September 30, 2019 and revised through January 13, 2020.

2. This approval is contingent upon the Applicants maintaining in perpetuity a solid fence, six foot in height, on the westerly property line to buffer the view of the addition from the neighboring property. Prior to the issuance of a Certificate of Occupancy/Approval, the Applicants shall record a copy of this Resolution as a deed restriction in the Essex County Register's Office and provide the Board Secretary with a conformed copy of the document which bears the recording information.

3. 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.

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 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.

6. The Applicants shall comply with all other rules, regulations and requirements affecting development in the Township, County and State.

CLERK'S CERTIFICATION

I, Eileen Davitt, Clerk of the Board of Adjustment of the Township of Millburn, County of Essex, State of New Jersey, do hereby certify that the foregoing is a true and exact copy of a resolution adopted at the meeting of the Board of Adjustment of the Township of Millburn held on the 2nd day of March, 2020.

Cal#3736-19, Jane Wolk, 96 Mountain Avenue, Millburn

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

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

the following memorializing resolution was adopted:

**JANE WOLK
BLOCK 106, LOT 20**

**CALENDAR NO. 3736-19
MARCH 2, 2020**

Mister Chairman, I move the adoption of the following resolution memorializing the granting of variance relief requested by the Applicant, Jane Wolk, to permit the construction of a deck on property located at 96 Mountain Avenue, Millburn, New Jersey known and designated as Lot 20, Block 106 on the tax map of the Township of Millburn.

RESOLUTION

WHEREAS, the Millburn Township Zoning Board of Adjustment (the “Board”) has held a public hearing according to law on February 3, 2020 in Calendar No. 3736-19 filed by Jane Wolk (the “Applicant”) for permission to construct a deck on property located at 96 Mountain Avenue, 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 Applicant appeared without counsel. Richard Keller, of 96 Sagamore Road, appeared and testified as an interested party in favor of the application.

2. The subject property is located in the R-4 zone, which requires an 80 foot accessory structure front setback on a corner lot. In this case, the proposed deck would result in a 67.5 foot accessory structure setback from Mountain Avenue and a 65 foot accessory structure setback from Sagamore Road. Therefore, the Applicant requires variance relief to permit the construction of the proposed deck.

3. The following documents were submitted in support of the application:

A. Plans prepared by AHM Architects, LLC, consisting of three sheets, A-1 through A-3, dated November 11, 2019 with Sheet A-1 revised through December 16, 2019;

B. A survey of the property prepared by James P. Deady Surveyor, LLC, dated October 3, 2019, and a copy of the survey, marked up by the Applicant’s Architect to depict the proposed patio and a proposed addition to the dwelling which does not require variance relief;

C. Plans prepared by AHM Architects, LLC plans, consisting of three sheets, A-1 through A-3 dated November 11, 2019 with Sheets A-1 and A-3 revised through February 3, 2020, which were admitted into evidence as A-1;

D. A photo board with nine photographs of the subject property and surrounding neighborhood, which was admitted into evidence as A-2.

4. The Applicant, Jane Wolk, and Douglas Miller, Registered Architect, testified in support of the application.

5. The subject property is a corner lot located at the intersection of Mountain Avenue and Sagamore Road. The Applicant wishes to construct a deck off the rear of the dwelling in order to provide direct access from the dwelling to the area behind the home, which serves as her backyard. Presently, the Applicant’s only means of accessing the backyard is

through the basement storage area, or by exiting through the front or side doors of the home. The proposed deck, as well as the conforming screened porch, would be constructed at the rear of the first floor living space of the home. The screened porch would provide a connection between the proposed deck and the existing family room and kitchen. The deck would also have stairs leading to the Applicant's backyard, which would serve as an additional means of emergency egress from the home.

6. The subject property is an undersized lot with a lot area of 12,000 square feet, whereas the R-4 zone requires a minimum 20,000 square foot lot area. In addition, the dimensions of the property are 100 feet by 120 feet and the dwelling has existing nonconforming front yard setbacks of 35.29 feet from Sagamore Road and 32.34 feet from Mountain Avenue. The deck would require accessory structure corner lot setback variance relief because there is no place on the property where it would be possible to construct a deck attached to the house with a conforming accessory corner lot setback. With the exception of the exterior staircase, the majority of the proposed deck will be buffered from view from Sagamore Road by the existing dwelling. The proposed deck will also be buffered from view from Mountain Avenue by the proposed one-story screened porch addition to the dwelling, which has been integrated into the existing architectural style of the home, but stepped back substantially farther from Sagamore Road than the existing dwelling with its nonconforming front yard setbacks. This increased setback breaks down the massing of the dwelling with the screened porch addition and deck, both which serve to improve the functionality of the home, given the sloping topography of the lot and limited access to the backyard from the interior of the home. Although the one-story addition conforms to the zone requirements and does not require variance relief, the Applicant's revised plans include the installation of lattice below the proposed one-story screened porch addition, as well as a row of evergreens along the northerly façade of the addition. The lattice and landscaping will further serve to break down the massing of the addition on the view from Mountain Avenue.

7. Richard Keller, 96 Sagamore Road, testified that he lives directly across the street from the subject property. He testified that the 80 foot accessory corner lot setback cannot generally be satisfied in this neighborhood given the size and configuration of the lots. Mr. Keller testified that the location of the deck on this property is appropriate and a vast improvement to the dwelling. He also testified in favor of the lattice below the one-story addition and the evergreen screening, which would further reduce any appearance of massing of the northerly façade of the dwelling on the view from Mountain Avenue.

8. The Board concludes that variance relief requested by the Applicant may be granted to permit the construction of the proposed deck. The Board is satisfied that the need for variance relief is the result of the corner lot status of the property, the placement of the dwelling with its pre-existing nonconforming front yard setbacks and the undersized lot area and dimensions of the property, which preclude the placement of a functional deck on the home with a conforming accessory corner lot setback. The Board finds these conditions are exceptional circumstances that result in undue hardship and practical difficulties to the Applicant. The proposed deck will generally be concealed from view from Sagamore Road by the existing dwelling. The proposed deck will be buffered from view from Mountain Avenue by the

proposed one-story screened porch addition to the dwelling. Moreover, the proposed deck will maintain conforming accessory side yard setbacks from the two adjoining properties. As a result, the Board is satisfied that the proposed deck will not result in any negative impact on the nearest neighbors or the streetscape. The Board is also satisfied that the home with the proposed deck will be in keeping with the other homes in the neighborhood. Therefore, the Board also concludes that variance relief can be granted without substantial detriment to the zone plan, zoning ordinance or the public good.

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of March, 2020 that variance relief granted by this Board on February 3, 2020 to permit the construction of a deck with a 67.5 foot accessory structure setback from Mountain Avenue and a 65 foot accessory structure setback from Sagamore Road 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 plan prepared by AHM Architects, LLC, plans consisting of three sheets, A-1 through A-3 dated November 11, 2019 with Sheets A-1 and A-3 revised through February 3, 2020.
2. This approval is contingent upon the Applicant installing a minimum of five evergreens at a height of six feet above the root ball at the time of planting to buffer the view of the addition from Mountain Avenue and to maintain the landscape screening in perpetuity, which includes the replacement of any dead, diseased or dying evergreens. Prior to the issuance of a Certificate of Occupancy/Approval, the Applicant shall record a copy of this Resolution as a deed restriction in the Essex County Register's Office and provide the Board Secretary with a conformed copy of the document which bears the recording information.
3. The Applicant 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.
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 hearings, if any, 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. 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.
6. 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 March, 2020.

APPLICATIONS

CAL#3731-19, JUSTIN & ALISON BREEN, 8 WORDSWORTH ROAD, SHORT HILLS

Justin and Alison Breen and Jeff Egarian, P. E., appeared and was sworn. The applicants would like to install a pool on the property. Proposal is in violation of:

- 606.2e2b – Lot coverage
- 606.2e3a – Accessory structure side yard setback
- 609.1c – Maximum accessory coverage

Jeff Egarian, P. E., presented his credentials which were accepted by the Board. He gave a brief description of the applicants’ proposal. The property is located in the R-5 zone. The existing lot coverage is 35.2% and the applicants are proposing coverage of 43.1%. Accessory coverage of 25.6% is proposed where the ordinance allows 20%. Finally, accessory structure setback variance relief is required to permit a setback of 2 feet where 12 feet is required.

Mary McNett was concerned with the pergola being so close to the property line. She questioned whether it could be re-located. Mr. Egarian indicated that the pergola could be re-located to the other side of the pool, thereby eliminating the need for accessory structure setback variance relief.

Entered as A-1: revised plan showing an alternate plan

Mr. Egarian stated that the shed that is shown on the plan is being eliminated from the proposal. In addition, the applicants have agreed to the removal of the proposed patio area under the pergola.

The revisions result in a request for lot coverage variance relief of 41.5% where 43.1% was originally being requested. Accessory coverage variance relief is reduced from the originally requested 25.6% to 23.4%. Finally, the need for accessory structure side yard setback variance relief has been eliminated.

Overall, Board members were pleased with the applicants’ revisions.

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
Steve Togher – no
Wolfgang Tsoutsouris – yes
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3731-19, Justin & Alison Breen, 8 Wordsworth Terrace, Short Hills, was **APPROVED**.

CAL#3734-19, SUDESHNA & VIVEK KAPOOR, 51-53 ELMWOOD PLACE, SHORT HILLS

*Wolfgang Tsoutsouris recused and left the meeting room.

Sudeshna & Vivek Kapoor, Timothy Klesse, Architect, and Golda Speyer, P. P. appeared and were sworn. The applicants have purchased the property to the right of their current property and would like to construct an addition to their dwelling. Proposal is in violation of:

606.2e1d – Front yard setback

Timothy Klesse’s credentials were presented and accepted by the Board. He gave a brief description of the applicants’ proposal. He stated that the applicants have purchased the adjoining lot and would like to demolish the existing house on the adjoining property and construct an addition to their existing dwelling. The applicants’ original application requested variance relief for an in-ground pool, as well. However, the applicants have modified their plan and the pool and pool equipment locations are now compliant.

Entered as A-1: sheet BOA-1 marked up to show proposed addition

Golda Speyer’s credentials were presented and accepted by the Board.

Entered as A-2: aerial photos w/site plan

Ms. Speyer stated that the property is located in the R-6 zone district, which has a minimum lot size of 6,000 SF. Each of the existing properties is undersized at 5500 SF. Both lots are also deficient in lot width and have several pre-existing non-conforming conditions. If merged, these non-conformities will be eliminated and the applicants will need only front yard setback variance relief in order to continue the existing front yard setback. The applicants could push the addition further back to meet the 40 foot requirement. However, it would not be an aesthetically appealing addition.

The Board was divided as to their opinions of the applicants' proposal. Some members felt that the only matter before the Board was a front yard setback variance. Other members felt that merging the lots and constructing an addition created a dwelling that is out of scale and character to the neighborhood.

Ann Russotto, 82 Wellington Avenue, asked if there will be excavation for a basement. Tim Klesse answered in the affirmative.

James Russotto, 82 Wellington Avenue, asked if there has been any thought given to a fence around the proposed pool. Tim Klesse stated that the pool does not require any variance relief. He added that it will have a 4 foot fence surrounding it as per the code requirement.

Ann Russotto, 82 Wellington Avenue, appeared and was sworn. She stated that she is concerned with potential drainage issues associated with the proposed addition and pool. She added that the proposed construction will be out of scale with the area. She feels the Board is setting a dangerous precedent in allowing the applicant to combine these lots.

Susan Edmond, 43 Elmwood Place, appeared and was sworn. She agreed with Ms. Russotto and feels this is a dangerous precedent to set. She is concerned with the negative impact that this large lot will have on the streetscape.

Carol D'Alessio, 55 Elmwood Place, appeared and was sworn. She stated that she is pleased with the Kapoor's proposal. She stated that the Kapoors are an integral part of the neighborhood and she is pleased with the construction they are proposing.

Frank D'Alessio, 55 Elmwood Place, appeared and was sworn. He stated that the Kapoors are committed to this neighborhood and they are looking to provide a bigger home to accommodate their family. He does not feel the proposal is a detriment to the neighborhood. He feels the proposal improves the look of the dwelling and keeps a Glenwood family in Glenwood.

Paul Hansen, 48 Elmwood Place, appeared and was sworn. He stated that he is supportive of the application. He is impressed with the applicants' desire to keep the proposed setback in line with the existing setback.

David Ehrenfried, 87 Wellington Place, appeared and was sworn. He stated that this is a difficult situation. He is sympathetic with the applicants' desire to add to their dwelling. However, he feels this will harm the properties in the immediate vicinity. He is concerned that other owners will buy adjacent properties and expand them considerably. He does not feel this is a positive change.

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

Mary McNett – yes
Craig Ploetner – yes

Jyoti Sharma – yes
Steve Togher – no
Kevin Wenzel – yes
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3734-19, Sudeshna & Vivek Kapoor, 51-53 Elmwood Place, was **APPROVED** with the condition that a deed of merger be submitted prior to the issuance of a C/O.

*Wolfgang Tsoutsouris returned to the meeting room.

CAL#3737-19, GUISEPPE/ANTONINA MARTINO, 264 MAIN STREET, MILLBURN

Antonina Martino, Timothy Klesse, Architect and Richard Keller, P. P., appeared and were sworn. The applicants would like to construct an addition to the existing dwelling. Proposal is in violation of:

606.9b – Not a permitted use
606.9e5 – Side yard setback

Entered as A-1: aerial photo
Entered as A-2: photoboard #1
Entered as A-3: revised zoning calculations 3/2/20

Richard Keller’s credentials were presented and accepted by the Board. He gave a brief description of the applicants’ proposal. He stated that the property is located on the east side of Main Street, between E. Willow Street and Bleeker Street, in the CMO zone district which does not permit residential dwellings. The existing use of the property as a 2-family residential dwelling is not a permitted use in the zone. As a result, the proposed expansion of this dwelling requires “d” variance relief. The proposal also requires side yard setback variance relief to permit a side yard setback of 2.7 feet where 12 feet is required. The side yard setback currently exists at 2.7 feet.

Entered as A-4: sheet BOA-2 (marked up)

The construction proposed is a 1-story rear addition to the left side of the dwelling in order to allow for the addition of a bathroom.

There was some concern by Board members that the existing hedgerow along the left-side property line would be negatively impacted by the proposed construction. Mr. Keller stated that it is the applicants’ plan to temporarily remove, root ball and burlap the hedgerow plants and replant them in the same location after the completion of the construction.

Salvator Demonget, 270 Main Street, asked if there is any intention to add a 2nd story to the proposal. Richard Keller stated that the applicant is seeking approval for a 1-story addition.

The addition of a 2nd story would require additional variance relief and would necessitate a new application before the Zoning Board.

Joe Scicchitano, 270 Main Street, asked if there is a basement proposed with this addition. Richard Keller indicated that there is no basement proposed. Mr. Scicchitano asked if there is a drainage plan in place as part of the proposal. Richard Keller stated that the proposed construction will require that a grading plan showing a drywell for the increased impervious surface be approved by the Township Engineer.

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
Steve Togher – yes
Wolfgang Tsoutsouris – yes
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3737-19, Guiseppe & Antonina Martino, 264 Main Street, was **APPROVED**, with the condition that the existing hedgerow along the left side property line be preserved or replaced.

*Kevin Wenzel recused and left the meeting.

CAL#3741-20, DANIEL MAYO, 17 THACKERAY DRIVE, SHORT HILLS

Daniel Mayo and Danial Dubinett, Architect, appeared and were sworn. The applicant would like to construct an addition and install a patio. Proposal is in violation of:

606.2e1d – Front yard setback
606.2e2a – Building coverage
609.5 – Accessory structure front setback on a corner lot

Entered as A-1: marked up survey

Danial Dubinett's credentials were presented and accepted by the Board. He gave a brief description of the applicant's proposal. He stated that the property is a corner lot at the intersection of Thackeray Drive and Wordsworth Road. The proposed construction of a front porch will violate the front yard setback requirement or 40 feet. The porch will have a setback of 36.01 feet.

Entered as A-2: grouping of 2 photos

The proposed construction also requires variance relief to permit 18.4% building coverage where 18% is the maximum permitted. Finally, the proposed patio will be set back 47.4 feet from the Wordsworth Road front lot line where 80 feet is required. Mr. Dubinett stated that the configuration of the property as well as the orientation of the house on the lot creates a hardship which results in the need for front yard setback variance relief for a small triangular portion of the proposed front porch.

Overall, Board members were in favor of the proposal.

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

Mary McNett – yes
Craig Ploetner – yes
Jyoti Sharma – yes
Steve Togher – yes
Wolfgang Tsoutsouris – yes
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3741-20, Daniel Mayo, 17 Thackeray Drive, was **APPROVED** with the condition that trees, 6 feet above the root ball, be installed as shown on the submitted plan.

CAL#3740-20, SUDHARAMI BODEPUDI/KIRAN KATHULA, 87 GREAT HILLS ROAD, SHORT HILLS

Sudharami Bodepudi and Timothy Klesse, Architect, appeared and were sworn. The applicants would like to construct a new dwelling on the property. Proposal is in violation of:

606.2e1d – Front yard setback
606.2e3d – Front facing garage is prohibited
607.3d – Front yard coverage
609.5 – Accessory structure front setback on a corner lot

Timothy Klesse's credentials were presented and accepted by the Board. He gave a brief description of the applicants' proposal. He stated that the property is a corner lot at the intersection of Great Hills Road and Farbrook Drive. It is in the R-4 zone which has a minimum lot size of 20,000 SF. The existing lot area is 20,287 SF.

The applicants are proposing to demolish the currently existing structure on the property and construct a new dwelling. Tim Klesse spoke to the variance relief being requested.

Entered as A-1: photoboard of 9 photos

Mr. Klesse stated that the property is a 20,287 SF lot located in the R-4 zone district, which does not permit garages facing the street. The proposal is to construct the dwelling with a 2-car garage facing Great Hills Road. The existing dwelling has front facing garages that face Farbrook Drive. The applicant considered a side facing garage. However, there are 2 storm water/sewer easements in that area which rendered that option almost impossible. He stated that the change in elevation from the street to the proposed garages, along with the proposed retaining walls, will make the garage doors barely visible from the street. In addition, the area between the retaining walls will have shrubbery planted to further buffer the garage doors.

The proposed patio is required to be 80 feet from the front lot line. The applicants are proposing a 58 foot front setback. However, the patio will meet the required 12 foot side yard setback.

Finally, the applicants are proposing a 40 foot front yard setback on Farbrook Drive, which does not meet the average established setback of 57.02 feet.

The Board discussed the merits of the application. Several members were concerned with the front facing garages on new construction as well as the front yard coverage variance being requested.

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

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

Cal#3740-20, Sudharami Bodepudi/Kiran Kathula, 87 Great Hills Road, was **APPROVED**, with the condition that the conifers depicted on the plan be installed and maintained in perpetuity, and that a copy of the memorializing resolution be filed as a deed restriction in the office of the Essex County Register prior to the issuance of a CO.

BUSINESS

There were no members of the public who wished to speak on non-agenda items.

ADJOURNMENT

A motion to adjourn was made by Mary McNett, seconded by Craig Ploetner, and carried with a unanimous voice vote. (10:35 PM)

Eileen Davitt
Board Secretary

Motion: MM
Second: JG
Date Adopted: 6/1/20