

Township of Millburn
Minutes of the Zoning Board of Adjustment
June 15, 2020

A regular meeting of the Township of Millburn Zoning Board of Adjustment was held on **Monday, June 15, 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 – arrived 8:55 PM
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 June 1, 2020 was made by Craig Ploetner, seconded by Jyoti Sharma, and carried with a unanimous voice vote.

BUSINESS

The Board discussed the Annual Report and recommended that the Board Secretary forward the report to the Township Committee and Planning Board.

APPLICATIONS

CAL#3745-20, JUMANA & BRENDAN CULLIGAN, 10 FOREST DRIVE NORTH, SHORT HILLS

Richard Keller, P. E., Jumana & Brendan Culligan, appeared and were sworn. The applicant proposes to construct an addition and expand a terrace area. Proposal is in violation of:

- 606.2e1d – Front yard setback
- 609.1c –Maximum accessory coverage
- 609.5 – Accessory structure setback on a corner lot

Jumana Culligan gave a brief description of their proposal. She indicated that the proposed renovation will allow for a much needed addition and upgrade to their mudroom and kitchen area.

Richard Keller’s credentials were presented and accepted by the Board. He gave a brief description of the applicants’ proposal.

- Entered as A-1: cover sheet & 7 site/neighborhood photos
- Entered as A-2: colorized version of existing conditions
- Entered as A-3: colorized version of proposed conditions

Richard Keller spoke to the variance relief being requested. He spoke to sheet A-1 of the architectural plans to show the expansion of the kitchen and mudroom area. He stated that the applicants would like to expand their mudroom, which is located between the kitchen and garage portions of the existing home. In order to accommodate this proposed expansion, a small portion of the covered portico will be enclosed. The new mudroom will be no closer to the street than the kitchen and garage portions of the dwelling. However, it will be less than 40 feet from the front lot line, which triggers the need for front yard setback variance relief.

The applicants also propose to modify the existing terrace area to provide a more usable terrace as well as improve the connection to the existing pool. The expanded terrace area results in the need for accessory coverage variance relief to permit 10.37% where 7% is the maximum allowed. The expanded terrace will also be 60.67 feet from the front lot line at its closest point where 80 feet is required.

Richard Keller stated that the property is located in the Short Hills Historic District and the applicant received approval from the Commission on November 7, 2019.

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
- Jyoti Sharma – yes
- Joy Siegel – yes
- Wolfgang Tsoutsouris – yes
- Jessica Glatt – yes
- Joseph Steinberg – yes

Cal#3745-20, Jumana & Brendan Culligan, 10 Forest Drive North, was **APPROVED**.

CAL#3739-19, VIKAS SHETTY, 80 HILLSIDE AVENUE, SHORT HILLS – cont'd from 2/3/20

Tim Klesse, Architect, Vikas & Shridevi Shetty, appeared and were sworn. The applicants would like to maintain a swing set in its current non-conforming location and install a front yard fence. Proposal is in violation of:

- 609.5 – Accessory structure front setback on a corner lot
- 609.6 – Front yard fences are prohibited

Mr. Shetty briefly described their proposal. He indicated that he installed a swing set on his property without obtaining the proper permits. He stated that he realized after installation that a permit was required and that the swings were in violation of the Township Ordinance because they were located in the front yard area of his corner property. He is seeking variance relief to allow the swings to remain in their current location and he is also seeking variance relief to allow the installation of a front yard fence.

Tim Klesse's credentials were presented and accepted by the Board. He stated that there is no conforming spot on the property to put the swings. The swings are 10 feet off the Hobart Avenue front lot line. The applicants indicated that they would agree to paint the swings a dark brown color in order to help screen them from view. In addition, they indicated that they would remove the swings when their youngest child turns 14.

Tim Klesse provided a landscape plan to be installed on the exterior of the proposed fence along the Hillside Avenue side of the property. In addition, the applicants agreed to install supplemental landscaping on the interior of the fence along Hobart Avenue.

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

- Mary McNett – no
- Wolfgang Tsoutsouris – yes
- Kevin Wenzel – yes
- Jessica Glatt – yes
- Joseph Steinberg – yes

Cal#3739-19, Vikas Shetty, 80 Hillside Avenue, was **APPROVED** with the following conditions: 1) the existing trampoline shall be relocated to the fenced-in area; 2) the swing set shall be painted dark brown; 3) the applicant shall install and maintain in perpetuity 22 8-foot conifers on Hillside/Hobart fence line and 5 4-foot conifers on the driveway side under the existing plantings; 4) the swings shall be removed by June 15, 2030 or upon the sale of the property, whichever comes first; 5) a deed restriction and copy of the memorializing resolution shall be recorded with the Essex County Register.

CAL#3743-20, CHRISTOPHER & MARGARET CRAIG, 15 RIPPLING BROOK DRIVE, SHORT HILLS

Thomas Conway, Architect, and Christopher & Margaret Craig, appeared and were sworn. Thomas Conway's credentials were presented and accepted by the Board. The applicants would like to construct an addition. Proposal is in violation of:

- 606.2e1e2b – 2nd floor side yard setback
- 606.21f – combined side yard setback
- 606.2e2a – building coverage

Thomas Conway indicated that the applicants have removed an existing shed, thereby bringing the building coverage into compliance. As such, the request for building coverage variance relief is no longer being sought.

The applicants are proposing an extension to the rear of the existing attached garage. They are also proposing a 2nd floor addition over the existing garage area. The proposal results in a side yard setback of 15.83 feet on the right side and 9.74 feet on the left side where a 22 foot 2nd floor side yard setback is required. In addition, variance relief for a combined side yard setback is required to permit 25.6% where 35% is required.

Mr. Conway stated that a recent commercial development behind the applicant has made it undesirable to expand the house with a rear addition. They opted to add above the existing dwelling instead.

Gail Fraser asked for clarification as to the side yard setback on the right side of the dwelling. Mr. Conway stated that the survey indicates a side yard setback of 15.83 feet. However, the property line is slightly skewed and the side yard setback at the rear point of the existing garage is 15.6 feet.

Dong Chen, 17 Rippling Brook Drive asked for the size of the double-hung windows proposed on the right side addition. Thomas Conway indicated that each window is 3 feet wide by 4 feet 6 inches high.

Michael Thomas Iben, 17 Rippling Brook Drive, appeared and was sworn. He stated that he is concerned with the impact the 2nd floor encroachment will have on his privacy. He stated that the double-hung windows and the rear balcony on the second floor cause him concern. The houses are only separated by a driveway and there is nowhere to plant any trees to screen the new 2nd floor.

*Steve Togher arrived at this time. (8:55 PM)

The Board discussed the application and had concerns with the right side setback variance relief being requested. Several members felt the applicants should talk to the neighbors

most affected by the addition in order to come up with some ways to mitigate any negative impacts.

The matter was carried to July 20, 2020 with no further notice required.

CAL#3744-20, WILBUR HENRY, 108 GLEN AVENUE, MILLBURN

Wilbur Henry appeared and was sworn. He would like to build a deck on his property. Proposal is in violation of:

606.2e3a – Accessory structure side setback

Mr. Henry indicated that he would like to construct a deck over an existing patio on site. The deck will have a 4.2 foot setback at the closest point where a 12 foot setback is required.

Overall, Board members felt it was a reasonable request.

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
Jyoti Sharma – yes
Joy Siegel – yes
Steve Togher – yes
Jessica Glatt – yes
Joseph Steinberg – yes

Cal#3744-20, Wilbur Henry, 108 Glen Avenue, was **APPROVED**.

CAL#3746-20, MICHAEL SELAN, 89 ELM STREET, MILLBURN

Michael Selan and Kevin Huffman, Contractor, appeared and were sworn. The applicant would like to construct a 2nd floor dormer on the right side of the dwelling. Proposal is in violation of:

606.2e1d – Front yard setback

Mr. Selan explained his proposal. The dormer will allow for the addition of 2 bedrooms and 1 bathroom on the 2nd floor. The dwelling has a pre-existing front yard setback of 37.95 feet. The 2nd floor dormer will maintain that setback.

Overall, Board members felt the addition was adding much-needed space and would be an improvement to the property.

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

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

Cal#3756-20, Michael Selan, 89 Elm Street, was **APPROVED**.

BUSINESS

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

ADJOURNMENT

A motion to adjourn was made by Craig Ploetner, seconded by Mary McNett, and carried with a unanimous voice vote. (9:50 PM)

Eileen Davitt
Board Secretary

Motion: JSi
Second: ST
Date Adopted: 7/20/20