

**Borough of Watchung
Board of Adjustment Meeting
April 10th, 2014**

Minutes

Chairman Cronheim called the meeting to order at 7:30pm. Salute to the flag. The Chair called for a roll call. Present at the call of the roll were:

Fechtner (X) Hunsinger (X) Dallas (X) Brown (X) Kita (X) Panzarella (A)
Bell (X) Clemens (X) Cronheim (X) Stires (X) McDonald(X)

Chairman Cronheim indicated there was a quorum to conduct business. The Chair stated that this meeting was being held in compliance with N.J.S.A. 10:4-6 of the open public meetings law and proper notification of this meeting has been made.

BA14-05 Borough of Watchung (Firehouse) 57 Mountain Blvd. Block 1604 Lot 7-Accessory Structure in front yard.

Mr. Herits, Borough Engineer was present and asked for an adjournment until the May 8th meeting. He is still exploring other sites for a generator. Request was granted.

BA11-015 Badin, 65 Glen Eagles Drive Block 401 Lot 2-any and all variances needed for impervious surface coverage of 29% where 25% allowed. Chairman Cronheim asked if there was any progress on this matter and whether or not the wall has moved. Mr. Stires said that they have submitted more documentation and that this could be carried until the May 8th meeting. Chairman Cronheim granted this request.

Continued application BA 13-08 Silagi, 121 Valley Road Block 4301 Lot 2-any and all variances needed to erect a shed with a side yard setback of 3 1/2 feet where 10' is required. Objectors (Price) and T.K. Shamy were present. Chairman Cronheim said that the applicant chose at the last meeting to carry this application to this meeting so that he could have a larger membership vote on this application. Mrs. Fechtner and Mr. Brown have listened to the tape from the February meeting and signed the eligibility to vote form. The Chair indicated that no easement was found on this property during a search of records. Mr. McDonald reminded the board of the history of this application, and the value of construction was discussed. The Chair indicated that in prior testimony that the applicant would reduce the height to 12'. Mr. McDonald explained that a yes vote would allow the applicant to build a slightly smaller shed that was proposed on the same foundation, a no vote would force them to move the shed. T.K. Shamy said that the value of the structure would be determined by the Tax Assessor. Chairman Cronheim said that it is only destroyed if more than 50% of the value of the structure is destroyed. Mr. Bennett determines if more than 50% of the value of what was there is gone or not. Chairman Cronheim moved that the board vote for the maximum height of 12' to the top of the roof line, and grant the variance to rebuild this structure on the current foundation as it exists. Mr. Brown seconded this request. Hearing no more discussion the vote was as follows:

Fechtner (yes) Hunsinger (no) Dallas (yes) Brown (yes) Bell (no)
Clemens (yes) Cronheim (yes)

The motion carried.

BA14-01 Home Depot- 1515 Route 22 West Block 5703 Lot 2.01 & 3.01

Seasonal Sales Plan Temporary use of a portion of the site for exterior display and sales of home garden and plant materials from 4/1/14 until 8/31/14.

Attorney Mr. Joseph Murray of Schiller & Pittenger was present on behalf of the applicant. Store Manager Michael Urenko and Garden Manager Frank Mezzina were present and were sworn in. A portion of the site plan was entered showing where the display would be placed. Mr. Murray explained that in years

past the Borough has had issues with outside storage, which is not permitted. Mr. Urenko explained the concentration of deliveries of pallets bagged plant material (mulch, dirt, stone, etc.) and the need for a staging area for the seasonal sale period and explained the unloading process, which is not in the area of the sales. Mr. Murray said that they are asking for a modification of the north east corner of the building, where the issue of stacked pallets sitting for an extended period of time and blocking exits has been an ongoing problem. Fidelity currently has vehicles and plows stored in this location. After discussions between Mr. Urenko and Mr. Bennett, a proposal was created to cordon off an aisle for the storage of this garden material on pallets. It would also allow for emergency vehicles to have access and egress. This storage area would encompass 150' x 40' and would be enclosed by temporary fencing as a barricade. The area would encompass approximately 25-30 items all bagged and shrink wrapped on pallets. Mr. Urenko said that they have one trailer that only houses empty pallets. He said that it takes 2-3 days to fill the box trailer and then it leaves with the pallets. Home Depot has incurred 18% increase in sales in the last two years and 18 extra employees have been hired for this garden area. Mr. Bennett recommended that this area be pushed all the way to the outside of the property in the area which allows for emergency vehicles. Mr. Bell said that this should be approved by the Watchung Emergency Services. The garden area request for temporary use would be from 4/10/14 until 8/31/14 and the storage area from 4/10/14 until 6/5/14 which is approximately 6 weeks. Exhibit A-1 showed the area of the site and proposed storage, and exhibit A-2 showed an example of this outside storage at another Home Depot location with stacked pallets of garden material shrink wrapped. Mr. Bennett explained that the north west corner of the building is not utilized for parking, and thought that this area could be a good solution for the issue of the storage and alleviate the conditions around the building that have been a problem for a long time in fire zones. Mr. Bennett said that he thought this could also be a good possible permanent solution with the caveat that all emergency services were in agreement. Exhibit A-3 showed the proposed storage area. The yellow showed the area to be fenced in. The top grey area showed the fire lane. This storage area would take up approximately 60 parking spaces. Mr. Bennett recommended this drawing be flipped upside down moving the storage material area to the outside by the curb adjacent to the retaining wall and this would allow 50' clearance for all vehicles and turning radius. The approval of the Fire Department is necessary for a permanent request, and also the approval of Fidelity is necessary. The Board recommended procedural and management changes to Mr. Urenko. Chairman Cronheim said that whatever this board approves, they will hold you to it. Mr. Stires said that if this becomes a permanent request, the applicant should look into the issue of parking spaces, since 60 are being taken up by this storage. Mr. McDonald said that in the last resolution for this garden area, the conditions proposed have been cleaned up with this application. Chairman Cronheim suggested that if they make a permanent application, they include the garden center area so that the applicant doesn't have to go back to the board every year. Hearing no more discussion, Chairman Cronheim opened up to the public. Hearing no one from the public, closed the public portion of the hearing. Chairman Cronheim asked Mr. McDonald to read the conditions for a motion to approve. Mr. McDonald said that there would be 4 conditions proposed. One, is the removal of snow equipment in this area by Fidelity. Two, only a temporary fence would be approved so that it could be moved around. Condition three, the approval of the Fire Department and Police. Condition four, is that fire zones must be kept clear at all times. Mr. McDonald said that if Home Depot is found to be in violation of any of these conditions at any time, the approval would be rescinded. Chairman Cronheim made the motion to approve this application with the conditions previously stated, seconded by Mr. Bell. The roll call vote was as follows:
Fechtner (yes) Hunsinger (yes) Dallas (yes) Brown (yes) Kita (yes) Bell (yes)
Clemens (yes) Cronheim (yes)
The motion carried.

BA14-04 Laurinda Freire 11 Cedar Road Block 3301 Lot 9 – Variance relief for side yard setback associated with a generator of 3'6" where 10' is required. Mrs. Freire was not present, and was adjourned until the meeting of May 8th, 2014.

BA14-06 Blue Ridge Properties, 461 Watchung Avenue Block 4701 Lot 7
Variance relief for freestanding sign, <1' from property line where minimum 10' required. Applicant

Wayne Otto was present and sworn in.

Mr. Otto said that he wanted to erect a free standing sign on the adjacent property. Mr. Otto introduced resolution 13-02 which was the previous resolution on this matter, and said this resolution that previously approved this sign. Mr. Otto said that the new application just moved the sign about 125' to the southeast, onto the property of 461 Watchung Avenue. Mr. Otto said that he was unable to come to a financial arrangement with the owner of the first approved location. He has come to an arrangement with the owner of 461 Watchung Avenue John Rossi to place the sign on his property. Mr. Otto said that other than location, nothing else has changed. Chairman Cronheim said that this application has gone to the Village Center Preservation Committee who has the right to recommend, but not to approve or deny. The Village Center Preservation Committee was not in favor of this sign. Mr. Otto said that all sandwich signs from his tenants will be removed. He said that he expects to have the sign installed within 90 days. He said that any lights would be turned off by 10:00pm on the sign. Mr. Rossi said that he has notified his tenants that no sandwich signs be allowed from his building as well. Chairman Cronheim said that the two people who reviewed this application from the Village Center Preservation Committee were the same two people who approved this same sign last year. Mr. Otto said that the Planning Board in it's reexamination of the Master Plan from April 2011 recommended that the Triangle Shopping Center area be eliminated from the Village Center District, since it clearly has no historical value. Chairman Cronheim said his only concern would be the hours that the sign would be internally lit. Ms. Christy Gannone of Lourmarc signs came to the microphone and was sworn in. Ms. Gannone said that the sign would have a timer that would be set with whatever the Borough regulations are for time. Mr. Otto said that many of the signs on the circle are lit all night long. Mr. Clemens asked if the sign could be redesigned. Mr. Otto said that the sign in this application was the same sign that the board approved last year. Mr. Otto said that the sign would allow the driver to safely make a left hand turn from the right hand lane on Watchung Avenue. Mr. Otto said this sign would improve safety, traffic and businesses. Chairman Cronheim opened up to the public. Leonardo Fantetti was sworn in from Marinos pizzeria. He said that you can't see his business from the street, and this sign would allow people to find his business. Hearing no more comments from the public, the Chair closed the public portion. Mr. Bell made a motion to approve this application with lighting going off at 10:00pm, seconded by Mr. Brown. The Chair called for a roll call vote which is as follows:

Fechtner (yes) Hunsinger (yes) Dallas (yes) Brown (yes) Kita (yes) Bell (yes) Clemens (yes) Cronheim (yes)

The motion carried.

BA10-12 Sun, 12 Kappelmann Block 403 Lot 11.01 Any and all variances for an addition exceeding impervious surface coverage, 25% allowed where 33.06% proposed. Mr. Raymar, the objector was present.

Chairman Cronheim asked if there was any progress with this application.

Mrs. Taylor said that she received uncollated copies of a new sketch by Kevin Page at 3:23pm this day. Chairman Cronheim said that the Assistant Borough Engineer had been out ill, and has just gotten back to work. Chairman Cronheim said that this application has gone on for extremely too long and that he was willing to carry this to the May 8th meeting, and that Mr. Raymar should be given copies of the application. Mr. Joseph Murray of Schiller & Pittenger who was present for the applicant said that there is still a request for a variance for impervious surface coverage. Chairman Cronheim said that he does not expect this to go past the next meeting. The Chair said that if they are not prepared by the next meeting, the board will be forced to decide.

Mr. McDonald said that he had spoken to Mr. Raymar and there was an issue as to whether or not there is a pending application still in effect. Mr. Raymar said that the original application was technically withdrawn and that Mr. Sun would have to start again and reapply and renotice with a new application, so that he and other neighbors could know exactly what the new application is. Chairman Cronheim agreed. Mr. Murray was told that he will have to present a new application without delay.

BA13-12 Bisignano, 20 Jared Court Block 6802 Lots 17 & 19.01-Any and all variances needed to erect a non-conforming fence.

Mr. McDonald said that over a year ago, Mrs. Bisignano and project manager Jon Rocker were before this board and said that they were going to replace the points on the fence and this board has heard nothing from them since. Mrs. Taylor said that they had been sent a certified letter on March 25th of this year asking what they planned to do. Mr. McDonald recognized the signature on the return receipt card as the signature of Mr. Bisignano's Chef. The Chair asked Mrs. Taylor to send another certified letter asking for an answer within 5 days of receipt of the letter regular and certified mail. Chairman Cronheim adjourned the meeting at 10:13 until the next meeting of May 8th, 2014

Respectfully Submitted,

A handwritten signature in cursive script that reads "Carolyn Taylor". The signature is written in black ink and is positioned above the printed name and title.

Carolyn Taylor
Board of Adjustment Clerk