

**Borough of Watchung  
Board of Adjustment Meeting  
September 11<sup>th</sup>, 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 (X)  
Bell (X) Clemens (A) 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.

BA 14-11 Liccardi Ford 1615 Route 22  
Block 6402 Lot 3

Paul Pawlowski Attorney with Schiller and Pittenger, Scotch Plains was there to represent the applicant. Mr. Pawlowski explained that Liccardi wanted to update the dealership building. Chairman Cronheim said that he understood they had some preexisting non-conforming issues such as the front yard setback. Mr. Pawlowski said there is a non-conforming issue due to the fact that the dealership has outdoor storage. Mr. Pawlowski said that the dealership has been there since the 1960's. He introduced owner Greg Liccardi who was sworn in. Mr. Bennett said that the variance for front yard setback is 59.9' where 75' is required. The current setback is 62.8' and the proposed application would reduce it to 55.5'. Mr. Liccardi explained that the showroom is outdated and they proposed to redo the fascia as well as insulated glass to be installed where single pane currently exists. They propose to redo the bathroom facilities and there will be two entrances. A canopy will be installed on the left to serve as a new service entrance. The canopy will alleviate the weather issues with customers. There will be parking in the front of the building, including a handicapped spot. Mr. Bell had some questions about the turning radius to the highway. Engineer Robert Sive of Geller Sive & Company, Consulting Engineers Adelphia NJ was sworn in to testify for the applicant. He was accepted as an expert in professional planning and engineering. Mr. Sive said that there are two proposed plans. One plan is the plan that Ford prefers all dealerships to use. This plan extends the front of the existing building. It extends the building by about 3' and includes a vestibule, stairs and a landing. This plan reduces the circulation isle from about 16.9" to approximately 10.7'. The plan on sheet one of one dated 6/5/14 is called the layout plan. The plan with eight sheets has a revision date of 6/5/14. The second plan is titled the alternate layout plan and is a complete site plan. Mr. Sive said that in his professional opinion, the Ford plan creates a turning radius that is too tight, and thinks the layout plan would be a better option. Mr. Bell agreed that the smaller circular isle would not be large enough in the event of a fire for a fire truck to set up operations and be able to effectively fight a fire. Chairman Cronheim said that the board agreed with Mr. Bell. Mr. Pawlowski indicated that the applicant is applying for the Ford preferred plan. Chairman Cronheim called for a vote on the Ford plan approval. The motion to deny was made by Chairman Cronheim and seconded by Mr. Bell. The vote was as follows:

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

The motion to deny was approved.

There is no increase in impervious surface coverage. Expansion of a non-conforming use and front setback variances are required in this alternate plan. Mr. Bell said that he had no issues with this application, other than he would want to see Liccardi confer with the Fire Department when placing fire

connections to make sure that nothing would block access to the Fire Department during the event of a fire as a condition of approval. The applicant agreed. Hearing no more questions, the Chair released the witness. Hearing nothing for or against this application, the Chair closed the public portion. Mr. Bell made a motion to approve the second plan with conditions set for Liccardi to confer with the Fire Department as to hookups and placement of cars on the site. Chairman Cronheim seconded the motion and hearing no more discussion asked the Clerk to call the roll. The roll call vote was as follows: Fechtner (yes) Hunsinger (yes) Dallas (yes) Brown (yes) Kita (yes) Panzarella (yes) Bell (yes) Cronheim (yes)  
The motion was approved.

RESOLUTION BA10-12 Sun  
12 Kappelman Drive Block 403 Lot 11.01  
Variance relief- 32.03% impervious surface coverage where 25% required

Joseph Murray, Attorney for the applicant of Schiller and Pittenger Park Avenue Scotch Plains came to the microphone. Catherine Mueller of Page Engineering came to the microphone and was sworn in. She was recognized as an expert in the field of Engineering. She stated that she created the new proposed plan for Mr. Sun. She submitted the plan dated September 5<sup>th</sup>, 2014 and was in possession of Mr. Stires report dated 9/11/14. The plan showed the home and improvements. Ms. Mueller indicated that her plan showed engineering and design elements that describe the drywell systems which were more engineered than in previous plans. It included perforated pipes and stone. The plan included inlets that go into the proposed swale. Ms. Mueller discussed the underground detention system and the decreased proposed flow to Kappelmann Drive. Ms. Mueller showed the areas on the plan where pavers would be removed and those areas seeded. Ms. Mueller called her photographs of the area around the home exhibit A-1(9/11/14)(1-4). Ms. Mueller presented photos that showed areas around the home. One photo showed areas of double walls filled with soil for planting areas. There was a photo of the fire pit area, which Ms. Mueller said was a low area. Another photo was looking to the western side of the property. Ms. Mueller said that a proposed swale would be built here. She said that there would be grates placed here. Ms. Mueller described an 8" perforated pipe that would be set in stone and wrapped in filter fabric. She said that a maintenance manual would be given to the homeowner which set out maintenance for this system. She said 31.35% impervious coverage would remain, which is 6.35% above the allowable coverage, which is 25% in the zone. Ms. Mueller said that with her proposed drywell and storm water management proposal, the flow would be reduced to what would be the same as if the property had 25% impervious surface coverage. Mr. Murray asked Ms. Mueller what the Board Engineer had commented in his report about the proposed plan. Ms. Mueller addressed comments in Mr. Stires report. Mr. Murray asked Ms. Mueller if she saw correspondence from objector Bob Raymar dated September 9<sup>th</sup>, 2014 and Ms. Mueller said yes. Chairman Cronheim said that Mr. Raymar could address that with Ms. Mueller. Mr. Murray had no further questions of Ms. Mueller. Mr. Robert Raymar objector on behalf of himself and Liebowitz (objector) came to the microphone. Mr. Raymar asked Ms. Mueller if this system was based on the 100 year storm. Ms. Mueller said yes. Mr. Raymar asked where the overflow would go in a 100 year storm. Ms. Mueller went over the design of the system. Mr. Raymar presented the Formosa tree removal and replacement plan from the former application on this property. Since it wasn't part of the submission of this application was marked as evidence. Mr. Raymar asked whether Ms. Mueller's drainage calculation results relied on percolation tests that were done. Ms. Mueller said yes. Mr. Raymar asked Ms. Mueller if she talked to the firm who did the percolation tests. Ms. Mueller said no. Mr. Raymar asked Ms. Mueller if there is anything on the site that would prevent the applicant from removing the extra impervious coverage from the site. Ms. Mueller said no. Mr. Raymar had no further questions. The Chair asked if there were any questions of this witness from the public. Hearing none, the Chair closed the public portion. Mr. Hunsinger said that the walls near the fire pit need to remain in order for this system to work as it is proposed. Ms. Mueller said yes. Mr. Bell asked if a berm could be placed past the swale as a secondary line of defense, in case water overran the swale. Ms. Mueller said that it could be done, but that she would have to research this. Mrs. Fechtner said that the water that goes to Glen Eagles Drive creates an

ice flow for the neighbors, and she would like to make sure that these neighbors have this problem corrected.

Mr. Murray asked what this proposed plan would do. Ms. Mueller said that the proposed storm water management plan would reduce the rate and the volume of the runoff. Mr. Murray had no further questions from the witness. The Chair asked if anyone else from the public had any further questions. Hearing none, released the witness. Chairman Cronheim asked if anyone from the public had anything to say for or against this application. Mr. Ronnie Liebowitz, objector from Glen Eagles Drive came to the microphone. Mrs. Liebowitz was sworn in. She testified that the ice flow on Glen Eagles Drive has been going on during the winters for years. She presented photographs of the ice accumulation as exhibit O-2(9/11/14). Mrs. Liebowitz said that she doesn't think the applicant has removed as much impervious surface coverage as he could without interfering with his driveway. She said that she thinks this board has an obligation to the neighbors for the applicant to be forced to reduce as much impervious coverage as possible. She said that they have installed rivers of rock to help direct the water, planted willow trees to try and help the water flow, to no avail. Mr. Raymar asked about the plat filed at the County of the Kappelmann Drive subdivision and the limit of impervious surface coverage on that plat, and whether or not the applicant was obligated to install drywells during his build. She said that she heard that it was a condition of the Planning Board during the subdivision. Chairman Cronheim read from the original Planning Board resolution of subdivision, the condition that before Land Disturbance was issued, Storm water management would be addressed. Chairman Cronheim said that they would have to ask the Borough Engineer these questions. Mr. Raymar said that in the original subdivision application, the owners of lots 4 5, and 6 objected, and still own those lots, and still object. She said that on 3 lots of that subdivision, 3 lots on Kappelmann including the applicant's lot, had specific limitations on impervious surface coverage and that is depicted on the plat filed with the County.

Chairman Cronheim called for a break in the meeting before Mr. Murray's closing statement.

The Board took a five minute break.

Chairman Cronheim reconvened the meeting with all parties still present. Mr. Raymar came to the microphone to make closing comments. He said that the applicant has not submitted any proofs to prove a C-1 or C2 variance. He said that no hardship can be proved. He said that the applicant built this house and is responsible for every piece of wood brick and stone on the property. This is self-created, Mr. Raymar said. He said that if this application is approved, it sends a message to the residents of the Borough of Watchung that they can do whatever they want, and then just come to the Board for a variance. C-1 variances are not available for self-created situations.

Mr. Raymar said that C-2 proofs were not submitted either. He said that the benefits do not outweigh the detriments. Mr. Raymar said that there is no benefit to the public good. He said that the applicant did not even give any testimony. He said it's been three years since Borough Assistant Engineer issued a stop work order. Mr. Raymar had no more comments.

Mr. Murray came to the microphone. Mr. Murray said that a C-2 variance doesn't have a self-created hardship standard. What is required to obtain a C-2 variance is – are there purposes of zoning that are being promoted it satisfies the standards of a C-2 variance. Mr. Murray said that one of the 17 standards of the C-2 variance is the well-being of the neighborhood. Mr. Murray asked what reducing to 25% impervious surface coverage on the property creates, compared to the proposed plan which reduces the runoff to the equivalent of 25% impervious surface coverage. He said that an approval would not create a substantial detriment to the public good. He said that this plan would eliminate the runoff to adjacent properties. He said that the applicant is before this board to rectify what's wrong.

Mr. Murray closed his case.

Mr. Hunsinger made a motion to deny this application. Chairman Cronheim seconded the motion and asked the Clerk to call the roll. The roll call vote was as follows:

Fechtner (yes) Hunsinger (yes) Dallas (yes) Brown (yes) Kita (yes) Panzarella (yes)

Bell (yes) Cronheim (yes)

The motion to deny was approved.

Chairman Cronheim asked for a motion to approve the minutes of the August meeting. Mr. Hunsinger made that motion, seconded by Mr. Bell. Chairman Cronheim called for a voice vote, and the minutes

were approved unanimously.

Chairman Cronheim announced the request from the Watchung Fire Department to continue their membership sign at the Fire House for an additional 30 days. He made a motion to approve this sign and Mr. Bell seconded the motion and the Chair asked for a voice vote. The motion was approved unanimously.

Cub Scout registration. He made a motion to approve these signs, seconded by Mr. Hunsinger and the Chair asked for a voice vote. The motion was approved unanimously.

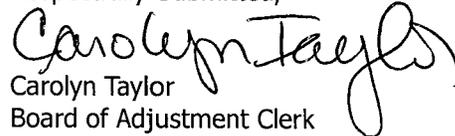
Mr. Bennett brought up an application for a deer fence across the front of the property and read section 28:502 for the board. He said that the proposed deer fence would be relatively invisible due to the landscaping. The applicant wishes to put the fence on the street side of the vegetation. He asked for an interpretation on how to interpret this ordinance. Lynda Goldshein of 70 Sherwood Drive, applicant for the fence came to the microphone. Mrs. Goldshein showed a picture of her property when she bought it. Chairman Cronheim said that this board cannot interpret the ordinance to approve this. Chairman Cronheim asked Mrs. Goldshein a chance to try and get the ordinance changed, by suggesting that unobtrusive fences as acceptable.

Mr. Bennett said that in 2013, a variance was granted to put a temporary storage yard at the Sears parking lot for the new PSE&G transmission towers being erected. Mr. Bennett said that they have come back now requesting to place two trailers and a guard station at this storage site temporarily. Chairman Cronheim and board members had no issue with the additional storage.

Badin- 65 Glen Eagles Drive- Chairman Cronheim asked Mr. Stires if he will write a report on the progress of the movement of the wall. Mr. Stires agreed. The Badin application is continued until the October meeting.

Chairman Cronheim adjourned the meeting until the October meeting at 10:50pm.

Respectfully Submitted,

  
Carolyn Taylor  
Board of Adjustment Clerk