

**Borough of Watchung  
Board of Adjustment Meeting  
July 30, 2015**

**Minutes**

Chairman Cronheim called the meeting to order at 7:34 pm. 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 (X) Cronheim (X) Stires (A) 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.

**Application BA15-10**

Peter Martino

15 Sunbright Road

Block 4307 Lot 7

Garage rebuild Variance relief for accessory structure in front yard 28-401B1(f)

Mr. Hunsinger recused himself for this application

Peter Martino was sworn in. Mr. Bennett explained that this application was for variance relief for an accessory structure in the front yard. He said that Mr. Martino has two front yards, on the corner of Sunbright and Valley Road. Mr. Martino said he purchased this property in 1993 and there is an existing garage that is in bad repair and is ready to fall down. He proposed to rebuild a garage in the same area, which will be larger and accommodate 4 cars. The existing garage is 460 sq. ft. The new garage is proposed to be 1213 sq. ft. It will be free standing and the garage doors will face the house, not the street. Access will be from Sunbright Road. The garage is currently approximately 175 set back from the road. The reason he needs this garage is because he has 4 children and a wife all with potential cars.

Mr. Bennett said that this property does not fit the definition of a corner lot, but does have two front yards. Chairman Cronheim asked if there was any discussion from the audience. Hearing no one come forward, he closed the public portion of the hearing. Hearing no discussion from the Board, the Chair asked for a motion to approve variance relief for accessory structure in the front yard. Mr. Bell made a motion to approve, seconded by Mr. Brown. Hearing no more discussion, the Chair called for a roll call vote.

Fechtner (yes) Dallas (yes) Brown (yes) Kita (yes) Panzarella (yes) Bell (yes) Cronheim (yes)  
The motion was approved.

**Application BA15-11**

Elite Home Building LLC

210 Mountain Blvd.

Block 2401 Lots 3.01 and 3.02

Use Variance

David Checchio, attorney for the applicant and principal was sworn in. He stated that this property is located on the corner of Mountain Blvd. and Brookdale Road in the RR zone.

The applicant requests approval of continued use variances for the redevelopment of the existing non-conforming medical office and two residential apartments as a professional office and two residential apartments in two separate principal buildings on a single lot, which requires variance relief from sections 28-404 "RR" and 28-105, "number of principal uses, buildings and dwellings per lot" of the Watchung zoning ordinance. Mr. Checchio said that the applicant is currently in contract to buy this property. The applicant intends to file a site plan application pending the use variance approval.

Mr. Checchio said he has three witnesses. Mr. W. Leland Titus, project engineer, will give an overview. Project Architect John Sarocco will discuss building design and the character of the buildings. Planning consultant John McDonough will testify as to the rationale of the project. Mr. Checchio said they propose to tear down the current buildings on the property and reconstruct two new buildings. One building would house the applicant's offices, and the other building would contain two residential apartments. Mr. Checchio explained that three of the principal owners currently live in Watchung, with the fourth principal residing in Warren. Mr. McDonald asked if this would be an expansion of a non-conforming use. Mr. Checchio said that since the original resolution was specific to a medical and dental office, that yes, technically it would be an expansion of a non-conforming use. He said that the buildings would be somewhat larger and configured differently than they are currently, but with less intensity.

Mr. W. Leland Titus was sworn in. Mr. Titus was recognized as an expert in the field of engineering. Mr. Titus described the location of the property. He stated that there is a stream on the property and the stream encroachment area was drawn on the submitted plans. Mr. Titus said that a portion of the sidewalk around the lake was also located on this property. He said that since no development was proposed in the stream encroachment or flood hazard area they are not required to go to the DEP for this build. Mr. Titus said that there are currently two accesses to this property from Brookdale Road, one smaller than the other. He said that the access with the smaller parking area would be eliminated, and there would be only one access and egress with this proposed plan. The driveway further from the intersection would remain. Mr. Titus said they are staying within the existing footprint of the garage, but extending it to the south. That would be for the apartment building, which would have two 2-car garages, one for each apartment. The garages would be underneath the two apartments for residents. The slope of the property lends itself to access for the front building by an elevator which would take you up to the first and second floors. There is a sanitary sewer easement across the property. Mr. Titus said there is another encumbrance of a large pipe taking the water from the stream across the road, so there is not much choice on where to place the buildings. The new buildings would be placed very close to where they currently are.

Mr. McDonald asked about the size of the buildings. Mr. Titus said that commercial has different requirements. He said that currently the coverage is 5%, and the two proposed buildings would be 8.45%. Coverage in the RR zone allows for 25%; the current coverage is 26.9% and the proposed would be 28.9%. The existing square footage of the two buildings is 2,786 square feet. The proposed square footage is 2,328 sq. ft. for the main building, and 1,532 sq. ft. for the accessory building, a total of 3,860 sq. ft. These are the footprint numbers. Mr. Titus was asked about parking spaces. He said there would be 4 parking areas with a total of 21 spaces, including the garages, which would have 4 of those spaces. Mr. Titus said that impervious surface coverage would be increased from 26.9% to 28.9%.

Chairman Cronheim asked if there were any questions from the public. Hearing none, he closed the public portion with respect to this witness.

Mr. Checchio introduced John Saracco, architect. Mr. Saracco was sworn in and recognized as an expert in the field of architecture. Mr. Saracco described the proposed buildings. He said that the buildings would have a stone base, hardy siding and azec trim. He described the configurations and elevations. The buildings would be two stories. The office building layout showed a kitchenette on the second floor. There was a small attic space for storage. There will be no stairs to the attic. Mr. Hunsinger asked how many full time employees there would be in the office space. Mr. Checchio said that there were basically 6 employees, with three of the employees being full time, and the other three in the field most of the time. Hearing no questions from the public, the Chair closed that portion of the hearing.

Mr. John McDonough was sworn in and recognized as an expert in the field of planning. Mr. McDonough presented an exhibit marked as A-1 (3 aerial photographs). The first photograph was a picture of the existing site from a website, with markings. The second and third photographs were taken by Mr. McDonough within the last week which depicted the character of the area.

On the first sheet the subject property was outlined in yellow. It has a unique triangular shape with significant frontage on Mountain Blvd. Surrounding land uses are somewhat mixed with both residential and recreation, as well as a church. The second photo showed frames of the westerly building from several directions, as well as the easterly building. Mr. McDonough explained that the original approval for the doctor's office was for up to 10 patients per day, and the dentist office was for up to 30 patients per day. The proposed business as compared to 40 patients per day has six employees and only three full timers, which would greatly reduce the traffic on the site. He explained that there would be a very limited number of clients coming and going. The third sheet showed uses around the property from the site.

He indicated there would be a small increase in sq. footage in the apartment building, but no more density. The parking will remove an undesirable condition by eliminating an access driveway that is close to the intersection. The applicant requests variance relief from three sections of the ordinance. The first is the use component, the uses that have been previously vetted out by the Zoning Board. Also the dual use, since there is residential and professional use on the same piece of property. Mr. McDonough stated that a D-2 variance is requested.

Mr. McDonald asked if there could be a decrease in the parking spaces if the Board requested it. Mr. Checchio said that he didn't think they actually needed that many parking spaces, but were trying to meet the RSIS standards, and if the Board asked at site plan, they would consider reducing that number. Mr. Clemens asked what the purpose of the apartment building was. Mr. Checchio said income. Mr. McDonough said that putting all the residential use in one building and office space in the other made more sense. Mr. McDonald asked what the building coverage would be. Mr. McDonough said that 15% is allowed in the RR zone. He said that both proposed buildings would total 8.9% building coverage, and that if a residential single family home were to be built, it would be potentially twice this coverage at max.

Mr. McDonough said that the third relief would be for coverage, with a 2% bump up in coverage. He said that from an activity standpoint, there would be much less traffic on the

site, and no medical waste would be generated. He submitted the positive proofs.

(A) Promotion of the public welfare- The site is suited for the use. The site is somewhat isolated.

(G) It meets the needs of the citizens - site is appropriate.

(M) It is an efficient use of the land - rearrangement of property, overall upgrade

(I) It would create a desirable visual environment - harmony with the neighborhood

(H) Promotes the free flow of traffic - reducing the curb cut near the intersection

#### Negative Proofs

The use of the site would be de-intensified, with less traffic coming and going

A positive health impact, with no medical waste being generated

Mr. McDonough said that what is proposed is consistent with the Master Plan as it describes the Village Center overlay. Mr. McDonough said that this meets the D-1 and D-2 criteria.

The Chair asked the audience if they had questions, and hearing none, closed the public portion with respect to this witness.

The Chair asked if there were any comments from the audience.

Bruce McCumber of 144 Hillcrest Road came to the microphone and was sworn in. Mr. McCumber is the owner of this property. Mr. McCumber said that 30 years ago there was no doctor in the area, and there is no longer a need for medical space. He said that there are very few opportunities for rental properties in Watchung. He said he thought it was very nice that the applicants are local builders who live in this community. Chairman Cronheim, hearing no further comments from the public closed the public portion of this application. Mrs. Fechtner said she was on this board for the original approval of this site, and thinks it is exciting to see this continue like this.

Chairman Cronheim asked for a motion to approve. Mrs. Fechtner made a motion to approve, seconded by Mr. Hunsinger. Mr. McDonald said that the two use variances are an expansion of a non-conforming use, and two uses on the same property, variance relief for 2 principal structures on the same property. The roll call vote was as follows:

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

Cronheim (yes)

The motion was approved.

#### **Application BA15-12**

Village Supermarkets, Inc.

1701-20 Route 22 West

Block 6404 Lot 2.01

Variance relief for outdoor displays

Steve Warner, attorney for the applicant was present.

Chairman Cronheim said that Board Engineer Mr. Stires could not be involved in this application or the next one since he is working for Levin Management on a separate matter.

Mr. Warner said that the applicant is here to request variance relief for continuing the outdoor displays at the Blue Star Shopping Center Shop Rite that they have been doing for over 30 years. Enzo Pavese was sworn in. Mr. Pavese was recognized as an expert in the field of architecture and is a Professional Planner. Mr. Pavese said he has been involved with this Shop Rite with two expansions over the years. He said there have always been outdoor floral

displays as well as other seasonal items displayed outdoors. Mr. Warner submitted exhibit A-1 which were 4 photographs depicting the outside area and storage and displays. It showed pallets outside the store in front, and a floral display all the way to the right of the store. He explained that there is adequate space for pedestrian traffic and there is no negative safety impact. He said that all fire zones are kept clear at all times. The emergency door is also kept clear of displays. There are also vending machines depicted in the photographs. The last picture showed the cart storage area. The cart area was approximately 4' deep, utilizing two rows of carts. The pallets were single stacked. Mr. Bell asked if there was any fire suppression system outside. Mr. Pavese said no. He stated nothing flammable was displayed outside. There is no negative impact for access or egress of emergency vehicles. Mr. Warner asked with respect to the section of the ordinance 409-E (2), if the outdoor merchandise can be seen by residential homes in the community. Mr. Pavese said they cannot be seen by residents. Mr. Warner asked with respect to section 409L of the ordinance, if the merchandise is located within the public easement. Mr. Pavese replied no. Mr. Warner asked if the display created a public or motor vehicle hazard. Mr. Pavese said no. Mr. Warner asked if this merchandise was injurious to the welfare of the public. Mr. Pavese said no.

Robert Sanzone, store manager was sworn in. Mr. Sanzone has been the general manager of this Shop Rite for the last 3 years, and a store manager for 24 years. A list was submitted of the regular seasonal display items. Mr. Warner asked that the Board not limit it to this list. Mr. Hunsinger said he has seen all kinds of items displayed over the years, and not always neatly and within the designated area. Chairman Cronheim said that is the job of the Zoning Officer, to make sure that they conform to the conditions. Mr Bell said that they should get approval of the Fire Department.

Mr. Pavese said he had the zoning ordinance that was in effect in 1986, which did not restrict outdoor displays. Mr. Pavese cited section 401-L of the ordinance which described that a "Special Permit" could be issued by the Board of Adjustment for outdoor displays. The special permit vs. a variance was discussed. Mr. Warner said that he believes he has satisfied the requirements for a special permit as well as a variance. He said he would be more comfortable with a variance. Chairman Cronheim said that he saw this as a continuation of a pre-existing non-conforming use. Mr. Clemens expressed concern over senior citizens being dropped off by bus. Mr. Sanzone said that any bus drop offs were done all the way to the west by the door, and these displays would not impede any access or egress to the entrance. Mr. Warner said that along with a resolution memorializing this approval, that the applicant be allowed to continue this display tomorrow. Chairman Cronheim said pending Fire Department approval, yes. Chairman Cronheim made a motion to draft a resolution indicating prior non-conforming use for over 30 years be allowed to continue, and a special permit is also issued pending Fire Department approval. Mr. Hunsinger seconded this motion and the roll call vote was as follows: Fechtner (yes) Hunsinger (yes) Dallas (yes) Brown (yes) Kita (yes) Panzarella (yes) Cronheim (yes)

The motion was approved.

### **Interpretation BAI15-13**

Sarayu Wellness, LLC (Hand and Stone Massage and Facial Spa)  
1701 Route 22 West  
Block 6404 Lot 2.01  
Use Interpretation

Kasia Walsh attorney for the applicant was present. Applicant Sandland Heyett was present. Ms. Walsh is located in Bedminister. The applicant proposes to open a hand and stone massage spa. 28-409 states that this spa is not listed in this zone. Chairman Cronheim said that this is in the Highway district, and this Board has approved other such similar uses. Chairman Cronheim asked if anyone on the Board has any objection to this type of use. Hearing no objection, the Chair asked for a voice vote. The voice vote was unanimous in the affirmative.

**Interpretation BAI15-14**

Levin Management  
1701 Route 22 West  
Block 6404 Lot 2.01

Interpretation for graphic signage on non-occupied stores

Bruce Samuels, attorney for the applicant was present. He introduced Robert Carson, Executive Vice President of Levin Management. There are seven unoccupied stores in which the applicant proposes to install window graphics to cover up the store fronts. He explained that the reason for these seven unoccupied stores, was that Levin is hoping to have the ShopRite expanded and wants to reserve these seven stores for that expansion if this deal to expand goes through. Chairman Cronheim said that they don't want the graphics to look like a running billboard. He made a motion to approve these graphics for a period of one year. If the applicant wants to keep these graphics longer, he will have to come back before this Board. The Chair asked if there was any more discussion, and hearing none, called for a voice vote. The voice vote was unanimous in the affirmative.

**Request- Watchung Fire Department**

The Watchung Fire Department has requested to be allowed to put signs at various locations in town as listed in their letter to the Board. These signs are for membership. The Chair called for a voice vote to approve this and the Board voted unanimously to approve the signs for a period of 30 days.

Chairman Cronheim adjourned the meeting at 10:49pm.

Respectfully Submitted,



Carolyn Taylor  
Board of Adjustment Clerk