

**Borough of Watchung
Board of Adjustment Meeting
February 25th, 2016**

Minutes

Mr. Cronheim called the meeting to order at 7:34 and 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.

Salute to the flag.

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

The Chairman announced that BA15-23 Stress Solutions has been carried to the March 10th, meeting at the request of the applicant.

The Chair called BA15-22 Nishu Patel, 183 Johnston Drive Block 4501 Lot 2
Variance relief for building height (36.9' where 35' required)

Mr. Larry Lavender of Lavender and Wiley, attorney for the applicant was present, and Mr. McDonald swore in the applicant, Mr. Patel. Mr. Bennett said that the height variance was needed for 36.5' where 35' is allowed. He said it is less than 10% so it was not a D variance. Mr. Lavender said this would be a bulk variance. The property is in the RB zone. Mr. Patel said that the property is 1.5 acres. Mr. Patel said he plans to build a new single family home. The lot is currently vacant. Mr. Bennett said it meets all other requirements. Mr. Patel said that the property was steeply sloped. Mr. McDonald said that the lot was substantially bigger than what is required in the zone. David Egarian, engineer for the applicant was sworn in and recognized as an expert in the field of Engineering. He passed out an elevation of the front view and rear view of the home, marked as exhibits A-1 (rear elevation) and A-2 (front elevation) and explained the layout of the proposed home, which had a backyard walkout. Mr. Egarian said that in the rear of the home, the variance was needed for the elevation of 36'9" in the right rear corner. The grade elevation there is 263.7. The view from the Johnston Drive view would be about 18' of the roof and house combined. Mr. Egarian went over Mr. Stires report, item by item. Mr. Egarian said there would be both retaining walls and guardrails. There would also be a fence. Mr. Hunsinger said it was only one corner of the roof that is non-compliant. Chairman Cronheim opened the public portion of the hearing for questions. Robert Monti of 203 Johnston Drive voiced his concerns. Mr.

Monti owns the two lots adjoining the applicant's property. He said that a foot or two in height could make a big difference to his view. He asked about the design of the new home, and the applicant showed him the plans. Mr. Monti's concerns were satisfied.

Hearing no more comments, the Chair closed the public portion and asked for a motion to approve. Mrs. Fechtner made a motion to approve the application, seconded by Mr. Bell and the Chair asked for a roll call vote.

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

The motion carried.

**BA15-21 Watchung Mountain Villas- 708 Somerset Street Block 301 Lots 32 & 32.01
Site Plan Market Townhomes-any and all variances associated with this application as
needed**

Mr. Joe Sordillo was present as attorney on behalf of the applicant. Mr. Sordillo said that where they left off was public comment portion of the hearing. Mr. Joel Cohen of Flanzbaum and Cohen was present representing the Williams', neighbors to the west of the property, 740 Mountain Blvd.

Mr. Cohen pointed out that the Williams house is approximately 50 feet from the proposed side of the townhouse. There is 21' on the Williams' side yard, and 27' of developer's side yard. Mr. Cohen said there is 70 feet from other neighbors to the site. He asked that the townhouse unit immediately adjacent to the William's property be moved to create enough buffer that would match the buffers around the other neighbor's and the subject property.

Mr. Cohen said that the density and configuration will not allow for proper snow removal and piling. It will not allow for any recreation, especially children. They are concerned about the hydrant that is adjacent to the Williams property. They would like that hydrant to remain and to have access to it. Mr. Edward Williams was sworn in. He said his parents raised him in this home, and he moved back into this home 17 years ago. He asked for a suitable buffer between his home and this development.

Denise Willson of 726 Mountain Blvd. said she met with the developers on several occasions and worked out an agreement, and she said she was satisfied with this applications. Mr. Hunsinger asked what had changed. Mrs. Wilson said that the Developer is changing things with her. Mr. Hunsinger asked if she is in any contracts with the applicant to buy her property. Mrs. Wilson said yes. Maryann Candiloros of Nottingham Drive was sworn in. Ms. Candiloros expressed concern over the number of children that this development would draw. She also expressed concern for the Williams family and how this would affect them.

Mrs. Kim DiDonato of 60 Friar Lane was sworn in. Mrs. DiDonato said she was there on behalf of the school system. She said the schools are completely full and have no more room, and expressed concern for the Williams family.

Pastora Simao of 75 Lakeview Terrace was sworn in. She expressed concern for the schools who are at full capacity and cannot take many more children.

Ms. Vivien Plesmid of 156 Washington Rock Road was sworn in. She said she's lived in Watchung since 1971, and was not in support of this application. She asked if there

wasn't an old cemetery on the O'Connors property. Chairman Cronheim said that there was no testimony to that affect.

Mrs. Sharon Williams was sworn in. She presented a photograph marked exhibit O-1, which was a picture of her home from 50 feet away from the direction of what would be the closest unit to her home.

Brian Gordon was sworn in of 165 Knightsbridge and expressed his support of this application.

Akram Freij of 89 Park Avenue was sworn in and expressed his support of this project. Debra Buhot of 717 Mountain Blvd was sworn in and asked about sidewalks and open green areas.

Ines Figueiras of 730 Mountain Blvd. was sworn in. Mrs. Figueiras said she is the last neighbor to the proposed development. She said that she is happy with the modifications made such as the sidewalks. Mrs. Figueiras said she still believes the density is still too great. She expressed concern for the Williams family. She also expressed concern about interruptions in utility services during the construction process if approved. Mrs. Figueiras also expressed concern of placement and access to hydrants.

Chairman Cronheim asked Mr. Sordillo if there were new plans showing where sidewalk placement would be. Mr. Sordillo said it would be on the western side of the roadway as per testimony, but no new plans were done. He agreed that would be a condition of approval. Chairman Cronheim asked if there was evidence that this property was a former cemetery. Mr. Sordillo said that during the title search, no cemetery was found. Mr. Sordillo said that in the BB zone, the side yard setback is 5 feet. A building can be built up to 35', 2 1/2 stories, commercial. Mr. Sordillo said that this proposal is 28' off the property line. Mr. Sordillo gave a recap of prior testimony given over the course of this application. Mr. Sordillo said that the applicant has lowered the proposed units from 25 to 24. Mr. Sordillo said they are requesting two variances in connection with the site plan, lot coverage (19.3% where 15% permitted) and impervious coverage (28.1% where 25% permitted). Both of these variances apply to the RR zone.

Mr. Cohen said that this is not a commercial property, but a residential one. Mr. Cohen said this is one lot, even though it is a split zone. He said that there will be a significant detriment to the Williams family if this development goes forward.

Chairman Cronheim called for a 10 minute recess.

The chair reconvened the meeting with all present. Mr. Scott Mersereau of 76 Joan Drive was sworn in. He said he read an article from Warren Historical Society stating that the O'Conner's property had historical significance as the site of the first Warren village center.

Mr. Sordillo said that the applicant is willing to put a 4' burm on the buffer facing the Williams property, along with 8'-10' trees as part of this application.

Chairman Cronheim closed the public portion of this hearing. Mr. Sordillo said that they

would be willing to include in a deed restriction that the office could not be used as a third bedroom.

Mr. Hunsinger said he doesn't feel that 24 units fit on this property.

Mr. Kita agreed that with Mr. Hunsinger that 24 units do not fit on this property.

Mr. Dallas said he would like to see a way to reduce this number of units so that it doesn't have the impact that this proposal has on the Williams family or try and reconfigure the site so that the Williams have a more appealing view from their property. Mr. Dallas said that he thought the berm and adding more trees help, but that might not be the best way or the only way to do it.

Mr. Bell said his main concern is the narrow road and the tight radius. He said if the grade could be reduced and get it to go straighter with a proper width road for safety, and better snow removal that would improve things. He expressed concern about emergency vehicles getting in and out. Mr. Bell said that he did not believe all these waivers should be granted simply from the safety aspect.

Mr. Lauerman had no comments.

Mr. Panzarella said he felt this application will affect the neighbors, the children getting in and out to the school bus. He felt the left hand turn getting out of the complex was a problem. He said he felt it was too many units. He said he is not opposed to housing, but to crowded housing.

Mr. Brown said he likes the look of the design proposed, and felt it fits with Watchung. He expressed concern with sidewalks, and the children in the back getting down to the bus. He felt it is a little dense. He expressed concern for the impact this would have on the Williams family.

Chairman Cronheim said his concern is with the people in the rear of the property. He said he thought this was not the optimum layout. He discussed possible affordable housing units at a smaller size. He said he felt that the applicants tried very hard to work with the neighbors. He said that he felt the applicant could make the neighbors happy with a different route.

Mr. Sordillo asked the Chair in lieu of a vote at this meeting, if the applicant could go back and create changes due to all the work and time that has been put into this application.

Mr. Hunsinger said that the applicant had ample time to make these changes.

Mr. Brown said he disagreed, and felt the applicant understands and could go back and make the changes.

Mr. Hunsinger made a motion to deny the application for site plan approval of 24 homes, but if the applicant decides to come back with a new application, the board would waive any application fees. Mr. Kita seconded the motion.

Chairman Cronheim called for a roll call vote:

Fechtner (no) Hunsinger (yes) Brown (no) Kita (yes) Panzarella (yes)

Bell (yes) Cronheim (no)

The motion carried, and the application was denied.

Mr. Sordillo thanked the board for their time.

Chairman Cronheim asked for a motion to approve the minutes of January 14th, 2016 as previously submitted. Mr. Bell made that motion, seconded by Mr. Lauerman and the Clerk called the roll:

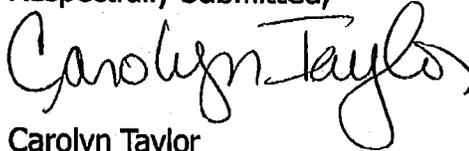
Fechtner (yes) Hunsinger (yes) Brown (yes) Kita (yes) Panzarella (yes)
Bell (yes) Cronheim (yes). The minutes were approved.

Chairman Cronheim said that the next item was the 2015 annual report to provide to the Council and the Planning Board.

Resolution BA16-R1 Annual Report- Chairman Cronheim asked for a motion to approve resolution BA16-01 to approve the annual report for 2015. Motion made by Chairman Cronheim, seconded by Mr. Bell and approved unanimously by voice vote.

Chairman Cronheim adjourned the meeting until the next regular meeting of March 10th, 2016.

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