

**Borough of Watchung
Board of Adjustment Meeting
October 13th, 2016**

Minutes

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.

Salute to the flag.

Chairman Cronheim called the meeting to order at 7:36pm. 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 (A) Kita (X) Panzarella (X)
Bell (X) Lauerman (X) Cronhelm (X)

Continuing Application BA16-05 Donna Cairra

72 Hillcrest Road Block 4301 Lot 6

Convert garage into accessory apartment

Variance relief from section 28-405A (accessory apartment not a permitted use)

Variance relief from 28-405D (lot area of 18,350 sq. ft. where 20,000 sq. ft. required)

Variance relief from front yard setback (29'1" where 50' required)

Variance relief from side yard setback (6' where 12' required (existing))

Variance relief from accessory side yard (.3' where 12' required (existing))

Any and all variances associated with this application as needed.

Mr. Hunsinger recused himself from this application. Ms. Cairra was present and was still sworn in from the last hearing.

Mr. McDonald sworn in Board Engineer Dave Stires

Mr. Stires said that he had been asked to take a look at this property to see if he could find a way to increase the parking area to accommodate four parking spaces. He said there was adequate parking in the back between the dwelling and the proposed apartment for three spaces and enough room for access doors to the proposed apartment. Mr. Stires said he added a space against the north side of the dwelling. Mr. Stires proposed shaving a little bit of the slope on the north side of the driveway so that there would be adequate width of 18' at a minimum. This would allow for a parked car and a car to get by. He said that this would be a couple of feet. Mr. Stires said that one of the parking spaces nearest the proposed apartment was very tight, and would require several k-turns to try and get out of that space. He said there was a substantial grade change in the topography there, and might require a substantial retaining wall. The space nearest the dwelling could be backed out of in one k-turn. Mr. Stires said he was there in the evening, and had to back out of the driveway, and it seemed that

drivers stopped for him to back out easily. Mr. Bell said there is a fence along the back of the property with a gate, and said the residents of this home are using the church parking lot to park on a regular basis and asked Mr. Stires if he saw cars behind the home in the church parking lot. Mr. Stires said he did not.

Ms. Cairra came to the microphone, still under oath and said she does not park in the church lot. Mr. Bell asked if visitors to her home parked there. She said possibly, but she did not. Mr. Bell said that he has seen cars parked in the church lot behind her home. Mrs. Cairra said that anyone coming to her home is welcomed to park in her driveway.

Mr. Bennett was asked to describe the lot. He said the lot is somewhat undersized, and the garage was one foot off the property line. The side yard is 5.8' where 8' is required, and the front yard is approximately 29' where 35' are required. He said these are all pre-existing variances and this application does not create any new variances.

Mr. McDonald said that over the last two meetings, they discussed the use variance, since the accessory apartment is not one permitted in this zone. He said Ms. Schiffman testified on behalf of the applicant, and explained that the Borough wanted this affordable housing unit.

Chairman Cronheim said that it is technically a conditional permitted use, but because of the existing variances, all conditions are not met.

Chairman Cronheim said that Ms. Schiffman testified to the reasons why this application should be approved, and having said that, the Borough has waived the application fee, paid the escrow and hired Ms. Schiffman on behalf of the applicant, and is anxious to have this application approved.

Mr. Lauerman asked where the affordable housing act came from. Chairman Cronheim said it came from the State Supreme Court. Chairman Cronheim said that this ordinance has been in effect in the Borough for 18 years, and there are still no affordable housing units in town. Chairman Cronheim opened up to comments from the board.

Mr. Bell asked the height of the ceilings in the garage. Mr. Bennett said they were 7.6' but with a drop ceiling. Mr. McDonald explained that if this application was approved, the applicant would have to meet all the normal approvals of the Construction and Engineering departments.

Mr. Bell said he didn't think this was a good idea to begin with. He said he has nothing against low income housing, but with a huge bulk variance, he doesn't think this is good for the town, the homeowner or the tenant. He said he doesn't have any problem with low income people moving in to the town, in fact he thinks it's good, but not with this particular property.

Chairman Cronheim said that he thought it was clearly a one person unit. Mr. Bennett was asked by Mr. Bell if he could limit the number of people who could live in this proposed unit. Mr. Bennett explained he could only limit the number of people based on the code. He said typically in a bedroom, the first 70 sq. ft. allows for one person, and every additional 50 sq. ft. allows for an additional person.

Chairman Cronheim asked if there were any other additional comments. Mr. Dallas asked with respect to Mr. Bell's comments about the church parking, could a stipulation be put in to the resolution that the applicant would use her best efforts not to allow anyone from her home to use the church parking lot. Chairman Cronheim said that the board could put conditions in a resolution.

Mr. Lauerman said that he agrees with Mr. Bell on some points, but his biggest concern is the unknown, that they can't see a finished product. Mr. Bennett said there is a sketch, and it appears that there is one large room and that probably includes a bedroom and living room combined. Mr. Bell asked how many people that could allow for. Mr. Bennett said more than three. Mr. Bell said that now you could have a mother, father and baby.

Chairman Cronheim said that he thought that accessory apartment units should have a fire prevention inspection on an annual basis. Mr. Bennett explained that this inspection is done at the time that something changes hands. The Chair said he would like to see this done once a year.

Mr. Bell asked the question once the applicant gets changes from a garage to an accessory apartment, where do the contents of the garage go. He said the next step would be a request for a shed on the property. Chairman Cronheim said that he agreed with Mr. Bell that there should be some control, and Mr. Bell suggested that the Zoning Officer should be the one to inspect the unit annually to see if there are any potential violations. Mr. Bennett explained that under the code, there is a Continued Certificate of Occupancy allowed, but that there has to be a request for this inspection, and all inspectors go out and do a visual inspection. Mr. Bennett said that if the board made this a condition of approval, then he could do it based on the approval from the board. Chairman Cronheim added that in the annual report that the Board of Adjustment gives to the Planning Board, they also asked the Council to modify the ordinance to reflect this annual inspection.

Mrs. Fechtner said that with the size of the bedroom, she wasn't comfortable with the number of people who could occupy this proposed apartment. Mr. Bennett said he did the calculations, and the maximum number is 4 people based on the size. Mr. Bell said that he felt there should be a limit to the number of occupants that the board allows. Mrs. Cairra said that she only wants to rent to one person with one vehicle. Mr. Bell asked Ms. Cairra if she would be willing to commit to a tenant parking on her property. She said yes.

Mr. McDonald said that the applicant has amended the application to approve the use variance, limiting the accessory apartment to one occupant, with one vehicle, which must be parked on the property, subject to all local approvals. There would be a deed restriction filed with the county. Chairman Cronheim made a motion to approve, seconded by Mr. Dallas. Hearing no more discussion, the Clerk called the roll: Fechtner (yes) Dallas (yes) Panzarella (no) Bell (no) Lauerman (no) Cronheim (yes) The motion was denied.

Mr. McDonald said he would do the resolution in the negative for the November meeting. The Board thanked Ms. Cairra, and she thanked the board.

Mr. Hunsinger rejoined the board.

Resolution BA16-R09

Application BA16-07 Rob & Sonia Woods

1111 Johnston Drive Block 6908 Lot 1

Proposed 3 car attached garage.

Variance relief from side yard setback (28-404D) (38.86' where 50' required)

Any and all variances associated with this application as needed.

Chairman Cronheim said that he made a minor change in the resolution to a sentence adding that the affected side yard joins a right of way of 120'.

Chairman Cronheim moved to approve this resolution, seconded by Mr. Bell.

Roll call vote:

Fechtner (yes) Panzarella (yes) Bell (yes) Cronheim (yes)

The motion was approved.

Approval of Minutes of August 11th, 2016 and special meeting of September 21st, 2016

Motion was made to approve by Chairman Cronheim, seconded by Mr. Dallas and approved by voice vote.

Discussion

BA11-15 Badin, 65 Glen Eagles Drive

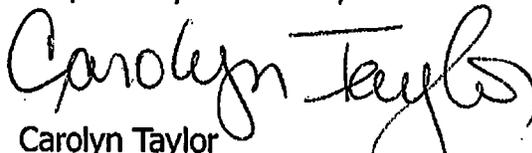
Chairman Cronheim said that this has been ongoing for 5 years, and at some point this must come to an end. Mrs. Badin still has to come before this board for the variance.

The board decided to give Mrs. Badin through the end of this year to perfect this application, and if it is not done by then, it will be deemed with withdrawn and then she is subject to any zoning violations and or fines.

Mr. Bennett suggested that she also be notified that the issue is not only the wall, since it's been so many years, she may have lost track of the fact that she also has to go for the variance.

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

Respectfully submitted,


Carolyn Taylor
Board of Adjustment Clerk