



BOROUGH OF WATCHUNG

LAND USE DEPARTMENT

BOARD OF ADJUSTMENT

DANIEL CRONHEIM, CHAIRMAN

15 Mountain Blvd., Watchung, NJ 07069

Phone: 908-756-0080 x238

2022 ANNUAL REPORT

Section 40:55D-70.1 entitled "Report on variance applications, amendment recommendations" of the Municipal Land Use Law (MLUL) Chapter 201, Laws of N.J. 1975 with amendments through the 1993 Legislative Session states:

"The Board of Adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The Board of Adjustment shall send copies of the report and resolution to the Governing Body and Planning Board." Adopted. L. 1985, c.516, Section 16.

The Borough of Watchung Board of Adjustment has used the period of January 1, 2022 through December 31, 2022 as the reporting period.

A total of 4 variance applications were heard and approved.

APPLICATIONS

The following applications were heard and decided on during the 2022 year by the Board of Adjustment.

1. Case No.: BA 21-05; S/K Morris Township Assoc. LLC
1375 Plainfield Ave.
Block: 7010 Lot: 9
Represented By: Jason R. Tuvel, Esq.
RR ZONE
Approved: 6/9/22

The Applicant was approved for preliminary and final major site plan approval, use and bulk variance relief, and design waiver and exception relief, for the demolition of an existing office building and construction of 24 townhouses in four (4) separate buildings and associated site improvements. Of the 24 dwelling units proposed, 19 will be market rate allowing for a set aside of 5 affordable units developed as stacked flats.

2. Case No.: BA 22-01; Anderson
65 Vail Lane
BLOCK: 7301 LOT: 10
Represented By: Matthew C. Moench, Esq.
RR ZONE
Approved: 8/11/22

The Applicant was approved for use variance relief under Borough Code Section 28-203 to permit a home office use for the assembly and/or manufacturing¹ of firearm accessories at the Applicant's home.

3. Case No.: BA 22-02; Kleinberg
404 Johnston Drive
Block: 5402 Lot: 12
RR Zone
Pending

The Applicant will seek an amendment to a condition in Resolution BA 10-R3 in order to keep an existing garage.

4. Case No.: BA 22-03; Thakur
990 Somerset Street
BLOCK: 4401 LOT: 13
BB ZONE
Expiration: 3/31/23
Pending

The Applicant will seek a d(1) use variance to convert an existing two-story framed house into three (3) apartments not permitted in the BB Zone. This application has been carried to the March 9, 2023 regular meeting.

¹ The term "manufacturing" was used due to the technical requirements governing the obtaining of a Federal Firearms License ("FFL"). The Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") defines "manufacturing" as including any accessory put on a firearm, and thus the Applicant required an FFL to engage in the manufacturing and assembly of the software product that would be produced in his home office. Thus, the only firearm used in this process would be the model used for the installation of the prototype before it would be sent back out to a third-party vendor.

5. Case No.: BA 22-04; Starbucks
1666 Rt. 22
BLOCK: 6101 LOT: 5
Represented By: Patrick K. McNamara, Esq.
HD ZONE
Approved: 11/10/22

The Applicant was approved for preliminary and final site plan approval, use and bulk variance and design waiver relief, for the proposed construction of a Starbucks restaurant location, with a drive-thru lane, pylon sign, and outdoor dining area. A d(3) conditional use variance was required to allow the drive thru set back at less than 500 feet from any lands zoned for residential development (i.e. Mount Saint Mary's).

6. Case No.: BA 22-05; Maha at Watchung LLC
20 Stirling Road
BLOCK: 4401 LOT: 6
Represented By: Erwin C. Schnitzer, Esq.
BB ZONE
Approved: 11/10/22

The Applicant was approved for minor subdivision approval for a lot line adjustment to allow for an existing garage/shed and 1,092 square feet of land to be transferred from Lot 7 to Lot 6; and a d(1) use variance for the commercial use of the garage/shed, and associated bulk variance relief.

7. Case No.: BA 22-06; Patel
55 Jared Court
Block: 6802 Lot: 14
RR ZONE
Pending

The Applicant will seek approval for 27.6% impervious coverage for the installation of a retaining wall, whereas, 25% impervious coverage is permitted in the RR Zone.

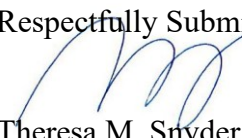
RECOMMENDATIONS

1. Setbacks by height should be determined by height of the front facade and topography (i.e. low side on Johnson Drive).
2. Zoning should clearly allow space(s) to facilitate curbside (contact-free) pickups and good compliance with intent of ADA.
3. Big shopping center stores should be permitted to have outdoor sales (plants, dirt, mulch) as a conditional use as determined by Council with a stipulation that the

stores provide maintenance of the outdoor areas. The Board allowed both Home Depot and Walmart to have outdoor sales.

4. Zoning ordinances which affect zones in other towns (generally Rt. 22 sites in Plainfield, North Plainfield & Scotch Plains) drive thru windows and other business uses should be clarified.
5. New fence rules should be circulated so the public will understand the changes.
6. Permanent outdoor dining should be allowed, as much of the public may want to be outside for the distant future. In consideration of the impacts of outdoor dining, there should be a distinction between residential zoning districts and residential housing areas as it relates to noise attenuation.
7. Consideration should be made to change all frontage on Rt. 22 to commercial zoning, not residential.
8. Conditional uses for Rt. 22 businesses, especially restaurants, drive thrus and free-standing. Could also include triangle businesses.
9. Change Ordinance Sec. 28-702(A) & Sec. 28-702(B) to follow most other municipalities' extension ordinances, which, unlike Watchung, allows for the applicant to request the extension after the expiration.

Respectfully Submitted,



Theresa M. Snyder
Board Clerk