

Dec 6, 2018
Agenda

**BOROUGH OF WATCHUNG
BOARD OF ADJUSTMENT
DANIEL CRONHEIM, CHAIRMAN**

**Special Meeting
October 2, 2018**

**OFFICIAL MINUTES
ADOPTED NOVEMBER 8, 2018**

Vice Chairman Hunsinger called the Special Meeting to order at 7:37 p.m. Board members present were Ms. Fechtner, Mr. Dallas, Mr. Kita, and Mr. Panzarella. Also present were Steven Warner, Esq., Board Attorney, David Stires, P.E., Board Engineer, Ed Bennett, Zoning Official and Theresa Snyder, Board Clerk. There were 22 members from the public present.

Vice Chairman Hunsinger read the statement indicating the meeting was being conducted according to the Sunshine Law, the Municipal Land Use Law requirements, and the recording of the Minutes as required by law. He then led the flag salute to the American flag, and the Board members identified themselves for the record.

APPLICATIONS

Case No.: BA 18-08; Bolkhovskiy
Address: 151 Sunlit Drive
Block: 301 Lot: 8
Expiration Date: October 11, 2018

Chairman Cronheim was recused and not present for the application.

Opposing Council was introduced. Mrs. Mary Ann Cronheim, Esq. entered her appearance on behalf of the Pietrone Family, 175 Sunlit Drive and Mr. David Cronheim, Esq., entered his appearance on behalf of Watchung Valley Golf Course LLC and Mary Ann Cronheim.

Ms. Erica Edwards, Esq. entered her appearance on behalf of the applicant.

The content of the notice was sufficient giving the Board jurisdiction for this case. There was no objection from opposing council.

CLM/A, JBA

At the prior meeting there was an administrative oversight which necessitated the special meeting; therefore, the Board made a recommendation to the Governing Body to waive the \$1,000 Administrative Charge for special meetings as per the Fee Schedule outlined in the Borough Ordinance.

All professionals and officials were sworn in to testify.

Ms. Edwards spoke on behalf of Victor Bolkhovskiy, the applicant. Mr. Matthew Wilder, PE, PP, Morgan Engineering 130 Central Avenue, Island Heights, NJ, was duly sworn, presented qualifications and was accepted as an expert for the applicant as an engineer and planner.

Mr. Wilder explained that the property contained an existing one-story brick single-family dwelling, a circular driveway, wood shed, gazebo and pond. The applicant was proposing a two-story single-family dwelling which would include (2) two-car garages. There is a proposed dry well to handle runoff. The applicant was seeking variance relief from Sec. 28-401.W2.b(1) requiring a minimum setback of 15 ft. for a side yard setback in the R-R Single Family Residential Zone. The applicant was proposing 8 ft. setback on each sideline. Mr. Wilder, PE, stated that the applicant would modify his plans to be compliant to the sloping requirements of the zone. The applicant was applying for a C2 Variance. The circular driveway and side loading garage would give the property diversity and aesthetically look better which is one of the goals of the 2011 re-exam of the Master Plan. All runoff would be directed to Sunlit Drive.

The Board was concerned with the number of parking spaces available with this plan. They also brought up that this was new construction which creates a blank slate and therefore capable of complying with all zoning on the property.

Mr. Wilder described the front garage would have a bonus room with no additional living space. The bonus room was not included in the count of the proposed 5 bedrooms and 1 kitchen. It would not be used as a two family home.

Mr. Cronheim inquired if the Master Plan included anything about having two driveways and how did the applicant justify the look of additional asphalt as being aesthetically pleasing.

Mrs. Cronheim questioned the asphalt between the dwelling and the garage as to whether or not it would provide for additional parking. She also raised concern that there is 8 ft. between the asphalt of the driveway and the property next door. The unique feature of Sunlit Drive is that almost every lot is the same; therefore, the applicant does not have a hardship complying with the zoning. Another concern was

the second floor of the dwelling above the garage. She said that by design, the applicant is creating a hardship.

Ms. Edwards responded that the house fully complies with the zone. The applicant would make a condition to include pavers between the house and garage instead of asphalt. The applicant is seeking a C2 Variance, not a C1 Variance.

The meeting was opened to the public.

Mr. Chris D'Annunzio, 196 Sunlit Drive, spoke about the conditions of runoff on Sunlit Drive and was concerned with the impervious coverage presenting additional problems with runoff in the future.

Mr. Wilder explained a drywell had been design to collect runoff.

Mr. John Motta, 122 Sunlit Drive, also had concern with runoff from the property. He inquired if the property was surveyed and if the planner had looked at the other homes in the area. He also thought that if the design was brought in by 8-10 ft., it would comply. Another concern was that the circular driveway in front would promote additional parking.

Mr. Wilder said the applicant would be subject to approval by the Borough engineer concerning the runoff. The Borough does allow for circular driveways, and he thought the plan was not out of character with the neighborhood.

The applicant requested a recess.

After the recess, Mr. Wilder presented changes to the application. There would be an inclusion of trench drains to the driveway 30 ft. back. Only the front 30 ft. of runoff would go into the street. The applicant would increase the setback to 10 ft. on the most northwesterly portion of the driveway to allow for turn around into the side loading garage. The remainder of the driveways would have an 8 ft. setback. The applicant would include an evergreen planting 15 ft. back, and the Eastern side of the property would include a 4 ft. hedge row. The variance relief sought with the changes would be for setbacks ranging from 3 ft. – 7 ft.

Mr. Stires had no problem from an engineering prospective and believed the changes were acceptable.

Mr. Cronheim asked if any other house had a row of hedges, and asked why they wouldn't fully comply with the 15 ft. setbacks. He objected that the 4ft. of hedge would make it hard to see if cars were parked on the circular driveway.

On question by Mrs. Cronheim and Mr. D'Annunzio, Mr. Wilder said there were 5 points of egress if the garages are included. The soil is K-1 soil and should have no detrimental effect to Sunlit Drive. The drywell system is required to drain within 72 hours. The trench drain is not required. The trenches would provide sufficient groundwater recharge. This would be a single family home, not a two family home.

Ms. Gall, 148 Sunlit Drive, asked for clarification as to the drywell and the driveway.

Mr. Motta objected to the circular driveway as being a necessity.

Ms. Edwards, spoke on behalf of her client that he will be occupying the new home.

The public portion was closed.

Mr. Victor Bolkhovskiy, 10 Lake Ave., East Brunswick, NJ, was sworn in and testified that intended to occupy the residence.

Mr. Bolkhovskiy testified that he owned the property for two years. He explained that it was used as a rental property while he was preparing his plans. It was rented through the same reputable agency that sold him the house. Mr. Cronheim introduced into evidence Exhibit O-1, a 10 page compendium of police dispatch logs. He proceeded to present the police calls to the property since Mr. Bolkhovskiy's ownership. Mr. Bolkhovskiy did concede that there were problems with the prior tenants, and he became involved as soon as he was informed there were problems. Mr. Cronheim addressed the Board as to the credibility of the applicant that this would not become a "boarding house". Mr. Bolkhovskiy testified that the dwelling will be his residence, not a rental property.

The following members of the public were sworn in and testified:

Mr. Jeffrey Simon, 234 Sunlit Drive, testified that the house was an eyesore with bottles and other debris spread around it. The police were often called to the premises.

Mr. Nick Pietrone, 175 Sunlit Drive, testified that he observed the house to be a "hell hole". There was trash around the property. Emergency services were called to the property. He felt unsafe, and applied for a handgun permit.

Ms. Neema Patel, 135 Sunlit Drive, testified that her property is directly next to the applicant. She had been attacked by dogs. When the tenants occupied the house, she could not send her children out to play in the backyard due to the neighbors peering into her yard. She witnessed rave parties with hundreds of cars parked on the property and

surrounding street. She had to call the police a number of times. She was afraid. It was not the experience she wanted moving into Watchung. She wanted conformation that the applicant would reside on the premise.

Mr. John Motta, 122 Sunlit Drive, testified that the applicant should not be granted a variance. He was opposed to the circular driveway because this would be a new build and had the capability of being fully compliant.

Mrs. Cronheim expressed concern about the amount of impervious coverage and suggested that the large amount of asphalt would lend itself to more cars on the property. She challenged the credibility of the applicant as to the home being a 2-family home disguised as a 1-family home. She testified that all other lots are compliant.

Mr. Cronheim challenged the applicant's knowledge of what was happening on the property. He requested that the Board deny the applicant's request for the variance. He suggested that the nonconforming, large driveway will promote an additional unwanted element in the neighborhood, and said there was no quantifiable benefit to the neighborhood.

Mr. Bolkhovskiy apologized to the neighbors for all that they had experienced as a result of the tenants occupying his home. He became aware of the problems, when he received a letter from the Borough. He had to enter the property accompanied by police so as to not be trespassing on his own property. He further explained that he had taken the tenants to court and had an involved process of evicting them. He again apologized and reaffirmed that his intentions were to occupy the house himself or perhaps with his parents in the future.

On motion by Mr. Dallas, seconded by Mr. Panzarella, the Board denied the application based on the following roll call vote:

Roll Call:	Ayes:	
	Nays:	Ms. Fechtner, Mr. Dalls, Mr. Kita, Mr. Panzarella and Vice Chairman Hunsinger
	Not Eligible:	
	Abstain:	
	Absent:	Mr. Brown, Mr. Bell, Mr. Lauerman and Chairman Cronheim

ADJOURN

On motion by Mr. Kita, seconded by Mr. Panzarella, the Board unanimously voted to adjourn the meeting at 10:40 p.m.

Respectfully Submitted,

Theresa Snyder
Board Clerk