BOROUGH OF WATCHUNG
Board of Adjustment
Daniel Cronheim, Chairman

2018 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, §16.

The Borough of Watchung Board of Adjustment has used the period of January 1, 2018 through December 31, 2018 as the reporting period.

A total of 12 applications were heard. 9 were approved with conditions. 1 was denied. 4 are still pending.

The following applications were heard and decided on during the 2018 year by the Board of Adjustment.

1. CASE NO.: BA 18-01; RETS
   ADDRESS: 833 MOUNTAIN BLVD.
   BLOCK: 201 LOT: 17
   PENDING

Summary: Located in the RR Zone. This is a bifurcated application. The applicant is seeking Use Variances to construct a multi-family dwelling with parking.

2. CASE NO. BA18-02; DUGHI
   35 PRICE DRIVE/525 VALLEY ROAD
   BLOCK: 70.01 LOTS: 2 & 6
   C VARIANCES AND LOT LINE APPROVED APRIL 12, 2018

Summary: Located in the RR Zone. The applicant requested minor subdivision approval and variance relief.

3. CASE NO.: BA 18-03; FIGUEIREDO
   ADDRESS: 111 JOHNSTON DRIVE
   BLOCK: 45.01 LOT: 21
   C(1)-VARIANCE APPROVED MAY 10, 2018

Summary: Located in the RR Zone. Application was for a proposed attached garage. Variance relief from (Sec. 28-404D), Lot coverage and side yard set back

4. CASE NO.: BA 18-04; TARGET
   1515 US HIGHWAY 22
   BLOCK: 5703 LOT: 2.06
   C(1)-VARIANCE APPROVED MAY 10, 2018

Summary: Located in the HD Zone. Exterior renovation of existing façade and signs. Relief from (Sections 28-504G.2 and 28-504G.3).

5. CASE NO. BA 18-05; BIVIANO
   50 CENTURY LANE
   BLOCK 4301 LOT 2.02
   C(1)-VARIANCE APPROVED JUNE 6, 2018

Summary: Located in the RR Zone. Construction of new pool house. Variance from (Sec. 28-401 B.I.F) No detailed accessory structure or building shall be located in the front yard area for the principal building.

6. CASE NO.: BA 18-06; DONAROMA-Abandoned

7. CASE NO.: BA 18-07; BRANCO
   77 OAKRIDGE LANE
   BLOCK: 4405 LOT: 5
   C(1)-VARIANCE APPROVED JULY12,2018

Summary: Located in the RR Zone. Proposed single story addition and interior alteration to single family dwelling. Proposed new two car garage. The Applicant is sought variance from (Sec. 28-404D) to permit a single story addition to the existing dwelling in the front yard with a setback of 26.4' where 50' is required.

8. CASE NO.: BA 18-08; BOLKHOVSKIY
   ADDRESS: 151 SUNLIT DRIVE
   BLOCK: 301 LOT: 8
   C(2)-VARIANCE DENIED OCTOBER 2, 2018
   Located in the RR Zone

9. CASE NO.: BA 18-09; EDGEMONT
   25 EDGEMONT ROAD
   BLOCK: 55.01 LOT: 3
   C(1)-VARIANCE APPROVED AUGUST 9, 2018

Summary: Located in the RR Zone. Sought a Variance from (Sec. 28-404D) for a portico with a front yard setback of 44.4' where 50' is required.

10. CASE NO.: BA 18-10; SUNOCO- WITHDRAWN

11. CASE NO.: BA 18-11; CHICK-FIL-A
    ADDRESS: 1662 US HIGHWAY 22 EAST
    BUILDING D
    BLOCK: 6101 LOT: 5
    APPROVED 11/8/18

Summary: Located in the HD Zone. Sought a D(3) conditional use for a drive through. Sought variance relief from (Sec. 28-409 E.8) at least the 1st 25' adjacent to any street line and 15' adjacent to any lot line shall not be used for parking or loading. Sought variance relief from (Sec. 28-409.D) front yard setback. Variance relief from (Sec. 28-409.D) distance of accessory building to other building. Variance relief from (Sec. 28-504.G) maximum vertical height of 5 ft. is allowed for wall signage.

12. CASE NO.: BA 18-12; WALMART
    ADDRESS: 1515 US HIGHWAY 22 WEST
    BLOCK: 5703 LOT: 2.04
    APPROVED 11/8/18

Summary: Variance needed for outdoor display not permitted without approval by the Board of Adjustment.

13. CASE NO.: BA 18-13; ZINBURGER
    ADDRESS: 1662 US HIGHWAY 22 EAST
    BUILDING E
    BLOCK: 6101 LOT: 5
    APPROVED 11/8/18

Summary: Located in the HD Zone. Sought a D(1) conditional use for outdoor dining. Sought variance relief from (Sec. 28-409 E.8) at least the 1st 25' adjacent to any street line and 15' adjacent to any lot line shall not be used for parking or loading. Sought variance relief from (Sec. 28-409.D) front yard setback, (Sec. 28-504.G) sign area, (Sec. 28-504.G) sign height.

14. CASE NO.: BA 18-14; GIRARD
ADDRESS: 897 VALLEY ROAD
BLOCK: 7302 LOT: 18
C1-Solid Fencing
PENDING

Summary: Located in the RR Zone. Seeking variance relief from (Sec. 28-502A1 and Sec. 28-502A1(a)) to permit the following: A six foot solid fence which is currently constructed on the property to remain as constructed. The fence runs on both sides of the property's back yard and serves as protection and barrier from a private road and a driveway which serves as a lot for several vehicles. Any and all variances associated with this application as needed.

15. CASE NO.: BA 18-15; CASE NUMBER SKIPPED

16. CASE NO.: BA 18-16; PAPARATTO
ADDRESS: 27 LAKEVIEW AVE.
BLOCK: 13 LOT: 30-35
PENDING

Summary: Located in the RR Zone. An application for the addition of a 1,400 sq. ft. brick paver patio in the rear yard of the existing dwelling. The Property is located in the R-B-Single-Family Residential Zoning District. The Applicant is seeking a variance from (Sec. 28-405 D) for impervious coverage, proposed 45% whereas 30% allowed. Any and all variances associated with this application as needed.

17. CASE NO.: BA 18-17; PANERA
ADDRESS: 1680 ROUTE 22 E
BLOCK: 6201 LOT: 3
PENDING-INCOMPLETE

Summary: Located in the HD Zone. An application for a drive through is proposed.

RECOMMENDATIONS

1. The Board would like to consider changes be made to the outdoor dining especially in the Route 22 corridor.
2. The Board would like to consider changes be made to the Tree Ordinance. Board members opined that by not allowing home owners to take control of their property and remove trees that present a problem is dangerous. During the recent storms, residents were stranded in their homes or remained in a state of danger because of the timing of the trees falling and the necessity of waiting for Borough hall to open to apply for a tree permit. Homeowners should be allowed without a permit to remove a limited number of trees per year plus damaged ones. The Borough should not require any trees be planted near any power

lines. The Tree Ordinance should be relaxed and allow property owners to manage their own properties in a safer and healthier way.

3. Mr. Bennett made recommendation that the Fence Ordinance be updated. Presently, the Ordinance does not allow for solid fencing or 6 foot fence.
4. Mr. Cronheim made a recommendation that set-backs for certain lots be reviewed. Steep slopes reduce the amount of buildable land and influence the height to set back ratio.

Respectfully Submitted,

Theresa Snyder
Board Clerk