

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

Regular Meeting [Virtual]
December 8, 2022

OFFICIAL MINUTES
Adopted 1/12/23

Chairman Cronheim called the Regular Meeting to order at 7:30 p.m.

ROLL CALL

Mr. DJ Hunsinger
Mr. Richard Brown
Ms. Sondra Fechtner
Mr. PJ Panzarella
Mr. Mitchell Taraschi

Mr. Wanye Hanlon
Dr. Richard Steinfeld
Mr. Daniel Cronheim, Chairman (absent)
David A. Stires, PE
Steven K. Warner, Esq.
Theresa Snyder, Board Clerk

Vice Chairman Hunsinger called the regular meeting to order. He read the statement indicating the meeting was being conducted according to Open Public Meetings Act, the Municipal Land Use Law requirements, and the recording of the Minutes as required by law. In order to comply with the Executive Orders signed by the governor, and in an effort to follow best practices recommended by the CDC and DCA for emergency meeting protocol, the meeting was held virtually for all board members, board professionals, the applicant and interested parties and members of the public.

He then led the flag salute to the American flag, and the Board members identified themselves for the record.

MINUTES

On motion by Ms. Fechtner, seconded by Mr. Brown, the regular meeting minutes of November 10, 2022, were adopted on voice vote with Mr. Hunsinger abstaining.

RESOLUTIONS

Resolution BA 22-R11
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

On motion by Mr. Panzarella, seconded by Mr. Taraschi, the Board memorialized the resolution based on the following roll call vote:

Roll Call:

Ayes:	Mr. Brown, Ms. Fechtner, Mr. Panzarella, Mr. Taraschi, Mr. Hanlon, and Dr. Steinfeld
Nays:	
Not Eligible:	Mr. Hunsinger
Abstain:	
Absent:	Chairman Cronheim

Resolution BA 22-R12

CASE NO.: BA 22-04; Starbucks

1666 Rt. 22BLOCK: 6101 LOT: 5

Represented By: Patrick K. McNamara, Esq.

HD ZONE

Approved: 11/10/22

On motion by Mr. Brown, seconded by Mr. Hanlon, the Board memorialized the resolution based on the following roll call vote:

Roll Call:

Ayes:	Mr. Brown, Ms. Fechtner, Mr. Panzarella, Mr. Taraschi, Mr. Hanlon, and Dr. Steinfeld
Nays:	
Not Eligible:	Mr. Hunsinger
Abstain:	
Absent:	Chairman Cronheim

APPLICATIONS

CASE NO.: BA 22-02; Thakur

990 Somerset Street

BLOCK: 4401 LOT: 3

Represented By: Allen J. Barkin, Esq.

BB ZONE

Expiration: 3/7/22

Mr. Barkin, Esq. entered his appearance on behalf of the Applicant. Mr. Warner stated that he reviewed the noticed and found the content of the notice to be sufficient and timely served giving the Board jurisdiction to act.

The following people were sworn in to give testimony: Mr. Anwar Alkhatib and David A. Stires, P.E., Board Engineer.

Mr. Barkin represented Divya Thakur the owner of the Property. The dwelling was built in 1890, and in 1986 one of the prior owners changed the three (3) story home into a mixed-use building with office space on the first floor and apartments on the upper floors. The purpose of the application was to restore the building to a three-family home. The footprint would remain the same. The roof would need to be raised to provide additional space in the third-floor apartment. The Applicant was seeking a d(1) use variance to permit a three-family residential dwelling in the BB Zoning district which is not a permitted use. The Applicant would also seek a height variance for 36.5 ft., whereas, 35 ft. is permitted and other bulk variances existing on the Property.

Anwar Alkhatib, having a business address of 151 West Passaic St., 2nd Floor, Rochelle Park, NJ, gave his credentials, his license was in good standing, and the Board accepted him as an expert in the field of architecture. Mr. Alkhatib referenced the Floor Plan with a last revised date of 10/4/22 which represented the Site Plan and Zoning Table. The building was currently mixed use, located on Somerset Street on somewhat a corner lot. The parking lot was paved, and Mr. Alkhatib testified that the Applicant planned to reduce the impervious coverage by creating a landscape buffer at the property line. The BB Zone did not allow mixed use. He testified that the lot area, lot width were existing, non-conforming on an irregularly shaped lot. The Applicant would increase the building height and add stairs to access the third floor. He calculated the parking requirements at one (1) bedroom requiring 1.8 parking spaces and two (2) bedrooms requiring two (2) parking spaces. The Applicant proposed the following:

<u>Floor</u>	<u>Number of Bedrooms/Bathrooms</u>
First Floor	One bedroom, one bathroom
Second Floor	Two bedrooms, one bathroom
Third Floor	Two bedrooms, one bathroom

Mr. Alkhatib continued his testimony using Page 2 of the Site Plan which showed the existing conditions on the Property. The building had an unfinished basement. The existing first floor was office space. The first floor had two offices with a bathroom and break room. The second floor was an apartment with two bedrooms and one bathroom. The third floor was the attic being used as an apartment, but it had minimal clearance and would need to be expanded. Using Page 3 of the Site Plan, Mr. Alkhatib testified to the proposed conditions of the building. The first floor would be redesigned as a one bedroom, one bathroom apartment. An exterior staircase would be built for third floor access only. The existing second floor apartment would be accessed from the rear of the building and generally remain in its current condition. The third floor would have two means of egress with a fire escape. Since the building would be a three-family home, it would be required to be sprinkled. He testified that the parking on site was compliant. Each apartment would be issued two parking spaces. Garbage and recycling cans would be on the Property. The back of the Property would be landscaped, and a portion of the parking lot would be painted yellow designating an area for the garbage and recycling.

On Vice Chairman Hunsinger's question concerning the elimination of a potential parking space, Mr. Alkhatib responded that the Applicant was compliant with the parking counts and the

location of the additional parking space Mr. Hunsinger suggested would not be good placement to the overall circulation on the Property.

Board Member Fetchner raised a concern with the number of parking spaces allocated for each residence with no access to public transportation. Vice Chairman Hunsinger also shared his concern that the Property not only had no off-street parking, but it also did not have any additional access to parking anywhere close in proximity to its location. Mr. Barkin suggested the Applicant provide an additional parking space, if the Board requested.

Mr. Warner responded that the architect testified it would be problematic to convert the green space to parking.

Mr. Alkhatib responded the drive isle on the Property complied. A 24 ft. drive isle is required when there are two rows of parking. The Applicant was proposing one row of parking, thereby reducing the requirement for the drive isle to 12 ft. In response to Mr. Warner's question as to whether six (6) parking spaces was the most that could be placed on the lot, Mr. Akhatib responded in the affirmative that six (6) spaces allowed for the most comfortable circulation.

Board Member Panzarella suggested the elimination of the parking space at the entrance to allow for direct access to two (2) parking spaces in the proposed grass area.

Mr. Stires described the Property as unique. He raised the concern that there was not guest parking on the Property, nor was there parking allowed on Somerset Street. In response to Mr. Stire's question concerning the garbage and recycling maintenance, Mr. Barkin responded that the tenants would bring the cans to the curb for pick up.

At the request of Mr. Warner, Mr. Stires addressed some the issues from his memo. He expressed his concern as to how severe the flooding is on the Property. He also brought up the 1986 approval which required the phasing out of the residential use. To which Mr. Warner added that the residential approval in 1986 was for a certain period of time. There was a sunset on the variance. The Board needed factual information as to that condition in determining use variance relief and whether the leases in 1986 remained in effect at the time the present owner purchased the Property. Mr. Barkin responded that there were two tenants when the Property was purchased. Only the second floor was occupied.

Board Member Fetchner, who was a member of the Board during the prior approval of the Property, gave a short history of that decision. At the time of the 1986 approval, there were apartments on the easterly side of the street. The Board realized the area around the circle was changing into more commercial uses and the residential uses would eventually be eliminated. Most of the other surrounding Properties were requesting to be business uses in a residential zone, while this application presented the opposite in that the request was to convert a commercial property into residential.

Mr. Barkin informed the Board that the main reason the Applicant wanted to convert the building into a three-family home was to provide housing for the employees at the gas station that they

owned at the circle. To which both Vice Chairman Hunsinger and Mr. Warner stated that the Property can not be zoned for a particular occupant.

In determining whether the Board should grant a d(1) use variance, Mr. Warner asked for a determination as to whether the Board would be approving a use variance based on the expiration of the 1986 approval leaving the Board to grant approval for three (3) apartments or two (2) compliant apartments with the addition of a third apartment. He also suggested testimony be given to the d(6) height variance required and the number of stories. He suggested an engineer or planner give testimony.

Mr. Barkin on behalf of the Applicant requested the matter be adjourned to a future date.

Mr. Warner suggested that an engineer or planner address all of the issues surrounding the magnitude of the d(1) use variance from a planning prospective. Mr. Panzarella suggested that the garbage at the street still needed to be addressed, and directional signage should be considered along with a grading plan. Vice Chairman Hunsinger would like to see more parking rather than additional green space.

The application was carried to the January 12, 2023 meeting without further notice. An extension of time to act was given through March 31, 2023.

DISCUSSION

Board members discussed meeting in person. It was decided that since the reorganizational meeting was already noticed for virtual and the Board Chair was not present, to meet in January virtually and at the January meeting make the decision for the remainder of 2023.

OPEN TO THE PUBLIC

There were no other comments from the public.

ADJOURN

The Board unanimously voted to adjourn the meeting.

Respectfully Submitted,



Theresa Snyder
Board Clerk