

BOROUGH OF WATCHUNG
BOARD OF ADJUSTMENT
DANIEL CRONHEIM, CHAIRMAN

**Regular Meeting
March 12, 2020**

**OFFICIAL MINUTES
Adopted April 13, 2020**

Chairman Cronheim called the Regular Meeting to order at 7:37 p.m. Board members present were Mr. Hunsinger, Mr. Brown, Mr. Kita, Ms. Fetchner, Mr. Gunther, Mr. Taraschi and Mr. Hanlon. Also present were Amanda C. Wolfe, Esq., Board Attorney, David A. Stires, P.E., Board Engineer and Theresa Snyder, Board Clerk. There were 6 members from the public present.

Chairman Cronheim 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.

OATH OF OFFICE

Sondra Fetchner was appointed as a Class IV Member to a four year term ending December 31, 2023

Mitchell Taraschi was appointed as a Class IV Member to a four year term ending December 31, 2023

Wayne Hanlon was appointed as a Class IV Alternate #1 Member for an unexpired two year term ending December 31, 2020

**Resolution BA 19-R5
2018 Annual Report**

The Board made the following recommendations for the annual report:

1. The Board would like outdoor dining to be a conditional permitted use especially along the Rt. 22 corridor.
2. The Board would like changes be made to the Tree Ordinance. 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. The Fence Ordinance should allow for 6ft. high/solid fences. This could be determined by zone.
 4. Set-backs for certain lots should be reviewed as it relates to height to setback ratio. The minimum setback for houses should be 2x the height at the front façade (both corners) of the house in order to maintain proper appearances from the street. Single driveways from the street should not be part of impervious coverage for areas more than 50 feet from the street. Driveways must otherwise comply with existing driveway ordinances.
 5. Steep slopes should not reduce the amount of buildable land as long as development is on the areas not limited by steep slopes. Drainage must be limited and contained to meet predevelopment requirements. The Engineering Department must be satisfied with drainage control.

On motion by Mr. Hunsinger, seconded by Mr. Brown, the Board adopted Resolution BA 20-R5 based on the following roll call vote:

Roll Call:

Ayes: Mr. Hunsinger, Mr. Brown, Mr. Kita, Ms. Fetchner,
Mr. Gunther, Mr. Taraschi and Chairman Cronheim

Nays:

Not Eligible:

Abstain:

Absent:

APPROVAL OF MINUTES

On motion by Mr. Kita, seconded by Mr. Hunsinger, the February 5, 2020, Reorganizational and Regular Meeting Minutes were accepted and carried on voice vote.

RESOLUTION BA 20-R8

CASE NO.: BA19-11; COLETTI
ADDRESS: 19 BEECHWOOD PLACE
BLOCK: 2501 LOT: 2
RB ZONE
Approved: 2/5/20

On motion by Mr. Hunsinger, seconded by Mr. Brown, the Board adopted the Resolution based on the following roll call vote:

Roll Call:

Ayes: Mr. Hunsinger, Mr. Brown, Mr. Kita, Ms. Fetchner,
Mr. Gunther, Mr. Taraschi and Chairman Cronheim

Nays:

Not Eligible:

Abstain:

Absent:

It was announced that the following cases would be noticed and placed on the April 13, 2020 Regular Meeting Agenda:

CASE NO.: BA 20-01; MILLER'S

CASE NO.: BA 20-02; CHICK-FIL-A

CASE NO.: BA 20-03; EMS TOWER

CASE NO.: BA19-10; STIRLING CIRCLE

ADDRESS: 53 STIRLING ROAD

BLOCK: 2402 LOT: 2

Represented By: Nina S. Popova, Esq.

BB ZONE

Expiration: 4/2/20

Ms. Nina S. Popova, Esq., Piasecki and Whitelaw, LLC, having a business address of 239 US 22 East, Suite 303, Green Brook, NJ 08812, entered her appearance on behalf of the Applicants. Mr. Vishal ("Vinny") Thakur, Store Manager, having a business address of 53 Stirling Road, Watchung, New Jersey, was duly sworn according to law. Mr. David Stires, PE was also sworn in to give testimony.

Notice was sufficient giving the Board jurisdiction to act.

Mr. Thakur gave a brief history of the purchase of the service station in 2017. The property has historically been a gas station. There were several different names associated with the site. Since purchasing the station, he and his father who is the owner, have made a number of site improvements. A significant improvement was the replacement of the 44 year old under ground tanks. These tanks were upgraded to double walled, fiber glass tanks and the entire site was re-paved. There were also site improvements subject to the request of the Planning Board in 2018 to make a one-way entrance. They painted "Do Not Enter" lettering on the drive way and installed flashing "Do Not Enter" signs. The property currently functions as a gas station with three service bays. There are currently no tenants occupying the bays. The location does house several vending machines located outside of the building. The proposed

improvements would include converting the bays into a convenient store. They would install 4 hanging lights, and the facade would be made of brick and glass.

Mr. Thakur presented EXHIBIT A-1 "A Compendium of Pictures" dated 3/12/20. They would be removing the garage doors. They would also move the vending machines inside of the building allowing for the placement of planting beds in front of the store. Mr. Thakur further explained that the bathroom would be ADA compliant. They would continue to sell the same types of merchandise at this location. They would have eleven walk-in coolers with the ability to sell milk and other drinks. There would be a small coffee bar area. The improvements would not include any tables or chairs, nor would there be any food preparation.

On question of Mr. Hunsinger, Mr. Thakur explained the hours of operation would be 24 hours a day, and the current lighted sign could be dimmed at night.

On question of Mr. Gunther, Mr. Thakur informed the Board that there was no intention to do plantings along the edge of the property. They keep things trimmed to maintain site lines. If the application was not approved, he would try to rent out each bay.

The meeting was opened and closed to the public.

Mr. Leland Titus, PE of Titus Surveying & Engineering, PC having a business address of 618 Somerset Street, North Plainfield, NJ 07060, was sworn in to give testimony. He gave his credentials. His license was in good standing, and he was accepted by the Board as a witness. He opined that the change of access on the property improved the traffic flow of the location. There is a brook located behind the service station. This is considered a flood plain. DEP will allow for minor changes. They would allow for a fence. The existing parking included ten delineated spaces. He also included in his count the 6 spaces in front of the gas pumps. He further opined that the Ordinance was not clear on this kind of use. According to a separate analysis on service stations, the requirement is usually 1 space per 1,000 sq. ft. which would create a need for 19 spaces on the property. Mr. Titus requested variance for the 6 ft. fence the owner had started to install.

The applicant stipulated to the condition of maintaining 3 garbage receptacles on site along with regular maintenance of recycling and refuse removal.

Ms. Popova called Michael J. Pessolano, PP of MJP Land Use Planning LLC, having a business address of 140 Elmwood Ave. Fl. 2, Bogota, NJ 07603 to give testimony. He was sworn in and gave his credentials; his license was in good standing. He was accepted by the Board as a witness. Mr. Pessolano opined that the lot is located in the BB Zone with a Historical Village Center overlay. He presented EXHIBIT A-2 "Aerial Image, Ground Photos" dated 10/20/19. He continued that this was a well-developed property in its setting. The owner has optimized the design of the site and made as

many improvements to the circulation and access as possible. The intent of the changes to the site would promote a more needed use for the area.

He testified that the proposed improvements were not inconsistent with the Master Plan of the Borough, and demonstrated that the improvements would be beneficial to the community as they were more fitting to the Village Center setting.

There were no comments from the public.

On motion by Mr. Hunsinger, seconded by Mr. Brown, the application was approved with conditions based on the following roll call vote:

Roll Call:

Ayes:	Mr. Hunsinger, Mr. Brown, Mr. Gunther and Chairman Cronheim
Nays:	
Not Eligible:	Mr. Kita
Abstain:	
Absent:	Mr. Taraschi

REQUESTS

On motion by Mr. Hunsinger, seconded by Mr. Brown, the Board unanimously voted to grant the temporary sign request from the Little League.

EXECUTIVE SESSION

Pending litigation

Weldon Materials, Inc. vs. Bonnie Burn Urban Renewal Entity, LLC

RETS Partners, LLC vs. Watchung Borough Zoning Board of Adjustment

On motion by Mr. Hunsinger, seconded by Chairman Cronheim, the Board entered executive session based on the following roll call vote:

Roll Call:

Ayes:	Mr. Hunsinger, Mr. Brown, Mr. Kita, Ms. Fetchner, Mr. Gunther, Mr. Taraschi, Mr. Hanlon and Chairman Cronheim
Nays:	
Not Eligible:	
Abstain:	
Absent:	

At the conclusion of the Executive Session, the Board closed the closed portion of the meeting, and Opened the Open portion of the meeting.

ADJOURN

On motion by Chairman Cronheim, seconded by Mr. Hunsinger, the Board unanimously voted to adjourn the meeting at 9:25 p.m.

Respectfully Submitted,



Theresa Snyder
Board Clerk