

BOROUGH OF WATCHUNG  
BOARD OF ADJUSTMENT  
DANIEL CRONHEIM, CHAIRMAN

Regular Meeting [Virtual]  
August 13, 2020

OFFICIAL MINUTES  
Adopted 9/10/20

Chairman Cronheim called the Regular Meeting to order at 7:34 p.m. Board members present were Mr. D.J. Hunsinger, Mr. Hank Kita, Ms. Sondra Fetchner, Mr. Charles Gunther, Mr. Mitchell Taraschi and Mr. Wayne Hanlon. Also present were Amanda C. Wolfe, Esq., Board Attorney, David A. Stires, P.E., Board Engineer and Theresa Snyder, Board Clerk. There was 8 member 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. In order to comply with the Executive Orders signed by the governor, and in an effort to follow best practices recommended by the CDC, this 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.

APPROVAL OF MINUTES  
Regular Meeting Minutes July 9, 2020

On motion by Mr. Kita, seconded by Chairman Cronheim, the minutes were accepted and carried on voice vote.

CASE NO.: BA 20-06; PASSALAUQUA  
ADDRESS: 35 CEDAR AVE.  
BLOCK: 4313 LOT: 1.101  
Represented By: AUGIE SANTORE, Esq.  
RR ZONE

Ms. Wolfe stated that the content of the notice was sufficient. It was served and published in a timely manner giving the Board jurisdiction to act.

Board Member Kita explained that he is a member of Free Acres and received notice of this application; therefore, he recused himself.

Mr. Santore Jr., Esq., entered his appearance on behalf of the applicant. He briefly described that the property located at 35 Cedar Lane is an irregularly shaped lot. The applicant was appearing before the Board due to the narrowness of the lot. There is an existing structure on the lot that has been abandoned for at least 10-12 years. The property was purchased as a foreclosure.

Ms. Catherin A. Mueller, P.E., having a business address of PO Box 4619, Warren, NJ, was sworn in to give testimony. She gave her qualifications, and was accepted by the Board as a professional. She explained that the property was located in Free Acres. There is frontage on Cedar Lane on the southern portion of the property. The lot is moderately sloped with a ten foot drop across the property. She delineated the slopes according to the Ordinance. She also studied the flood elevation. All improvements are outside of the flood hazard zone. There is a 150 foot riparian buffer. The lot is cleared allowing the applicant to do a permit by rules. They will not be removing any trees within the zone.

Ms. Mueller continued that the applicant was proposing a walk-out basement. There would be a combined side-yard setback of 34.3 ft. where 50 ft. is required. The footprint of the building is in line with other houses in the area. The applicant is in compliance with impervious coverage. There will be less than an acre of disturbance. The applicant proposed one (1) drywell in the back of the property. They will include a rain garden on top of the drywell. Included in this garden will be special soils to collect impurities.

Ms. Mueller completed her testimony by stating that the building coverage is 11.6% where 15% is allowed. The height of the structure will be 34 ft. where the maximum height allowed is 35 ft. The house will be setback 50 ft. from the roadway. The house will connect to all existing utilities, and the sewer runs out to the North.

The meeting was open to the public. There were no comments from the public.

Mr. Alan Leonard, having a business address of 131 Passaic Street, New Providence, NJ, was sworn in to give testimony. He gave his qualifications, and was accepted by the Board as a professional. Mr. Leonard opined that Free Acres is a beautiful area. The property owners wanted something fitting to the area. In his architectural plans, he tried to break up the volume of the house with the roof lines. The proposed plan was open concept. He gave the dimensions of the rooms. Because of the sloped lot, the owners will construct a walk-out basement. He further opined that he tried to work the plan to limit the amount of variances and respect the zoning ordinance. In preparing the plans, he tried to keep the house in balance with the scale of the surrounding homes.

On question by Ms. Wolfe, Mr. Leonard testified that the applicant would stipulate to the condition that they will follow the drawing on the plans.

On question of Mr. Stires, Ms. Mueller stated that Union County wetlands did not identify any wetlands.

Mr. Sal Passalacqua, having an address of 258 Emerson Lane, Berkeley Heights, was sworn in to give testimony. He explained that Free Acres is comprised of 85 acres of land. It contains 74 units in Berkeley Heights and 11 units in Watchung. There is a 99 year lease on the property. The property is managed by volunteers. He has served on the Board for 22 years. He informed the Board that in order to modify a house, the home owner required a majority vote of the members.

The meeting was open to the public. There were no comments from the public.

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

Roll Call:

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

Nays:

Not Eligible:

Abstain: Mr. Kita

Absent: Mr. Brown

EXECUTIVE SESSION

Resolution No. BA 20-R16

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

On motion by Chairman Cronheim, seconded by Mr. Taraschi, the Board entered Executive Session based on the following roll call vote:

Roll Call:

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

Nays:

Not Eligible:

Abstain:

Absent: Mr. Brown

On motion by Ms. Fetchner, seconded by Mr. Taraschi, the motion to return to open session was accepted and carried on voice vote.

There were no comments from the public.

ADJOURN

The Board unanimously voted to adjourn the meeting at 8:20 p.m.

Respectfully Submitted,



Theresa Snyder  
Board Clerk