

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

Regular Meeting
June 8, 2023

**OFFICIAL MINUTES
Adopted on 7.11.23**

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

ROLL CALL

Mr. DJ Hunsinger	Mr. George Sopko (Absent)
Mr. Richard Brown	Mr. Alex Xie Alt #2 (Absent)
Ms. Sondra Fechtner	Mr. Warner, Esq.
Mr. PJ Panzarella	David A. Stires, PE
Mr. Mitchell Taraschi	Chris Sobieski, Esq.
Mr. Daniel Cronheim, Chairman	Tammy Vetusch, Board Clerk

Chairman Cronheim 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.

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

MINUTES

On motion by Mr. Brown, seconded by Mr. Panzarella, the regular meeting minutes of May 11, 2023, were adopted on voice vote.

RESOLUTIONS

Resolution BA 23-R8
BJ's Wholesale Club, Inc.

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

Roll Call:

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

APPLICATIONS

CASE NO.: BA 23-03; Quiceno
109 Wildwood Terrace
BLOCK: 202 LOT: 1
Represented By: Kevin J. O'Connor, Esq.
RR ZONE
Expiration: 7/7/23

This case has been carried to the next Board of Adjustment meeting date of July 11, 2023.

CASE NO.: BA 22-06 Pushpam & Sana Patel
55 Jared Court
BLOCK: 6802 LOT: 14
Represented By: John J. Sullivan, Esq.
ZONE: RR

Mr. Warner found notice content sufficient and timely served.

Mr. John Sullivan, Esq of Vastolla & Sullivan, on behalf of Mr. Patel, is seeking bulk variance relief for Impervious Coverage 26.47% v 20.53 Maximum permitted; Lot depth variance 197.05 ft. v 200 ft min requirement.

Mr. Warner swore in all witnesses for the case.

Mr. Patel and his wife moved into the property in 2021. At the time of the purchase, the yard had significant debris from fallen and dead trees, as well as broken beer bottles. There was also a pool deck and pathway made from slate that was cracked and in need of repair. The yard was not safe for his three young children to play. Shortly after moving in, Mr. Patel began improvements to his home. He had some work done on the inside of his home which required permits which he did receive prior to work being done.

He also had backyard repairs done on the slate pool deck and pathway that was cracked as well as having a landscaper remove several dead trees. Mr. Patel was not aware at this time and was not informed by his landscaper that permits were required from the town to remove dead trees and so he went ahead with the job. Unfortunately, during the removal of 7 dead trees, 2 were accidentally removed from his neighbor's (Mr. Jeff Kane) property.

Mr. Kane lives at 230 Valley Drive. Mr. Kane complained to Mr. Patel about the removal of the trees on his property and Mr. Patel, in response planted 16 evergreen trees for privacy. Then, in 2022 while landscapers were working again in Mr. Patel's yard, a small tree was knocked down and Mr. Kane called the township police. It was at this point that Mr. Patel was informed by the Borough that permits were required for tree removal. Mr. Patel then applied and obtained per # GCP-22-00208.

Subsequently, on June 8, 2023 the Environmental Committee submitted a report about the above incidents to the Board. They are dismayed with the fact that Mr. Patel removed numerous trees without required permits and that he failed to replant or fund the tree bank per the Borough Tree ordinance. They stated that the loss of trees impacts impervious coverage. They are concerned about excess runoff and downhill flooding and are concerned about allowing the increase in impervious coverage on Mr. Patel's property. The EC recommends that the applicant be given the opportunity to work with the Borough's Engineering Department to create a required tree replacement plan for the property or pay into the Tree Bank.

Mr. Titus a licensed professional engineer and planner has been accepted as an expert witness in Civil Engineering. Mr. Titus described the property as a cul-de-sac on Jared Court which slopes northerly; has direct step-up; is rocky; and impervious. There is a large house on the property with a driveway, detached garage, and a covered walkway. He testified that the property is in excess of impervious coverage.

Mr. Patel was questioned by his neighbor, Wendy Robinson, on June 8th, testified that he did not have a receipt for how many trees were removed but would try to locate. He also stated that a "stop work order" was issued in 2022 and he complied with the order. He then obtained a land survey through Dave Stires as suggested by the Borough Administrator.

Mr. Chadwick, Licensed Planner accepted as an expert witness. Mr. Chadwick spoke on the drainage; the property was in poor shape and he feels that Mr. Patel has brought the property back to life. New drainage needs to be added, this needs to be done. This is a C-2 variance, we need to show some way of mitigating the extra coverage. Mr. Chadwick's opinion is he does not see any substantial impact on the neighborhood, everything goes downhill from any neighbor. In terms of mitigating added drainage over and above, he believes they have addressed any negative impact.

Mr. Jeffrey Kane, 230 Valley Drive Watchung Lot 4, was sworn in. Mr. Kane stated that he has been working with Mr. Patel for the last few years to resolve the issue of accidental tree removal from his property.

Ms. Wendy Robinson, 155 Hill Hollow Road was sworn in. Ms. Robinson appreciates Mr. Patel doing improvements to his home, she feels the devotion to his family is high priority to him. She does believe there is a larger picture though, and feels if the Board is to give

their approval it would give a green light to property owners to go and do whatever project they wish to construct and ask for permission when they are caught.

Relief Sought:

Impervious Coverage 26.47% v 20.53 Maximum permitted; Lot depth variance 197.05 ft. v 200 ft min requirement.

One of the two options that follow as decided upon by Mr. Kane and Mr. Patel; 2 3-inch caliper native indigenous trees or 2 4 ½ in caliper native indigenous trees on the Kane property

On motion by Mr. Panzarella and seconded by Ms. Fechtner to grant approval with all stipulations.

Roll Call:

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

CASE NO.; BA 22-02; Thakur
990 Somerset Street
BLOCK: 4401 LOT: 13
Represented by Allen Barkin, Esq.
BB ZONE

Mr. Allen Barkin, Esq. is representing client 990 Somerset Street. Mr. Barkin advised this is a continuation from a hearing in December. At that time architectural drawings and a layout of the plan was presented. At the time the issue of most concern to the board members was parking, only having the exact amount required and the need for at least one guest spot.

Mr. Warner advised that notice was sufficient and timely served.

Mr. Dupont was sworn in and accepted as an expert witness as Civil Engineer and Planning.

Mr. Dupont prepared the plan that was submitted March 27, 2023. The existing property currently has a two-story frame dwelling and existing parking spaces It was approved for a professional office on the first floor and 2 residential apartments. Mr. Dupont feels they can comply with Mr. Stires comments on his report however feels 2 things can be addressed further. 1. the circulation pattern and parking layout; Mr. Dupont feels the layout is clearly improved better than what is currently. 2. Surveyor to confirm proper Datum was used;

AVD 1988 has been confirmed, an elevation certification was done and the building is not in a flood plain. FEMA maps and elevation was discussed, parking was discussed at length and although tight is much better now. Mr. Brown asked if an ambulance would be able to make it thru the parking lot but it appears that they would have to pull up front.

On the Planning end of this project residential use would be expanded and circulation would be improving on site considerably, lighting, additional parking and an enclosure for trash would be addressed all for the betterment of the property. Mr. Dupont feels according to pages 9-10 in the 2020 re-exam of the Master Plan the Village Center should be designed and constructed to create a mixed-use environment including residential, this property would be going from mixed use to residential. Sidewalks are located on the county road; therefore, it could be considered for affordable housing, there will be no deed restricted for affordable housing. Mr. Barkin spoke with his client and they are willing to dedicate 1 unit to affordable housing. Mr. Dupont feels that the project that he is proposing has improved every aspect and the site is being brought up to code.

No Public Comments

ARCHITECT: Anwar A Alkhatib, 151 W Passaic, Avenue Rochelle Park – has been previously sworn in and remains under oath. The currently existing building is a mixed-use building to be converted into 3 residential apartments. The architecture of the existing building has 4 sides, siding, and a pitched roof. They will try to keep as much of the pitch as possible. The 2nd and 3rd floor will be similar in that they will include 2 bedrooms; the 1st floor will include 1 bedroom. The character of the building will be maintained, the material will be the same and the 3rd floor will be matched as best it can be.

HISTORICAL COMMITTEE: – Mr. Steve Pote, 124 Wildwood Terrace; sworn in under oath.

Mr. Pote, on behalf of the Historical Committee addressing the committee's concern that the building maintains the it's character. Mr. Alkhatib advised what is proposed is to preserve the existing look and style with what is there already; style, color, and look. They will be happy to keep the colors exactly as is.

No Public Comments

DISCUSSION:

Mr. Brown asked for clarification that the height would be extended to 9 ft 6"; Mr. Hunsinger commented the height makes him uncomfortable. He feels leaving it at 2 apartments would be better.

SUMMATION:

Mr. Barkin; 5 bedrooms, 3 story apartment unit, more parking than required, meets requirement granting use variance, he feels the only negative that has been brought up was the visual on the height. Regarding delivery vehicles if the Board wishes, a “No Stopping” sign they would be happy to comply; would also encourage the Post Office to move the mailboxes to the back. He feels that with the many improvements, this lot has a lot to offer, is providing a type of housing not necessarily available elsewhere in Watchung and is consistent with the re-visit of the Master Plan in 2020. The client is also willing to commit 1 unit to affordable housing.

Mr. Warner describes relief requested:

d (1) use variance; for residential use where only business use is permitted in the zone
2 Bulk variances; Height 36 6 ½ v 35 permitted
3 stories v 2 ½ stories max permitted

The following is doable if the Board requests it:

1 affordable Deed-restricted 30-year affordable housing unit
Lower peak to meet 35 ft at peak

DISCUSSION:

Mr. Taraschi is concerned about the height, but feels great care is being given to fit the esthetics, the parking does appear to be a little tight and is a bit concerned about the traffic becoming problematic, overall, believes it is an improvement to the property and he does feel it would be a benefit.

Mr. Hunsinger; spoken about the forced requirements the State of NJ has put upon us and this does fit the requirements.

Mr. Brown believes this was a good presentation; 3 units well priced, he likes it.

Ms. Fechtner feels that if we had some control of the traffic, she would feel more comfortable, however we do not.

Mr. Panzarella agrees with a lot of comments, he feel the engineering was a lot better this time; he likes the improvements, feels it will be busy and tight but it also supports local business.

On Motion by Mr. Brown and seconded by Mr. Taraschi roll call was as follows:

Roll Call:

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

The next regular scheduled Board of Adjustment meeting is 8.8.23 at 7:30 pm.

ADJOURN

The Board unanimously voted to adjourn the meeting.

Respectfully Submitted,



Tammy Vetusch
Board Clerk