

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

Regular Meeting
June 11, 2024

**OFFICIAL MINUTES
Adopted on: July 11th, 2024**

Chairman Daniel Cronheim called the Regular Meeting to order at 7:32 p.m.

ROLL CALL

Mr. DJ Hunsinger - **Absent**
Mr. PJ Panzarella – Present
Mr. Mitchell Taraschi – Present

Mr. Anthony Terrezza-**Tardy**
Mr. John Van De Castle – Present

George Sopko - -Present

Alex Xie – Present
Mr. Daniel Cronheim, Chairman -Present
David A. Stires, PE, PP, Board Engineer – Present
Steven Warner, Esq., Board Attorney -Present
Graeme Birrell
Catherine Furlan, Board Clerk -Present

Chairman Cronheim read the Call to Order Open Meetings Act statement as required by law. The Board attorney was present who acted and advised the Board on legal matters. Everyone stood for the Pledge of Allegiance to the flag.

MINUTES

The Board reviewed the minutes from the May 9th meeting. On motion by Mr. Panzarella seconded by Mr. Birrell. The Regular Meeting Minutes from May 9th, 2024 were accepted and carried on voice vote. All voted in favor. Mr. Panzarella was ineligible to vote.

ANNOUNCEMENT

BA 24-03; Carvajal case is being carried to the July 11th, 2024 meeting with further notice from the applicant due to inadequate notice for the June meeting.

RESOLUTIONS

BA 24-01; Carty
936 Valley Road
RR Zone
Block 7401 Lot 15

Mr. Taraschi motioned to approve the resolution and it was seconded by Mr. Sopko.

Roll Call

		Motion to Grant the Application					Resolution of Memorialization					
		Date: May 9, 2024					Date: June 11, 2024					
Member	Motion	2nd	Aye	Nay	Abstain	Absent	Motion	2nd	Aye	Nay	Ineligible	Absent
Cronheim			X						X			
Hunsinger	X											X
Terrezza		X	X									X
Sopko			X					X	X			
Panzarella						X					X	
Tarashi			X				X		X			
Birrell			X						X			
Ven de Castle (Al. 1)			X						X			
Xie (Al. 2)			X						X			

APPLICATIONS

CASE NO.: BA23-11; EGHELSHI

705 Johnston Drive
 BLOCK: 6903 LOT 37
 RR ZONE

Mr. David Eghelshi and his son Joshua Eghelshi approached the podium to testify. The Board did not receive an Affidavit of Notice, but notices were sent in a timely notice so the Board has jurisdiction to hear the case. Applicants were sworn in and confirmed they sent notices to the 200-foot list in a timely manner. Mr. Joshua Eghelshi explained how the driveway was recently constructed and the contractor asked if they would like to add pillars and a mailbox located at 10 Timberline Way. This is a second driveway with the main driveway at 705 Johnston. They wanted to construct the pillars to prevent the mailbox from being destroyed or knocked down. They have had less issues with mail being lost since the relocating of the mailbox inside one of the pillars.

Mr. Stires described the 50-foot right-of-way on Timberline, a 30-foot-wide park way, and a 10 foot green area in the right of way. The pillars are located in the greenway and not in the roadway. Larger vehicles would have a harder time to turn but that is the homeowner’s issue. Mr. Warner recommended any condition include the governing body. Mr. Panzarella inquired how the case came before the board and if it is a liability to the town. Mr. Joshua Eghelshi confirmed an inspector pointed out the zoning violation.

QUESTIONS FROM THE PUBLIC

Mr. George Cannellis of 20 Timberline Way approached the podium. He inquired why the Board has jurisdiction over this property if he is the owner. Mr. Stires pointed out the pillars are not on

Mr. Cannellis’s property but in the Borough right-of-way. Part of the driveway is on Mr. Cannellis’s property, Lot 2 of 20 Timberline. Relief was not being sought from the applicant for the driveway, just for the pillars. Mr. Cannellis was sworn in to provide testimony. Mr. Cannellis pointed out the easement agreement had been modified. The agreement said only 11ft of the easement would be utilized. He provided a copy of the agreement from 1977. Mr. Cannellis stated there has never been an issue until this past year. He also stated that a traditional mailbox has always existed and was not on his property prior. Mr. Warner asked if Mr. Cannellis believes if he owns the property in the right of way, in which he said “yes”. Mr. Stires said the road is a dedicated road, dedicated to the Borough of Watchung. Mr. Cannellis said he objected to the variance and he wants the easement adhered to and the pillars removed. Mr. Warner pointed out that any private property disputes are between two homeowners and not for the board to decide. Mr. Cannellis provided a copy of the 1977 agreement which was entered into evidence as **Exhibit 01.**

Public comment was closed for the Board to deliberate. Applicant was seeking a variance for violation of Zoning Ordinance Section 28-502b prohibiting structures in the right-of-way. Conditions for approval. Mr. Taraschi inquired where the pillars were located. Mr. Stires confirmed that neither pillar is on Mr. Cannellis’s property. Mr. Sopko asked about frontage for pillars to be constructed and Mr. Stires confirmed they just need to be behind the right-of-way. The Board discussed leaving one pillar on the adjoining property not on Mr. Cannelli’s property. Mr. Terrezza inquired where the pillars would have been located had the applicant applied for permits. Mr. Stires confirmed it would be about 8ft behind where they are located now.

Mr. Panzarella motioned to deny since there was a dispute with the neighbor and the contractor did not do justice to the homeowner making it a liability to the town. Mr. Van de Castle seconded the motion to deny.

Roll Call

Mr. DJ Hunsinger - Absent	Alex Xie - Aye
Mr. PJ Panzarella – Aye	Mr. Daniel Cronheim, Chairman - Aye
Mr. Mitchell Taraschi- Aye	Mr. John Van De Castle – Aye
Mr. Anthony Terrezza- Tardy (ineligible)	George Sopko – Aye
	Graeme Birrell- Aye

Motion to deny was passed.

CASE NO. BA 24-02; DEMIRGIL

BLOCK 1201 LOT 1.03

55 Acorn Rd

Watchung, NJ 07059

Zone: RR

Mr. Warner reviewed notices which were reviewed and submitted in a timely manner. Ms. Rosemary Dougherty approached the podium to provide background on the case. Applicant wants to construct a multi-use sport court and would only be seeking a variance for impervious coverage. Applicant and Engineer were present to provide testimony. The Applicant purchased the home during COVID in 2022 and has seven children who play sports. The children all play

different sports which is why the Applicant is requesting a multi-use sport court. Adnan Khan, Applicant's Engineer, was sworn in and proved to be an expert in his field. Mr. Khan presented to the Board. Impervious coverage was calculated at 35% existing and 42% is proposed. The Engineer also adjusted for slopes and came out with 40% existing and 48.1% proposed impervious coverage with slopes.

The Site Development Plan shows the two-story home with in ground pool and patio. The Applicant is proposing a 50ft x 80ft multi-use asphalt court. The Applicant agreed to shift the court to avoid requesting a second variance for set-back. Applicant is also proposing a chain link fence around the property. The property contains steep slopes in category 2, 3, and 4. A retaining wall is being proposed with heights from 12 ft to 6" on the lowest side with a run of 120 feet to wrap around the pool and asphalt area. Mr. Stires confirmed the retaining wall would be necessary for grading purposes with the storm water system designs. A pipe system is also proposed if the soil cannot support a dry well. Mr. Warner inquired about the 1995 Resolution what amount of impervious coverage was known or approved? Ms. Dougherty conducted an OPRA request and could not find the prior approved impervious coverage percentage.

Ms. Dougherty pointed out the surface of the multi-use sports court needs to be asphalt since the sports played require that specific type of surface. Mr. Stires commented that they do make impervious asphalt pavement. Mr. Panzarella pointed out that the Environmental Committee would look more favorably on the Applicant if they used impervious asphalt. No lighting is being proposed as the court would be used during the daytime.

A quick recess was taken for the applicant to discuss the April 17th, 2024 Environmental Committee Report with their Engineer and council.

Mr. Khan addressed the Board concerning the Environmental Commission's Report. The Board questioned the location and viability of the existing storm water system which is unknown. The Applicant is willing to address the second storm water system if application is approved, during construction.

PUBLIC COMMENT

Laureen Babb at 35 Acorn Road approached the podium. Ms. Babb asked how many trees would come down to build the court? The Board asked the Applicant if they could speak to the plan for tree removal and replacement. The Applicant was unsure of the number of trees on the property and how many would come down. Applicant proposed to plant additional evergreen trees which are not shown on the plans. Mr. Stires pointed out a tree removal/tree replacement application would be needed and done through the Borough's Engineering Department.

Christopher Yim, 65 Acorn Road, approached the podium. He questioned if the new retaining wall would be within the town ordinance for property lines on the Northern line?

The Applicant, Suat Levent Demirgil, 55 Acorn Road, was called to the stand and sworn in and provided background on his application. Applicant understood the conditions set forth by the Board's Engineer in his report.

Dr. Gerald Grubman, 60 Acorn Road, approached the podium and asked the age of his children. Applicant answered 11, 18, and a 25-year-olds live at home currently. “How do you justify the change in a residential community for one child?”

Dr. Gerald Grubman was sworn in and provided testimony. Dr Grubman lives across the street and has a hard time justifying the change in the environment that is not designed for a sports court.

Christopher Yim, 65 Acorn Road, was sworn in and provided testimony. His father and the previous owner had a verbal agreement in 1995. Yoori Yim from 65 Acorn Road, David’s mother, approached the podium and was sworn in to provide personal knowledge of said agreement. Ms. Yim is concerned about the noise level the sports court will add in addition to the rain run-off that creates swamp like conditions. Mr. Warner asked if Ms. Yim’s house has ever flooded and how high did the water reach? David Yim answered that the basement flooded about 1” in the past. Mr. Yim had concerns about the color and viability of the retaining wall along with standing water and flooding concerns.

Chairman closed the public portion. Applicant’s council Ms. Dougherty provided a summation in closure. Chairman Cronheim interrupted proclaiming the Applicant has not shown the Board what they want to do concerning engineering and they need to provide the Board with better plans. Ms. Dougherty asked for the case to be carried with no additional notice to the August 8th meeting at 7:30pm.

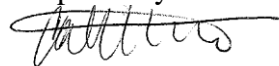
Motioned to adjourn by Mr. Terrezza and seconded by Mr. Panzarella.

Meeting was adjourned at 10:04pm.

The next meeting will be Thursday, July 11th, 2024.

ADJOURN

Respectfully Submitted,



Catherine Furlan
Board Clerk