

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

Regular Meeting
Thursday, October 10th, 2024

**OFFICIAL MINUTES
Adopted on: 11.14.2024**

ROLL CALL

Mr. Daniel Cronheim, Chairman -Present	Mr. DJ Hunsinger – Present
Mr. PJ Panzarella – Present	Alex Xie – Present
Mr. Mitchell Taraschi- Present	David A. Stires, PE, PP, Board Engineer – Present
Mr. Anthony Terrezza - Present	Steven Warner, Esq., Board Attorney -Absent
George Sopko - Present	Christopher Sobieski – Present
Mr. John Van De Castle – Present	
Graeme Birrell - Absent	Catherine Furlan, Board Clerk -Present

Chairman Daniel Cronheim called the regular meeting to order at 7:36 p.m. Chairman Cronheim read the Call to Order Open Meetings Act statement as required by law. The Board attorney was not present, but Christopher Sobieski 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 September 12th, 2024 meeting. On motion to approve by Mr. Hunsinger seconded by Mr. Terrezza to approve the minutes. The minutes from September 12th, 2024 were accepted and adopted. No one voted against, Mr. Van de Castle and Mr. Taraschi were ineligible.

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

RESOLUTIONS

BA24-R13

CASE NO.: BA22-06; Patel

55 Jared Court
Block 6802 Lot 14
ZONE: RR

Retroactive extension request for Resolution BA23-R9. Applicant has met compliance but needs to retroactively request an extension since it was beyond the year deadline outlined in Resolution BA23-R9. Motion to approve the extension and memorialize the resolution was made by Mr. Hunsinger and seconded by Mr. Terrezza. All voted in favor to grant the one-year extension.

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

CASE NO.: BA24-06; Rodriguez

149 Mountain Blvd
Block 2201 Lot 4
ZONE R-B

To Access Plans [Click Here](#)

The applicant is requesting approval to install two-story covered porch on the front of the house. The proposal will require variances (section 28-405) as follows:

Front Yard 35 ft. min. required 27.83 ft. proposed
Side Yard 10 ft. min. required 9 ft. proposed
Total Side 18 ft. min required 17.75 ft. proposed (porch)
Lot Coverage 30% max permitted 47.0% proposed

There are also several pre-existing non-conforming issues as follows:

Lot Area 15,000 SF min 8,053 SF existing
Lot Frontage 75 ft. min. 50.57 ft. existing
Lot Width 75 ft min. 45 ft. existing
Lot Depth 150 ft. min 92.75 ft. existing

Motion to approve acceptance of the resolution by Mr. Hunsinger and seconded by Mr. Terrezza.

Roll Call

	Motion to APPROVE the Application Date: September 12, 2024						Resolution of Memorialization Date: October 10, 2024					
Member	Motion	2nd	Aye	Nay	Abstain	Absent	Motion	2nd	Aye	Nay	Ineligible	Absent
Cronheim			X						X			
Hunsinger	X		X				X		X			
Terrezza		X	X					X	X			
Sopko			X						X			
Panzarella			X						X			
Taraschi						X					X	
Birrell			X									X
Van de Castle (Al. 1)						X					X	
Xie (Al. 2)			X						X			

OLD APPLICATIONS

CASE NO.: BA 24-01; Demirgil

55 Acorn Rd.

BLOCK 1201 LOT 1.03

RR ZONE

Expiration:

To Access Plans [Click Here](#)

Applicant proposes to construct an accessory 50 ft. by 80 ft. asphalt multi-use sport court to promote applicant's healthy lifestyle, exercise, and post COVID recreation at their property, wherein the multi-sport court is considered an accessory structure under the zoning ordinance. This accessory structure is completely contained in the rear of Applicant's property and is sufficiently buffered, wherein it will have no impact on any of the surrounding properties.

Variance(s) Requested/Required (along with any other relief that may be required)
Ordinance: 28-404.D — maximum impervious coverage permitted of 25%, wherein 35.20% exists and 48.10% is proposed. Side yard setback of 10 feet required, wherein the multi-use court is proposed at 6.13 feet and retaining wall is proposed at 5.13 feet.

Representing council, Rosemary Stone-Dougherty approached the Board and gave an update since the case was last before the Board in June. Since then, the applicant has revised plans, located the old dry well from 1995 and performed soil samples. The size of the court was reduced from the original plans and they eliminated the side yard variances. Due to the grading

on the site a new variance for the retaining wall height is being sought. Trees and foliage would be planted as buffer. Mr. Joseph Bachi was present in place for Mr. Kahn as Engineer, from EKA Associates. Mr. Bachi approached the Board, was sworn in and was accepted as an expert in his field.

Mr. Bachi led the Board through the revised plans. Mr. Bachi submitted proposed site plans prepared by Mr. Titus from 1994 into evidence as [Board Exhibit 01](#). Impervious coverage, steep slopes and lot coverage were discussed. Mr. Sobieski went over the previously discussed conditions of approval. The Board opened it up to questions from the public.

PUBLIC QUESTIONS

Gerold Grubman from 60 Acord Road approached the Board and was sworn in. Mr. Grubman asked a question about variance limits why should the township allow this unusual request

Next, Christopher Yim from 65 Acorn Road approached the Board and was sworn in. Mr. Yim questioned the total lot coverage and impervious coverage percentages as for existing and proposed. He also questioned the impacts of the impervious lot coverage ordinance. The Board clarified standards for zoning and directed Mr. Yim to question the Governing Body who created the ordinance.

Lenore Grubman from 60 Acorn Road approached the Board and entered in evidence a picture of the applicant's house taken from her property lot 3 as [Exhibit 0-1](#) (taken about 1.5 months ago). Ms. Grubman questioned how much taller the wall would be compared to the one in the picture. She went on to question where would the water go that is not absorbed? Also, what impact would this have on her property values? There were no further questions and public questions was closed.

Ms. Stone-Dougherty summarized positive criteria for the application and presented closing arguments. Mr. Sobieski summarized bulk variances sought for the Board, reviewed changes, and conditions if approved.

Mr. Panzarella made a motion to approve. Mr. Hunsinger disagreed and reviewed impervious coverage stating it was well over what was allowed. Mr. Terrezza stated his position in the middle and how approving the application could make the current water run-off better with positive criteria out weighing the negative.

Mr. Xie asked what the standard court size is, and the Board discussed various court sizes.

Mr. Sobieski asked Ms. Stone-Dougherty if they wanted to do a straw pole vote to move along the process, in which she replied 'if it pleases the Board'. By show of hands it was 2 to 5 in favor of the application. Ms. Stone Dougherty requested a 5-minute recess to consult with her client.

Upon return, Ms. Stone-Dougherty requested to amend the application to remove the court altogether from the application. The applicant would still seek a variance for the retaining wall, and the dry wells would still be updated and installed.

Mr. Sobieski opened it up to the public for comments and questions, hearing none, it was closed. Mr. Sopko questioned the variety of trees that would be planted as some concern around fall and winter with coverage. A condition was added to plant a variety of trees. Also, if the current dry well interfered with the wall, it would be moved. Mr. Taraschi made a motion to approve the amended application and it was seconded by Mr. Terrezza.

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

Mr. Sobieski made an announcement that BA24-03; Carvajal would be carried without further notice until December 13th date.

Mr. Panzarella recused himself and left before the next case since he had a conflict of interest.

CASE NO.: BA 24-05; Rozario & Paul

1040 Johnston Drive
 Block 6402, Lot 13
 RR Zone

To Access Plans [Click Here](#)

The subject property is located on the south side of Johnston Drive and directly north of Mount Saint Mary’s. The lot is currently vacant and consists of relatively wooded and steeply sloped from Johnston Drive down to Mount Saint Mary’s with an elevation drop of 125 feet in elevation. The property is in the R-R Residential zoning district. The applicant is proposing to construct a single-family dwelling with patios, cantilevered terrace with a pool and fire pit and with two drives off of Johnston Drive and a four-car attached garage. The application is seeking variances (28-404 unless noted below) from the following:

- Front Yard setback 50 ft. min required, and applicant is requesting 31.23 ft.
- Building Coverage 15% max permitted, and applicant is proposing 17.7%
- Lot Coverage 15.2% max allowed, and applicant is proposing 24.7%
- Building Height 35 max permitted, and applicant is proposing 49.92 ft.
- Driveway side yard 15 ft. min required, and applicant is proposing 5.63 ft.
(section 28-401 W.3.b.(1))
- Parking in front yard Not permitted and applicant has parking spots in front yard
(section 28-401 W.3.b.(3))
- Wall Height 4 ft max is permitted, and applicant is proposing 9.85 ft.

(Section 28-502 A.1.)

Mr. Joseph Baci approached the Board and summarized the application. Mr. Sobieski pointed out the applicant is seeking a D variance and 5 affirming votes would be needed to approve the application. Mr. Taraschi was absent the last meeting but confirmed he watched the video and signed the proper voting certification. Mr. Van de Castle confirmed he was also absent but did not have time to watch the recording. It was discussed and decided to proceed with the application and have Board members participate but no vote would take place until everyone was present and had time to review the recording.

Mr. Bachi reviewed the revised plans and what was changed like the front yard setback. He reviewed and submitted a [Colorized Landscape Plan Exhibit A-1](#) (10.10.2024), [and Steep Slopes Exhibit A-2](#). The same number of variances are still being sought just the percentages were reduced with the revised plans.

Mr. Hunsinger asked about the buffering on the side yard and what was encroaching on the side yard setback. He also emphasized that the buffering needs to be maintained even if the property changes hands.

PUBLIC QUESTIONS

The Board opened it up to the public for questions directed to Mr. Bachi and his presentation. Mr. Scott Seidel from 1020 Johnston Drive approached the podium for questions. Mr. Seidel asked if there was another way to build the house, possibly by pushing it back and dealing with the steep slope?

Next, Tom Sharkey from 1056 Johnston Drive approached the podium for questions. Mr. Sharkey asked about the poles holding up the pool deck and the height? How would you screen the poles as the trees only cover a portion of the poles. How tall do the trees grow? Have you considered an alternative building method such as terracing in the backyard? Mr. Sharkey was sworn in.

Matthew Flynn the applicant's planner from John McDonough Associates, 101 Gibraltar Dr, Morris Plains, NJ 07950 approached the podium and was sworn in. He provided his credentials and was accepted as an expert in his field. Mr. Flynn provided background on the application from a planning perspective.

[Planners Exhibit 2 pages A-3](#) was submitted and illustrated a variety of front yard set backs in the neighborhood. Mr. Flynn testified how the home is in keeping with the neighborhood, Borough Master Plan and zoning.

PUBLIC QUESTIONS

Mr. Scott Seidel from 1020 Johnston Drive approached the podium for questions. He questioned how small the home would be to meet the required variances (5,000 sq ft). What are the sizes of the other homes in the area? Regarding the hardships, what is the hardship for building a house on this lot? Do other homes in the area have outdoor spaces on similar lots? Why can't this lot have one? What if you brought in fill? But a house could be built for 5,000 sq ft?

Mr. Terrezza asked if using just the flat portion of the property could you build a 5,000 square foot home? Mr. Bachi pointed out if you ignore the terrace the home would be 5,000 sq ft. Mr. Stires confirmed the maximum buildable flat area on the lot is 1,454 sq ft.

PUBLIC COMMENTS

Mr. Scott Seidel from 1020 Johnston Drive approached the podium for comment and was sworn in. Mr. Seidel had his architect create a report and he requested to submit it to the Board. The Board denied the request as it would be heresy. Mr. Seidel went over the points. Mr. Seidel pointed out his home is next door with 3,800 sq ft on 3 floors with a large outdoor deck and compliant with the zoning. Mr. Seidel brought up different construction techniques such as backfill. He also pointed out the hardships are self-created and self-imposed and not justifiable for a variance. He expressed discontent for coming within 5 ft of his property line and concern over drainage and erosion. Other concerns included generators and screening. Overall, he felt the house is too big for the lot and a decent home could be built over 2 or three levels. This is not a house that is already existing and a decent home could be built that complies.

Next, Tom Sharkey from 1056 Johnston Drive approached the podium for comments and was previously sworn in. Mr. Sharkey testified that he has been living in the area since 2001 and neighbors the property to the south. Mr. Sharkey's property is similar with the steep slopes. Mr. Sharkey said the house does not fit in the area as it would be 100 feet, or as tall as a 10-story building. A self-created hardship, does not benefit the community and should be declined. Next, Mr. Sharkey submitted 3 color images of his own home that shows terracing and alternative building techniques. [Exhibit A-4 Color Images of 1056 Johnston](#). Mr. Sharkey's home is about 4,000 sq ft, 4-bedroom house with a swimming pool. He expressed concern over erosion and a desire to see a 3D model of the home with the stilts.

Mr. Daniel Casali 1010 Johnston Drive approached the podium and was sworn in for comments. Mr. Casali was mostly concerned about the aesthetics of the home and greenery. He asked that the greenery be maintained in the front yard.

The Board asked the applicant to reach back out to the Fire Department.

Mr. Rimvis Matti approached the Board and was sworn in, COO of Trinity Dominion, 331 Newman Springs Road, Building 1. Suite 143, Red Bank, NJ 07701. Mr. Matti testified as potential GC for this project and was accepted as an expert in home development. Mr. Matti addressed the public comments. After performing geologic samples, the home still needs to be anchored whether on stilts or terracing. He pointed out that stairs could be a risk for elderly, children or anyone. He also addressed concerns over the generator.

Mr. Terrezza questioned the square footage of the home with the revisions. Mr. Sobieski announced closing arguments and voting would continue at the November 14th meeting and no additional notice would be required by the applicant. There were no public comments for items not on the agenda.

Motioned to adjourn by Mr. Hunsinger and seconded by Mr. Taraschi, carried unanimously. The next meeting will be Thursday, November 14th, 2024. Meeting Adjourned at 10.35pm.

ADJOURN

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Catherine Furlan', written in a cursive style.

Catherine Furlan
Board Clerk