

BOARD OF ADJUSTMENT  
Minutes of  
July 15, 2009

Present:

Ms. DeAppolonio  
Mr. Fowler  
Mr. Kuga  
Mr. Lewis  
Mr. Zarnowski  
Chairman Tighe

Absent:

Mr. D'Armiento  
Mr. Langenbach  
Mr. McGarry

Also present were Attorney Brian Schwartz, Borough Engineer David Testa and Recording Secretary Maryann Thorpey.

Call to order at 7:33PM, the compliance statement was read, roll call was taken.

BA-09-003, Gendron, 117 West End Avenue. Ellen and Louis Gendron were sworn in. The applicant is seeking a variance to install an above ground pool (does not meet set-back requirements). The pool is a 24' wide, 54" deep. There will be no decking or landscaping around the pool. The town ordinance requires a 20' set-back, the applicant is short by 6'. The lot is 63' x 150'. The pool will be 14' from the house, 25' from the rear fence, 21' from one side and 25' from the other.

Open to the public. No questions or comments.

Application was closed.

BA-09-002, Lagola, 252 Oneida Place. The applicant is proposing to build a deck on property that is pre-existing non-conforming. Mr. Schwartz believes there is no need for a variance; there is no impact on the lot size.

The utility notification was one day short, nine days ago instead of the required ten.

The Board will notify the Zoning Officer of their findings. The application is carried over to August 5.

The Board deliberated over BA-09-003. Mr. Schwartz read the conditions. Mr. Zarnowski moved to accept the application, Mr. Kuga seconded, unanimously approved.

Mr. Schwartz gave the Board a synopsis of the Planning Board's move to re-examine the

3  
5  
7/24

BA/7/15/09/pg.2

Master Plan. Mr. Fowler asked what the cost would be; initially \$10,000, probably \$50,000 when complete.

Mr. Schwartz reported on Mr. Greenblatt's case. The judge should decide the case within the next couple of weeks. Mr. Schwartz believes the Board will not be charged.

Ms. Gaebel will follow-up with Rock Liquors.

The meeting adjourned at 8:18PM.

BOARD OF ADJUSTMENT  
Minutes of  
September 16, 2009

Present:

Mr. Fowler  
Mr. Langenbach  
Mr. Lewis  
Mr. McGarry  
Mr. Zarnowski  
Chairman Tighe

Absent:

Mr. D'Armiento  
Ms. DeAppolonio  
Mr. Kuga

Also present were Attorney Brian Schwartz, Borough Engineer David Testa and Recording Secretary Maryann Thorpey.

Call to order at 7:37PM, the compliance statement was read, roll call was taken.

The minutes of July 15, 2009 were unanimously accepted with Mr. McGarry abstaining.

BA-09-003, Louis P. Gendron resolution unanimously approved by Messrs. Fowler, Lewis, Zarnowski and Tighe.

BA-09-004, Crystal Ridge Club, 289-347 Route 22. Seeking to amend prior resolution to eliminate condition of age restriction, due to difficulty with renting units. George Kroclic, attorney for the applicant. There are 54 units. The applicant will provide more affordable units, 5 in total. Currently, one resident in an apartment must be 50 years of age or older. Mr. Schwartz informed the applicant the Board consists of 6 members this evening. With the applicant seeking a use variance a 7 member Board would generally be sought. Mr. Kroclic said he would proceed.

James A. Miller, 222 Nicholson Drive, Moorestown, NJ, a licensed professional planner, was sworn in. Shariff Pitts, 300 Campus Drive, Florham Park, was sworn in. Mr. Miller was accepted as an expert witness. At the time the applicant received the previous resolution the Board required the age restriction so not to increase a burden on the school system. The units are 1 bedroom, some have an open den to the living room. Mr. Miller said statistically only 3 or 4 units would have children. He went on to say apartments with dens are not relevant, as to children being in an apartment, according to a Rutgers study.

Mr. McGarry asked if these studies need to be levered due to financial

CS  
12/14

circumstances. There are 32 one-bedroom units in Watchung, one unit has a child who is not yet school age. Mr. Fowler asked where they got their data. Mr. Kroculick said from a survey done by the applicant and planner. He said the complex is set-up for residents of all ages. There are not the amenities associated with age restricted complexes. He said according to the state, currently there is an over-abundance of age restricted units in the state. Mr. Fowler asked if the rental fees have been lowered to attract more renters, he was told they have been. Mr. Kroculick said on average the applicant has offered two months free rent to draw in renters. Mr. McGarry said if the price is lowered it would raise demand.

Mr. Miller said a one-bedroom unit with a child is usually temporary. Mr. Zarnowski asked how the children would get to school since there is no busing and no walkways.

Mr. McGarry asked if Black Rock is planning to sell, Mr. Schwartz said in the past, the Board never took that possibility into consideration. Mr. Kroculick said with these units it is more difficult to sell. Mr. Langenbach asked if all the units had been rented at the same time. Mr. Kroculick said they do not have those statistics. The units in North Plainfield are comparable to the Watchung units.

Mr. Schwartz told Mr. Miller North Plainfield has a problem with illegal housing, Watchung doesn't seem to have that problem. He explained why North Plainfield is concerned with illegal housing.

The Rutgers study was dated in 2004 or 2005; the data is about 10 years old.

Mr. Lewis asked if Black Rock appealed their taxes; they have not. Black Rock is the second or third owner.

Open to the public.

Bill Campbell, 8 Interhaven Avenue, Green Brook, asked if the removal of age restriction would be permanent, Mr. Miller said it would. He also asked, being competitive, if age restrictive communities, within a 2-mile radius of each other, would hurt them. Mr. Miller had no statistics on that.

Janet Kopan, East Drive, Watchung, said she believes this is due to the current economic situation. She said in many cases grandparents are raising their grandchildren and there are children living in the dens.

Mr. Zarnowski asked Mr. Miller if he was aware of any survey in North Plainfield with regard to age restriction; he was not aware of any.

BA/9/16/09/pg.3

A break was taken at 9:18PM. The meeting resumed at 9:23PM, all present.

Mr. Pitts, the off-site asset manager for Black Rock, has no direct knowledge of children in the units. Mr. McGarry asked what the monthly rental fee is for a 1-bedroom, 1-bath unit - \$1,375. Mr. Pitts said they are competitive with nearby apartment units. He said their goal is to have 90%, or better, units rented. Chairman Tighe said this Board implemented an over 50 rule so as to not make an impact on the school system.

The 2-bedroom, 1-bath unit rents for \$1,609. The 1-bedroom, 1 ½-bath with den unit rents for \$1,600-\$1,625. The affordable 2-bedroom, 1 bath unit in Watchung rents for \$777.

Black Rock has another age restricted community in Morris Plains. They have 119 units, approximately 10% are age restricted which are 100% occupied; the other units are 99% occupied.

Open to the public. No comments.

Chairman Tighe will ask the Board of Education for their opinion. Mr. McGarry suggested the Mayor also be contacted.

The application is carried over to November 4. Ms. Gaebel will be asked to reach out to the Board of Education and the Mayor.

The meeting adjourned at 9:50PM.