

BOARD OF ADJUSTMENT
Minutes of
January 20, 2010

Present:

Mr. D'Armiento (7:36)
Mr. Fowler
Mr. Langenbach
Mr. Zarnowski
Chairman Tighe

Absent:

Ms. DeAppolonio
Mr. Kuga
Mr. Lewis

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

Chairman Tighe called the meeting to order at 7:34PM. The compliance statement was read, roll call was taken.

Mr. Zarnowski was sworn in to the Board by Mayor Giordano.

BA-09-004 Continuation of Crystal Ridge Club, 289-347 Route 22. The applicant is seeking an amendment to their prior resolution to eliminate the condition of age restriction. George Kroshurlick, attorney for the applicant. Chairman Tighe explained the procedures to the public.

Mr. Schwartz explained to Mr. Kroshurlick there were 5 members present from a Board of 7. Mr. Kroshurlick has the option to postpone his summary and vote at a later meeting when all members would be available. He said he had little testimony left and would continue after Dr. Rich, Assistant Superintendent of Schools, testified.

Dr. Robert Rich, 33 Mountain Avenue, was sworn in. Dr. Rich briefed the Board on what transpired with regard to the impact on the school district, when this application first appeared before the Board 12 years ago. He believes, based on previous numbers, lifting of the age restriction would not significantly increase the number of students entering the school district. Dr. Rich said children walking from that area are generally driven. He is not aware of any current safety problems. Dr. Rich said there has been overcrowding of apartments in other complexes along Route 22. Mr. Fowler asked Dr. Rich what number would create a hardship on the school system. He said it's difficult to assess. Mr. Fowler asked what the financial impact would be. He said it would impact the district if a new classroom had to be developed. He said the district probably couldn't establish a new classroom due to lack of room, classes would increase in size.

Chairman Tighe asked because of the remoteness of the complex if the Board should provide complimentary busing. Dr. Rich said it would be very expensive and would

snowball, the district would then have to also bus students in parochial schools. Mr. D'Armiento questioned the busing issue.

Chairman Tighe said when the property was sold three years ago the new owners were made aware of the age restriction. He said the fact that the apartments are one-bedroom there should only be, at most, a couple, no children. Dr. Rich said there are problems in the district with overcrowding of apartments. Mr. Zarnowski said the numbers prove the 1-bedroom apartment complexes tend to be overcrowded. He said based on those statistics, there could be an increase of approximately 18 students; Dr. Rich said that would create an overcrowding problem. Mr. Langenbach asked Dr. Rich if he was in contact with the traffic safety officer, he said not since the last time this application appeared before the Board.

Dr. Rich said it was a very difficult process to remove a non-resident from the school system. Mr. Miller, the applicant's planner, said the 2-bedroom units are comparable with the 1-bedroom units and families would more likely choose the large units which are located in Watchung.

Open to the public.

Frank D'Amore, 40 Willow Avenue, asked when overcrowding is reported to the borough does the borough report back. Dr. Rich said the Board of Education follows up.

Jim McGarry, 347 Glendale Road, thinks it is inconceivable to allow young children to walk to school from this complex.

Messrs. Kroshurlick and Miller reviewed their report. Mr. Schwartz questioned the content. He quoted the history of the application and the contradiction of modifying condition #13 from the first resolution. He is questioning if the entire first resolution needs to be reopened due to the applicant attempting to make a change to the resolution. Mr. Schwartz questioned the vacancy rate and the reason for the applicant coming before the Board.

Shariff Pits, Asset Manager, addressed the vacancy rate between North Plainfield and Watchung for the past 5 years. The occupancy rate is in the high 80% rate. Mr. Schwartz said there is a particular apartment type that seems to be more difficult to rent. Mr. Fowler said maybe the high 80's is normal. Mr. Pits said there is a 97-99% rate in other complexes in other communities. Currently there is 1 child attending school in a 1-bedroom unit in Watchung. Mr. Pits said in Watchung there are 24 1-bedroom units lower priced than age restricted units in North Plainfield.

A recess was taken at 8:45PM. The meeting resumed at 8:55PM, all present.

Chairman Tighe referred to the report - "age restriction is inappropriate due to the character of the unit". Mr. Miller answered based on the location of the units, and nearby facilities, they are now suited to all ages. Mr. Kroshurlick said they would change "inappropriate" to "unnecessary". Mr. Fowler asked what the age range is; Mr. Pits did not know. Mr. Zarnowski questioned Mr. Miller about a previous statement; that it's less to rent a 2-bedroom in Watchung compared to a 1-bedroom in North Plainfield. Mr. Zarnowski asked if it wouldn't be easier to lower the price.

16 units in North Plainfield are higher priced than 24 units in Watchung. These are not COAH units. Mr. Kroshurlick said there is no economic incentive to go to Watchung over North Plainfield. The 16 North Plainfield units are 200sf larger than Watchung. Mr. Kroshurlick said the North Plainfield units are harder to rent due to age restriction. There is a small clubhouse that both North Plainfield and Watchung utilize. Chairman Tighe asked Mr. Miller to give his opinion as to the safety of children walking to school and what safety procedures would they put in place. Mr. Miller said he believes these units will be rented by childless people. Most people drive their children to school, there are crossing guards and people with children would probably rent in Watchung. Chairman Tighe asked if they would put in a sidewalk; that would also benefit adults. Mr. Miller said a sidewalk wouldn't accommodate those residents since this type of community attracts younger to middle-age people who drive to their respective locations. Mr. Langenbach questioned Mr. Miller about the legality question of the age restriction.

Open to the public.

Frank D'Amore asked if any research was done to check the other 13 complexes in North Plainfield. Mr. Pits said they do periodically check occupancy in other communities. He asked if 87% occupancy was good compared to the other complexes; they did not compare to other North Plainfield complexes. The entire community is at 93%. Mr. Fowler asked if the other complexes are compelled to disclose the numbers - they are not.

Mr. McGarry asked if the applicant has considered if an approval of this Board would be a precedent on future developments. Mr. Kroshurlick said legally no.

The application will be continued on March 3, no further notice is necessary.

The minutes of January 6 were unanimously approved.

The resolution for BA-09-006, Mr. Molina, was approved by Messrs. D'Armiento, Fowler, Langenbach and Tighe.

The meeting adjourned at 9:56PM.