

**Borough of Watchung
Planning Board Meeting
November 16th, 2010
Minutes**

Salute to the flag.

Chairman Speeney called the meeting to order at 7:34pm. Salute to the flag.

The Chair called for a roll call. Present at the call of the roll were:

Speeney (X) Boyd (X) Havas (A) Haveson (X) Addario (A) Pennett (X)

Schaefer (X) Beck-Clemens (X) Panzarella (A) Ellis (X) Pote (X)

Also present was board Attorney Frank Linnus and board Engineer Tom Herits.

Chairman Speeney indicated there was a quorum to conduct business and indicated that The Chair told Mr. Panzarella and Mrs. Beck-Clemens that they would be voting in place of Mr. Haveson and Mr. Addario if they were eligible to vote. The Chair stated that this meeting was being held in compliance with N.J.S.A. 10:4-6 et. seq. of the open public meetings law and proper notification of this meeting has been made. Chairman Speeney sought a motion to approve the minutes of the meeting of October 19th, 2010 as published and waive the reading. That motion was made by Mrs. Schaefer, seconded by Councilman Pote and approved by voice vote by those eligible to vote.

The Chair read: Continued Application

PB10-04 Old Chester Associates

501 Watchung Avenue

Block 4702 Lot 2

Minor Site Plan with variances

Mr. Joseph Murray Esq. Of Schiller and Pittenger, Front Street Scotch Plains representing the applicant was present. Mr. Murray explained that when the last hearing ended on this application, there was some question as to the pre-existing non-conforming status of this lot. With the help of the board clerk, an ordinance from 1991 was found which made reference to the impervious coverage standards. Mr. Murray said that since we have no proof otherwise, the applicant is taking the position that to the extent that the applicant had an initial

approval in 1987, that lot coverage was not impacted and there was no variance needed for lot coverage in 1987. However now the impervious coverage does exceed the current Borough ordinances, and the applicant is therefore seeking a variance now from lot coverage. Mr. Murray said that an amended notice was sent out. Mr. Murray said that notice encompassed requests for variances that were noted in Mr. Herit's report as pre-existing conditions. Side yard variance, lot coverage were also requested. Mr. Murray said that Kevin Page was present to testify, and Gary Dean was in attendance to address parking issues, and Robert Berlant, the applicant was also present. Mr. Linnus said that the notice does not include side yard variance, but the phrase any and all variances should be adequate. Chairman Speeney asked about Resolution PB87-16 and there was a question as to which were the front yards, and which were the side yards. Mr. Murray said he would address that. Mr. Murray called Kevin Page to the microphone who was sworn in and accepted as an expert in the field of Engineering. Mr. Page referred to the site plan previously submitted. Sheet number 1 of 2 showed the property. This was dated 8/10/10. It showed the building in question sandwiched between Watchung Avenue and Somerset Street. Also a drawing showing the parking area and proposed plan for parking. This was based on a current topographic and boundary study. Mr. Page said that the Clerk has supplied minutes of prior planning board minutes which revealed this site at one time contained a gas station which at the time had more impervious coverage than it does now. Mr. Page stated that old standards were one space per 300 square feet. This is no longer the current standard. One space per 250 is the current standard. Mr. Page said they are shrinking the parking spaces to meet the current standards and are proposing 29 spaces, and out of that number, 2 would be designated as handicapped spaces. In order to do as little disturbance of the site as possible, they would re-stripe and move the curb on the north side of the building approximately 7 feet. There would be two dead ended parking spaces. Mr. Page said that in an office setting, although not traditional, this type of stacked parking is not that out of the ordinary. The plan would be to designate two areas with two stalls each to one of the tenants, so that a lawyer and his secretary, or a dentist and her hygienist would use them. Mr. Page explained that although this is not the best scenario, it would make it possible for the tenants of this building, not to have to park in the triangle parking lot as they have been forced to do. Mr. Page said that there is really no other option. A sidewalk will be built parallel to the building for handicap accessibility. Mr. Page said he did not rely on the original drawing but on the new topography and boundary survey for his calculations. Mr. Page reviewed the points in Mr. Herit's report of September 12th one by one. A design waiver was requested for the distance of the parking

spaces to the right of way line. Some landscaping would be added to buffer the parking spaces to the street. Mr. Page said that especially on the Somerset Street end of the parking lot, he needed a buffer so that when tenants turn on their headlights, they wouldn't blind a motorist traveling down Somerset Street. The limit on impervious coverage is 70%. Mr. Page said that currently the applicant is at 71.9% and proposed to increase to 75.1%. Mr. Murray asked how the additional impervious coverage would affect storm water runoff. Mr. Page said that any additional runoff would go into the catch basins that are already there. Mr. Page discussed minimum sidewalk width. There is a minimum sidewalk width to allow for the hangover of a car. Mr. Page said that he would install concrete wheel stops for the spaces near the sidewalk so that there was no overhang onto the sidewalk. Mr. Page said that they received County Planning Board approval on August 4th, 2010 for the map dated April 13 revised April 19th, 2010. Soil conservation gave an exception. Mr. Murray had no further questions of Mr. Page. Mr. Haveson questioned hairpin striping and what it was. Mrs. Schaefer brought up the parking spaces in front of the stacked spaces. She asked if they would block the stacked spaces. Mr. Page replied that this wouldn't be a problem since the stacked spaces would be wider. Mrs. Pennett voiced concern about letting the applicant increase any impervious coverage, voicing if the board allows this, what about the next applicant who applies for an increase. Mr. Haveson said he understands the need to increase the parking at this site, but he was uncomfortable with the safety aspect of having spots so close to the entrances and exits to the parking lot, as well as the possibility of people getting blocked in. Councilman Pote asked where the snow removal would be put. Mr. Page said that Mr. Berlant would address that. Councilman Pote asked where the second handicapped space would be. Mr. Page said he would place it on the other side of the striping. Councilman Pote asked if the striping would be reconfigured so that it would encourage a car not to park behind two cars. Mr. Page said yes. Mr. Murray asked Mr. Page about the curb on the right side and whether or not anything would change that created a hazard. Mr. Page said that no, that this parking spot was already existing, and they would not be creating anything that would change the safety aspect. Mr. Page added regarding the Somerset Street side, anyone backing out would be looking towards the traffic, and more importantly the incoming traffic would be coming in to the left of the person backing up. Mr. Haveson asked if the back spot of the stacked spaces could be designated as handicapped, on the presumption that handicapped spots would not be occupied for very long. Mr. Page responded that due to federal regulations, handicapped spaces must be as close to the building as possible. Mr. Linnus referred Mr. Page to the as-built of this property from 1988. Mr. Linnus said that the site calculation at that time

showed the minimum for side yard setback was 3'. The as-built provided for 7'. Mr. Page said that it was never 7'. He said that the plans clearly show it was 3'. He said that this must have been an error. Mr. Page said it was more like 4.03. It was a diminimus deficiency. Mr. Linnus asked Mr. Murray if he had any case evidence which would allow the board to waive the ADA requirements. Mr. Murray said not to his knowledge. Mr. Linnus agreed. Chairman Speeney said there are 29 proposed sites, and 27 are required. Chairman Speeney said that at a minimum, the applicant could meet the standards without the stacked parking. Mr. Murray said yes. Mr. Murray called his next witness to the microphone. Mr. Gary Dean, 792 Chimney Rock Road in Martinsville, NJ came to the microphone. Mr. Dean stated he was a Civil Engineer specializing in the area of traffic engineering and a municipal consultant in traffic engineering and has been before this planning board before. Mr. Dean qualifications were accepted and all licenses are current. Mr. Dean said he was familiar with this site and the proposed plans. Mr. Murray said that there has been much discussion regarding the stacked parking spaces to accommodate the tenants parking needs. He asked what Mr. Dean's opinion was. Mr. Dean said that in terms of safety, they are absolutely safe. He said this kind of stacked parking is found in tens of thousands of town house units. He said that these kinds of spaces must be controlled by the same tenants. He said it is practical in a safe way to accommodate overflow. He said it is a very practical and efficient way to manage a solution with the proviso that they be managed. Mr. Dean said that the added stacked space is actually set back further from the curb line than the existing space nearest the curb. He said there is the same turning movement to the left. He explained this is a very small office plaza. He said with the tenants plea to provide more parking and with the Borough's ordinances geared to provide the minimum number of parking spaces, this is practical solution. He added that the board's other option to provide nothing, which would essentially be the board giving it's tacit approval for the tenants overflow to continue parking on neighboring property. Mr. Dean said that he didn't think that was in the best interest of sound land use planning when there is a better viable use of management and planning. He agreed with Mr. Berlant that there should be a "landing area" for people when getting out of their cars. He recommended that there be striping installed to the westerly side of those stacked spaces so that when someone pulls their car in, they are geared to pull in so that when getting out, they have a landing strip to get out on. He went on to say that the public at large do not visit this site, and if the spots are designated to one particular tenant, they would quickly get used to how to pull in. Mr. Dean said that the screening of headlights was an important issue and thought that a solid barrier of 4 feet was above the eye height of an individual in his car, which would make

it difficult to see traffic as it approaches from the south. Mr. Dean said his recommendation would be for plantings of solid evergreens that grow no more than 3' to be planted. He said this would still shield the headlights, but won't create an obstruction of view. Mr. Murray thanked Mr. Dean and had no more questions. Chairman Speeney asked about the headlights of SUV's. Mr. Dean said they are a little bit higher, which is why he recommended 3' which would allow for larger vehicles. Mr. Dean said that one way to possibly waive the handicapped parking ratio, would be to designate the tandem spaces as "temporary vehicle storage spaces". He said that the normal use of these handicapped spots is typically one tenth of one percent used. Councilman Pote asked if the Borough would incur any liability by approving spaces where someone was essentially blocked in. Mr. Linnus said no. Mr. Dean said the applicant is reluctant to create spaces that will never be used. Mrs. Schaefer voiced concern that the stacked spaces could be controlled. Mr. Dean agreed that they must be designated. Mrs. Schaefer said in the "real world" someone might park in the spot whether or not they are marked as designated. Mr. Dean agreed that you can not prevent someone from not following the rules. Mrs. Schaefer said that in an emergency if someone has left the site, that they would not be able to get their cars out. The Chair asked if there was any parking infringement at the triangle mall from this overflow. The Chair said that this board has not had anyone from the triangle mall coming in to seek relief for parking. He said that the tenants of this building are basically interlopers to the triangle mall businesses. Mrs. Pennett asked if any extra lighting needed to be installed to provide for these extra spaces. Mr. Berlant came to the microphone and was still under oath from the last meeting. Mr. Berlant said that there was currently lighting there, but if the board requested extra lighting, he would be happy to provide for more. There were no further questions from the public for Mr. Dean. Mr. Berlant said that people going to the fish market try and park at his building, so to combat that, his tenants park in that area first in the morning to prevent people from using those spaces. Mr. Berlant said that on an average day, he thinks that approximately 3 or 4 cars are parking at the triangle mall. He said that this is not a new situation, and all tenants are long term and have a good relationship. Mr. Berlant said that the stacked parking on the left will be given to the dentist's office. He added that the other side stacked parking will be given to an attorney who has offices on that side of the building. Mr. Berlant said that if someone other than the designee parks in these spots, there are only four tenants and it would not be difficult to find out who is parked there. Mr. Berlant said that if needed, he would reduce the curb line somewhat and that would help with the snow removal. He responded to Councilman Pote's question, stating that if there was too much snow, they would remove it if

necessary off site. He said that he has men shoveling by hand during snow storms. Mr. Berlant said he could put some pavers or stepping stone on the side of the forward stacked spaces for people to get out of their cars and reduce the space to 9'. Mr. Haveson agreed that if you do that, there would be a little bit more room and he would be more inclined to be in favor of this application. Chairman Speeney asked Mr. Berlant if having the stacked stalls was contingent on whether or not they go forward with this application. Mr. Berlant said that he would like to say yes, but responded no, even having one more spot would be of help. The Chair said he was not supportive of stacked spots. He said that he thought it was a safety issue. Mr. Berlant said he they had to reduce it to 27 and still have to have two handicapped spots, yes, he would still go ahead with the application, but it still wouldn't solve his problem. The Chair said that he still had problems with the controlling of these spots, citing people parking from the fish store for example. Mrs. Beck-Clemens stated that she felt this is a great idea, and that this building needs adequate parking and if marked properly, this would fill the need and help to keep the tenants. Mr. Herits said there are two lanes in front of this building on each side, the through lane and the turning lane, and 99% of the traffic is using the outside lane. The Mayor agreed. Mr. Berlant said he could put in grass pavers to help with the impervious coverage. Councilman Pote asked where the nearest fire hydrant is. Mr. Murray did not have that information. Mr. Berlant said he could make that second spot for handicapped parking ADA compliant without the striping and the signage, and ask the DCA for a waiver for the second handicapped space so that spot was ready to be striped and marked if necessary. The Chair encouraged Mr. Berlant to seek that waiver from the DCA. The Chair asked Mr. Murray if he was still seeking the approval as presented of this site. Mr. Murray said at this time, yes they are, but that they are open to suggestions. The Chair said he was still not in favor of stacked parking and he did not think it was good planning. Mr. Murray said the board could approve the plan with a condition for Mr. Berlant to seek this waiver for the second handicapped space, but if it is not granted from the DCA, to mark that second handicapped space. Mr. Dean said it would typically take 30-45 days to get an answer. Mr. Murray said that this condition of approval would mean that they cannot implement that approval until this condition is either met or not met. Mayor Ellis said that he would approve this with the two handicapped spots, and he also approves the idea of the stacked spots. Councilman Pote said that he also agreed with the Mayor and with proper signage and striping and the spaces pulled in a little he would approve. The Chair said if they go for the original application with the stacked spots, the applicant can take it upon himself to get the waiver and increase the parking spots that are non handicapped by one more. Mr. Linnus said that for purposes

of clarification if the application was granted as presented, and the waiver was given, the applicant does not have to come back before this board. Mr. Haveson said if the spaces are smaller he might be inclined to agree. Mr. Murray said that he was willing to reduce the stacked spots from 11' x 20', to 9' x 18' feet wide. Mrs. Schaefer said to Mr. Haveson in reducing those stacked spots to 9' wide, anyone getting out of their car might be forced to get out onto the lawn area and possibly a snowbank. Mr. Page said they could do pavers. Mr. Haveson said that was a compromise. He reiterated that the size of the parking spots will be reduced, signage will be put in, pavers on the left side of the stacked spots will be installed, lighting if needed and the plantings and the tenants will sign to abide by this and it will be a condition of every lease going forward. Mr. Berlant agreed. Mr. Haveson said that he thought that was a compromise. Mrs. Schaefer asked about the offer to do deep root feeding of the tree on the Watchung Avenue side and would like to see that in the resolution. The applicant agreed to do this for 2-3 years. Mr. Page added that wheel stops would be installed in front of the cars by the sidewalk. Mr. Pote said he was not in favor of designating the stacked spots as temporary vehicle storage. That would not be included in the approval. Hearing no further comments, the Chair opened up questions from the public. Hearing none, the public portion was closed. Mr. Murray said that he had no summary. Mrs. Pennett said that she still had concerns about giving this variance for additional impervious coverage. Mr. Murray said he needs a protective variance from the front yard and side yard setback. No variance was needed for the parking. There is a variance needed for an additional 3% on lot coverage. It will be less than was originally needed. The Chair said that as long as the applicant does not exceed 75.1% coverage, they are fine. Mr. Linnus said there are also agreements with meeting all of the items in the report by Mr. Linnus. The Chair asked for a motion to direct the attorney to draft a resolution in the affirmative. That motion was made by Mr. Boyd, seconded by Mr. Haveson. The Chair called for a voice vote. All members voted in the affirmative to have Mr. Linnus draft a resolution in the affirmative and no action was taken. The action will be taken at the next meeting. Mr. Murray granted an extension through the end of 2010. The Chair said that the next meeting of the Planning Board and asked the board if they could have a special meeting on December 14th, 2010. The majority of the board agreed. This hearing will be continued on December 14th, 2010. Mr. Murray thanked the board for it's time.

Chairman Speeney brought up the Somerset County Circulation Plan questionnaire. The municipal planning priorities were brought up. Diamond Hill Interchange and the upgrade of Mountain Blvd. The Mountain Blvd. Turning

lanes at Washington Rock Road and Mountain Blvd. and at Mountain Blvd. and Anderson Road and the Chair said he thought there was a need for a light at Brookdale Road and Mountain Blvd. The Chair said that he thought the sidewalks belong on the north side of Mountain Blvd. Mr. Herits said that the County was never going to put sidewalks in. They were only going to make provisions for them. Mr. Herits said that the Borough has applied for grants through the DOT to put a sidewalk there. They discussed the generators for pedestrian and bicycle traffic within the town. The Chair said that Watchung Lake was a generator of pedestrian traffic and wanted to encourage people to go from Watchung Lake to the Ness property in anticipation of the future development of the Ness property. The top safety priorities in the community was listed as pedestrian safety, sidewalks and clearer signage on the circle. The Chair discussed conditions within the municipality that prevent freight movement. He said that the weight restriction on Hillcrest prevented freight movement. Mr. Herits added that proper striping of the roads, especially in the darker areas of the town was needed. Johnston Drive was cited as an example. Mr. Herits said that putting in glass beads would help. There were certain aspects of this survey that were not applicable to Watchung Borough. Improvements were needed at exit 43, Diamond Hill Road, Hillcrest Road, Plainfield Avenue and Bonnie Burn Road. The Chair said that he needed to go back and review the update of 1994 which had a circulation plan in it. Plan goals were discussed. Protecting and enhancing the natural and built environment. Reducing traffic congestion. Maintain and improving roadways and enhance them. Improving mobility and connections between travel modes. Improving freight traffic was discussed, and Mr. Haveson said this is something we don't want to encourage because we don't want freight traffic in town, our roads can't support that. Mr. Herits said that agreeing or disagreeing with these goals depends on whether or not your current circulation plan includes them, not whether or not you want them. He said you have to go back and look at your current circulation plan. The Chair suggested that everyone look at this, since the board is at a point where they can include some of these things in the re-exam of the Master Plan that they are currently working on. He encouraged everyone to go back and look at the 1994 update. He asked the clerk to mail back section one of this questionnaire and say that the board is currently working on section two. Hearing no other comment, the Chair opened the public portion of the meeting. Hearing none, the Chair closed the public portion of the meeting.

Chairman Speeney discussed two dates, October 8th and October 18th. On October 8th, the appellate court invalidated substantial portions of third round

rules of COAH. The court ruled that the growth share approach for determining a municipalities fair share of the need for affordable housing generated by jobs is invalid. On October 18th, a proposed bill was introduced by Senator Jerry Green which was a follow up to S-1. Bill A34-47 with S-1 as a basis is a continuation of the efforts to reform the affordable housing process in New Jersey.

The Chair adjourned the meeting at 10:18 until the next special meeting of November 30th, 2010 which pertains to the re-examination of the Master Plan at 7:00PM which the public is invited to for input.

Respectfully Submitted,

Carolyn Taylor
Planning Board Clerk