

**Borough of Watchung  
Planning Board Special Meeting  
November 30<sup>th</sup>, 2010  
Minutes**

Salute to the flag.

Chairman Speeney called the meeting to order at 7:03pm. Salute to the flag. The Chair called for a roll call. Present at the call of the roll were:  
Speeney (X) Boyd (X) Havas (X) Haveson (X) Addario (X) Pennett (A)  
Schaefer (X) Beck-Clemens (X) Panzarella (A) Ellis (X) Pote (A)

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 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 turned the meeting over to Tracee Schaefer who was chairing the subcommittee for the Master Plan Review.

Chairman Speeney asked for a motion to waive the reading and approve the minutes of November 16<sup>th</sup>, 2010. That motion was made by Mayor Ellis and seconded by Mrs. Schaefer with the correction that Mr. Haveson was present at the call of the roll. By a voice vote the minutes were approved. Mr. Addario and Mr. Havas did not vote.

Chairman Speeney explained that this work session and public hearing on the Master Plan is why we are here tonight, and that the primary mission of the board is to listen. He said that the board is asking for public input as well as input from boards and commissions in the Borough. He said that this board is required every six years to review the Master Plan. Chairman Speeney said that we are beginning the review this year, and the obligation to complete it is in 2011. He said that he anticipates that it will be completed around the end of the first quarter of 2011. Chairman Speeney said that this board is right on schedule. He explained that Tracee Schaefer has spearheaded the effort to Chair this reexamination and turned the meeting over to Mrs. Schaefer.

Mrs. Schaefer said that they would begin by allowing any public members to

come up and voice opinions or concerns.

Mr. Kevin Page, president of Page Engineering Consultants of Warren NJ came to the microphone. Mr. Page said that he represented a property owner who has two abutting lots, both of which had approved subdivisions a number of years ago. He explained that they have a proposal, which was sent to the Mayor and Council a number of months ago, who have forwarded it to the Planning Board for their consideration. Mr. Page gave a presentation with exhibits. Mrs. Schaefer asked Mr. Page to clarify for the public that he is not actually bringing an application before this board at this time. Mr. Page said that was correct. The first drawing he showed the board depicted the property on Bonnie Burn Road known as the ZV tract. Mr. Page said that this was an application before the board in 1990 and this was one of the tracts that the Borough designated to satisfy their Mount Laurel obligation. The Borough rezoned this from 60,000 sq. ft. lots in the R-R zone to RML II, which are 40,000 sq. ft. lots. In exchange for rezoning this, the owners were to provide a cash contribution to help the Borough offset transfer development rights to another municipality. This application was approved on 12/17/90 (resolution #PB91-4). It shows (18) 40,000 sq. ft. lots. The zoning is similar to the R-R zone. Mr. Page said there is a much smaller building envelope to put a home in the RML II zone. The proposal showed a single road coming off Bonnie Burn road and two cul-de-sacs. There was also a requirement for a minimum 35' conservation easement all around the property perimeter.

The next drawing showed a property, which was a subdivision, approved by this board in 1995 (resolution PB95-7). This property abutted the ZV tract to the north and was called the Richard tract. This approval was for a single cul-de-sac and provided for (9) 60,000sq. ft. lots in the R-R zone.

The next drawing showed the two subdivisions together as approved. This drawing showed a total of 27 lots.

In 1996, Mr. Page said a proposal was made to combine the two tracts into a single development. This was presented to the board, but no formal application was ever made. It incorporated both tracts with a single road and sewer system. This depicted 28 lots.

The next drawing applied to the current day. The property contains wetlands and wetlands applications are only good for five years. When the property owners approached Mr. Page, they submitted a new wetlands application, which resulted in more wetlands than originally shown. They would like to consolidate the lots with a new approach. The new proposal shows a total of (21) 40,000 sq. ft. lots. They would propose an emergency access road utilizing the existing driveway of what was the original Richard's house. They want the main

entrance to be on the southern side due to the fact that it has the best sight distance along the frontage. They are here to ask the board to consider their proposal to treat both tracts as part of the RML II zone. Mr. Page said that they think this is a better way to approach it. He said that there are a couple of other factors in play. The ZV property is currently in the Plainfield Area Regional Sewer Authority system. The Richards tract is in the Berkeley Heights district. In the resolution of the ZV tract condition "T" required them to approach Berkeley Heights for the sewage system. Independently of this plan, they have approached the Borough a few months ago to have them approach Berkeley Heights on behalf of the property owner. Berkeley Heights has communicated back to the Borough indicating that they would accept this tract into the sewer system. This makes this project a lot more viable. Development along the frontage will be set far back from Bonnie Burn, which is good for everyone. This project will not be large homes, but more modest ones around 3600 sq. ft to 4,000 sq. ft single family homes. They are asking that the board apply the RML II zone to the Richard's tract in order to make it one homogenous tract. Mr. Page said he was open to any questions that the board had.

Board Engineer said that to clarify, what Mr. Page is asking for is for the Richard's tract to be rezoned to RML II as part of the Master Plan reexamination. The Chairman asked about impervious coverage in the RML II zone. Mr. Page said there is no listing, but that they would assume that they would apply the R-R standards there. Chairman Speeney said that maybe the bulk standards for the RML II zone could be revisited. The Chair said that the board would certainly take this proposal under consideration. Chairman Speeney said that the letter came to the Borough on Sept. 8<sup>th</sup>, and the Borough has invested some money already in Engineering and Planning. Mr. Page said that he spoke to Borough attorney Albert Cruz. They talked about the Borough expending monies to do all this review and come to an agreement with Berkeley Heights and resolve this, his client was willing to offset some of the burden of that cost. Mr. Page said that he believed the right way to develop this was to have one integrated development. Chairman Speeney said that he agreed that the lowering of the density was going in the right direction, but there must be engineer's review and planner's review. Mr. Page said that he would leave the drawings with the board for review.

Mr. Linnus, board attorney asked Mr. Page assuming the zoning stayed the same, due to present site constraints; buffers, wetlands etc. whether he had performed a lot yield analysis under current zoning. Mr. Page said he had, but it was many months ago. Mr. Linnus asked if the lot yield analysis yielded more than 21 lots. Mr. Sam Lachs, the attorney and principle of the owner of both

tracts came to the microphone. He said that the ZV site can presently only yield 11 lots. The Richard parcel can currently yield either 8 or 9 lots. Mr. Haveson asked how the wetlands "grew". Mr. Page explained that definitions change over time. Mr. Addario asked if the rates of Berkeley Heights are more than the rates of the PARSA. Mayor Ellis said that Berkeley Heights rates are higher. Mr. Addario asked how you could impose the higher rates on the rest of the Borough. Mayor Ellis explained the system of sewer billing was going to be revamped. Mr. Lachs said in 1990 when the ZV tract was approved, he believed that part of the agreement was that the Borough would help facilitate the ability to run sewage to these lots. He said until today that has never happened. Mrs. Schaefer said that at this point, this is the Master Plan reexamination and the board would take this into strong consideration for them. Chairman Speeney said he is sensing that the board wants to look at this seriously. He asked if the board incurs cost, he would like to know that there would be an escrow account to differ cost. Mr. Lachs agreed that he would put monies into escrow. The Chair said he didn't know if this request was even in order. He thanked Mr. Lachs and Mr. Page. Mrs. Schaefer asked if there were any questions from the public. Hearing none, she thanked Mr. Page and Mr. Lachs.

Mrs. Schaefer asked if there was anyone else from the public who would like to come forward. Hearing none, she introduced Mark Healey, licensed professional planner retained by the Borough to assist in the Master Plan reexamination. Mr. Healey said that the next step would be to prepare a rough draft. He suggested a subcommittee be set up to discuss the issues brought before the board at this meeting, and the rough draft to be discussed in January. Chairman Speeney said he would support having a subcommittee meet to discuss the information brought before this board. Mr. Healey said that the big picture in terms of the COAH, it was a "fee in lieu". Even though COAH is uncertain, at the end of the day, there will be some obligation Mr. Healey said. Mr. Haveson said that based on this proposal, which seems better than the previous plan, he didn't think another meeting on this topic was necessary. Chairman Speeney said that he thought that the board's own professionals needed to address this, and he would also like to address the bulk standards. Mr. Healey asked if the reexamination subcommittee could meet and discuss this. A meeting was arranged for December with Tracee Schaefer, Peter Havas, Diana Beck-Clemens, Tom Herits, Mark Healey and Chairman Speeney on December 14<sup>th</sup>, 2010 @ 2:30.

Chairman Speeney said that he would like to see the HD designated as the only zone that clothing dumpsters would be allowed in.

Mrs. Schaefer asked if Mr. Dan Cronheim, Chairman of the Board of Adjustment had some comments. Mr. Cronheim who was present at the last Master Plan reexamination meeting said that the board at the last meeting asked him to return with any concerns or opinions that he had on the reexamination. The RML bulk requirements were first on his list. He said that the zoning board doesn't like to make people come in for matters that are routine. Driveways have been a big issue with his board. Especially in the smaller zones, it is hard to put driveways in. Mr. Cronheim suggested that Mr. Linnus and Board of Adjustment attorney John McDonald meet to discuss a better definition of what is and what is not a conservation easement. He said he would prefer to have some clearer guidance on conservation easement. It is not defined in the Borough ordinance. Chairman Speeney said conservation easements are agreed upon between an applicant and a board, it is where the perimeters are set. Mr. Cronheim suggested that impervious coverage needs a definition. He said that there have been no major changes in the last 20 or 30 years. He said that since engineering is doing runoff calculations and people are creating detention basins and pools, they are helping with runoff and he would like to see some changes to this definition. He said that in trying to get houses set back off the street to make them less imposing, more driveway is often needed and sometimes that results in exceeding the impervious coverage. He suggested changing the impervious coverage for the additional driveway sq. footage needed to facilitate keeping these homes further back. He said there is an issue of non-conforming streets. Some streets have been widened, which makes them nonconforming. Many of these homes are in the R-A or R-B zones and so any time they need to do anything to their homes, they have to come before the board.

Mr. Cronheim said that the Connell properties used to have fields near Valley Road for softball. He said that the Borough should try and get those fields back. He would like to see development on the Watchung side of Valley Road by the Connell property be limited since the Berkeley Heights side is so densely developed.

Mr. Cronheim said that both Berkeley Heights and Connell are in violation of previous Watchung approvals for uses of the property. In the mid 80's the first variance was granted for the first bridge across Valley Road. It is in the R-R zone. Every time they build a new building it is an expansion of a non-conforming use. They have never come back before a board. Mr. Cronheim said Oak Way is owned by Berkeley Heights in Watchung. He said that there should be a conservation easement on the Watchung side of the street.

Mr. Cronheim said that his board would probably have some additional

comments, which he would forward on to the Planning Board. Mr. Addario said that he met with the Connell owners years ago to try and get the fields back or buy the property, and they said no. Dan said they are clearly in violation and the Borough could close the bridges to Valley Road. He said the Zoning Officer could issue violations. Mr. Herits said that regarding the property that Connell owns in Watchung, he believes they are trying to do something because they are trying to make sure that this property is included in the sewer plan with the county. Mr. Herits said that he is the property owner and has the right to request it, but this board has the right to zone it. Mayor Ellis said that there is rumor that a Westin Hotel may come in to that property. Mayor Ellis agreed with Mr. Cronheim, that we have a major opportunity to do something now, and if we miss this window of opportunity to move now, we might never get another opportunity to do it again. The quarry was discussed. Chairman Speeney said that the Borough's zoning of the quarry is based on the infrastructure that was present at the time of zoning. Mr. Cronheim said that Valley Road is overwhelmed with traffic. Up to the traffic light at Drift Road, the traffic is overwhelmed. He said all of this area is overwhelmed with traffic due to one property owner. The gym alone has 4,000 members, Mr. Addario said. Mr. Healey reiterated what he had listened to from comments made. He said that the zoning in the Connell area at a minimum should stay R-R. He said that the Borough should be fighting the wastewater management plan. Acquiring the status of open space would put all these issues to rest, Mr. Healey said. He said he has heard there is a difference between the zoning definition of impervious surface coverage and storm-water runoff and management. Mr. Cronheim said that most of his suggestions apply to the R-R zone. Mr. Healey said that he has heard the need for a definition of impervious coverage, which could be dove tailed with storm-water runoff. Mr. Cronheim said that pools have a specific requirement for fences, which don't always stay inside the building envelope. He said that is a safety issue and should be looked at. The zoning can be contrary to the state building code. Mr. Healey said that one of the charges of doing a Master Plan reexamination is to identify some of the changes in assumptions and how they might change your planning. He said that the interchange at Diamond Hill Road and some other roadway intersections have changed since 2005 and the zoning of the quarry was predicated on the infrastructure in 2003. Chairman Speeney said that at the time, there wasn't all the development at the Connell property that there is now. Mrs. Schaefer asked if there were any other questions or comments. Hearing none, the Chair closed the public portion of this meeting and adjourned the meeting until the next special meeting of December 14<sup>th</sup>, 2010.

Respectfully Submitted,

Carolyn Taylor  
Planning Board Clerk