

**Borough of Watchung  
Planning Board Meeting  
October 18th, 2011**

**Minutes**

Salute to the Flag.

Chairman Speeney called the meeting to order at 7:35pm. Salute to the flag. The Chair called for a roll call. Present at the call of the roll were: Speeney (X) Boyd (A) Havas (X) Haveson (A) Ellis (X) Pennett (A) Schaefer (X) Mobus (A) Pote (X) Beck-Clemens (X) Mr. Haveson arrived at 8:00

Chairman Speeney indicated there was a quorum to conduct business. The Chair stated that this meeting was being held in compliance with N.J.S.A. 10:4-6 of the open public meetings law and proper notification of this meeting has been made.

Mrs. Beck-Clemens will be voting in lieu of Mr. Boyd.

The Chair sought a motion to waive the reading of and approve the minutes of May 17<sup>th</sup>, 2011 as published. Mr. Havas made the motion, seconded by Mrs. Schaefer and the Chair called for a voice vote. The vote was unanimous except for Mr. Ellis, who did not vote.

Havas read: PB11-01 Party City  
1684 Route 22 East  
Block 6201 Lot 3  
Site Plan Amendment with any and all variances

Ms. Donna Erem of the Firm Wolff and Samson, One Boland Drive, West Orange, attorney for the applicant was present and came to the microphone. She explained that they were applying for preliminary and final site plan approval for a facade sign. Mrs. Erem stated that the applicant is seeking 2 bulk variances, one from section 28-504g.2 for sign height. She said that the ordinance states that a sign cannot exceed 5' and the applicant is seeking 7 1/2'. The second variance is from section 28-504g.3. She explained that this section states that you cannot have a sign greater than 100 square feet and the applicant is seeking a sign that is 233.6 square feet. Ms. Erem stated that they have three witnesses. The first witness is Charles Deitz, AIA from the Dietz Partnership who is the architect for this job. He will be reviewing the facade and the proposed signage for the board. The next witness is the traffic engineer from Langan Engineering. He will review for the board why this size sign is necessary. Lastly Paul Ritchie is the planner who will review the

statutory criteria for the board and explain how the application meets those criteria. Charles P. Dietz, AIA managing principal of the Dietz Partnership, LLC Architects at 100 Eagle Rock Avenue in East Hanover, NJ came to the microphone. Mr. Dietz was sworn in and recognized and an expert in the field of architecture. Mr. Dietz stated that he prepared the drawings for the expansion and renovation of the building and prepared the drawings submitted with this application for the facade and signage. Mr. Dietz stated that he was hired by both the property management and Party City for this design. He said that the property manager wanted to update the look of the shopping center and update the signs. He said that the original signage was very small and hard to see. He changed the color palette and design for all the tenants. The first exhibit was marked A-1 dated this day which is Mr. Dietz's architectural drawing A-4 depicts all the tenants of the shopping center, changing the facade to more neutral colors, and showing the other signs are smaller than the Party City sign. Party City with its expansion in the rear is now the largest tenant in the shopping center encompassing 10,000 square feet. It is the anchor of the shopping center. The proposed facade will have a beige background, and an arch was created to match the one above Lenscrafters at the same height and the sign would read, Party City the discount party superstore. Even though the applicant is requesting a variance for square footage, with the increase in the size of the facade, Mr. Dietz said that the sign is still very much in proportion to the facade. He explained that the other variance they are seeking for height is due to the fact that the sign is being treated as two stacked letters. Mr. Dietz explained that the words *Party City* at the top is only 5 feet tall which does meet the criteria, but that the way it is written, you have to put a box around both tag lines which is what ends up totaling a height of 7 1/2'. Mr. Dietz said that the sign is internally illuminated with a plexiglass face. Mr. Dietz said that he feels that this conforms to the current signage standards in the marketplace today. He said that in all other ways, it conforms to the sign ordinance 28-504. Ms. Erem said she had no further questions for this witness. Chairman Speeney opened up for questions from the board. Mr. Pote asked Mr. Dietz to confirm that the property owner was in agreement with the design and size to which Mr. Dietz answered yes. Mr. Pote asked what the difference will be in terms of what the highway will see. Mr. Dietz said that the building is saucer shaped with very tall trusses which is not a normal design in today's standards for a shopping center. He says that the signs will be legibly easier to see where they are now proposed to be placed. He said that where the original pylon sign was located, there is a very short window of view from the highway before you reached the

center's driveway. Mr. Pote asked if they planned to come back before the board for any signage from the other tenants. Mr. Dietz said that there is one vacancy where the store Catherine's used to be, but that the other tenants will have the previous signs put back on the new facade so that he doubted it. Mrs. Schaefer asked what the relationship in size to the other tenants signs was compared to the Party City sign. Mr. Dietz said the former Annie Says sign was 4 ½' tall. Lenscrafters sign is 18" as well as Supercuts and Liberty Travel. Chairman Speeney asked what the existing facade and lighting looked like. Mr. Dietz said that there are currently red neon lights which would all be removed with the new design and there would be no more neon lighting. Mr. Dietz said that the proposed letters were channel letters with the standard Party City logo colors. Chairman Speeney asked if all the tenants will be uniformed with this design. Mr. Dietz said yes. Mr. Havas asked what the height of the second line of text on the sign was. Mr. Dietz said 15.2". Mr. Havas asked what the setback of Party City was from the road. Mrs. Erem said that the Planner could address that. Chairman Speeney opened up to the public for questions, and hearing none, closed the public portion. Ms. Erem brought her second witness. Daniel D. Disario, P.E., PTOE, traffic engineer from Langan Engineering came to the microphone and was sworn in and recognized as an expert in the field of traffic engineering. Mr. Disario was asked if he did a traffic evaluation with respect to Party City and he responded yes. Ms. Erem asked Mr. Disario to explain his analysis to the board, keeping in mind Mr. Havas' question. Mr. Disario stated that his report, dated October 12<sup>th</sup> was submitted. He entered this report as exhibit A-2 since it came after the initial application package. He referred to the pictures at the end of the report to the board showing views from the highway. He thinks that this site is unique in the aspect that there is plenty of traffic support for the variances requested. He said that the building is angled away from Route 22 in a southwesterly direction. You can actually see the building before you can see the driveway that serves it. The photos in the report are from a car traveling down Route 22 in a easterly direction getting closer with each picture. He said there is actually a freestanding identification sign by the road, but there are many structures in the way of the sign coming east. You can see the facade before you can see the freestanding identification sign. There is also vegetation blocking the sign. There is also a utility pole blocking the freestanding identification sign. This proposed Party City sign becomes very important because it will not only identify the Party City store before reaching the access driveway that serves it, but the identification for the entire shopping center. Chairman Speeney asked if there is any other

signage to identify the site such as on the Sears Auto property. Mr. Disario said that any signage on a site that doesn't identify what is on that site, it is considered a billboard by the state DOT which they normally never allow. Mr. Disario said there is also a very low to the ground monument sign naming the shopping center. Chairman Speeney said that this shopping center is very easy to miss if you don't know it's there. Mr. Disario said that he completely agrees and that he feels that is one of the main arguments for the variances requested. Mr. Disario said that the Party City sign is widely recognizable both by text and by the colors of the sign, it will give advance notice to motorist heading east on Route 22 just by the familiar colors of the sign. It will make people more cautious and slow down from seeing this sign before they get to the driveway that serves the site. Mr. Disario said that in terms of the traffic safety issue, if relief is granted, it will add to the safety of motorists. Mr. Haveson asked about the red neon lighting, but Mr. Disario said that had already been addressed and it was going to be removed. Mr. Haveson asked about the impact of the new sign as far as light going up the mountain toward the residents on Johnston Drive. Mr. Dietz said that the sign is being lit by LED and will be a gentle glow and will lesson the impact of the light coming off compared to the old signs. It is low voltage and low wattage. Ms. Erem called Mr. Paul Ricci of 10 Georgian Drive, Clark NJ who came to the microphone. His company is Ricci Planning. He was sworn in and recognized as an expert in the field of planning. Mr. Ricci evaluated the site from a planning perspective . He submitted two exhibits marked A-3 and A-4 A-3 being a aerial photograph of the site and another ground photograph marked A-4. The photographs were taken by Mr. Ricci's associate. Mr. Ricci is familiar with the site, which is located in the H-D zone which is highway development. The arial photo was taken in 2010 and is considered a birdseye view of the property. It shows the closest intersection at Route 22 and Terrill Road, Sears Auto and the subject property. Yellow arrows on the photo points to Route 22 looking in an easterly direction. A yellow curved line shows the impairments to seeing the site traveling east on Route 22. The second exhibit shows driving eastbound on Route 22 showing the maturity of existing trees blocking the site entrance, and also shows the top of the facade which would hold the proposed sign that could, in fact be seen traveling east. He said they are seeking variances from section 28-504.g.2 for the height of more than five feet. The second variance is for 28-504.g.3 for the overage of square footage of the sign at more than 100 square feet. Mr. Ricci said that the ordinance also states that a sign can not cover more than 10% of a building's facade which this sign does not. Mr. Ricci said that the benefits

outweigh the detriments. He said that the orientation of the building is not optimum for signage. Also the property is triangular in shape, which limits the frontage orientation as a result of a right of way at the adjacent property Sears Auto. Mr. Ricci explained that these variances could be granted without a substantial detriment to the public good without impairing the intent of the ordinance. He said that residential homes are located to the rear of the property. All signage is located on the front of the building, not facing any homes. The light emitted from the signage will be less than the original signs. Even though the sign is more than 100 square feet, it is proportional to the size of the facade of the building. The exact measurement of the actual letters of the sign only totals 96 square feet, even though technically with the rectangle around each sign, the square footage is more. The public good benefits can be met in 3 points of 40-55d.2. Section f to promote the free flow of traffic. Section I – promotion of desirable visual environment and the promotion of the general welfare of the public. He explained that all criteria has been met as far as proofs to grant relief of this variance. Mr. Haveson commented that during season changes, you will see either more or less depending on the foliage of the surrounding trees. Chairman Speeney thought that the sign was in a good spot visually before reaching the access driveway. The Chair said that he sees the value of the sign in terms of traffic safety. He also said that he thought that the proposed Party City sign could absolutely negate the need for a free-standing pylon sign. The Chair opened up questions or comments from the public. Having no one come forward, asked the board for a motion to close the public portion. Mr. Haveson made that motion seconded by Mr. Havas. The public portion was closed by voice vote. Ms. Erem said that she had concluded her testimony, and asked that the application be approved. The Chair asked if there was a report from Board Engineer, Tom Herits, and there was no report submitted. Ms. Erem said that she felt that the applicant has met the statutory criteria necessary for the board to grant the approval for this application. Ms. Erem asked that the board grant approval and thanked the board. Chairman Speeney reemphasized to the board that they are considering preliminary and final approval action at this meeting, and the memorialization would take place at the next meeting. Having said that, the Chair sought a motion to approve preliminary and final approval for PB11-02. He asked that the testimony be incorporated into the resolution including benefits and no substantial detriments. That motion was made by Mr. Ellis, seconded by Mrs. Schaefer. Hearing no more discussion, the

Chair asked for a roll call vote. The vote was as follows:  
Speeney (yes) Havas (yes) Ellis (yes) Schaefer (yes) Pote (yes)  
Beck-Clemens (yes)

The motion carried and the application was approved.

Ms. Erem asked if the applicant can start before the resolution. The Chair said that if they did, it would be at their own risk. Mr. Linnus explained that they need to get a building permit, and that was up to the Building Dept. The Chair said that the next issue was the flag lot ordinance draft that Mark Healey submitted to the board. He asked the board if they had any questions regarding this ordinance. He said he had gone over this with Mark and was very happy with it. He sought a motion to approve the memorandum and the draft of the ordinance to pass along to the council. Mr. Linnus said that the Planning Board has the ability to recommend to the council. Once the ordinance has been introduced by the Council, there is a 35 day period where the Planning Board should get that ordinance back to recommend it. Chairman Speeney said that he has also discussed this ordinance with Ed Bennett, Zoning Officer. He said that Ed Bennett came up with the 22-foot width calculation. He said that the pole, if it is wider than the minimum, could have a driveway wider than 12 feet. For every foot that the driveway width increases, there is another one half foot on either side for the buffer. In addition, Mr. Healey worked in a transition from the 5 yard setback into the flag area which is a 50 foot setback. The Chair sought a motion to forward this ordinance to the Council for review and a potential introduction. Mr. Havas made that motion, seconded by Mr. Haveson. Hearing no more discussion, the Chair asked for a call of the roll. The roll call vote was as follows:

Speeney (yes) Havas (yes) Haveson (yes) Ellis (yes) Schaefer (yes) Pote (yes)

Beck-Clemens (yes)

The motion carried.

The Chair said that there would be nothing forwarded to the Council regarding residential lighting standards, as it was decided that the current ordinance covers everything pertinent. The RMLII issue is before the council subcommittee currently, Mr. Pote said.

The Chair said that he is looking for the board to come up with elements in planning goals for a questionnaire from the County. Chairman Speeney said that there is a Business Partnership project happening regarding funding for projects that would improve infrastructure. Now they have created an economic development project headed by John Maddocks called C.E.D.S. -Comprehensive Economic Development Strategy. Somerset County has identified sites that are sustainable economic growth

opportunities. The quarry is currently marked number 40 on the list. The CEDS has some funding which potentially could total in the millions. He said that it is possible that CEDS would drive projects that would create infrastructure improvement. They are currently forming and will go into a visioning identification and implementation process which should last approximately 18 months. They are asking for participation from local communities in the form of a group of people that would meet with CEDS over the 18-month period to participate. The Chair said that if people from this Borough could participate, they might have a foot in the door down the road. Not necessarily Planning Board members, but community members. The Chair said he is asking the Mayor and Council to name a committee to participate in this CEDS visioning process of this committee. The Chair asked that the Mayor and Council consider naming a committee, and indicate on this questionnaire what the board's goals are. Chairman Speeney listed the top three land use planning goals. He said that maintaining the integrity of the local zoning regulation would be the local goal. Implementation of the office conference center overlay district at the quarry would be number one in terms of regional planning because that impacts Route 78 and the Diamond Hill interchange. He discussed community sustainable planning goals. Chairman Speeney said that if the Getty station was ultimately gone and Spratford Park was finished, it would enhance the gateway to the Borough. He said that another goal he had, was to connect the Ness property with Watchung Lake. The work that CEDS will do will be aimed at projects that will create jobs. The development of the quarry would qualify as a project that could create jobs. Mr. Ellis suggested passing a resolution to the Mayor and Council, or ask Councilman Pote to pass this information along to Mayor and Council. Potential projects in other towns were discussed. Mr. Ellis said that he was grateful that the Chairman was working on this and agreed that the Ness property should be included. He told Chairman Speeney that however he wanted to word the response on the questionnaire, it would be fine with him. It was decided that the board would finish the list, and the Chair would get it to the Council at their meeting. Mr. Ellis suggested the board do a resolution asking the Mayor and Council that a committee be formed to join this CEDS visioning group, and that at least one liaison from the Planning Board be included in this group. The Chair sought a motion to do just that. That motion was made by Mr. Ellis, seconded by Mr. Haveson. The Chair asked for a voice vote. The motion was passed unanimously. Councilman Pote will explain the purpose of the CEDS group to the Council. Chairman Speeney said that CEDS has hired Mary Moody as a contract employee to SCBP to do the research and writing on the

background element of their economic strategies report. This is the report that is going to generate their funding. They have engaged and the NJ Municipal Land Use Center as a facilitator. Chairman Speeney said that he believes that Watchung has a chance, and he wants the Borough to be prepared.

The Chair sought a motion to approve the vouchers. That motion was made by Mr. Haveson, seconded by Mrs. Schaefer. The Chair asked for a roll call vote. The vote was as follows:

Speeney (yes) Havas (yes) Haveson (yes) Ellis (yes) Schaefer (yes) Pote (yes)

Beck-Clemens (yes)

The motion passed and the vouchers were approved.

The Chair asked if there were any comments from the public. Mr. Bruce Ruck of 13 Lakeview Avenue came to the microphone. He said that in a recent article in the newspaper, Councilman Pote was quoted as saying that the Planning Board would be looking into the limitations of house size. He said that he lives in one of the more modest size homes on the block. Next door to him, is a very large home being constructed. He said that if limitations are placed on house size, his property value will go down, and if he is told that he cannot build a house of a size at the current standards and wants to sell his home, why would anyone want to buy it if they cannot build a house that is as large as the homes around it. Mr. Ruck said that another huge home on Park Place is proposed to be built at around 4,000 square feet. Mr. Ruck said that any change in the zoning regulations that would limit him building would lower his property value. He said that the home next door towers over his home. Mr. Ruck said that if he is able to build, he wants to build to the current maximum, not a decreased standard. The Chair said that he was not sure what would be done in the future. He said that the Board was more concerned with the RR zone, rather than the RB zone, where Mr. Ruck lives. Mr. Ruck said that the town has already allowed large homes, and does not want to be restricted in any way. Councilman Pote says that this issue is currently with the council's laws and ordinance committee which has just begun their research in looking into this. Mr. Ruck said that is why he is coming in now early enough to make his opinion known. Mr. Ellis reiterated the fact that the concern was more in the RR zone. Councilman Pote thanked Mr. Ruck for his input, but said that yes, the laws and ordinance committee is looking at all zones, not just one. Chairman Speeney said that the change in neighborhoods is what drives the ordinances. Chairman Speeney said that this is an effort that began years ago. Mr.

Havas asked Mr. Ruck if he thought that the house next door increased or decreased the value of his home. Mr. Ruck said his home looks like the maids quarters next to this new home. The Chair thanked Mr. Ruck for his comments. The Chair adjourned the meeting until the next meeting of November, 2011.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Carolyn Taylor". The signature is fluid and elegant, with the first letters of each word being capitalized and prominent.

Carolyn Taylor  
Planning Board Clerk