

**Borough of Watchung
Planning Board Meeting
April 17th, 2012**

Minutes

Chairman Speeney called the meeting to order at 7:32pm. Salute to the flag. The Chair called for a roll call. Present at the call of the roll were: Speeney (X) Schaefer (X) Haveson (A) Ellis (A) Pennett (X) Boyd (X) Beck-Clemens (X) Mobus (X) Pote (X) Desnoyers (X) Hartmann(X)

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. Chairman Speeney stated that Mr. Hartman would be voting on the Resolution of memorialization in place of Mr. Haveson. Mr. Desnoyers cannot vote on this resolution. He also said that both Mr. Hartman and Mr. Desnoyers are voting members at this meeting in general.

Chairman Speeney reviewed some issues regarding members keeping their microphones on while speaking, and keeping the microphones off during side conversations. He also reminded members that no changes can be made in minutes except during the actual meetings. The minutes that are sent out ahead of the meeting. Mayor Mobus said that this board has already been told by board attorney Mr. Linnus that discussion by email is not appropriate. Mr. Linnus agreed. Mr. Boyd said he appreciates the ban on the emailing and asked if that applies to telephone calls as well. Mr. Linnus said that yes, it could violate the open public meetings act. Mrs. Schaefer asked if the site plan review report could be sent ahead of time. Mr. Linnus said that yes, as long as the site plan review committee was comprised of less than a quorum, they could visit the site, send the report to the Clerk who would in turn send it out to the board in advance of the meeting for review.

Chairman Speeney asked for a motion to waive the reading of and approve the minutes of February 21st, 2012 and March 20th, 2012. Mayor Mobus said that he was not present for the meeting of the 21st of February and did not review the tape and could not vote on the minutes of that meeting. Mr. Linnus said that since some members were not at both meetings, the minutes must be voted on separately. Mrs. Beck-Clemens made a motion to approve the minutes of February 21st, 2012. That motion was seconded by Mrs. Schaefer. Hearing

no more discussion, the Chair asked for a voice vote. All members voted in favor except for members who were not eligible to vote.

Mrs. Beck-Clemens made a motion to approve the minutes of March 20th, 2012 and waive the reading of the minutes. Mayor Mobus seconded the motion and hearing no more discussion, the Chair called for a voice vote from eligible members. All members voted in favor who were eligible to vote.

Beck-Clemens read: PB12-R7-***Recommendation to the Mayor and Borough Council of an amendment to the zoning ordinance of the Borough of Watchung.***

Modification of the requirements of flag lot poles and driveways. Chairman Speeney accepted the reading of PB12-R7 as a motion to approve and sought a second. Councilman Pote seconded the motion and the Chair opened up discussion from the Board. Mr. Hartman asked if they are making a motion asking the Council to consider adopting this resolution or asking them to adopt it. Chairman Speeney said that this is a recommendation to the Council to consider adopting this ordinance. Mr. Hartman said that he didn't understand why the board was only asking the Council to "consider" adopting the ordinance. Mr. Linnus said that in the whereas clause in the resolution stating that the board is asking the Council to adopt this ordinance. Mr. Hartman wanted to know how many lots in the Borough would be affected by this ordinance. Mr. Hartman said that there must be a finite number of properties within the Borough that could be affected. Chairman Speeney said that there are inconsistencies between the flag lot ordinance and the driveway ordinance that Mr. Bennett, Zoning Officer had come across and thought that an amendment needed to be created to resolve these conflicts. Mr. Hartman said that he wanted to know the number of lots affected. Councilman Pote said that he thought Mr. Hartman was asking how many opportunities there are still that remain within the Borough that would be potentially affected by this ordinance amendment. Mr. Herits said there is a property on Valley Drive that was still undeveloped. Chairman Speeney said that neighbors could get together and create a subdivision. He said that it is an unknown quantity. Councilman Pote said that there are also parcels that are 5,6,7, or 8 acres that exist that could be sold, creating this condition. Mr. Hartman said that this was what he was wondering about. Chairman Speeney said that the flag now would have to be 3 acres. Mr. Hartman asked how many 3 acre parcels there are in the Borough. No one had an exact number of how many parcels that encompass three acres or more. Mrs. Schaefer said that the proximity of the driveways of the flag lots to the neighbor's property was an issue which was why the buffer was increased, and also impervious surface coverage was an issue. Mr. Hartman

said that he wanted to understand the evolution of this issue. The Chair said that he did not know the number of potentially affected properties. Councilman Pote said that it would be good to find out how many properties in town are 3 acres or more. He said that would be an important part of an answer to Mr. Hartman's question. The Chair said that there are other reasons for this ordinance as well. A house put behind another house is poor planning. Mrs. Schaefer said this was all started because of applications that have come before this board. Chairman Speeney said that this is just an amendment to an existing ordinance. Mr. Desnoyers asked what the original flag lot size was. Chairman Speeney said that the original size of flag lots in the R-R zone was 60,000 square feet. Mayor Mobus said that this issue came to the attention of the Mayor and Council. He said that Councilman Pote who is the Chairman of the Laws and Ordinance committee brought this back to that committee who suggested this change be made. Hearing no more discussion, the Chair asked for a roll call vote. The vote was as follows:

Speeney (yes) Schaefer (yes) Pennett (yes) Boyd (yes) Beck-Clemens (yes)
Mobus (yes) Pote (yes) Desnoyers (yes) Hartmann(yes)

The motion carried.

Beck-Clemens read:PB12-R8
New Cingular Wireless, PCS, LLC (At&T)
Block 202 Lot 7.01
799 Mountain Boulevard
Resolution of Memorialization

The Chair accepted the reading of PB12-R8 into the record as a motion to approve and sought a second. Mrs. Schaefer seconded the motion. Chairman Speeney asked for discussion from the board. Mr. Boyd asked about the request to proceed *at risk* and whether or not it needed to be included in the resolution. Mr. Linnus said that this draft resolution was forwarded to the applicant's attorney and said that there was no objection. Mr. Linnus asked Mrs. Taylor was the status was. Mrs. Taylor said that the monopole is up but that Mr. Bennett was waiting on some information relative to the concrete reports. She was not sure if he has gotten the information he is waiting for. Chairman Speeney said that the normal procedure for this board was to draft a resolution and discuss that resolution before taking action. Chairman Speeney said that in this case, the board took action at the last meeting. Chairman Speeney said that the monopole itself, was not before this board. That was under the auspices of the Building Department. Mayor Mobus said that when the applicant came before the board, they misrepresented themselves describing

the tower as a communication tower when in fact it was an electrical tower. Mayor Mobus asked Frank Linnus what he thought, and Mr. Linnus said that the applicant came before the board to put antennas on a fully approved replacement pole.

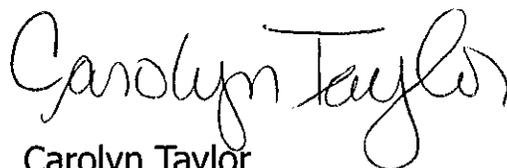
Councilman Pote asked if the resolution stated that the antennas were to be put on a pole that was fully compliant. Mr. Herits said that when the code changed, the weight could not be placed on the original pole. Mr. Herits was asked if he approved the pole. Mr. Herits said that he only approves the site work details, not the antennas or the pole. Councilman Pote said that in the application itself, it asks for relief to place 12 antennas on the top of an approved replacement pole. He said his concern was that if antennas were placed on a pole that was not approved, the applicant would spend a substantial amount of money and then could possibly come back and say that they wanted to bill the Borough because the pole was not approved. Mr. Herits said that the monopole was not given a certificate of approval by the building department yet. Mr. Herits said that Mr. Bennett will not permit antennas to be placed until the pole itself is done and approved. Chairman Speeney said that it is stated in the resolution that the applicant must be compliant with any and all governmental approvals and will not begin construction until all approvals are attained. Chairman Speeney asked for a roll call from all members eligible to vote. The roll call was as follows:

Speeney (yes) Schaefer (yes) Pennett (yes) Boyd (yes) Beck-Clemens (yes)
Mobus (no) Pote (yes) Hartmann (yes)

The motion carried.

The Chair adjourned the meeting until the next regular meeting of May 15th 2012

Respectfully Submitted,



Carolyn Taylor
Planning Board Clerk