

**Borough of Watchung**  
**Planning Board Meeting**  
**October 15<sup>th</sup>, 2013**

**Minutes**

Salute to the Flag

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

Speeney (X) Schaefer (X) Haveson (X) Ellis (X) Pennett (X) Boyd (X)  
Pote (X) Nehls (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 indicated that Mr. Hartman would be voting in lieu of one of the class IV members.

Chairman Speeney asked for a motion to approve the minutes of June 18<sup>th</sup>, 2013. Mr. Ellis made the motion to approve, seconded by Mr. Desnoyers. The Chair, hearing no discussion, called for a voice vote. The motion was approved by all those eligible to vote.

Chairman Speeney asked for a motion to approve the minutes of July 16<sup>th</sup>, 2013. Mr. Haveson made the motion to approve, seconded by Mr. Desnoyers, and the Chair, hearing no discussion called for a voice vote. The motion was approved by all those eligible to vote.

Chairman Speeney asked for a motion to approve the minutes of August 20<sup>th</sup>, 2013. Mr. Desnoyers made the motion to approve, seconded by Mrs. Schaefer. Mrs. Pennett asked for a typo change to be made on the 3<sup>rd</sup> line of the first paragraph, changing the word a to an. Hearing no more discussion, the Chair asked for a voice vote by all those eligible to vote. The motion was approved as amended.

Chairman Speeney asked for a motion to approve the minutes of September 17<sup>th</sup>, 2013. Mr. Boyd made that motion, seconded by Mrs. Schaefer. Hearing no discussion, the Chair asked for a voice vote by all those eligible to vote. The motion was approved.

Desnoyers read: PB13-03 Avalon at Watchung

1 Crystal Ridge Drive (aka East Drive)

Block 5601 Lot 2 Watchung, Block 6.02 Lot 2.01 North Plainfield

Modification of a condition of a prior Final Site Plan Approval.

Mr. Neal Zimmerman of Waters, McPherson, McNeal representing the applicant Avalon II New Jersey Value II LLP came to the microphone. Chairman Speeney explained the process of the hearing to the public. Mr. Zimmerman explained that Avalon purchased Crystal Ridge about 1½ years ago, and they are here seeking a modification to condition number 2 of Resolution PB-01-07 which was adopted January 18<sup>th</sup>, 2001, which was a condition that requires a manned gate 24/7. Mr. Zimmerman said that they were here on July 16, 2013 and this is a condition of that hearing. Mr. Zimmerman said that Avalon listened very carefully on July 16<sup>th</sup> to the Board's concerns, and they have submitted a revised proposal which he thinks will be a significant improvement to what they submitted at the prior meeting. Mr. Zimmerman said that the board may recall that they have security cameras throughout the complex, and they have increased the number of cameras from 14 to 25. He said this includes security cameras as well as license plate recognition cameras. He said they are also proposing to take down the old fencing and erect new fencing around the whole perimeter. They have proposed a 6 foot fence. Mr. Zimmerman said that the ordinance states that in a residential area, the height for fences is 4' unless the fence qualifies as an estate like fence. Mr. Zimmerman said that he would like the board to determine and rule that the proposed fencing is an estate like fence. Mr. Zimmerman said that the alternative is that if the board determines that this is not an estate fence, then rather than a variance, they would comply with a 4' fence in lieu of 6'. Mr. Zimmerman said that this is for the portion of the fence that is in Watchung. He said that there is also a portion of the fence that is in North Plainfield. Mr. Zimmerman identified an enlargement of a previously submitted survey that has been marked in magenta and green to identify the 6' fence. Mr. Zimmerman said that North Plainfield has an ordinance that a fence along the frontage can be no more than 3' high, and from the frontage to the setback line can be no more than 4' high. He said that the applicant was going to make an application to North Plainfield for this, in order to avoid the necessity for a North Plainfield variance. Mr. Zimmerman said that there were some questions at the last meeting regarding the gates coming in from Route 22, and he would like to confirm that there will be two swinging gates at the Route 22 entrance; one for residents who would be entering with the fobs, and one for visitors who would be entering through phones. Mr. Zimmerman said that he also has not received any more reports from any Municipal agencies since the last meeting in July. Mr. Zimmerman said that he has three witnesses, the first being Joe Mitchell who will explain the increase and locations of security cameras. Frank Murphy, who will be the next witness, is the security expert who will offer his opinion as to the security of Avalon's proposal. Finally, Mr. Zimmerman said he would like to call Pat Gniadek, who will follow up on his testimony from the July meeting. Mr. Zimmerman called Joe Mitchell, who was still sworn in from the previous meeting. Mr. Zimmerman asked Mr. Mitchell if he played a part in the determination of the additional cameras. Mr. Mitchell said yes. Mr. Zimmerman put up an enlarged version of a previously submitted blowup of Avalon that showed the location of security cameras, dated 6/26/13. Mr. Zimmerman said the only difference in this drawing was blue markings. The blue markings showed the additional cameras to be added. The additional cameras are fixed cameras looking at target areas throughout the complex, including the parking lots. These cameras would be on 24 hours a day. They provide coverage for the parking lot areas adjacent

to the buildings. They also look at pedestrian traffic as well as toward the WalMart. There are also two cameras that monitor the Route 22 entrance that includes pedestrian traffic. There are also two cameras on the East Drive entrance, one for in and one for out, to monitor cars and pedestrian traffic. Mr. Zimmerman asked Mr. Mitchell if he was aware what the current guard at the front gate did. Mr. Mitchell said that his function was to allow people in and out. Mr. Zimmerman asked Mr. Mitchell if these cameras would provide any more protection than there is now. Mr. Mitchell said definitely, since the job of the guard was not to provide any more protection than sitting in the guard gate and not moving from there. Mr. Zimmerman asked Mr. Mitchell what percentage of the property the guard at the gate could see. Mr. Mitchell said approximately 5%. Mr. Boyd asked if the license plate cameras are reading the front license plate or back license plate of vehicles. Mr. Mitchell said that they are designed to read all rear plate license plates. Mr. Haveson asked where the monitors for these cameras would be located. Mr. Mitchell said that there is no live monitoring of these cameras, but that the equipment for the network monitoring would be located in the Clubhouse. He explained that these cameras are just digitally recorded. Mr. Haveson said that he understands that if the guard is not there any longer, no one would be monitoring the complex at all. Mr. Mitchell said that is correct. Mrs. Schaefer asked if the tape would be recorded for 35 days. Mr. Mitchell said that was correct. Mr. Ellis asked how the tape could be accessed. Mr. Mitchell said it could be accessed with a password, and they could look up a date and time or a span of time. Mrs. Schaefer asked if the police would have access to view these tapes. Mr. Mitchell said yes. Mayor Pote stated that he believed, from the prior testimony, they would know if a camera is not functioning. Mr. Mitchell explained that in this proposed system, they would have an IP health based system which allows them to monitor the health of both the cameras and the NVR (Network Video Recorder). Mr. Mitchell said if there was any problem with any camera, his company would be given an alert, and they, in turn, would notify Avalon. Then they would arrange to come to the complex to correct the problem. Mayor Pote asked if there would be any proactive maintenance done to the system and Mr. Mitchell said that it is his understanding that that is going to be done. Mrs. Schaefer asked how the Fire Department and other emergency services would gain access. Mr. Mitchell said there would be equipment installed that is called a yelp device. He said that if the emergency service arriving sounds what is called a yelp siren for more than 5 seconds, the gate would automatically open. In the event that it doesn't work, the vehicles could easily drive through the arms of the gates, as they are not that strong. He said they are not built not to be broken. Mrs. Pennett asked how long Mr. Mitchell's company would take to correct a problem, and Mr. Mitchell said that they would be out within 24 hours. Mr. Haveson asked if there was a longer recording possibility for the tapes than 35 days. Mr. Mitchell said yes, but that normally that time period is more than sufficient. Mayor Pote asked if a bag was placed over the camera during the daytime, if that would issue an alert, and Mr. Mitchell said yes. Mr. Haveson asked what would happen if something happened to one of the cameras on a weekend if no one was in the Clubhouse. Mr. Mitchell said that an alert would be issued, and then a phone call would be made to the on call personnel of Avalon. Mrs. Schaefer said that she wasn't sure if this was a question for Mr. Mitchell but she said that some residents discussed issues with non-responsive property managers in the past, and asked

how that would be dealt with. Mr. Mitchell said he couldn't answer that question. Chairman Speeney opened up questions from the public. Ms. Christine Listorti of Summit Way came to the microphone. Ms. Listorti asked if there were cameras proposed to cover the entrances to the buildings. Mr. Mitchell said that there were cameras covering the parking areas of the buildings, but not the entrances. Ms. Listorti wanted an explanation of how these cameras would provide more protection than the current guard at the gate. Mr. Mitchell said that currently there are no cameras whatsoever and that they would provide more security if there is a problem than a guard who does not patrol the property. Mr. Mitchell said that the cameras are going to be placed high up on the buildings, and they are vandal proof. Ms. Listorti asked what would happen if there was a power outage. Mr. Mitchell said there is a battery backup and that would last for four hours. Ms. Listorti asked what happened in the event that the power was out longer. Mr. Mitchell said that if it was out longer, the cameras would no longer work. Councilman Nehls said that if no one was monitoring the cameras, what happens in the event of a crime occurring with no guard and no one to call. Mr. Mitchell said that they could go back and use these tapes to investigate the crime. Ms. Rhonda Brown of 6006 Crystal Ridge Drive came to the microphone. She said that in the past, the guard at the gate would patrol the Clubhouse and part of the grounds. She said that two different guards did that in the past. Chairman Speeney said that this was not a question for this witness. He said that Mr. Pat Gniadek was the person this question should be directed to. Marie Johannsen of East Drive came to the microphone. She wanted to know if the cameras would be pointed and cover her private property. Mr. Mitchell said no, that the cameras would be focused on the Avalon property only. Mrs. Cathy Hammel of East Drive came to the microphone. She wanted to know if in Mr. Mitchell's professional opinion the best scenario would be for someone to be monitoring the cameras live. Mr. Mitchell said that for one person to watch 25 cameras live was almost impossible. Mr. Mitchell said that in his opinion, the cameras were better than the actual physical guard for two reasons; the first being that it would be impossible for a guard to be constantly watching the cameras since he had other duties to attend to, such as letting people in and out, or if he was on a bathroom break; the second reason being that the cameras being able to be seen all over the property actually creates a diversion to crime. Ms. Karen Palito of Building 12 came to the microphone. She asked about a power outage that lasts longer than the battery backup, and in that event, if the tapes were saved to some sort of cloud server. Mr. Mitchell said that after 4 hours, they cameras will stop recording. Ms. Palito said that during Hurricane Sandy, it took almost 4 days to bring backup generators onto the property and wanted to know what the plan is for backup power. Mr. Mitchell said that the 4 hour backup batteries were the only plan in place for backup power. He said if there was a plan to provide backup power with generators as they did in Sandy that is up to the individual property owners. Mr. Mitchell said that if the power was out, there is no internet, which means that there is no way to send the data to a backup cloud server. Chairman Speeney said that there was testimony at the last meeting as to a generator. Mr. Zimmerman said that the plan for the generator would be for the gates, not the cameras. Mr. Listorti asked if the cameras were an addition to the security, then wouldn't the addition of a guard monitoring a portion of the cameras be better. Mr. Mitchell said that one person could monitor 6 cameras but never 25 at

one time. Mr. Mitchell said that if cameras were being monitored at buildings 1 through 7 and not 9, if there was an incident at building 9, the first question of the residents of building 9 would be 'why wasn't building 9 not being monitored'. Mr. Zimmerman said that these questions were not what the application is. Mr. Zimmerman asked Mr. Mitchell why the cameras would be directed toward the parking lots. Mr. Mitchell answered that this is where most crime takes place.

Mr. Zimmerman called Mr. Francis R. Murphy to the microphone. Mr. Murphy stated that he resides at 4774 Del Sol Blvd., Sarasota, FL. Mr. Murphy was sworn in and gave his work and educational history and was recognized as an expert in the field of security. Mr. Murphy said he was hired by Avalon to examine this application and give input as to the security aspect of this application concerning what is proposed, as compared to what currently exists. He looked at what they have and if what is proposed would be better than, equal to, or less than what currently exists. Mr. Zimmerman asked Mr. Murphy if he had done similar analysis of other complexes such as this one. Mr. Murphy said he has done similar analysis of complexes in over 40 states in approximately 250 locations. Mr. Zimmerman asked how you go about this. Mr. Murphy said that you look at a methodology similar to what an engineer does. Mr. Murphy said you gather data, review data from published sources. He said you analyze data and use information from police departments of every criminal act on the property. He said that the information of incident reports were turned over very quickly from the Watchung PD. He said that he reviewed statistical data from this municipality in this complex. He did a site survey and walked the property. He looked at existing fencing, site lines and what the condition of the property was. Mr. Murphy said he was very impressed with the condition of the property. He looked at the crime that occurred in the parking lots and how cameras deter crime in the future. He said that the pattern that appeared was that the biggest deterrent to crime was the reporting of the residents of the complex themselves. He said that the response time of the Watchung PD was very short. Mr. Murphy said that he did not find this complex to be a high crime area. He said that the residents of the community do call PD when they see something or suspect something. Mr. Zimmerman asked Mr. Murphy if he was familiar with the gates. Mr. Murphy said that the original wrought iron manned gates that were broken originally were too slow to open and close. He said that he was familiar with the guards at the gate house. Mr. Murphy said that the guard is ineffectual and when he was there, he didn't even get waived through by the guard, and the last time he was there, there was no guard there at all. He said that the guard doesn't patrol the property. Mr. Murphy said that the proposed cameras would be placed where the majority of crime has occurred. He said that he conferred with Mr. Mitchell as to where these cameras would be placed. He said that the proposed fence would make it clear that this was private property and not public. He said that the current guard has no legal duty to respond to any crime. He said that the contractual duty of the guard is to remain in the post of the gatehouse. Mr. Murphy said that if the board approves a 6' fence as opposed to a 4' fence, there would be a significant increase of security. He said that the fence would significantly prevent access by pedestrians from both the shopping center and neighboring complexes. He said there was some sort of agreement with an access road from the shopping

center that could not be closed in. Mr. Murphy said that he was familiar with the proposed fob system that the residents would use. He said that just having the cameras visible to anyone would act as a deterrent. Mr. Murphy said that security guards are not trained as to what is suspicious activity. Mr. Zimmerman asked Mr. Murphy if he was familiar with the license plate recognition. Mr. Murphy said that he was, and there are currently 40 studies done on deterrence and they showed that cameras do act as a deterrent to crime. He said that most of these studies are geared to high crime locations. He said that cameras will not prevent all crime, but nothing will do that. He said that the cameras are within a glass dome, which does not allow a person to see in what direction the camera is actually pointed. Mr. Murphy said that there is a way to record tapes longer than 35 days, but that in general within 12 to 24 hours a crime is reported and that allows more than adequate time to watch the tapes. Mr. Zimmerman said that Mr. Murphy has submitted his report as part of the original application. Mr. Zimmerman asked Mr. Murphy if he read the report submitted by Lt. Cina and Mr. Murphy said yes. He said he agreed with Lt. Cina that this property was not a high crime location. Mr. Murphy said that Lt. Cina's concern regarding access codes was done away with. Mr. Murphy said that he agrees with the position of the proposed cameras. Mr. Murphy said that the security system proposed, if implemented, provides a substantial increase in the overall security to this complex. He said that signage is also proposed saying that camera security is in place 24/7, which is an added deterrent to crime. Mr. Zimmerman said he had no further questions of Mr. Murphy. Chairman Speeney said that Mr. Murphy has not quoted any numbers for crime rates for Somerset County or for Watchung Borough. Mr. Murphy quoted some numbers from statistics. It showed that the crime rate in Somerset County was significantly lower than the crime rate in Watchung. Chairman Speeney asked Mr. Murphy what made Watchung have a higher significance of crime than Somerset County. Mr. Murphy said that he wasn't sure. Mr. Boyd said that currently there is a chain going up an access road by WalMart toward Avalon, and asked if that chain was being replaced by a fence since people could walk right around the chain. Mr. Murphy said that he didn't believe so. He said that when the properties were sold, he believed that there was an agreement that the chain be there so that in an emergency the Fire Department could have access through there. He said that the fencing would not be included on that driveway. Mrs. Schaefer asked what kind of power backup there would be. Mr. Murphy said that there was a four hour backup battery. Mayor Pote asked Mr. Murphy in his professional opinion if there was optimal use made of the guard, (ie. if he dressed differently, if his duties were changed) if he still thought that the proposed system would offer more security than what currently exists. Mr. Murphy said that you could increase security to what the White House has to offer and if you had a whole patrol of guards walking the property 24/7 then yes, it would provide more security than cameras, but that is not possible. Mayor Pote asked what Mr. Murphy's opinion was on the fencing. Mr. Murphy said that the specs on the fence look good, but he said that a 6' fence would be far more secure than a 4' fence. Mrs. Pennett said that on the North Plainfield side, the proposed fence by the highway is only 3' and anyone could step over it. She said that Avalon could ask North Plainfield for a variance. Mr. Murphy said that he agreed and was not very happy about a 3' fence. Mrs. Pennett said that the fence needs to be maintained and if damaged, has to be fixed quickly. Mr. Murphy said

that that was really a question for Avalon management. He said that Avalon maintenance should be addressing that. Mr. Desnoyers asked Mr. Murphy if there is a responsibility to maintain the cameras. Mr. Murphy said that he thought that the contract with Mr. Mitchell's company included maintaining the cameras. Mr. Zimmerman asked Mr. Murphy how much the guard could see from the gatehouse where he currently sits. Mr. Murphy said not much. Chairman Speeney asked for questions from the public. Marie Johannsen of East Drive came to the microphone. She asked Mr. Murphy to describe the gates and how they work in the front and back. Mr. Murphy said they will bring an added dimension of security because they will stop a car. It will provide easy access for tenants to get in and out of the complex. He said it will stop unauthorized guests from entering the facility. Mr. Murphy said that the back gates will have the exact same system with two gates. Mrs. Johannsen asked about the site chain. Mr. Murphy said it was his understanding that the chain is not something that Avalon has permission to block. Mrs. Blue of 5102 Emerald Drive Building 5 came to the microphone. She asked Mr. Murphy if the back gate was working when he came through or if it was broken. Mr. Murphy said that each time he was there, the gate was down. Mrs. Brown came to the microphone. She asked Mr. Murphy if there was lighting necessary for the cameras to work effectively. Mr. Murphy said no, that these cameras were called low light cameras, which were able to operate in low light, and still be able to identify a clear image. He explained as the sun goes down, the iris in the camera opens up more to allow more light into it to get a clear picture. Mrs. Brown asked if there was any research done on the fact there was a two man guard team that used to patrol the property and the clubhouse every 1/2 hour. Mr. Murphy responded that he was not asked to do that research. Christine Listorti of 9103 Summit Way came to the microphone. Ms. Listorti asked what the material of the new gate arms was made of. Mr. Murphy explained that the proposed arms would be made of PVC and was made so that they would not do extensive damage to a car. He said it was a breakaway system. She asked if the materials don't provide enough security. Mr. Murphy said that this system and materials are used all over the county. Ms. Listorti asked how many complexes Mr. Murphy has dealt with that are directly next to a shopping center. Mr. Murphy said that he didn't know how many, but that most complexes such as this are within a 1/4 mile of a shopping center. Ms. Listorti said that the fact is that women are often attacked going into a building door, and she said that it is a concern to her that doors are not covered by the cameras. She asked if Mr. Murphy has done research of the crime statistics generated by the shopping center. Mr. Murphy responded that he was not asked to analyze the Watchung Square Mall crime statistics. He said that he only looked at each and every incident reported to the Police that happened on the Avalon property. Ms. Listorti said that she thought the fencing was a very good addition, but asked about the chain link fence and couldn't it be fenced in. Mr. Murphy said that there was a prior agreement made that would not let that be blocked by a fence. Mrs. Brown came to the microphone. She asked what the point is in putting up a fence if there was still a chain by WalMart that anyone could walk around. Mr. Murphy agreed that it would be better to fence it in, but that there would be cameras there to record any activity there. James, a resident of Bldg. 12 came to the microphone. He asked about the chain, and how anyone could walk around it. Mr. Murphy said that the fence would create a barrier for the rest of the property,

and he didn't think it would detract from the overall security of the property. Mr. Murphy said that anyone who really wants to do ill will, will find a way to do it. He also said that anyone who trespasses on a property could be charged with trespassing. Mr. Murphy said that the cameras on the property are not covert, they are overt. Everyone on the property will know they are there. Mr. Boyd said that the chain was originally placed there to allow emergency vehicles access. Chairman Speeney said that he would like to call time on this application and let the public know that they also have to the opportunity to present expert testimony next month if they choose. Mr. Zimmerman spoke to his client and asked the Chair, before they adjourn the meeting, if the board could make a determination that the fence was an estate like fence. Mr. Linnus, board attorney, said that Mr. Zimmerman should read the definition of an estate fence and the board could make a determination. Mr. Zimmerman referred to the fence that this is in the package. Item #200 on page 11 included the specs of the fence ordinance. Mr. Zimmerman read the definition of an estate fence from the Borough Ordinance. Mr. Linnus said that the Planning Board does have the authority to determine an initial approval for an estate fence. Mr. Ellis made a motion to classify this as a 6' high estate fence. Mr. Desnoyers seconded this motion. Mr. Herits said that if the board approves this determination, the applicant still has to have the fence approved by the Zoning Officer. The chair asked for a roll call vote on this motion, and the vote was as follows:

Speeney (yes) Schaefer (yes) Haveson (yes) Ellis (yes) Pennett (yes)

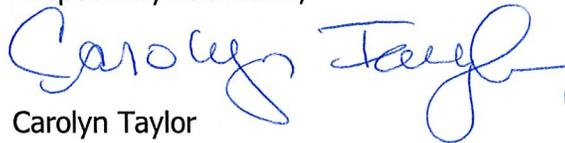
Boyd (yes) Pote (yes) Nehls (yes) Desnoyers (yes)

The motion carried.

Chairman Speeney asked if this was still an 'all or none' application. Mr. Zimmerman said that this is absolutely the case. The Chair said that this application is carried to the November 19<sup>th</sup> meeting at this location at 7:30 and no further notice is required. Chairman Speeney asked the applicant to grant an extension of time through November 30<sup>th</sup>, 2013. Mr. Zimmerman said that the applicant agrees. Chairman Speeney thanked the applicant, and Mayor Pote thanked the public for their appearance and their participation. He said that the board really does appreciate the public's input.

Chairman Speeney said that the two other items on the agenda would be carried until the next meeting and adjourned the meeting until the next regularly scheduled meeting of November 19<sup>th</sup>, 2013.

Respectfully submitted,



Carolyn Taylor

Planning Board Clerk