

**Borough of Watchung
Planning Board Meeting Minutes
7:30 p.m. July 18th, 2017**

Chairwoman Schaefer called the meeting to order at 7:30 p.m. Salute to the flag. The Chair called for a roll call. Present at the call of the roll were:
Schaefer (present) Boyd (present) Desnoyers (present) Ellis (absent) Haveson (present)
Sopko (present) Pennett (present) Pote (present) Speeney (present) Spingler (present)
D'Annunzio (present)

Also present were attorney Frank Linnus and Engineer Tom Herits.

Chairwoman Schaefer indicated that there was a quorum to conduct business and stated that this meeting was being held in compliance with N.J.S.A. 10:4-6 of the Open Public Meetings Act and proper notification of this meeting had been made.

Mr. Ellis arrived at 7:35p.m.

The secretary called minor sub-division PB17-02 Byron Arison, 88 Century Lane minor subdivision to create two single family home lots. Mr. Speeney recused himself. Attorney for the applicant, Michael Kates asked witness Leland Titus be sworn in. Prior to the swearing in Madame Chair read the site committee's report into the record. Mr. Titus was duly sworn in and accepted by the board.

Mr. Titus submitted Exhibit A-1. He described the property as on the inside and surrounded by other properties as well as Valley Rd, Century Lane, Somerset Rd. and Cardinal Drive. Access to the property is from Valley Rd. to Century Lane then a right on what's known as Fischer Lane. This access was created many years ago when property was subdivided from the Eaton property. Lot 2.02 has access from Fischer Lane and two properties on Old Somerset use it as well. This is typical of the Borough as there are many of these drift-ways around town. We are proposing to divide the 4 acre property in half (Exhibit A-2). Each lot would be a little more than 2 acres. The access for both lots would be from Fischer Lane. I have designed a turn-around for a fire truck and rescue squad vehicles. It would also improve the access for other lots that use the road. The existing house will be demolished. The side yard set-backs will be 50 feet, the rear yard will be 35 feet and front yard 50 feet off of Fischer Lane. Mr. Titus went on to address the engineer's report and proposed to comply with all items and specifically addressed the easements. We are going to remove the driveway that goes to the house, but leave the existing driveway that goes out to Century Lane. Mr. Herits asked for the width of that easement. There are two easements. One on 3.02 that's 10 feet wide and the section that's on Fischer Lane that's 12 feet wide. That is the one we are leaving. There is no water or gas on the property. There is electric, public sewer, and well water. Madame Chair asked heat would be supplied and Mr. Titus replied oil, electric, propane, solar or geothermal. It can't be gas because there is no gas there. We applied to the Somerset County Planning Board and we will apply to the Soil Conservation District subject to approval. Mr. Linnus asked Mr. Titus to explain the history of Fischer Lane. In 1941 a subdivision map was filed by Winifred Eaton Cory. It was known as the "better" lot that provided for the access. Then in 2002 when the sewer line was installed there was also an easement granted along that property line between lot 2.02 and 3.02. Mr. Linnus asked Mr. Titus if the easements are in writing or just on a file map and if he would prepare and provide a metes and bounds description. Yes. It's on a file map from 1941, but the sewer easement is in writing filed in May of 2002.

Madame Chair asked what the existing driveway measured and if it was less than 12 feet in some sections. Mr. Titus said he did not measure the whole driveway. She requested that it be 12 feet. Mr. Titus agreed, stating that during construction it would be damaged and need to be repaired. She called for questions from the board. Mr. Herits clarified that the driveway they

were discussing is Fischer Lane. Mr. Titus said yes and it would be built to standard. Mr. Haveson asked if the turn-around shown will be used by the public. Mr. Titus said its intended use is as a circular driveway for the owner of that property. However it is in a good position for fire department access for other lots as it is a very narrow road. Mr. Titus said yes, if this was constructed it would help that situation. Mr. Linnus said in order to prove the need for variance they have to provide adequate access for fire equipment, ambulances and other emergency vehicles for this house alone. Mr. Haveson asked if the board has any right to ask for the public to use the turn-around? Yes, you do. Mr. Titus said the turn-around should be put in the easement. Mr. Kates said emergency vehicles would be servicing everyone in the neighborhood. In regards to Mr. Haveson's question, if the board requires public use for the turn-around we will comply and put it in writing. It de-values the property, but this is an unusual circumstance and we understand. Mrs. Pennett asked who would be responsible for the maintenance of the turn-around. The owner of lot 6.02 said Mr. Titus. It would be in their deed. Chairwoman Schaefer asked who maintains Fishcer Lane now? The Century Lane Association maintains it said Michael Biviano, 50 Century Lane and came up to the microphone. Madame Chair asked Mr. Biviano to describe the Century Lane Assoc. Because it is a private road the association was formed many years ago. People who live on Century pay yearly dues which takes care of the snow plowing and maintaining the street sign. Mr. Linnus asked if Fischer lane was part of it. It's very informal said Mr. Biviano, we pay a guy to plow the lot and we said plow Fischer too and he does. Madame Chair asked if Fischer's residents contribute too. Yes, there are 4 families there. Mr. Linnus asked if the association's documents are recorded. Mr. Biviano said he had no idea, but the Century Lane Association has been around a very long time and they keep a formal set of records. Mr. Kates offered the board a set of by-laws (Exhibit A-3) confirming Mr. Biviano's testimony with regard to Fischer Lane being a part of it. Madame Chair asked if there were issues with Fischer or the condition of the road while homes were built on Century. The association collected a contribution from the developer of \$5000. The Chair called for questions from the board. Mr. Haveson asked about the traffic on Fischer Lane. Mr. Biviano said it's a very friendly situation, no issues. I have lived there for 16 years. I am here tonight to support this application, but in this approval I want Fischer Lane to be repaired and maintained once the developers are finished. Mr. Kates said it would have to go into the deed. What qualifies as a satisfactory rehab to Fischer Lane, asked Mr. Biviano. Would it be a patch job or properly milled and paved? Mr. Herits said it could be put in the resolution as you said. Mr. Titus said in the course of doing this, a 12 foot right of way is very narrow, could they widen it just a little bit by a foot or two. Would you object to that? Mr. Biviano asked why it needed to be wider. Madame Chair said 12 feet to keep it consistent as it is 12 feet in one section. Werner Zwicker came up to the microphone, 136 Old Somerset Rd. He said he was satisfied with the way the association took care of Fischer Lane and doesn't feel it should be widened.

Chairwoman Schaefer opened it up to the public for questions of Mr. Titus, hearing none, that portion was closed. Mr. Roger DeNiscia, planner for the applicant, was duly sworn in and accepted. He testified, that the proposed sub division complies with all the zoning requirements except for the location of the driveway and the turn-around as a variance is required because the lot does not abut the street. The applicant has addressed the issue of access for emergency vehicles and there will be no conflict of the master plan. Since the access of emergency vehicles at Fischer Lane presently have functioned, this plan will actually improve the quality of access. With respect to the turn-around variance, the sub division would result in approximately 88000 square feet which would be closer to what is required in the ordinance and also closer to what the master plan recommends. The average lot size is 1.3 acres, therefore the proposed sub division would be consistent with that density pattern of the master plan. He also testified that it's necessary to encroach upon the side yard in order to provide emergency access. The benefits of approving the application outweigh any substantial detriment.

The Chair called for questions. Mr. Desnoyers asked for clarification of the location of the 15 foot set-back and it was clarified as the left side. He also asked if the turn-around reduced the size of the lot. No, it is part of the lot like a driveway but it would be an easement that public could use. Mr. Desnoyers asked if the set-back was for the entire driveway. No, only a portion.

He then asked if the slope would present problems with the turn around. No, it's not that steep replied Mr. Titus. Mr. Linnus asked Mr. Titus what the measurement of side yard would be. He said zero because they're building the turn around. Chairwoman Schaefer called for questions from the public of the planner, hearing none, she then asked for comments from the public. Bruce Funk, 70 Century La. said he had to call an ambulance for his wife and the ambulance had difficulty turning around so he feels this would be a benefit to the neighborhood. Mr. Biviano, 50 Century La. also supported the turn-around. Councilman Sopko asked Mr. Biviano if any construction company had filed a maintenance agreement with the county. Not to his knowledge, replied Mr. Biviano. No further comments were heard from the public and that portion was closed.

Madame Chair made a motion in the affirmative for the board attorney to draft a resolution for approval with conditions. It was so moved and seconded. Chair called for discussion. Mr. Herits said upon hearing input from the neighbors and the board he recommends milling and paving Fischer Lane to the width of the existing pavement. How long is Fischer Lane, asked Mr. Sopko. It's from Century Lane to the proposed turn around replied Mr. Herits. Mrs. Pennett asked if emergency vehicles will have difficulty navigating Fischer Lane. Madame Chair confirmed with Mr. Funk that turning around that was the issue. Hearing no further discussion, the call of the roll was made: Boyd (yes) Desnoyers (yes) Haveson (yes) Sopko (yes) Pennett (yes) Pote (yes) Spingler (yes) D'Annunzio (yes) Schaefer (yes)

The Secretary called the next applicant Seritage growth properties PB16-03 redevelopment of the Sears Auto property.

A five minute recess was taken and present at call of the roll were: Schaefer (present) Boyd (present) Desnoyers (present) Haveson (present) Sopko (present) Pennett (present) Pote (present) Speeney (present) Spingler (present) D'Annunzio (present)

Also present were attorney Frank Linnus and Engineer Tom Herits.

Attorney for the applicant called Mr. John Harter traffic engineer to resume testimony. Mr. Harter walked through a letter he submitted to the board with regard to their comments from the July 12th meeting specifically with respect to traffic and traffic generation. In summary, the applicant agreed to comply with all the board's comments and requests. Madame Chair called for questions from the board. Mr. Speeney asked if there had been any progress made relative to an agreement with Public Service regarding maintenance, snow plowing etc. Mr. McNamara advised that an agreement had been reached where Seritage will mill and pave the existing easement as well as take care of the snow removal. Mr. Linnus added that in the previous agreement Sears owned the property on both sides of the easement and the original easement was conditioned on Sears maintaining ownership. Seritage is the new owner and no longer owns the other side of the easement. The restated easement is ambiguous. Mr. McNamara said he would look into it. Mr. Speeney asked Mr. Harter if an analysis had been done with regards to pedestrian traffic at this site. Mr. Harter said no. Mr. Speeney asked for the pedestrian traffic estimate from surrounding towns. Mr. Harter said he did not have anything. Mr. Speeney asked Mr. Harter what his observations were of pedestrian traffic up and down Terrill Rd. He stated he did not have any specific counts. Mr. Speeney requested that they provide an estimate of what they could expect based on the Chief's prior testimony. Mr. Sopko asked if there were plans to put a pedestrian crosswalk and signs between the two sites. Mr. Bohler said we can certainly put a crosswalk if the DOT allows us. Their policy has been not to allow them across driveways and openings, but we would like to do it if the DOT allows. Mr. Sopko clarified the location as the south side. Mr. Bohler replied that should not be a problem. Hearing no further questions from the board, Madame called for questions from the public, hearing none, that portion was closed. Mr. Herits asked for clarification on the curb cuts and green areas. Mr. Bohler said we are working through that now. Mr. Desnoyers asked if the easement provide access to Route 22 East. Yes, no different than today. Mr. Healey suggested

that this be discussed further in a professionals meeting.

Planner for the applicant Christine Nazzaro-Cafone, was sworn in and accepted by the board. She testified that the building height variance was required to accommodate the size of the screens and side yard set-back variances requested is adjoining to the PSE&G easement only, no buildings or properties, therefore it is benign. She testified that the commercial development on the Route 22 corridor is consistent with our Master Plan. Due to the presence of the jug handle intruding into the property, drives the layout of the property and the parking set back variances near the jug handle noting these variances are an improvement over what exists today. We have reduced the Cinemark sign and the XD sign based on the recommendation of your planner. Chairwoman Schaefer called for questions from the board. Mr. Speeney asked if the traffic study had included the vehicles going to the Watchung Commons mall through the way of the easement and felt it was significant. Our study captured that traffic and looked at it into the future case and there is plenty of capacity and Mr. Bohler has created a good circulation plan. Mayor Pote asked for clarification on the 30 feet height variance. Ms. Cafone said it is for the entirety of the building to accommodate the screens. Did you consider the visual look of the building as you travel down 22, asked Mayor Pote. Yes, it is going to be compatible with the corridor. We did a good job avoiding blank walls and creating interest in the building elevations. He asked if the doors in the back were exit doors. Yes. Mr. Haveson asked what size are the banner signs. Each one is 228 square feet. Mr. Healey asked if the building height and side variances were C1 or C2 variances. Ms. Cafone testified they are C2 variances advancing criteria i. of the Land Use Law. Hearing no additional questions from the board, the Chair called for questions from the public, hearing none that portion was closed.

Attorney for the applicant asked to have the application carried to August 15th. At that time we will address concerns raised by your traffic engineer, planner, Police Chief and hope to have the PSE&G easement issues resolved. He said he plans on wrapping up the final for Lot 5 (Sears Retail) in addition to continuing Lot 1. Madame Chair stated that any submittals need to be received 15 days prior to the meeting. Mr. Herits asked Mr. McNamara if his meeting with the Police Chief will include discussions on the outside security. He replied, yes it will be overall security.

Meeting adjourned at 9:45p.m.

Respectfully Submitted,

Maryann Amiano
Planning Board Clerk