

THE BOROUGH OF WATCHUNG
Planning Board
Regular Meeting
August 16, 2022

OFFICIAL MINUTES
Adopted 9/20/22

Chairwoman Tracee Schaefer called the Regular Meeting to order at 7:30 pm

ROLL CALL

Ms. Tracee Schaefer, Chairwoman	Mr. Paul Fiorilla (arrived at 7:40 pm)
Mr. Donald Speeney, Vice Chairman	Mr. Troy Sims (absent)
Mr. Keith Balla, Mayor (absent)	Ms. Yvette Nora
Mr. Pietro Martino, Councilman	Mr. Francis P. Linnus, Esq.
Ms. Ellen Spingler, Secretary	Mr. Mark Healey, Board Planner
Mr. Al Ellis (absent)	Mr. John Jahr, Traffic Engineer
Ms. Karen Pennett	
Mr. Steve Pote	

Chairwoman Schaefer read the statement indicating the meeting was being held in compliance with N.J.S.A. 10:4-6 of the Open Public Meetings Act, the Municipal Land Use Law requirements, and the recording of the Minutes as required by law. She also stated that in order to comply with the executive orders signed by the governor, and in an effort to follow best practices recommended by the CDC, the meeting was being held virtually for all board members, board professionals, the applicant, the applicant's professionals, interested parties and members of the public. The Board members identified themselves for the record. She then led the flag salute to the American flag.

MINUTES

On motion by Ms. Spingler, seconded by Mr. Pote, the regular meeting minutes from May 17, 2022, were accepted and carried on voice vote.

DISCUSSION

Mr. Linnus explained to the Board that the Borough Council by way of resolution dated July 14, 2022, directed the Board to provide comments and recommendations concerning pending legislation which contemplated whether the conversion of unused retail spaces or warehouses should be converted to multi-use facilities as a permitted use, thereby superseding local zoning. Mr. Linnus presented three options to the Board for their consideration 1) Support the pending legislation as written, 2) Support the pending legislation with recommendations, 3) Oppose the pending legislation with reasons. Further, the Board would send their recommendations to the Governing Body realizing that the Governing Body did not have voting power on this bill.

Chairwomen Schaefer reiterated the purpose of the discussion adding that she had requested Mr. Healey prepare comments to present to the Board. Prior to Mr. Healey sharing his comments, Chairwoman Schaefer had agreed to read into the record Mr. Fiorilla's comments, since he

would be joining the meeting later in the evening. She read Mr. Fiorilla's memo into the record which spoke in favor of the legislation citing the need for abandoned spaces to be revitalized with greater ease in the process of development to meet the ever increasing housing demands throughout the state and nation.

Mr. Fiorilla joined the meeting at 7:40 pm.

Mr. Healey was asked to give a summary of his comments. Mr. Healey likened the proposed legislation as being similar to other bills and amendments to the Municipal Land Use Law (hereinafter "MLUL") which superseded local zoning. This particular legislation before the Assembly would also supersede local zoning by allowing a two year window of opportunity for abandoned spaces to be converted into mixed use properties without necessitating the approval of a d(1) use variance. He opined the language of the pending legislation was vague leaving too many unanswered questions as to the long term affects this type of legislation would have throughout the state should it be passed. Mr. Healey's personal opinion of the legislation was that 1) He did not like the downward approach to governance of land use. Land use decisions should be made at the local level and 2) He found the pending legislation to be poorly written and vague. Mr. Healey gave a general description of what the legislation would allow.

Mr. Linnus added that the language used in the pending legislation would create issues for the Planning Board that could lead to litigation. Under MLUL, there were avenues to address site plans involving inherently beneficial uses and mitigating site plan applications that do not conform to the zoning ordinance. He reminded the Board that the Borough is inferior to the State, as it is not a home rule state.

Mr. Healey added that the bill needed a lot of work and was ripe for abuse. He opined the intent was to revitalize retail space. He recognized that there were other avenues in place for achieving the same intent of revitalizing abandoned retail spaces.

Board members expressed their opinions to the pending legislation, generally agreeing with the intent of the legislation but viewing the current written version as vague.

On motion by Ms. Pennett, seconded by Ms. Spingler, the Board directed Ms. Snyder to draft a letter to the Mayor and Council giving the following recommendations:

While the Board agreed that the intent of the pending legislation was good, the Board did not support the current bill as written. The current version of the bill was poorly written as it presented too many open-ended questions and vagueness. Additionally, the Board did not feel there was not enough information as to the applicability to the Borough, based on the following roll call vote:

Roll Call:

Ayes:	Ms. Spingler, Councilman Martino, Ms. Pennett, Mr. Speeney, Mr. Pote, Ms. Nora, and Madam Chair
Nays:	Mr. Fiorilla
Not Eligible:	
Abstain:	
Absent:	Mr. Ellis, Mayor Balla, and Mr. Sims

EXECUTIVE SESSION

Resolution PB 22-R9

Weldon Materials, Inc. v. Planning Board of the Borough of Watchung and Bonnie Burn Redevelopers Urban Renewal, LLC- Docket No. SOM-L-001567-21

On motion by Mr. Speeney, seconded by Ms. Pennett, the Board entered executive session based on the following roll call vote:

Roll Call:

Ayes:	Ms. Spingler, Councilman Martino, Ms. Pennett, Mr. Speeney, Mr. Pote, Mr. Fiorilla, Ms. Nora, and Madam Chair
Nays:	
Not Eligible:	
Abstain:	
Absent:	Mr. Ellis, Mayor Balla, and Mr. Sims

The Board entered Executive Session. At the conclusion of the Executive Session, the Board closed the closed portion of the meeting, and opened the open portion of the meeting. All Board members were present.

The meeting was opened to the public. There were no comments from the public.

ADJOURN

The Board unanimously voted to adjourn the meeting.

Respectfully Submitted,



Theresa Snyder
Board Clerk