

THE BOROUGH OF WATCHUNG
Planning Board
Regular Meeting
November 15, 2022

OFFICIAL MINUTES
Adopted 12/13/22

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

ROLL CALL

Ms. Tracee Schaefer, Chairwoman	Mr. Paul Fiorilla (absent)
Mr. Donald Speeney, Vice Chairman	Mr. Troy Sims (absent)
Mr. Keith Balla, Mayor	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. Richard Calbi, Jr., PE, PP
Ms. Karen Pennett	Ms. Theresa M. Snyder, Board Clerk
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 Mr. Speeney, seconded by Mr. Pote, the regular meeting minutes from October 18, 2022, were accepted and carried on voice vote with Mayor Balla and Councilman Martino abstaining.

RESOLUTION

Resolution PB 22-R11; Shoprite
Case No.: PB 22-01; Shoprite
1701 Rt. 22
Block: 6404 Lots: 2.01, 2.02, 2.03, 2.04
Represented by: Michael P. O'Grodnick, Esq.
HD Zone
Approved: 10/18/22

On motion of Mr. Pote, seconded by Ms. Spingler, the Board memorialized the resolution based on the following roll call vote:

ROLL CALL:

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

ORDINANCE REVIEW

The Laws & Ordinance Committee requested the Planning Board review two (2) draft Ordinances relating to outdoor dining. One Ordinance allowed outdoor dining as an accessory use, and the other version of the Ordinance allowed outdoor dining by annual permit.

Mayor Balla provided the background for the proposed outdoor dining Ordinances. He explained that during COVID, restaurants utilized outdoor space on a regular basis. He informed the Board that overall it went very well. Most of the outdoor dining was on Rt. 22. Water and Wine had outdoor dining in their parking lot, but would prefer a deck off the back of the building, if outdoor dining was to be made a permitted use.

Mr. Speeney expressed concern with the distance from Water and Wine to residential properties and the potential issue outdoor dining would present to the neighboring residences. He suggested notification to all residences within 200 feet be required when a business was pursuing outdoor dining. As a means of replicating former Board of Adjustment approvals, Mr. Speeney was inclined to allow outdoor dining on Rt. 22 in the HD Zone, but not allow it Borough-wide, especially in critical areas very close to residents.

Mr. Pote complimented the drafting of the two (2) Ordinances that they addressed such issues as lighting and timing. He raised a concern with Water and Wine generating noise with the outdoor dining as potentially being problematic with neighbors across the lake. He opined the issues were somewhat mitigated by limiting hours of operation and prohibiting music.

Mr. Speeney opined that noise across the lake would be a reasonably long distance; however, he urged the Board not to ignore the residences in front of Water and Wine that could be affected. Mr. Speeney reiterated his stance that the first approach should be to allow outdoor dining in the HD Zone. Further, he opined the triangle area was across the street from residents. He would like to be protective of residences from noise gathering of groups.

Chairwoman Schaefer stated that if she had to choose which version of the Ordinance she preferred, she would choose the version that allowed for outdoor dining by way of annual permit. Her reasoning was that there would be regulation over the process, and the permit could be denied, if the business was not compliant with the other conditions of approval. She advised the Planning Board should recognize the prior Board of Adjustment approvals for outdoor dining in

the HD Zone. She agreed that the hours of operation was good input. She raised a concern with emergency access of sidewalks being used for outdoor dining.

Ms. Spingler agreed with Mr. Speeney and Chairwoman Schaefer that outdoor should be allowed in the HD Zone.

Ms. Nora expressed concern that light flooding onto neighbor's properties should be considered.

Mr. Healey viewed the two Ordinances as working in tandem with each other 1) by allowing outdoor dining as an accessory use and 2) the other Ordinance explaining the process.

Councilman Martino explained that the Laws & Ordinance Committee took its lead from the Board of Adjustment's annual report which recommended outdoor dining be allowed in certain zones. The Ordinances were two separate Ordinances.

Chairwoman Schaefer suggested the Fire Official should inspect the placement of the outdoor dining for emergency access. She was in favor of an annual permit.

Mr. Speeney questioned if parking was taken into consideration for any of the expanding use to restaurants.

The Board agreed that the Ordinance that allowed outdoor dining by permit would be better, but they wanted it limited to the HD Zone.

On motion of Mr. Speeney, seconded by Ms. Pennett, the Board directed Ms. Snyder to write a letter to the Laws & Ordinance Committee to be reviewed at the next meeting based on the following roll call vote:

ROLL CALL:

Ayes: Ms. Spingler, Councilman Martino, Ms. Pennett, Mayor Balla,
Mr. Speeney, Mr. Pote, Ms. Nora, and Madam Chair

Nays:

Not Eligible:

Absent: Mr. Ellis, Mr. Fiorilla, and Mr. Sims

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