

THE BOROUGH OF WATCHUNG
Planning Board
Regular Meeting
September 19, 2023
Adopted October 17, 2023

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

ROLL CALL

Ms. Tracee Schaefer, Chairwoman	Mr. Paul Fiorilla
Mr. Donald Speeney, Vice Chairman	Mr. Troy Sims
Mr. Ronald Jubin, Mayor	Ms. Jackie Bodnar
Mr. Curt Dahl, Councilman	Mr. Francis P. Linnus, Esq.
Ms. Ellen Spingler, Secretary	Mr. Mark Healey, PP
Mr. Al Ellis	Mr. Richard Calbi Jr., Board Engineer (absent)
Ms. Karen Pennett	Mr. John Jahr, Board Traffic Engineer
Mr. Steve Pote	Ms. Tammy Vetuschi, Board Clerk

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 then led the flag salute to the American flag. Roll call was taken and indicated a quorum to conduct business.

MINUTES

Chairwoman Schaefer sought motion to waive the reading and approve minutes from the August 15, 2023 Regular Meeting. Mr. Pote motions, Mr. Speeney seconds, minutes are approved on voice vote.

Chairwoman Schaefer sought motion to waive reading and approve minutes from the August 15, 2023 Executive Session meeting. Mr. Pote motions, seconded by Ms. Pennett, the Executive Session minutes were approved and carried on voice vote.

Councilman Gibbs was sworn into office as a Class III Member of the Planning Board by Frank Linnus, Esq., replacing Councilman Curt Dahl.

Floor was opened for discussion of matters that are not on the agenda. There was no public discussion.

In June Mayor and Counsel tasked the Planning Board with an Investigation of Redevelopment of BLOCK 7010 LOT 5.01, 5.02 and 5.03; Brook Hill Swim Club, as an area of non-condemnation area of redevelopment. Mark Healey, Professional Planner for the Borough of Watchung gave his preliminary report of Brook Hill Swim Club. Mark Healey was charged with

the task of reviewing whether the Brook Hill Swim Club meets the criteria for an area in need of redevelopment. The LRHR established 8 statutory criteria to determine if an area qualifies as being in need of redevelopment. Mark Healey has outlined the criteria below and gives his findings.:

- The generality of buildings is substandard, unsafe, unsanitary, dilapidated or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for a least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through instrumentality of private capital.
- Areas of the building or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these other factors, are detrimental to the safety, health, morals, or welfare of the community.
- A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.
- Areas, in excess of five contiguous acres, whereon building or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- In any municipality in which an enterprise zone has been designated pursuant to the “new Jersey Urban Enterprise Zones Act,” P.L. 1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption of the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L. 1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L. 1991, c.431 (40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L. 1991 c.441 (C.40a-21-1 et al.) for determining that the area is in need of

redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

- The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

The study area as a whole is accessed by a 50 ft wide right of way, the driveway itself is in significant deterioration. In addition to the above criteria, Section 3 of the Redevelopment Law allows the inclusion of parcels necessary for the effective redevelopment of the area, by stating “a redevelopment area may include land, buildings or improvements, which of themselves are not detrimental to the health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area in which they are a part. Other things that were looked at were building/zoning violations; there were not too many violations, however there was a number of police calls, illegal dumping, burglaries, suspicious person activities and theft. There have been almost daily dispatches to examine the site, dispatches are called vacancy checks and a lot of them related to the activity just mentioned regarding the burglaries etc. The site is classified as a Class 4A Commercial property on the tax rolls and pays a full tax rate as a commercial site.

To be considered an area in need of redevelopment only one of the listed criteria must be met, it is Mark Healey’s opinion this property meets 3 of these criteria, A, B and D. Criteria A, dealing with the generality of buildings are substandard, unsafe, unsanitary, dilapidated or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space as to be conducive to unwholesome living or working conditions. Mark has found on his investigation that every last window is broken, all doors are open, signs of trespass, pump house to the pool is torn apart. Mark witnessed several instances in which things looked very dangerous to him. Mark’s report includes photos which support the items that he is describing. The site is entirely accessible, there is not a single gate or fence that is stopping anyone from accessing the site, the pool is filled with water, accessible to anyone and risks. Criteria B talks about discontinuance, vacancy, abandonment and a state of disrepair, Mark is confident that all of these fit this property. D, (building and improvements combined) areas with buildings or improvements which by reason of dilapidation, obsolescence, overcrowding faulty arrangement or design, lack of ventilation light and sanitary facilities, any combination of these or other factors are detrimental to the safety, health, morals, or welfare of the community.

Mark refers us back to the photos and his report. The site is fully accessible and all of the unsafe unsanitary, dilapidated conditions are readily accessible to the public. There is no area light, every light on the property has been destroyed, open access to the pools, the pools have visible wear with concrete falling apart, all recreation improvements, fencing, surfaces, tennis courts and basketball courts are cracking and overtaken with vegetation. Walkways and sidewalks are all cracked and lifting up posing a hazard to anyone walking on it. The parking lot is dilapidated, unstriped, unlit, obsolete and appears to have no storm water management that Mark could see. About 20% of this property has basically become a dumping ground.

Mr. Speeney draws attention to photo # 17, identified as a known contamination site on the DEP website. The contamination came from a PSE&G transformer and it appears to be in a limited location. Councilman Gibbs asked Mark Healey if he was aware of any other investigations either phase I or phase II for environmental conditions on the property, not being aware of any Councilman Gibbs advised Mark he believed there was a Phase I investigation going on outside the area where the transformer spill was. Mark is aware of mention from LSRP, who is the professional that investigates contamination. When he investigated the transformer spill, some PCBs were found in the soil and reported to the DEP. Councilman Gibbs requested that it be looked into a little further.

Chairwoman Schaefer seeks motions to hold public hearing regarding BLOCK: 7010 LOT: 5.01, 5.02, 5.03 Brook Hill Swim Club. Mr. Speeney motions, seconded by Councilman Gibbs, motion carried on voice vote.

EXECUTIVE SESSION

Resolution PB 23-9 Executive Session was read by Chairwoman Schaefer. Motion for Executive Session by Mr. Speeney, seconded by Mayor Jubin.

ROLL CALL:

Ayes:	Councilman Gibbs, Ms. Pennett, Mayor Jubin, Mr. Fiorilla, Mr. Speeney, Mr. Pote, Madam Chair, Ms. Bodnar and Mr. Ellis
Nays:	
Not Voting:	
Not Eligible:	
Absent:	Ms. Spingler

Upon return from Executive Session Mr. Linnus advises the public that the Board has public that the matter will proceed to a hearing. The application was filed on a certain extended by the applicant. We will be proceeding with the application.

Madame Chair would like to schedule a Special Meeting on October 10, 2023 beginning at 6:30 pm to begin hearing the application. Ms. Nicole Dory, attorney for Bonnie Burn Redevelopers Urban Renewal has accepted the hearing date.

Floor was opened to the public. There was no public comment.

Mr. Speeney motioned to adjourn.

Meeting adjourned. Next Regular meeting will be October 17, 2023 at 7:30 pm.