

**THE BOROUGH OF WATCHUNG**  
**Planning Board**  
**REGULAR MEETING**  
**November 14, 2023**  
**Adopted**  
**December 19, 2023**

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
Mr. Ronald Jubin, Mayor (Absent)	Ms. Jackie Bodnar
Mr. Robert Gibbs, Councilman (Absent)	Mr. Francis P. Linnus, Esq.
Ms. Ellen Spingler, Secretary	Mr. Mark Healey, PP
Mr. Al Ellis (Absent)	Mr. Richard Calbi Jr., Board Engineer (Absent)
Ms. Karen Pennett	Mr. John Jahr, Board Traffic Engineer
Mr. Steve Pote	Ms. Tammy Vetusch, 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.

Chair sought motion accepting minutes of October 17, 2023 regular meeting, motion by Mr. Pote and seconded by Mr. Speeney, accepted on voice vote. Chair sought motion for Executive Session Minutes for October 17, 2023, Mr. Pote motions seconded by Ms. Spingler, minutes accepted on voice vote.

Mr. Butler approached the board. He requested that both Ms. Nicole Dory and himself give closing summation on same night. Chairwoman Schaefer sees no problem in accommodating both Mr. Butler and Ms. Dory.

Ms. Spingler called the Area in Need of Redevelopment presentation by Mr. Mark Healey.

**BROOK HILL SWIM CLUB**  
**BLOCK: 7010 LOT: 5.01, 5.02, 5.03**

Mr. Linnus felt it important for the board and public to understand the reason for this meeting and the ONLY authority that the Board has at this time. The governing body passed a Resolution, R-17, on June 15, 2023, the Resolution directed the Planning Board to do only one thing and that is to determine under the law if BLOCK 7010, LOT 5.01, 5.02 & 5.03 qualifies as

an area in need of redevelopment. Mr. Linnus went on to explain this has nothing to do with zoning Mr. Linnus asked the Board if anyone had any questions.

Mr. Linnus advised that notice was published and timely served.

Mr. Mark Healey, the Planner for the Planning Board introduced himself and remains under oath. Mr. Healey addressed the board and public advising that he had been tasked with providing an evaluation of the existing conditions at BLOCK:7010, LOT:5.01, 5.02, & 5.03. Mr. Linnus marked Mr. Healey's report exhibit A-1.

Mr. Healey explained page 4 of his report outlined the steps that are taken for this type of investigation. The steps are as follows:

1. Governing Body adopts Resolution, directs Planning Board to investigate area.
2. Planning Board prepares a proposed map of area boundaries & a report setting forth the basis of the investigation
3. Planning board sets a date for the public hearing and provides notice.
4. Planning Board completes hearing, makes a recommendation to the Governing Body as to whether to designate all or part of the area as being in Need of Redevelopment.
5. Governing Body chooses whether to adopt resolution designating all or part of area as a Redevelopment Area.
6. Governing Body authorizes the preparation of a Redevelopment Plan, which may be delegated to the Planning Board or a Redevelopment Authority.
7. Planning Board either prepares the Redevelopment Plan and submits to the governing Body, or reviews the Redevelopment Plan for consistency to the Master Plan.
8. Governing Body adopts, by ordinance, the Redevelopment Plan after an introduction of the ordinance and public hearing.

There are 8 criteria and only one of these need to be met to qualify as an Area in Need of Redevelopment. These are located on pages 5-6 of Mr. Healey's report and is labelled A-H, the last 3 F-H do not apply. The criteria outlined below:

- a. 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.
- b. 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.
- c. 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.

- d. 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.
- e. 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.
- f. 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.
- g. 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 or redevelopment or an area in need or rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.
- h. The designation of the delineated are is consistent with smart growth planning principles adopted pursuant to law or regulation.

The property BLOCK 7010, LOT 5.01, 5.02 & 5.03 last operated in 2018, it officially closed prior to the 2019 season. It is a 13.6-acre piece of land and is accessed by an access drive that meets Drift Road at a four-way stop controlled intersection with Drift Road and an exit from I-78. The site is generally divided into 3 main areas, easterly portion is that of the parking lot area and is LOT 5.03 and that is where the access road comes in and meets the parking lot. There is also a 100 ft cell tower within an enclosure on that portion of the site. The middle portion, LOT 5.02 of the site contains the pool area with a number of buildings; pool house with offices, bathroom, locker facility, pump house, storage shed. The rear portion of the site, LOT 5.01 contains the tennis courts, there are 6 tennis courts with a storage shed and fencing.

In Mr. Healey’s evaluation of conformity of statutory criteria, it is his opinion that the site met criteria A, B & D. Browse through the photos in the back of the report you will find that all of the buildings are substandard, dilapidated and unsafe. All of the buildings in the area are unsecured, all are easily accessible with unlocked and open doors with the exception being the

pool house which although the doors are locked appears to have broken windows and graffiti inside. Access to the public is readily available as there is no fence or gate. Mr. Healey went over each aspect of the property and referenced picture numbers to look at in the investigational report.

The condition of the site is in violation of Section 28-501 C 5&8 of the Borough Land Development ordinance pertaining to fencing and pools. The property is inconsistent with modern site plan standards, there is likely no storm water management on the site, this speaks to an obsolete design. Ready access to site and buildings in their present condition of disrepair, represent an attractive nuisance detrimental to the health, safety and welfare of the community.

Mr. Linnus asked Mr. Healey to clarify that the governing body directed the Planning Board to make the investigation. They asked this be done as a non-condemnation redevelopment area so eminent domain will not be on the table.

The discussion was opened to the public. Ms. Amy Reavey, 57 Brookside Lane Berkeley Heights, NJ asked what the implications are of this designation. Mr. Healey advised he does not know the future of this property as we were asked to only review the site. The Borough could decide to re-zone the property, there are a few ways this could be handled, the goal has not been shared with the Planning Board. Chairwoman Schaefer advised that the Planning Board does not know what the goal is, it has not been shared with them. Ms. Reavey shared with the Board a builder had contacted her and sent a set of site plans which she had in her possession and shared with the board.

Ms. Kristy Hartman, 40 Spencer Lane, Watchung approached with questions. Ms. Hartman asked who owns the swim club and what percent of properties normally end up getting redeveloped; only one at this moment and it has not been developed as of yet, Bonnie Burn.

Mr. Robert Berlant, 2 North Road, Warren, NJ. Mr. Berlant is a property owner who owns several properties in Watchung. Mr. Berlant had several questions; is it known why the swim club stopped operating to which the answer is unknown, are the redevelopment properties always deteriorated or could it just need cosmetics; there could be situations where properties as such could meet the criteria. Mr. Berlant asked if Mark looked into any environmental conditions or problems with the property. Mr. Healey advised in fact there were environmental issues and those issues were addressed in his report and could constrain what gets built on the property. Mr. Berlant's final questions were regarding the access driveway and vacant lands being land locked as he is the owner of 3 ½ acres of the property that is land locked and Mr. Beckerman owns 4. Mr. Berlant said if the access driveway was extended West it would give him access to his property however, wouldn't it make sense if this area of redevelopment goes through for the land locked properties to be added to the area? Mr. Linnus told Mr. Berlant that would be an issue for Mayor and Council and suggested that he take that route.

Ms. Hartman asked a few follow up questions regarding the responsibility of clean-up of the contaminated property; this is the owner's responsibility.

Mr. Bill Machado, 67 Berkshire Drive, Berkeley Heights, NJ. In Mr. Machado's opinion, the property owner will be rewarded for letting his property go when he should have at the least received summons.

There were no further questions from the Planning Board or the public.

Chairwoman Schaefer motions to approve the preliminary investigative report of the AINR, 18 Drift Road and notify the Governing Body and have Mr. Linnus draft a Resolution memorializing the action that the board has taken.

Mr. Speeney motions, Ms. Spingler seconds.

#### ROLL CALL:

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

Ms. Spingler called the next application; **CASE NO.: PB19-01; BONNIE BURN/BNE**

Mr. William Butler, representing Weldon introduced himself as well as Ms. Nicole Dory, counsel for Bonnie Burn. There will be no additional witnesses, closing arguments will begin.

Please see transcript for FULL testimony.

#### ADJOURN

The Board unanimously voted to adjourn the meeting. The next Regular meeting will be December 19, 2023.

Respectfully Submitted,



Tammy Vetushi  
Board Clerk

