

BOROUGH OF WATCHUNG PLANNING BOARD

TRACEE SCHAEFER, CHAIRWOMAN

**Regular Meeting
May 21, 2019**

**OFFICIAL MINUTES
Adopted June 18, 2019**

Chairwoman Schaefer called the Regular Meeting to order at 7:30 p.m. Board members present were Mr. Desnoyers, Councilman Sopko, Ms. Pennett, Mr. Speeney, Mr. Pote and Ms. Spingler. Mr. Ellis arrived at 7:36 pm. Also present were Frank Linnus, Esq., Board Attorney; Mr. Mark Healey, PP and Theresa Snyder, Board Clerk. There were 12 members from the public present.

Chairwomen 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. She then led the flag salute to the American flag, and the Board members identified themselves for the record.

APPROVAL OF MINUTES

On motion by Ms. Spingler, seconded by Mr. Pote, the Regular Meeting minutes for April 16, 2019 were accepted and carried on voice votes.

NEW APPLICATIONS

APPLICATION NO.: PB 18-03; THE POINT
ADDRESS: 1 CRYSTAL RIDGE ROAD
BLOCK: 5601/602 LOT: 2.01
Expiration Date: May 27, 2019

Mr. Desnoyers called the applicant to testify. Mr. Neal Zimmerman, Esq. having a business address of 300 Lighting Way, PO Box 1560, Secaucus, NJ 07096, entered his appearance on behalf of the applicant. It was stated for the record that their notice was sufficient giving the Board jurisdiction to act.

Mr. Zimmerman contended that the applicant sought an amendment to a Preliminary/Final Site Plan. The applicant wanted to place a dumpster on the property for bulky waste. This would be an amenity for the tenants. No variances were required. There would be a loss of three parking spaces leaving the property still compliant. The applicant was in receipt of the sub-committee's site visit report. The applicant stipulated to a condition that trucks will only be allowed to enter the property through the Route 22 entrance. The applicant will install a chain link fence around the tot lot.

Mr. J. Michael Petry, PE, Petry Engineering, LLC, 155 Passaic Avenue, Fairfield, NJ 07004, was sworn in to give testimony. He gave his credentials and was accepted by the Board as a professional Planner and Engineer.

Mr. Speeney read the Site Plan Visit Report dated 4/28/19 into the record.

Mr. Petry presented EXHIBIT A-1 dated 5/21/19 and EXHIBIT A-2 dated 5/21/19. He gave a brief description of the location of the property in relationship to the surrounding areas. He stated that it was through a municipal inspection that the applicant became aware of the violation to the site plan. He opined that by creating a pad out of three parking spaces for the dumpster made the most sense. He did an inventory of the number of parking spaces on the property. There are 830 spaces where 668 spaces are required. The applicant will angle the area for a better turning radius for vehicles. The bulk container opens at one end. The opening allows for the tenants to walk bulk items into the dumpster as opposed to throwing things over the side. The applicant stipulated to a condition of pavement repair. The owner has a global pavement repair plan, but he said they can make this area part of the initial phase. He opined that this plan was in keeping with the Ordinance and would promote an improved visual prospective with the installation of the pad and inclusion of a six foot fence.

On question of Mr. Pote, Mr. Petry could not answer if the pavement repair would be patchwork or paving of the whole section. The owner had not completed an assessment of the pavement to make such a determination. Also, the fence surrounding the dumpster will include a gate. This dumpster will be for bulk refuse and not items that can be easily lifted over head to dump.

On question of Mr. Speeney, Mr. Petry responded that the tenants will be expected to open and close the dumpster. He also described that the drivers will pull into the area by the basketball court and back up to the dumpster. It is an area of no dwelling units.

On question of Chairwoman Schaefer, Mr. Petry stipulated to a condition to have signage near the dumpster with instructions as to how tenants navigate the dumpster and a designation for "bulk waste only."

On question of Mr. Desnoyers, Mr. Petry explained that the dumpster was used prior to his client's purchase of the property.

The meeting was open to the public.

Mr. Kevin Hamil, 131 East Drive, stated that the dumpster was still there in violation. He opined that manufactures make dumpsters with a hook at the front to load onto a truck and a door on the back to open and close it. The proposed gate was insufficient access for tenants to traverse the area.

Mr. Robert Hess, 16 Edgemont Road, opined that the area surrounding the dumpster was insufficient space for an empty dumpster to be place while removing the full one.

Ms. Sharon Nyantekyi, 1 Crystal Ridge Drive, was sworn in and entered her appearance on behalf of the applicant as the property manager for The Point.

Ms. Nyantekyi informed the Board that she was actively educating the residents as to where they should discard of bulk items. The current bulk waste plan was for her to call for the drop off of an empty dumpster for a period of 24-48 hours after which time, the dumpster will be collected. The County comes 2x a month for recycling. They have not had a case where the County recycling is present at the same time as the dumpster drop off or collection.

On question of the Board, Ms. Nyantekyi stipulated to a condition that the construction waste and garbage surrounding the maintenance building spreading up to East Drive would be removed.

The meeting was open to the public.

Mr. Hamil was sworn in to give testimony. He presented a compendium of pictures of the dumpster, maintenance building and surrounding area. They were labeled as follows:

EXHIBIT O-1 dated 2 weeks ago- side of maintenance building
EXHIBIT O-2 dated 2 weeks ago- back of maintenance building
EXHIBIT O-3 dated 2 weeks ago- maintenance building
EXHIBIT O-4 dated 2 weeks ago- maintenance building
EXHIBIT O-5 dated 2 weeks ago- maintenance building
EXHIBIT O-6 dated 2 weeks ago- maintenance building
EXHIBIT O-7 dated 2 weeks ago- maintenance building
EXHIBIT O-8 dated 5/20/19- maintenance building
EXHIBIT O-9 dated 5/20/19- maintenance building
EXHIBIT O-10 dated 5/20/19- maintenance building
EXHIBIT O-11 dated 5/20/19- full dumpster

EXHIBIT O-12 dated 5/20/19- full dumpster
EXHIBIT O-13 dated 5/20/19- maintenance building

The Board examined the photos.

On question of Chairwoman Schaefer, Ms. Nyantekyi expressed that moving forward the applicant would be compliant to the placement of a permanent dumpster.

Mr. Ocival Marques, 15205 Diamond Court, was sworn in to give testimony as the Panko Management maintenance supervisor. Panko Management has been in charge for a year. He is in charge of the dumpster. Whenever the dumpster is full, he calls for a pick up and within 24 hrs. the company is there to get it. The permanent dumpster will have a fence. He opined that the fence will require gates at either end, one for the placement and removal of the dumpster and the other for residents to open the door and load the dumpster.

On question of Mr. Ellis, Mr. Marques along with the suggestion of Mr. Petry will move the dumpster slightly up and angle the space more on account of the bollards.

On recommendation of Mr. Herits, Mr. Petry stipulated to a condition that the curb will be flush with the pavement.

On question of Chairwoman Schaefer, Mr. Petry confirmed that the applicant stipulated to the following conditions:

- Route 22 access only for trucks
- A chain link fence to be installed around the tot lot
- Remove litter on entire property
- Present a pavement repair detail sheet
- The dumpster and drive 1st on the pavement list
- Gates installed on either end of the fencing
- Curb flushed to the pavement
- Inclusion of signage with instructions as to dumpster use
- Only one dumpster is permitted

On motion by Ms. Pennett, seconded by Mr. Speeney, the Board approved the application with conditions based on the following roll call vote:

Roll Call:

Ayes:	Mr. Desnoyers, Mr. Ellis, Councilman Sopko, Ms. Pennett, Mr. Speeney, Mr. Pote, Ms. Spingler and Madam Chair
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Nays:

Not Eligible:

Abstain:

Absent:

Mayor Balla, Ms. Joren and Mr. Fiorilla

OATH OF OFFICE

Mr. Paul Fiorilla took an oath of office as Alt. #2 member with a term to expire 12/31/2020.

ORDINANCE REVIEW

Mr. Linnus explained that the Borough Council has proposed certain Land Development Ordinances. The Planning Board is required to make and transmit to the governing body a report including identification of any provisions in the proposed development regulation which are inconsistent with the Master Plan and further provide any recommendations concerning these inconsistencies and any other matters the Board deems appropriate.

Mr. Healey, PP presented each Ordinance to the Board. He informed the Board of the consistencies with the Master Plan.

ORDINANCE NO. OR:19/09-AN ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, CREATING THE SOMERSET STREET/WATCHUNG AVENUE AFFORDABLE HOUSING OVERLAY DISTRICT, BY AMENDING SECTION 28-301, TITLED "ZONING DISTRICTS", SECTION 28-302, TITLED "ZONING MAP", AND ADDING A NEW SECTION, SECTION 28-419, TITLED "SOMERSET STREET/WATCHUNG AVENUE AFFORDABLE HOUSING OVERLAY DISTRICT" TO THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH.

On motion by Ms. Spingler, seconded by Mr. Pote, the Board directed Ms. Snyder to draft a letter to notify the Borough Council that the Board found this Ordinance to be consistent with the Master Plan and to make the following recommendations for a language modification: Page 3, Section D-1 and D-2 should read 50% instead of 30% for each time 30% is written for the first time in each of these paragraphs. This motion was accepted and carried on voice votes.

ORDINANCE NO. OR:19/10-AN ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, REPEALING A PORTION OF SECTION 28-301, TITLED "ZONING DISTRICTS", SECTION 28-302, TITLED "ZONING MAP", AS EACH APPLIES TO THE " 'O-C' OFFICE BUSINESS/CONFERENCE CENTER OVERLAY DISTRICT" AND REPEALING SECTION 28-410, TITLED " 'O-C' BUSINESS/CONFERENCE CENTER OVERLAY DISTRICT OF THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH

On motion by Mr. Pote, seconded by Mr. Speeney, the Board directed Ms. Snyder to draft a letter to notify the Borough Council that there were no inconsistencies with the Master Plan. This motion was accepted and carried on voice votes.

ORDINANCE NO. OR:19/11-AN ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, REPEALING ARTICLE 28-1000, TITLED “AFFORDABLE HOUSING”, OF THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH, AND REPLACING WITH A NEW ARTICLE 28-1000, TITLED “AFFORDABLE HOUSING”, AND REPEALING SECTION 28-402z, TITLED “AFFORDABLE HOUSING GROWTH SHARE”

On motion by Mr. Speeney, seconded by Ms. Spingler, the Board directed Ms. Snyder to draft a letter to notify the Borough Council that there were no inconsistencies with the Master Plan and to make the following language modification recommendation: Page 5 under definitions “‘COAH’ means the New Jersey Council on Affordable Housing and/or its successors and assigned (assigns) pursuant to applicable laws.” This motion was accepted and carried on voice votes.

ORDINANCE NO. OR:19/12-AN ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY AMENDING ARTICLE 28-300, TITLED “ZONING DISTRICTS AND ZONING MAP”, SECTION 28-302, TITLED “ZONING MAP”, OF THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH TO ADOPT A NEW ZONING MAP

On motion by Mr. Speeney, seconded by Ms. Spingler, the Board directed Ms. Snyder to draft a letter to notify the Borough Council that there were no inconsistencies with the Master Plan. This motion was accepted and carried on voice votes.

ORDINANCE NO. OR:19/13-AN ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY AMENDING ARTICLE 28-1100, TITLED “AFFORDABLE HOUSING DEVELOPMENT FEES”, SPECIFICALLY SECTION 28-1102, TITLED “DEFINITIONS”, AND SECTION 28-1108, TITLED “MONITORING”, OF THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH

On motion by Mr. Speeney, seconded by Ms. Pennett, the Board directed Ms. Snyder to draft a letter to notify the Borough Council that there were no inconsistencies with the Master Plan. This motion was accepted and carried on voice votes.

ADJOURN

The Board unanimously voted to adjourn the meeting 9:14 p.m.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to be 'TS' or 'Theresa Snyder', written in a cursive style.

Theresa Snyder
Board Clerk