

**BOROUGH OF WATCHUNG  
PLANNING BOARD AGENDA  
SPECIAL MEETING  
June 29, 2021 | 6:30 PM [Virtual]  
15 Mountain Blvd., Watchung, NJ 07069**

**TO VIRTUALLY ATTEND THIS MEETING, FOLLOW THE INSTRUCTIONS BELOW:**

**GoToMeeting**

**Phone: 1 (872) 240-3412**

Access Code: 592870653#

Audio Pin: #

**To Access the Meeting using iPhone or iPad: Download GoToMeeting app**

Meeting ID: 592870653

**To access the meeting with a PC:**

<https://global.gotomeeting.com/join/592870653>

The Agenda and Applicant's Plans are available for download from the Borough website or will be emailed upon request at [tsnyder@watchungnj.gov](mailto:tsnyder@watchungnj.gov).

**1. CALL TO ORDER**

Notice of this Special Meeting has been given pursuant to the Open Public Meetings Act N.J.S.A. 10:4-6 et. seq.

In order to comply with the executive orders signed by the Governor, and in an effort to follow best practices recommended by the CDC and in compliance with the DCA requirements for emergency meeting protocol, this meeting is being held virtually for all board members, board professionals, the applicant, the applicant's professionals, interested parties and members of the public.

Any remote public meeting where sworn testimony is being taken shall be broadcast by video, as well as audio, and all individuals giving sworn testimony shall appear by video. Because of the quasi-judicial nature of the hearing, written public comment/questions cannot be accepted prior to the hearing. Res. PB 20-R14 [attached].

Notice has been posted on Borough website, at Borough Hall in compliance with the DCA requirements for emergency meeting protocol and has been given to The Echoes Sentinel, Courier News and The Star Ledger. Notice has been filed with the borough clerk. The following is the agenda to the extent known:

**2. FLAG SALUTE**

**3. ROLL CALL**

- 4. CASE NO.: PB 19-01; BONNIE BURN/BNE  
BONNIE BURN ROAD REDEVELOPMENT  
BLOCK: 7402/7403 LOT: 19.01 19.02 5 & 10  
Represented By: Nicole B. Dory, Esq.  
BBRA Zone  
Expiration: 12/26/21**

To Access Plans: [Click Here](#).

Summary: The construction of a multi-family rental development containing 230 units 46 of which will be affordable units consisting of very low-income and low and moderate income to be dispersed throughout the residential structures. Improvements on the property will also include a club house, in ground pool and other amenities. The Applicant will also seek such other variances, exceptions and/or design waivers as maybe required upon an analysis of the plans and the testimony at the public hearing.

5. ADJOURNMENT

A Special Meeting will be held on Tuesday, July 13, 2021 @ 5:30 pm.

The next Regular Meeting will be held on July 20, 2021 @ 7:30 pm.

**THE BOROUGH OF WATCHUNG  
PLANNING BOARD**

**Resolution PB 20-R13**

**ADOPTING EMERGENCY REMOTE MEETING PROTOCOLS,  
PROCEDURES AND REQUIREMENTS FOR  
PUBLIC PARTICIPATION AT REMOTE MEETINGS**

**WHEREAS**, the purpose of N.J.A.C. 5:39-1 et seq., Emergency Remote Meeting Protocol for Local Public Bodies, is to ensure that local public bodies can continue to conduct official business in an open and transparent manner whenever a declared emergency exists that prohibits physical attendance by members of the public; and

**WHEREAS**, a “declared emergency” means a public health emergency pursuant to the Health Powers Act, N.J.S.A. 26:13-1 et seq., or a state of emergency, pursuant to P.L. 1942, c. 251 or both, or a state of local disaster emergency which has been declared by the Governor and is in effect; and

**WHEREAS**, N.J.A.C. 5:39-1.3 permits a local public body to hold a remote public meeting to conduct public business during a declared emergency if the emergency reasonably prevents a local public body from safely conducting public business at a physical location with members of the public present; and

**WHEREAS**, if during a declared emergency the Planning Board of the Borough of Watchung (the “Planning Board”) holds a physical meeting in a location where, pursuant to State/Federal guidelines meant to mitigate risk, capacity restrictions are required to reduce the number of individuals that can be present in a meeting, the Planning Board shall either:

- 1) Hold the public meeting at another location with adequate capacity for the reasonable expected attendance by the public; or
- 2) Hold the public meeting as both an in-person and remote public meeting; and

**WHEREAS**, a public meeting held solely in-person without a remote access alternative provided shall not prohibit members of the public from attending in person; and

**WHEREAS**, adequate notice of the remote public meeting shall also include, in addition to the Open Public Meeting Act requirements of N.J.S.A. 10:4-8, clear and concise instructions for accessing the remote public meeting, the means for making public comment and how to access any public documents on the Borough’s website in the manner set forth at N.J.A.C. 5:39-1.5; and

**WHEREAS**, at the commencement of a remote public meeting the Chair or the Chair’s designee, or in his or her absence, the Secretary, shall announce publicly and shall cause to be entered into the minutes an accurate statement regarding adequate and electronic notice or an

explanation of the reason or reasons such notice was not adequately provided as set forth in N.J.A.C. 5:39-1.5(g); and

**WHEREAS**, prior to the commencement of a remote public meeting, the Planning Board shall make a copy of the agenda available to the public for download on the Borough website and shall post a copy of same at the building where the meeting would otherwise be held, including posting of same at any designated and clearly delineated handicap accessible entrance to the building; and

**WHEREAS**, the content of the electronic notice shall be posted on the main access door of the building where the public would routinely attend public meetings of the local public body in person and the notice must be viewable from the outside; and

**WHEREAS**, the electronic communications used for a remote public meeting shall have a function that allows the Borough to mute the audio of all members of the public, as well as allow members of the public to mute themselves, and same shall be announced at the beginning of every remote public meeting; and

**WHEREAS**, pursuant to N.J.A.C. 5:39-1, if the Planning Board holds a remote meeting to conduct public business, it shall use electronic communication technology routinely used in business settings that can be accessed by the public at no cost and with participant capacity consistent with the reasonable expectations of the Planning Board for the type of public meeting being held, and such participant capacity shall, at minimum, not be limited to fewer than 50 public participants (not including persons required to be present to conduct business at the meeting such as the Board members, Board professionals, and all members of the Applicant's team); and

**WHEREAS**, remote public meetings may be held by the Borough in a format as selected by the Borough Council, by means including, but not limited to, electronic communications platforms with video and audio or live streaming via the internet and shall, additionally, provide a telephonic conference line to allow members of the public to dial in by telephone to listen and to provide public comment; and

**WHEREAS**, when the Planning Board holds a remote public meeting, it shall allow members of the public to ask questions by audio or by audio and video if the meeting is being held over both; and

**WHEREAS**, any remote public meeting where sworn testimony is being taken shall be broadcast by video, as well as audio, and all individuals giving sworn testimony, including members of the public making comments, shall appear by video; and

**WHEREAS**, any presentation or documents that would otherwise be viewed by, or made available to, members of the public physically attending an in-person public meeting shall be made available on the internet website of the Borough or made visible during the video broadcast of the remote public meeting; and



**WHEREAS**, except for quasi-judicial hearings on land development applications or similar public hearings, in addition to making public comments at any remote public meeting, the Planning Board, in advance of the remote meeting shall allow public comments to be submitted to the Board Clerk by electronic mail and in written letter form by a reasonable deadline to be established and posted on the website in advance of the remote public meeting; and

**WHEREAS**, except for quasi-judicial hearings on land development applications or similar public hearings, public comments submitted prior to the remote public meeting through electronic or regular mail shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public; and

**WHEREAS**, a reasonable time limit shall be placed on the reading of individual written comments, all of which shall be read from the beginning until the time limit is reached; and

**WHEREAS**, in support of, and respect for, an open, fair and informed decision-making process, the Planning Board recognizes that civil, respectful and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making; and

**WHEREAS**, in an effort to preserve the intent of open government and maintain a positive environment for citizen input and Planning Board decision making, policies and rules shall be established to promote civility and maintain decorum at in-person public meetings and remote public meetings in accordance with N.J.A.C. 5:39-1.4 (f)-(h); and

**WHEREAS**, if a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the Chair or the Chair's designee, or in their absence the Secretary, shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn that continued disruption may result in the member of the public being prevented from speaking during the remote public meeting or removed from the remote public meeting; and

**WHEREAS**, disruptive conduct at an in-person public meeting or remote public meeting includes sustained inappropriate behaviors including, but not necessarily limited to, shouting, interruption, and use of profanity; and

**WHEREAS**, any member of the public who continues to act in a disruptive manner at a remote public meeting after receiving an initial warning, may be muted while other members of the public are allowed to proceed with their questions or comments; and

**WHEREAS**, if time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment and, if the person still remains disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting; and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Watchung, that the standards and procedures for emergency remote meetings, as set forth in this resolution and as codified in N.J.A.C. 5:39-1 et seq., are hereby established and adopted; and

**BE IT FURTHER RESOLVED** that procedures and requirements for public participation are hereby established and adopted in order to safeguard public participation in any in-person or remote public meetings in the Borough of Watchung and shall apply to all members of the public in attendance at any in-person public or remote public meeting in the Borough of Watchung.


**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board as follows:

Section 1. The foregoing recitals are incorporated herein as if set forth in full;

Section 2. This Resolution shall take effect immediately.

ROLL CALL VOTE:

  
Ellen Spingler, Secretary

  
Donald Speeney, Vice Chair

I, Ellen Spingler, Secretary of the Planning Board of the Borough of Watchung, Somerset County, New Jersey, hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the said Board at a meeting held on October 20, 2020.

  
Ellen Spingler, Secretary