

BOROUGH OF WATCHUNG

MINUTES

WORKSHOP MEETING OF MARCH 25, 2004

MAYOR'S STATEMENT: Mayor Ellis called the meeting to order at 6:30 PM and made the following statement: Under the provisions of N.J.S.A.10:4-6 et seq., notice of the time and place of this meeting was given by way of special notice to the Courier News, Echoes Sentinel, The Messenger-Gazette and Star Ledger, and posted at Borough Hall.

SALUTE TO THE FLAG, SILENT PRAYER, AND ROLL CALL

Black [P] Franklin [P] Otto [P] Mobus [P] Joren [P] Harding [A]

Also present were Clerk/Administrator Laureen Fellin, Deputy Clerk Michelle DeRocco, Planning Board Chair Don Speency and Planning Board member Peter Havas

There were 2 members of the public present.

DISCUSSION: Proposed Ordinance Regulating Residential Driveways and Parking Areas

Borough Engineer, Richard Moody, in response to the receipt of Land Disturbance Applications for the residential development of both vacant parcels of land within the Borough and applications for parcels where the existing homes are demolished and the subsequent redevelopment is with new and larger homes on previously developed lots, presented to the Mayor and Council testimony that these Permit applications routinely present plans where the intent is to maximize the impervious surface coverage on these lots and to build from side yard lot line to side yard lot line. In doing so, Mr. Moody further explained, with examples of recent projects, the current impact these applications are having in the residential zones and the fact that the current Zoning Code of the Borough of Watchung does not provide sufficient regulation to require the reasonable development of a residence on these lots.

He noted that the current zoning side yard setback requirements allow the property owner to clear the entire lot from side property line to side property line for the construction of the home and to place the edge of driveway directly on the property line with no ability to buffer the parking area from the adjoining property. Mr. Moody noted that this zoning provision is in direct conflict with the Tree Removal Ordinance and the Stormwater and Steep Slope Ordinance which states that the goal of development is:

- a) The preservation of existing trees within the minimum side yard and rear yard setback areas as set forth in the Tree Preservation Ordinance, Chapter 126-7.B.; or,
- b) The preservation of existing trees and natural vegetation, the preservation of topsoil or the prohibition to fill land or to construct any structures on slopes exceeding ten (10%) percent where the resultant land disturbance results in an increase in stormwater runoff, Chapter 118-8.D.

Mr. Moody described available methods to regulate residential driveway and parking area development and to prevent the destruction of the side yard buffer areas:

1. Revise the Side Yard bulk requirements to increase the minimum side yard setback. This would correct the concern but could make many existing residences non-conforming. Mr. Moody noted that Warren Township's Ordinance requires a 25 foot side yard setback where no land disturbance is permitted. Mr. Moody also noted that, for a comparable sized lot, the Building Coverage in Warren is restricted to 7 ½ % while the Watchung Zoning Ordinance permits a 15% Building Coverage.
2. Regulate the placement of residential driveways and parking areas.

Mr Moody explained that the (proposed) Residential Driveway and Parking Area Regulations were prepared to identify residential driveways and parking areas as accessory structures. This is supported by Angel v. Bd. of Adj, of Franklin Township (109 N.J. Super 194) and would replace the current zoning ordinance provision which identifies residential driveways and residential parking areas as an accessory to the use. By defining residential driveways and residential parking areas as accessory structures within the Borough's residential zones, the number, size and placement of these structures can be regulated and the side yard areas, as noted above, can be protected without changing the existing bulk standards in the Zoning Ordinance. The Zoning Ordinances are proposed to be changed to require driveways and residential parking areas to be located in compliance with the minimum side yard setback requirements within the principal building envelope.

Mr. Moody stated that the adoption of these regulations would provide the necessary guidance to the property owners, their engineers and architects to properly design the home before plans are submitted to the Borough. This would eliminate the need to negotiate with the residents for tree preservation, landscape buffering and stormwater management design. It would also properly place the residential site plan review within the Zoning Officer's responsibility.

Mr. Moody stated that in reviewing this Ordinance proposal that the Mayor and Council should determine what their vision for the future development of Watchung should be. Are mega mansions of up to 18,000 Square Feet, built from side lot line to side lot line the way Watchung should develop?

Councilman Mobus asked Mr. Moody if he had discussed this with the Planning Board or Board of Adjustment. Mr. Moody responded that the proposed Ordinance had been forwarded to the Laws and ordinances Committee and that the proposed "Residential Driveway Regulations" have been reviewed and supported by the Planning Board Ordinance Committee, the Planning Board Attorney and the Borough's Planning Consultant, Heyer and Gruel.

Councilman Otto said this came up in a discussion with the Public Works Committee and that every coin has two sides. Planning Board Chairman Donald Speeney spoke in support of the Ordinance revision. He further noted that a complete revision of the Land Use Ordinance has been completed and that when the codification is complete there will be a whole new set of Ordinances. Mayor Ellis said that the driveway ordinance should be fast tracked.

UPDATE ON CURRENT PROJECTS AND ISSUES

PUBLIC PORTION

No one from the public desired to be heard.

ADJOURNMENT

There being no further business to come before the Council the meeting was adjourned at 7:25 P.M to the call of the chair and to the next regularly scheduled meeting will follow at 7:30 P M

Respectfully submitted,

Michelle DeRocco
Deputy Borough Clerk