

**Borough of Watchung  
Planning Board Meeting  
December 19<sup>th</sup>, 2006  
Minutes**

Chairman Speeney called the meeting to order at 7:32p.m. and stated that notice of this meeting had been posted at Borough Hall, filed with the Borough Clerk and given in the way of notice to the Courier News, Echoes Sentinel, the Reporter and Star Ledger in conformance with the N.J.S.A. 10:4-6 et seq.

Present at the call of the roll were: Speeney, Boyd, Havas, Haveson, Page, Addario, Schaefer and Spratford. The Mayor arrived at 7:37p.m. Also present were Board Attorney Robert Rusignola, and Board Engineer Tom Herits.

A motion was made to waive the reading of and approve the minutes of both November 21<sup>st</sup>, 2006 & the special meeting of November 28<sup>th</sup>, 2006 was made by Mr. Havas and seconded by Mr. Haveson and approved on voice vote. Mr. Page did not vote.

Chairman Speeney indicated that PB06-12 Pinnacle Homes, at 95 Wetumpka Lane, asked for a continuance until the next regular meeting on January 16<sup>th</sup>. There was no objection to continue this application, it was approved on voice vote. PB06-12 was continued until January 16<sup>th</sup>, 2007.

**PHYLLIS ROHLING**

Havas read:

PB06-R16 Introduction of Resolution  
PB06-08 Phyllis Rohling  
Route 22 Block 57.03 Lots 2.01 & 3.01  
Lot Line Adjustment

Robert Fodera, Attorney for the Applicant was present. He was from Gebhardt & Keiffer. Angelo De Rose, surveyor for the Applicant was also present. They had reviewed the draft Resolution, and had no objections to the content. Mr. Havas read the resolution draft into the record. The Chair accepted it as a motion to

approve and sought a second. Upon a second, Mr. Rusignola said he had one concern. The easement to the pump station must have wording in it that made sure that the Borough would have access into the Rohling property. Mr. Fodera agreed. There was a roll call vote, and it was unanimously voted for approval. The Chair indicated for the record that both alternates voted in place of regular members.

**STEPHEN SHOBIN AND ALEECE TOWNSEND**

Havas read:

PB06-R17 Resolution of Memorialization  
PB02-06 Stephen Shobin and Aleece Townsend  
260 Valley Road Block 68.01 Lot 6  
Amended Minor Subdivision

Bob Van Rennselaer, Attorney for the Applicant was present. Mr. Van Rennselaer had read the draft of the resolution and had some corrections as follows. On page 3, second paragraph refers to the easement to the “Sanjay” property, and should read the “Chitale” property. Also on page 4, number 6, should have the word “connect” changed to the word “construct”. The Chair sought a motion to approved the resolution. That motion was made by Mr. Addario seconded by Mayor Ellis. On roll call vote, it was voted unanimously to approve by all, including votes by two alternates in place of regular members. The resolution was approved.

Chairman Speeney said that since there was no representation for the Watchung Rescue Squad, Inc. for PB06-10, and it since it was already approved, they would waive the reading of PB06-R18- Resolution of Memorialization and asked for a motion to approve the memorializing resolution. Mrs. Spratford made the motion, seconded by Mr. Page. There was a roll call vote, and it was voted approved unanimously including two alternates voting in place of regular members.

**OMNIPOINT COMMUNICATIONS**

Havas read:

PB06-11 Omnipoint Communications, Inc.  
FE Tower JC117WGB Bridgewater-Traynor Transmission Line  
799 Mountain Blvd. Block 2.02 Lots 7.01 & 7.02  
Site Plan

Gregory Meece, Attorney for the Applicant was present. He represented Omnipoint. He stated that this application was a permitted use for an existing

tower to have antennas added. He said this application was similar to the recent Cingular Wireless Communications application that the Board had heard. He said that there were 4 witnesses. Anthony Suppa the project Engineer was called to testify. Mr. Rusignola swore him in and recommended him as an expert witness. He stated that he prepared the plans. Mr. Suppa said the lot was owned by First Energy (GPU) and that it was about 7 acres in size. He said T-Mobile was looking to locate a 21'X14' compound. There will be a concrete pad, containing 3 cabinets 6' X 4 ½' by 2 ½'. Cables will run up the legs of the tower. A total of six antennas will be added, and they will be 5 ½' below the top of the tower. The tower is 138' tall and the top of the antennas will be 132 ½' tall. Access to the site will be from Glen Eagles Drive, and will include proposed 12' gravel driveway. Proposed routine maintenance on the site will be a visit approximately once a month. The antennas are 53" X 13" by 3 ". Sheet C-3 dated 8/2/06 shows a blow-up of the compound. It shows the equipment under the existing tower, showing a chain link fence which has been revised. A structural report was run on the tower, and a noise abatement report done by Lewis S. Goodfriend and Associates. The noise at the closest property line was calculated to be about 47 DB which did not meet the Borough code. The recommended mitigation was to change the fence to a board on board fence, which would change the projected DB to 36DB. There is no generator proposed on the site, only fans inside each cabinet. The fence would be 8 feet high, which would not need a variance. Mr. Rusignola asked how the proposed calculations were reached, and said that if in fact after the construction, if it did not meet the Borough Standards, they would have to resolve the noise levels to meet the standards of the Borough. The Board asked why antennas couldn't be shared. The answer was that sometimes they do co-locate, but in this case, the structure could not handle two carriers, and that First Energy had given them this particular tower to use. Mr. Boyd said that on the site visit to the tower, the proposed access seemed to be within a buffer zone by the lot line. He asked why the access couldn't be more near the center. Mr. Suppa said that First Energy likes to keep access on the side and leave the middle open. Mr. Boyd asked why it couldn't be next to the property line outside the buffer zone. He said in general they like to see access more toward the tower. Mr. Suppa said they would have to ask for permission from First Energy to move the access spot. Mr. Boyd went on to say that on the site visit, from a purely visual inspection, the tower appeared to leaning somewhat. Mr. Suppa said that he hadn't noticed that, and it was not in the structural report. Mr. Boyd said that he thought that in the structural report, he thought the tower would need to be "beefed up" somewhat. Mr. Suppa said that was standard, and that indeed it would. The said they would ask First Energy to move the gravel driveway more toward the center. Mr. Meece said that he was not

aware that the proposed driveway broke any standards of the town, but that they would try and accommodate what the Board asked for. Mr. Rusignola asked for a letter from the Applicant confirming this could and would be done. Mr. Meece said they would ask First Energy right away. Mr. Boyd said that he thought it was clear that there was sufficient room to move the driveway. Mr. Herits said that the ordinance called for a sound barrier fence, and that it was specific as to type. He also said that some landscaping was called for. Mr. Meece said he didn't think it was necessary. The Board said that they wanted some landscaping and the Applicant's Attorney agreed. Chair opened questions to the public. There were none.

The next witness was Dave Collins, manager of Radio Frequency Services for Pinnacle Telecom Group. Mr. Rusignola swore him in, and recognized him as an expert in the field of radio frequency analyzation. The report submitted to the Board dated 8/6/06 was marked as exhibit A-1. Mr. Collins went over his report, and stated that levels were 200 times below the FCC's maximum limit. Chair opened for questions to the public. There were none. Mr. Rusignola asked what would happen if the clamps deteriorated and the antenna fell, such as in a bad storm. Mr. Collins said that if it fell, silent alarms would be sounded at the main station due to the fact that the towers were monitored 24/7, and someone would be there forthwith. He also said that within 3 to 6 feet of the antenna, there was no danger. A member of the public came forward. Arthur Kern, of 20 Glen Eagle Drive, asked what type of equipment was in the cabinets. Mr. Collins answered radio equipment. Mr. Kern asked if there was any high voltage equipment that could be tampered with by children. Mr. Suppa came up to answered that the cabinets were locked as was the fence, and it is monitored by silent alarms and the voltage was nothing more that which would be found in the average home.

The next witness was Syed Mujtaba, a radio frequency engineer. Mr. Rusignola swore him in and recommended him as a expert in the field of Electrical Engineering. Mr. Mujtaba presented exhibits marked as A-2 which showed the coverage of existing locations of antennas. The base map was a topographical map with red dots that showed the existing sites, blue dots that showed proposed site, and the yellow dots that showed future sites, and the coverage that would be added from those additions. Mayor Ellis asked if there are any other proposed sites in the Borough of Watchung. The answer was that there is one that is already approved by Brook Hill Swim Club.

The last witness was Christopher Neville, professional planner. Mr. Rusignola swore him in, and recommended him as an expert in the field of Professional

Planning. Mr. Neville presented exhibits A-3 through A-7. Exhibits A-4 through A-7 showed different pictures of the existing site, with a simulated picture to the right showing what it would look like after completion in each exhibit. A-3 was an aerial photograph of the proposed site. A-4 showed a view from Glen Eagles Drive. A-5 was a view from 30 Glen Eagles Drive. A-6 showed a view of the proposed compound with the sound wall. A-7 is a view from 10 Glen Eagles Drive. Mr. Meece asked Mr. Neville if all effort was made to make this site blend in to the neighborhood. Mr. Neville said that yes, all effort was made. He said it was a permitted use in the zone, and that he thought the Board should approve. He said that with agreeing to include landscaping, it would meet all Borough requirements. Chair asked if proposed trees were deciduous. Mr. Neville said they were predominately deciduous. Chair asked if there were any comments from the public. There were none. A voice vote was taken to close the public portion. Mr. Meece summed up that he would abide by the Borough Engineer's recommendations, and agree to the Boards recommendations. The Chair asked for a motion based on those contingencies to have the Attorney draft a resolution in the affirmative with the conditions set forth. This application was continued to the meeting of January 16<sup>th</sup>. No further notification is required. Mr. Rusignola urged the Applicant's Attorney to keep in touch as to negotiations with First Energy(GPU).

### **MAJESTIC HOMES IV, LLC**

Havas called:

PB06-13 Majestic Homes IV, LLC  
561 Valley Road Block 70.02 Lot 2  
Minor Subdivision and Variances

Mr. Rusignola stated that he had a conflict with this application due to the fact that he lives within 200' of the Applicant's property, and that he would recuse himself for this application. Mr. Daniel Bernstein, Planning Board Attorney for the Town of Scotch Plains stepped in to serve as Planning Board Attorney for this application. Mr. Joseph Paparo, from Hehl and Hehl was the Attorney for the Applicant and was present. Mr. Paparo gave an overview of the application. He said they are seeking minor subdivision and variances. He said they are seeking to maintain the existing home on the property. He said the entire application and variances are driven by that goal. He said they are not seeking to disregard the ordinance, but by that desire to maintain the existing home, and variances are required. Variances before the Board are for lot width and lot area. They have reviewed the Borough Engineer's letter, and they are ready to address all of the

issues that Mr. Herits brought up. He stated that Mr. Kevin Page, who would testify in this case, has an interest in this property. First to testify represented the owners of the property, Mr. Christopher Daunno of 1985 Mary Beth Court in Scotch Plains. Mr. Daunno was an authorized representative of Majestic Homes IV, LLC. He said they have an office on Route 22 in Mountainside. Mr. Daunno said he has ties in Watchung. He said that the property is slightly under 3 acres. He said that the property is not historical, but has some local interest in town. He said the house is in his opinion, worth preserving. He said it is a unique location because of the deep lot. He stated that there is an existing garage and a pool on the property. He said that the pool area, would be the location for the proposed home. He said if it was a vacant piece of property, 4 of the 5 variances would disappear. There were no further questions of Mr. Daunno from his Attorney. Chairman Speeney asked if Mr. Daunno was in any way impeded in using this property under the R-R zone. Mr. Daunno said no. Mr. Addario asked if Mr. Daunno was aware of any other homes in the area that are less than 60,000 sq. feet. Mr. Daunno said that both homes on either side are undersized. Mr. Daunno deferred discussion to Mr. Page. Chairman Speeney asked if maybe the neighbors undersized lot did not result from a subdivision due to when they were built. Mr. Daunno did not know the history of how those lots became undersized. Mr. Bernstein asked if the garage would be removed. Mr. Daunno said yes. Mr. Bernstein asked about the driveway on the northern side. Mr. Daunno said the driveway on the northern side would stay, and a U-Shaped driveway would be in its place. Only a portion of the driveway would be removed. He said the garage was used by the former owners for storage. There are no current plans for a proposed home. Mr. Daunno said that if the Board asked for plans for the proposed home to show it was consistent with the neighborhood, he would present that. He said that the proposed home would be approximately 4,000 feet with an attached garage. (Garage not included in the sq. footage.) It would be two-story. The proposed home would be offset from and behind the existing home. It would be an L-shaped home. Mr. Bernstein questioned how much land would be disturbed and how drainage would change, affecting the existing trees. Mr. Bernstein asked what Mr. Page's interest was. Mr. Daunno said he was a stockholder in the company.

A discussion about the driveway ensued and where exactly it would be placed. Mr. Bernstein asked what the condition of the existing home currently was. Mr. Daunno said that it needed some repair in different areas. Mr. Bernstein asked if it would be a "handyman special" in its current condition. Mr. Daunno said that it needed some corrections. Mr. Daunno was asked by Mr. Boyd how you would get to the two-car proposed garage, and Mr. Daunno explained. Mr. Daunno said that the current driveway was a U, that met Valley Road in two spots. There was some

confusion in communication as to which driveway was in question. A discussion ensued.

Mr. Boyd pointed out that the lot to the right was 60,000 square feet which meet lot area requirements, and the lot to the left was undersized for lot area. Mr. Havas asked on lot 2.01 where the driveway was.

Mrs. Schaefer asked what trees would have to be removed. Mr. Daunno said that there were some to be removed. He said that there was some very unique vegetation currently on the property, with different species for different seasons. Mrs. Schaefer asked in reference to the driveway about the patio next to it. Mr. Daunno said there is a patio with an overgrown garden. Mr. Daunno said he would like to extend the patio to the other side of the house. Mrs. Schaefer asked how they get into the garage and how they would get back out. Mr. Paparo said that Mr. Page would address that. She asked about the very large tree behind the existing garage. Mr. Daunno said he needed more clarification as to what tree she referred to. Chairman Speeney said they show the proposed apron 5 feet from the property line. Mr. Paparo said it would be a design waiver that Mr. Page would go into. Ms. Schaefer asked if the existing home was heated by gas or oil. Mr. Daunno said it was heated by gas.

Chairman Speeney opened questions to the public. Mr. Mark Hochheiser, of 560 Valley Road said that the application for development was checked as a hardship, and not as a benefit. Mr. Paparo said that Mr. Page would address those issues. Mr. Hochheiser asked if in the design, if there was a turnaround planned in order to exit onto Valley Road in the proposed home. Mr. Paparo said Mr. Page would address that issue. Mr. Hochheiser said that he likes the older home, and asked whether the Applicant would agree to a deed restriction to keep that existing home. Mr. Daunno said that would have to be discussed among the partners of the Corporation. Mr. Bernstein said that was a legitimate question. Mr. Paparo asked Mr. Daunno if he approached anyone in the area to purchase some property to add to his lot. Mr. Daunno said that yes, he approached the neighbor of Lot 11 and he was denied. There were no more questions of Mr. Daunno, and Mr. Paparo called Kevin Page to testify.

Mr. Kevin Page, Licensed Profession Planner of Warren New Jersey was sworn in and recognized as an expert in the field of Engineering. Mr. Alan Page asked that since Mr. Page was not testifying as a Planner, would there be testimony from a Planner at the next meeting. Mr. Paparo said that yes, there would be. Mr. Page showed the previously submitted plans from 11/9/06. He said the plans

were revised on 12/7/06 after receiving reports from the Zoning Officer and the Borough Engineer. He said the property is just shy of 117,000 square feet. Mr. Page said that he assumed the lot line was formed years ago after some kind of subdivision due to the shape of the line. He said the existing home is set to the west side of the lot. The existing garage is set all the way to the right. He said that the garage is a substantial size of about 1,000 square feet. He said the property has a circular driveway currently. He said there is a pool, a footbridge, some concrete patio, and shed. He said the property is served with sewer water and gas. There are two catch basins on Valley Road to the right and the left of the driveway entrances. The lot to the right is undersized in terms of lot width, not area. It is 125' wide. It is set far back. The home to the left, Lot 1, is approximately 180' from the existing home. Lot 11 behind, is very large, approximately 3 acres. He recommended to Mr. Daunno that he offer to purchase a sliver of property. That neighbor declined. The neighbor of Lot 11's garage to the property line of the Applicant is approximately 90' north. The proposed application is to maintain the existing home. The western driveway on the property would be served to access the existing home. The eastern driveway would serve to give access to the proposed home. Mr. Page said Lot 2.02 is about 250' away from the home on Lot 11. He said the spot for the proposed home was picked in the location of the pool, due to the clearing. In order to maintain a proper setback from the existing home to the lot line that creates a variance or design waiver for relief for the driveway. The driveway is currently tree lined. He said in this case, the Applicant is asking for relief to himself, not a third party. He said this is due to two significant trees that they would like to maintain. Two of the variances that they are requesting are due to the house, and trying to maintain significant trees. Accessory buildings are allowed within 15 feet of the property line. Mr. Page testified that the jog in the line is inherent in saving the house, not because of the lot. Mr. Paparo asked Mr. Page to answer Mrs. Schaefer's question regarding the turnaround. Mr. Page said there is a turnaround provided. If the Board was to grant the minor subdivision, it is still subject to plans submitted to the Borough Engineer that the Applicant would be subject to comply with.

Mr. Page presented exhibit A-1 which was a deed plotting of Lot 1. This exhibit showed a sliver of land needed to meet the lot area required. Exhibit A-2 was an aerial photograph of the lot and the surrounding area. Exhibit A-3 was a series of pictures of 561 Valley Road (Blue House). Exhibit A-4 showed more pictures of the lot. Exhibit A-5 was a map depicting what a subdivision would be like if they did not want to keep the existing home. He stated the small piece of missing land, was 350' back from the front of the property. Mr. Page said that from Valley Road,

it would be impossible to visually tell that the property was deficient in size. Mr. Page stated that with what would be removed from the property, when all was complete, there would only be a 3% increase in impervious coverage. Mr. Page said that the reason for that, is the removal of the garage and pool. Mr. Paparo had no further questions for Mr. Page. Chairman Speeney asked about the frontage on both lots being sufficient. Mr. Page talked about lot area. The lot on the right is 60,000 and 56,920 on the left. He said that they designed the existing home to have the conforming lot. He said that left the proposed home with constraints, and not the existing home. But he also said that it could have been done the opposite way, giving the proposed home the lot area that conforms. He felt that it was better to do it this way for the existing home being next to the a house on the left being more of the same scale. On that same note, the house that is proposed would be more in the same scale as the house to the right. Mr. Boyd asked about Lot 2.02 having a 3,000 sq. ft. shortfall. He mentioned the triangle of property that he attempted to buy to make up that area. He said though on the exhibit, it showed that 3,000 sq. foot portion of land that the Applicant attempted to buy, didn't go all to Lot 2.02, but was shared by both lots. Mr. Page said he could move the lot line about one foot, and make up for the shortage on Lot 2.02. Mr. Boyd asked how earnestly they tried to purchase the land. Mr. Page said that he was told "no thank you", and a confirming letter was sent after the attempt to purchase. The neighbor that was asked to sell the land was in attendance at the meeting, and could be asked to verify. Mr. Bernstein said that the Applicant did the right thing by trying to purchase the extra land, in order to rectify the lot area shortage. Mr. Paparo stated that the law that says that you must try and rectify the problem only applies to vacant land. Ms. Spratford asked why the driveway couldn't be placed on the westerly side of the road. Mr. Page said that there was no access into the home through the kitchen or garage. Normally he said, you don't enter a home through a family room. Mr. Addario asked Mr. Page how they can be sure that the proposed home would be around 4,000 sq. feet. Mr. Page said that if that was a condition of the Board, they would meet that. Mr. Addario asked how many houses are built here today at 4,000 sq. ft. or less. Mr. Page said that he has seen a change in the market with smaller homes being built, due to the price of maintenance and taxes. He said he thinks the trend has turned away from "megahouses". Mr. Paparo asked if 4,000 is common in the Borough of Watchung. Mr. Page answered that 5,000 sq. ft. is more in line with the Borough, but that it is in conformance with the houses in that area. Mr. Addario asked the question as to how many more Applicant's will come before the Board, claiming substandard lots asking for relief. Chairman Speeney asked if there were any more questions. Mr. Bernstein said traveling east on Valley Road, would it not appear that the new home is in

back of the existing home. Mr. Page said it is behind a very substantial line. Mr. Bernstein said that after grading and drainage issues, the land will not look like it currently looks. Mr. Page said that the people in charge of trees in Watchung took more initiative than in other towns about being ambitious in saving them. Mr. Bernstein asked if the Board wanted, if they could show on their plan, the significant trees including caliper. Chairman Speeney opened questions to the public. Mark Hochheiser, of 560 Valley road asked about the 2 ½% deficiency on the lot, but doesn't each lot have a 5% deficiency?

Mr. Page said there was a 2 ½% deficiency on the tract but there is a 5% deficiency on the new lot, and none on the other lot. Dean Keller of 601 Valley Road came to the microphone. He asked if Mr. Page was familiar with other lots in town where a variance was given for a lot size requirement for a lot that is an acre and a half. Mr. Page said he didn't know. Chairman Speeney closed the public portion since there were no more questions.

Mr. Page asked the Board if they are looking for more information from the Applicant. He wanted to know what the Board needed for the next meeting. Chairman Speeney said if there were some significant trees that would be impacted, that Mr. Page should bring that information with them. Chairman Speeney said that normally this application would be carried until the meeting of January 16<sup>th</sup>, 2007. January's meeting is very busy, and would the Applicant be willing to carry this application until the meeting of February 20<sup>th</sup>, 2007. The Applicant granted this continuance until the end of February, with no further notice necessary.

Chairman Speeney asked for a motion to approve the vouchers. He listed the vouchers first, and the motion to approve the vouchers was made by Mr. Havas, seconded by Mrs. Spratford. The vouchers were approved unanimously on a roll call vote, including votes by two alternate members. Chairman Speeney discussed the Ness Property Committee that was formed by the Mayor, and they had their first meeting. Mayor Ellis said that the survey that they have been waiting for is done. Chairman Speeney said that the Committee will be scheduling another meeting shortly. Chairman Speeney announced that the edits are complete and in from the Open Space and Recreation plans are back. The Library Study Committee that was formed was mentioned and is in current meetings. Chairman Speeney adjourned the meeting at 10:45 until the next meeting of Reorganization of January 9<sup>th</sup>, 2007.

Respectfully Submitted,

Carolyn Taylor  
Planning Board Clerk