

**Planning Board Meeting  
Borough of Watchung  
July 18<sup>th</sup>, 2006  
Minutes**

Chairman Speeney called the meeting to order at 7:37 p.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, Page, Addario, Pennett, Schaefer and Spratford and Mobus. Mr. Ellis arrived at 7:45. Also, present were Board Engineer Tom Herits Board Attorney Bob Rusignola, and Mr. Mark Healy, Planner for the Borough from Heyer, Gruel Associates.

Chairman Speeney indicated that there was a quorum to conduct business. He asked for a motion to waive the reading and to approve the minutes of the Special Meeting of June 20<sup>th</sup>, 2006, the Regular meeting of June 20<sup>th</sup>, 2006, and the Special Meeting of June 27<sup>th</sup>, 2006. Mr. Boyd made the motion and it was seconded by Mrs. Spratford, and approved on voice vote.

Chairman Speeney went over the agenda for the evening, and explained that Cingular Wireless and Phyllis Rohling have both asked for a continuance. Mr. Rusignola reminded the Board that Cingular had agreed to a requirement for the Resolution granting approval of additional sound buffering according to a decibel range that the Board had fixed. Mr. Rusignola said that he was contacted by Mr. Quinn, Attorney for the Cingular Wireless Application who said that sound buffering alone will be insufficient to reduce the sound to the level that is desired, and that it will be necessary to house the units that are attached to the antennae. Mr. Rusignola went on to say that he told Mr. Quinn that in his opinion, that the Application is now substantially new and different, and that the Applicant should give new notice within 200' radius. Chairman Speeney asked for a motion to continue both PB06-06/Cingular Wireless, and PB06-08/Phyllis Rohling until the August 15<sup>th</sup>, 2006 meeting. Mr. Addario made the motion and it was seconded by Mr. Havas, and approved on voice vote.

Chairman Speeney said he would hear application PB06-07/JDN Properties out of order, after the reading of the resolution on PB06-03 /Pasquale Grande. Mr. Breitman was Attorney for both applications, and because JDN was expected to have short testimony. There were no objections from the Board.

Mr. Rusignola said this Resolution was called to be read at the last meeting, and because of scheduling, it was not read, but that in the course of the last month, Mr. Breitman has suggested some minor changes in the resolution, so that when read, the Board know that the Applicant agrees to the Resolution.

Havas called: PB06-03 Pasquale Grande  
92 Stirling Road Block 40.01 Lot 5  
Minor Subdivision

Havas Read: Resolution PB06-R9 granting approval for Pasquale Grande

Chairman Speeney accepted Resolution as a motion to approve PB06-03 and Mrs. Schaefer seconded the motion. Corrections were made on the Resolution as to the dates of the meeting, and January 25<sup>th</sup>, 2005 was added to the Somerset County date on page 15. The motion was passed unanimously by roll call vote, and the application was approved.

Havas called: PB06-07 JDN Properties  
72 Stirling Road -Block 40.01 Lot 3,4  
Amended Site Plan – Signage

Mr. Mark Breitman, Attorney for the Applicant was present. Also, Mrs. Cindy Glynos, Vice-President of JDN Properties was present. Mr. Breitman said that the Board was aware that the Board granted site plan approval many years ago, but JDN inadvertently forgot to add the sign to the original site plan. They would like to add the sign in the median going up the road to the project. He said that plans were submitted to the Board by Salustro Partnership, which depict the sign. Mr. Breitman stated that Mrs. Glynos was present to testify if there were any questions from the Board. Mr. Herits letter of May 15<sup>th</sup> was referenced stating that all issues had been addressed. They also looked at the comments of the previous letter from Mr. Herits, summarizing his comments. They went over the plans from the architect which were previously submitted to the Board. Chairman Speeney said since Mr. Herits had no issue with the sign, in his opinion, the Board should go with Mr. Herits decisions. Mr. Mobus asked if the sign was lit, or backlit. Mr. Breitman said that there was a light shining up toward the sign, but that there was no illumination from within the sign. Mrs. Cynthia Glynos was sworn in by Mr. Rusignola, and was accepted as a witness. No public questions were raised to Mrs. Glynos.

Mr. Boyd asked if there was anything about the height of the sign that would consider the sign to be a fence. Mr. Breitman said he had no idea how to respond to that question, other than he assumes that it is a decorative sign that identifies the project. Mr. Rusignola asked if the sign is intended to mark one area from another, or intended to mark access or egress, and Mr. Breitman said no. It was decided it was indeed a sign. Chairman Speeney said that he would like a motion to direct the Attorney to draft a resolution in the affirmative. Mr. Havas made the motion, with Mr. Addario seconding the motion. Chairman Speeney stated that in his mind, this application completes this project, and that it was a positive addition to the site. Chairman Speeney recommended to the Board that they vote in the affirmative. The motion was approved on voice vote unanimously.

Havas called: PB06-09 Raymour Furniture Company  
1620 U.S. Highway 22 Block 61.01 Lot 4  
Minor Site Plan & Sign Variance

There were no representatives from the Company present, and it was stated that they were not required to be present, unless there is a change for any reason in the resolution.

Havas read: Resolution # PB06-R11  
Raymour Furniture Company  
Granting Minor Site Plan Approval

Chairman Speeney stated that the having read Memorializing Resolution PB06-R11 the Chair accepted it as a motion to approve. Mrs. Pennett seconded that motion. Chairman Speeney opened the discussion. Mayor Ellis voiced his opinion on receiving resolutions in a timely fashion. Mr. Rusignola said he received additions as late as the date of the meeting from the applicant. The Mayor commented that maybe if we are getting information at the last minute, that the application should be postponed for another month. Chairman Speeney indicated that applications to the Board are time-bound and the Board must take action within those time constraints in order not to have a decision based on the Boards failure to act. There was no further discussion on this application. There was a role call and the motion was carried to approve the application unanimously.

Havas called: Continued Application PB06-04 Shelly Davimos  
47 Cedar Road Block 33.01 Lot 5  
Minor Subdivision & Variances

Joseph Murray, appearing as the Attorney for the Applicant said that to his recollection, when last month's hearing of this application ended that their Planning testimony was completed as to the direct testimony and was now open for questions by either the Board or the public. Mr. Murray stated that he has two additional witnesses to testify. Mr. Leland Titus was not at the last meeting, but was present at this time, and also Constance Salustro, the Architect who designed the proposed home to be built on the new lot proposed by the Applicant. Chairman Speeney stated that the Secretary for the Board, Mrs. Carolyn Taylor had to continue to recuse herself since she was within the 200' radius of the Application. Mr. Rusignola stated that she might stay within the Chambers, as long as she is not a part of the Application. Mr. P. David Zimmerman, the Planner for the Applicant, was still under oath from the prior month's hearing on this Application and took the microphone. Board Members had no questions for Mr. Zimmerman and questions were opened up to the public. Mr. Charlie Neiss, of 71 Dogwood Lane stepped to the microphone. He stated that he was a member of the Watchung Board of Education. He stated that there were two demographic studies done with regards to recent additions to the schools in Watchung. The size of the additions were based on the demographic studies which was based on where growth would come from in this town, which is mostly built out. In those calculations, would a demographer have taken into account development of lots that could not be subdivided in the zoning? Mr. Zimmerman said that he had no way of answering whether or not he (the demographer) would or would not have taken that into consideration in his study. Mr. Zimmerman stated that the Master Plan does indicate that there is the potential for infill development. How extensive that may or may not be is difficult to answer. Mr. Neiss asked Mr. Zimmerman if in his capacity as a planner, would he do such a study? Mr. Zimmerman answered that he would indeed incorporate in any population projections reasonable assumptions regarding future growth, and part of that would be infill development. Mr. Neiss asked if that included subdivisions that don't meet zoning requirements? Mr. Neiss asked how would he quantify that? Mr. Zimmerman agreed that that would be difficult. There were no more public questions and Mr. Murray asked Mr. Zimmerman said that Mr. Neiss might have been undertaking some thought process relating to children. He asked if the family living in the new house on the new lot might have some substantial impact upon the school population or the adjacent school property. Mr. Zimmerman said that any new student population generated by this new subdivision would be de minimus. He said one or two students would have no substantial impact on the school population. Mayor Ellis said, that if a precedent was established in this particular area, that this is the basis of the question. Could produce a groundswell of subdivision lots this size. Mr. Zimmerman said that he did do a study of lots in this area, and their potential for subdivision. He said in doing that study, he looked at each one.

He said there were a few lots where the house was on one side of the property, but that the overwhelming majority of the lots he looked at, had the house in the middle of the property. Mr. Murray asked about the negative criteria about substantial impairment to the public good, the zoning plan, and the zoning ordinance. Mr. Murray asked if he thought that the comment made by Mr. Ellis about setting a precedent causing a “groundswell” of lot divisions this size, or children joining the school system was based in fact or in speculation. Mr. Zimmerman replied that there are in fact a few properties that were a similar situation to the applicant’s property, but that the majority of houses were most likely in a different situation because of the house set in the middle of the lot. Mr. Murray asked Mr. Zimmerman if the potential for more children adding to the population of a school district, a recognized basis for zoning property? Mr. Zimmerman said that on one hand it might be of interest to the community, but that on the other hand, he knew of no planning or legal precedent which would allow an application turned down because of the fact that it would generate one or two school children. Charlie Neiss, of 71 Dogwood Lane came up to ask Mr. Zimmerman if he looked at greater Watchung, beyond Cedar Road or Valley View Road or Lakeview Ave. Mr. Zimmerman said that he did not. There were no more public questions.

Constance Salustro, Architect of Salustro Partnership Architects, LLC located at 784 Chimney Rock Road, in Martinsville took the microphone and was sworn in. Ms. Salustro stated that she was the principal of the firm. Mr. Rusignola recognized Ms. Salustro as an expert and swore her in. Mrs. Salustro entered Exhibit A-9 dated 07/18/06 that was a drawing of the proposed home with first and second floor plans. Exhibit A-9 included a second page that was dated 07/18/06, which showed front elevation and Cedar Road Street Scape. She said they are proposing a house that is two stories in height, with a gross livable floor area of 2,892.5 sq. ft. with a garage that is 558 sq.ft. in size. The house itself on the first floor contains an open living space across the back of the house. There is a small Library on the front corner with a bathroom, the main entryway into the house and a two-car garage, which faces to the front street. The second floor has a Master Bedroom with a Master Bath, two additional Bedrooms, another Bathroom and a Laundry Room. The footprint of the house also contains a screened porch to the rear of the house, and the front entranceway is covered. If you take the actual footprint of the house and apply it to the proposed building lot, this footprint provides building coverage of 19.8% that is below the 20% that is allowable by the zoning ordinance. If you add the driveways, walkways, and front and rear stoops, the total impervious surface is calculated at 25.5 %, which is within the requirements of the zone. Ms. Salustro said that the side yard setback on the right side of the house would be a minimum of 11 at the closest point of the side yard lot line. The left side would be 13 feet. The front yard would be 36 feet, and the rear yard would be 55 feet, therefore all yard setbacks being in excess of what is

required by the zoning ordinance. Ms. Salustro showed the second exhibit. Mr. Rusignola stated that all plans and subsequent modifications should be submitted at least 10 days before the meeting.

Ms. Salustro turned to the second page of the exhibit, which showed the front elevation of the proposed home, as well as a photomontage of the street with the Architect's rendered drawing of the proposed home placed into the block where it would be. They decided to mark this drawing as exhibit A-10. Ms. Salustro explained that the front elevation was depicted. The house she said was basically a traditional style based on today's standards. She said they are using stone on the front elevation, and employ shingle style siding. She said there would be some basic architectural trim applied to it to dress up the elevation, and the roof will have a dimensional shingle finish to it. The colors of the house itself will be neutrals or earth tones, and no objectionable colors from the stone. Mr. Murray asked if there was a depth between the peak of the roof that is over the garage and the horizontal portion of the roof that is to its left. Ms. Salustro said that the building height is 28 feet from grade to the mean roof height whereas the ordinance does allow 35 feet. She said it was important to mention that the house is designed with some dimension meaning that it is not a two story flat façade all the way across with a roof put on top. She explained that the Library is designed as a one-story portion of the house. The garage has a balcony over it, which is accessed from the bedrooms over it, and a small gabled roof over it, which is designed as a story and a half height. She said the gabled roof behind it, which covers the bedrooms, is set 10 feet back from the front face of this façade. The main roof of the house is set back at least 20 feet from the front of the elevation so when you approach the house, the lower roof areas are foremost to the front area of the house to the street side. She said that the neighborhood is a mixture of styles as well, with houses of different sizes, ages and architectural styles. She showed the streetscape photos of the houses on either side of the proposed home. She said that the proximity of one house to another was hard to place because they didn't have exact measurements. She described other homes on the street. Mr. Murray asked the width of lot 5. Ms. Salustro answered 150 feet. Mr. Murray asked about the lots widths of the houses two down from the proposed home as you faced the rear of the property. Ms. Salustro answered 65 and 60 and 75 feet. The two homes on the either side were 50 feet 100 and 140 feet. Mr. Murray mentioned exhibits 5,6,7 & 8 of photos of homes on the street. Mr. Murray asked Ms. Salustro if she thought in her opinion that the proposed home would have any negative impact on the streetscape of Cedar Road. Ms. Salustro answered no; that she thought the house was fairly well scaled to the proportion of the rest of the neighborhood. Ms. Salustro stated that the house itself is under 2900 sq. ft. and the average house in America today, even though she did not have the source if this information was between 3300 and 3500 sq. feet. She said in her experience many new houses that are being built in the area are much larger than 3500 sq. feet. She said that she thought it was appropriate to say that she thought it would be a fit. Ms. Salustro said that one thing that she thought needed to be considered about this property is that it was 150' by 150'.

She said if the subdivision is not approved, she thought there would be some consideration to the possibility that down the road there would be a chance that a much larger house would be built if this property would be one day sold, and the old house demolished. She said that if you apply the 20% coverage rule, you could conceivably come up with a house that is 4500 sq. feet. She said the subdivision would control the size of the potential development of this property. She said that the current trend is for a Developer to come in, demolish a house and put a new, much bigger house without regard to what the rest of the neighborhood is like. Mr. Murray asked about houses on Cedar on the other side of the street. Ms. Salustro said there are other types of houses across the street from the proposed home. Mr. Murray asked about the houses directly across the street from the proposed property as to their widths. Ms. Salustro said that Lot 6 is 100 feet wide Lot 7 is 100 feet and Lot 8 is 117 feet wide. 4 Lots near the corner of the block are 75 feet wide. He asked if only 4 lots on Cedar Road have frontage of 150 feet. She said yes. He asked if this house would produce an anomaly if built that sticks out. Ms. Salustro said no. He asked if all subdividable lots on Cedar road had another home built on them, if it would really result in the street scape of Cedar Road becoming so dismantled that it would become a substantial impairment to the Public good of this community. She said that the interior lots would have much effect, but the corner lots might. Ms. Salustro stated she had a letter that she wrote on behalf of Mrs. Davimos and that she would like to read it out loud on the record. Mr. Rusignola asked what the purpose of the letter would be, and Ms. Salustro stated that she wrote the letter for the Board basically explaining her approach to the construction of the house. Mr. Rusignola asked the content represented the intent and approach of the Applicant, and then was she unavailable? Mr. Murray said that the Applicant was present and would read the letter herself. The Applicant was shown the letter to make sure she was in agreement with the content of this letter. Mrs. Davimos said the letter represented her desires and Mr. Rusignola and Mr. Murray discussed their views on evidence as "hearsay" and it was decided to allow Mrs. Davimos to read the letter into the record. Mrs. Davimos read the letter into the record. It talked about sustainable design, energy efficiency, environmental design and safety. This letter was marked as Exhibit A-11. At this point, Chairman Speeney declared a two-minute in-place recess.

*At the point in the tape of 9:09 p.m., during the recess, the computer recording the digital tape, lost its power due to a brownout, we assume, during a thunder and lightning storm. We were not aware that the computer had gone down, until the meeting was completed. During this portion of the meeting, the Board Clerk having been recused from the application being heard, was in the back of the Chambers.*

After resuming the meeting, Mr. Addario asked the Architect what the square footage of the existing home on the property was. Ms. Salustro said 1700 sq. feet. Public questions were taken at this point. Bill Funcheon, of 54 Cedar Road came to the microphone and said that the proposed home to be built would be larger than all but one home on the block, and that most homes on Cedar Road were built before the current zoning requirements were instituted. Colleen Spring, of 44 Cedar Road came to the microphone and questioned Mrs. Salustro about zoning requirements and this plan not conforming to the Master Plan. Mr. Murray said that this house could be reduced in size, and still maintain the same look. Mr. Mobus said that he thought that during Mrs. Salustro's testimony, she spoke to some things that were not architecture. Mr. Rusignola asked if the Applicant was willing to include the specifications regarding the construction of the home that were contained in the letter that was just read into the record as part of the stipulations in a resolution for the subdivision if the subdivision was approved and the answer was "yes".

Mr. Leland Titus, of Titus Surveying was sworn in and determined by Mr. Rusignola to be an expert witness. Mr. Titus showed the plan for the subdivision and explained that the property slopes away from Valley View School Property, and said that the storm water runoff would be designed to go into a drywell which he designed for the new proposed lot, as well as gutters and drains directing water toward the drywell and the street. Mr. Titus said even with the plan to remove the existing swimming pool from the lot with the existing home on it, there would be no more runoff than there is now, with the way the drywell system is designed. He said that for the new lot, there is Public Sewer and Public Water available, as well as Cable, and Gas. He said a variance would be required for minimum lot size. The new lot would be 11, 250 sq. ft. and required lot size is 15,000 sq. ft. Mr. Titus stated that there is no variance needed for lot width. They would however, need a variance for one side for lot 5.01 Charlie Neiss, of 71 Dogwood Lane asked with the removal of the existing swimming pool, which way the ground would then slope. Mr. Titus said in a Southerly direction toward Stirling Road.

Mark Healy took the microphone and was sworn in by Mr. Rusignola. He is the Watchung Borough Planning Board's planning professional from Heyer and Gruel Associates. He stated that impervious surface lot coverage is not only related to storm water drainage issues, but also is in place for *community character* reasons. Impervious surface lot coverage and building coverage requirements in a community like Watchung help maintain the open suburban character. He stated that based on information in the application packet, he identified and estimated that the existing impervious surface lot coverage on the existing 150-foot wide lot is 23.75% (including the pool that exists), the proposed impervious coverage without the pool at 31.65% (both proposed lots combined). This is in excess of the 30% maximum permitted. Mr. Healy made the recommendation that if the Board was inclined to approve the Application, they may

wish to impose a condition that limits total impervious surface coverage of both lots combined that does not exceed 30%. This would mean limiting the impervious surface coverage of proposed lot 5.02 to 22% impervious coverage. (This would balance out the 37.8% proposed on lot 5.01.

Mr. Healy went on to recommend that if the Board was inclined to approve the Application they may wish to consider limiting the size of the house on lot 5.02 to the same size existing on other substandard lots on the block. The rationale for that would be if the Applicant proves to the Board's satisfaction that if smaller lots are characteristic of the neighborhood, then it would be reasonable to restrict the size of the house in a manner that is consistent with other home sizes on smaller lots. Mr. Healy then went on to summarize the points he made in his memo to the Planning Board dated May 10<sup>th</sup>, 2006.

Chairman Speeney called time on this meeting at approximately 11:00 p.m., and asked for a vote of the Board to continue this application until the August 15<sup>th</sup>, 2006 meeting. The Board voted in agreement to carry Application PB06-04 until August 15<sup>th</sup>, 2006

Chairman Speeney listed the vouchers and the vouchers were approved for payment on the motion of Mr. Ellis, seconded by Mr. Havas, and approved by a call of the roll.

The meeting was adjourned about 11:15 at the call of the Chair, until the next meeting of June 20<sup>th</sup>, 2006.

Respectfully Submitted,

Carolyn Taylor  
Planning Board Clerk