

**Planning Board Meeting
Borough of Watchung
June 20th, 2006
Minutes**

Chairman Speeney called the meeting to order at 7:34 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, Haveson, Page, Addario, Pennett, Ellis, Schaefer and Spratford. Also, present were Board Engineer Tom Herits and Board Attorney Bob Rusignola. Mr. Mobus arrived at 7:15 p.m.

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 May 16, 2006 meeting as published. Mr. Havas made that motion seconded by Mrs. Pennett. There was no discussion, and it was approved on a voice vote. Mr. Page did not vote. Chairman Speeney explained that the process of the meeting will be to read the resolutions of the three applications that were heard last month. There are three continued applications: Prestige Homes, Pasquale Grande, and Cingular Wireless. He stated that there were three new applications on the agenda, but that only two will be heard, Raymour & Flanigan and then Shelley Davimos. They are listed in that order because Raymour & Flanigan is expected to be expedited quickly. Mr. Rusignola stated that he received a call from Mr. Quinn, Attorney for Cingular Wireless as well as a letter to the Planning Board, stating that lowering the noise level from the fans on the Cingular tower project proved to be more complicated than originally anticipated, therefore they have asked to be continued until next month, while they proceed to meet conditions agreed to. Mr. Ellis made a motion to continue this application with a second by Mr. Havas. There was no discussion and it was approved on a voice vote.

Havas called:

**PB06-09 Raymour Furniture Company
1620 US Route 22 Block 61.01 Lot 4
Minor Site Plan & Sign Variances**

E. Neal Zimmerman, from Waters, McPherson, McNeill was the Attorney for the Applicant. He stated that one of the three owners Neil Goldberg was present. He

stated that they were there for the reclading of the building, and that they are seeking three sign variances. He stated that they have read Mr. Herits report, and agreed to all conditions that Mr. Herits listed. Mr. Zimmerman called James Knittel an architect, not registered in New Jersey, but said that he did not need to testify as an expert witness. Mr. Knittel is the Director of Design for Raymour & Flanigan. He presented exhibit A-1 which showed elevations of the proposed plan. It was dated 05/22/06. He said they are proposing to reclad the existing building. He showed the materials proposed. Mr. Haveson had a question about the existing material used on the face of the building presently, and was concerned that it was not fireproof. Mr. Knittel stated that the material has a class rating that every Fire Dept. in the country accepts, and that it is not combustible. Chairman Speeney brought the discussion back to the elevation. Mr. Zimmerman pointed out that there was a significant amount of glass frontage being installed, and that the present tenants would eventually evacuate the two end stores when the leases expire. Chairman Speeney asked about the fact that the north side of the building did not have exit doors, and Mr. Knittel responded that they had the required number of doors for code.

Mr. Boyd asked about the requirement of travel distance from any area in the store, to an exit door. Mr. Knittel stated that they meet all requirements in that area. Mr. Mobus expressed the notion that the Fire Dept. will do a check of the plan and that they must comply with any requirements as far as exits and egress to meet all Fire Safety regulations. Mayor Ellis noted that the building was raised somewhat over the main entrance. Mr. Knittel said that the building over the main entrance was raised approximately 4 feet. Chairman Speeney was pleased with the proposed look of the building. The Sign issue was addressed next. Three signs will be more than 100 sq. feet, therefore needing variances. Chairman Speeney asked for a condition that there would be no signs in the windows of the store. Mr. Zimmerman agreed to that condition. Also they stated that there would be no construction trailers because they were doing inside construction and did not need them. Mr. Ellis had an issue with the fact that temporary signage comes before the Planning Board. Chairman Speeney said that the Planning Board could hear this issue in this case. Mr. Zimmerman said that it would be a "Coming Soon-Raymour and Flanigan" sign. Mr. Boyd had a concern about some fencing that needed to be repaired, and that there appeared to be two silted drain pipes, coming from the Sears property, and that something needed to be done about that, and Mr. Zimmerman agreed to address those issues. Lighting was discussed, Mr. Herits said that he wanted them all repaired, and Mr. Haveson said that they would like a test of the lights one day. Mr. Page questioned the type of wall-mounted signs. Mr. Neil Goldberg, one of the three owners of Raymour and Flanigan wanted to address the Board, and was sworn in By Mr. Rusignola. Mr. Goldberg said they are individually channeled white letters, backlit. He said that the appearance of the building is paramount to his company. Mr. Goldberg said the proposed signs are far less than exist today, both in size and lumens. Mr.

Goldberg said that if they do not renew the lease of the tenants when up, as is their intention, they would like to finish the same theme with the rest of the building. He also said that they want to keep all the parking in the front of the building. Deliveries were discussed and Mr. Rusignola asked about deliveries from the site. Mr. Goldberg said that other than floor samples normal deliveries would be from their warehouse in another town. He stated that incoming and outgoing deliveries that did happen from the store would be in the morning. He was questioned about the existing square footage of total signage. He did not know. Mr. Zimmerman called Rob Streker, employed by Bohler Engineering as a Project Engineer to testify to the variances. Mr. Rusignola recognized him as an expert and swore him in. Mr. Streker said there was a total of three proposed signs. He stated that it benefits the Borough putting up the proposed sign, the sign could be safely recognized and customers would be able to safely exit the highway. He said it also reduced the clutter of many smaller signs. He believed that the benefits would outweigh the detriments. He said that the zoning ordinance was based on 100,000 square foot lot, and this site is two ½ times that size. Mr. Streker said there were also “Sealy Sleep Center” signs, and a sign that would fit into the preexisting frame. It was made a condition of approval that when tenants vacate the premises that their existing signs would be removed. Chairman Speeney asked what the timetable is for opening business. Mr. Goldberg answered that they would work, as soon as possible after the granting of the application. Chairman Speeney then asked the Board, if they would be willing to grant the approval for this application on this night, and memorialize it next month. Mr. Goldberg expressed his appreciation. Chair sought a motion to approve this application PB06-09 withstanding all conditions set this night. Mr. Haveson made the motion to approve and Councilman Mobus seconded it. After the roll call vote, the motion was approved with all conditions set forth and agreed to by the applicant. Mr. Haveson asked if a letter could be provided to the fire Marshall showing the building material used on the face of the building, showing it’s safety rating.

Havas called:

PB06-02 Prestige Mountain Homes, LLC
909 Johnston Drive
Block 69.06 Lot 3
Minor Subdivision

Ms. Schaefer had to recuse herself from this application due to the fact that she owns within 200 feet. Mr. Addario recused himself because of a prior situation he had involving the applicant. Mr. Santore was present representing the applicant. Chairman Speeney requested the resolution be read minus the factual summary of the application and will become a basis for discussion.

Havas read: **PB06-R8 Resolution for
Prestige Mountain Homes, LLC
909 Johnston Drive
Block 69.06 Lot 3
Minor Subdivision**

Chairman Speeney recognized the reading of the Resolution as a motion to approve and was seconded by Alan Haveson. Mr. Santore changed Block number 69.09 and said it should be 69.06 and name of Engineer should be William Hollows. Mr. Santore said his biggest concern is the sewer capacity. He asked what sort of extension he can seek, or what type of burden should be addressed. Mr. Rusignola said a minor subdivision does not allow for an extension. He can apply for an extension commensurate with the period that outside approvals for which you had no control deleteriously affected your application. He can then come before the board and apply for an extension. Mr. Rusignola asked if there was currently a house on one of these lots. Mr. Santore said yes. Mr. Rusignola said that an additional condition that the existing house will not be demolished until the perfection of the application. Chairman Speeney had Mr. Havas accept the modification into the resolution. Mr. Santore asked about deed restrictions for impervious coverage, and Mr. Rusignola stated that said restriction would be specifically in accordance with the ordinance. A roll call was taken and the motion was carried. Mr. Rusignola said he would make the changes and fax it over to Mr. Santore.

Havas called:

**PB06-R8 Resolution for
PB06-09 Pasquale Grande
92 Stirling Road
Block 40.01 Lot 5**

Mr. Breitman, Attorney for the Applicant was not present at the meeting, and it was agreed to continue this to the next meeting with no objections.

Havas called:

**PB06-04 Shelley Davimos
47 Cedar Road
Block 33.01 Lot 5
Minor subdivision & Variances**

Mr. Joseph Murray, Attorney for the Applicant was present. He said the Engineer, Lee Titus, was not present. Chairman Speeney said that there was one potential recusal. He said the Planning Board Clerk, who was within 200' should recuse herself for the purpose of appearance. Mr. Rusignola said that since she is within 200' and would recuse herself and take the minutes from the tape. Mr. Murray called the first witness, Mrs. Shelley Davimos. Chairman Speeney explained that the public who were present for this application, would be given the opportunity to ask questions. Mr. Murray stated that this application was a minor subdivision for an existing lot with 150' frontage on Cedar Road. The present lot has a depth of 150 ft. and a total of 22,500 sq. feet. The lot is in a zoned district, which requires a minimum lot size of 15,000 sq. feet. The lot is proposed to be cut in half, with each lot size becoming lot 5 .01 & 5.02, each having 11,250 sq ft. Each of the proposed lots would have 75ft. frontage on Cedar Road, and would be compliant with the zoning code for this district. The minimum lot sq. footage area would be deficient in 11,250 sq. footage vs. 15,000. Front yard required setback is 35 feet. There is an existing structure on proposed lot 5.01, which is 29.9 feet setback from Cedar Road, which is a preexisting condition. The side yard setback on proposed lot 5.01 is 7.8 feet at one position at and 7.9 at another point .The required side yard setback is 8 feet. With respect to proposed lot 5.02 the setback would comply with the zoning requirement. There is an existing in ground swimming pool, which is proposed to be removed. We propose to cut the lot in half. Also, with respect to the existing Pine tree, which is right on the division line of these two lots. It is going to be removed, as it is not in good condition. We have received the Planning Report and the Engineering Report. The Engineering report related to our first submission, which did not have the dimensions that we now have before us. There is a building coverage requirement of 20%. The proposed lot 5.01, which is the current lot that the Davimos home is located on, has a building coverage of 10.4%. The concept of our client would be to build a home on the proposed 5.02 lot, which would be consistent in size, probably 2600 sq. feet, which would not exceed the building lot coverage of 20%. Total impervious coverage is limited to 30%. By nature of the existing driveway, the impervious coverage would be 37.8%. Variance relief is needed for that. Impervious coverage on proposed lot 5.02 would be less than 30%. The building height would be less than 35 feet. We have received the Planning Report, which will be the subject of our Planner, Mr. David Zimmerman. Both lots will front on Cedar, and both lots will have driveway access to Cedar. The backyards of these two proposed lots abut the Board of Education property. There are public sewers and public water. The update of the plan was May 11, 2006 revision date. Mrs Davimos was sworn in and came to the stand. She is the owner of the property since 1987. The swimming pool was stated to be removed. The hot tub on the existing home property will be removed if need be. The pine tree was said to be in bad condition. Mrs. Davimos said the tree needs to be removed as per advice of Tree Services. She said the tree is approximately 40 feet high. It is a Pine, and the

girth is about 15 feet. There is a framed shed at the rear of the proposed lot 5.02, and it is proposed to be removed. The post and board fence will also be removed. The fence is located about 6 or seven feet from the fence of Valley View School. The lot containing the existing home was there when the property was purchased. She said the garage was a preexisting condition. That garage is located 2.8 feet from the property line. She said the school structure behind the lots is approximately 60 feet from her property line. The proposed house to construct is approximately 2600 square feet, but the plans originally submitted showed about 3000 sq. feet. Exhibit A-1 was submitted prepared by Titus Engineering Block 33.01 Lot 5 Oct 7, 2005 revised May 11, 2006 consisting of 5 Sheets. A-2 was also submitted. Replication of existing Tax Sheet from the Borough Tax Dept. Sheet 10 of an assessment Map revised 2000 with the date covered. This was exhibit A-1 a house across the street from Valley View School, was discussed on Valley View and Hill Place. She did not know when the subdivision was granted. Mr. Addario wanted information on the lot in question. Chairman Speeney said it was approximately 25 years ago and it was a circumstance where the people were grand fathered in that case. Mrs. Davimos said her intention if approved, would be to move into the proposed constructed house. Chairman Speeney asked the public if they had any questions of Mrs. Davimos. Maureen Hemsworth, of 75 Cedar Road came to the Mike. She is one of the double lots on Cedar Road. She said no one who has asked for a subdivision on Cedar Road has been granted one. She asked what was the point in pointing out lots in other neighborhoods, when it has nothing to do with Cedar Road. Mrs. Davimos said it showed that other lots were indeed granted. Rachel Function of 54 Cedar Road wondered about the plans brought this evening, why were they not the plans submitted. Mr. Murray said that he recommended the reason for the new plans of the smaller proposed house,, because the originally proposed house was too big. Charlie Neiss, member of the Board of Education asked how many bedrooms the proposed house would have. She answered three. Debra Whitley, of 37 Cedar Road, asked what the purpose of putting in another undersized lot was. Mrs. Davimos said she was very aware of keeping the proposed house consistent with the homes in the area. Rachel Function of 54 Cedar Road, wanted to know how a new house could be consistent with homes that were built in the 50's. Mr. Murray said the Planner would address that. Exhibit A-3, which showed the intended house, which Mrs. Davimos said, showed the "look" of the proposed home. Colleen Spring, of 44 Cedar Road asked how would dividing the lots making insufficient lot size keep with the look of the homes in the neighborhood. Mr. Rusignola said that this question was something to be addressed by the Planner. Mr. David Zimmerman Planner for the Applicant was sworn in. He is a self-employed Planner. He was recognized as an expert. Mr. Zimmerman said he familiarized himself with the property and the zoning ordinance of Watchung, and what he considered to be the relevant neighborhood. He had reviewed Mr. Titus; plans. Exhibit A-1 was sheet # 10 of the Borough Tax Assessment map. He prepared A-2, a blown up version

of Page 10 from the Borough Tax Assessment Map. He said he noticed from the Master Plan the character of the neighborhood. He looked at Cedar Road from Park Place down to Stirling Road. He said that on this map, lots colored yellow, did not conform to the 15,000 required lot area, in fact some have somewhat smaller lot width. The lot immediately next door had a 50-foot lot width. Exhibit A-3, dated 6/20/06 were Floor Plans of Proposed Home at 3,059.56 sq. ft. A-4 was a book on Curb Appeal from HGTV dated 6/20/06. He introduced a photograph of the neighborhood marked A-5 dated 6/20/06 view of subject property from Cedar Road. It showed Mrs. Davimos' current lot. A-6 showed Lots 2(74 X 150),3(60 X 150) & 4(65 X 150) of Block 33.01. Lots further up on Cedar, Lots 11,12 & 13 of Block 34.01 were also displayed on exhibit A-7. They are lots 75 ft. in width, by 150 ft. and have 11,250 sq. ft. Exhibit A-8 showed a view of 4, 75 ft frontage lots on Cedar and Valley View were also depicted in photographs.

Mr. Zimmerman said they are seeking a C-2 variance. The variance would advance the purposes of the MLUL in that they have an opportunity to create a vacant lot that would afford someone the opportunity to move into the Borough. He said it was an appropriate use of the property in this neighborhood. He said there was an appropriate use of adequate light air and open space. He said it does conform to the neighborhood scheme. He said he does not see any detriments. He said that in the reexamination of the Master Plan of 1995 it states that any development or redevelopment of vacant tract should be consistent with the density of current zoning. He said there are 3 lots that are 150 X 150. He referenced one on Cedar and Valley View. Chairman Speeney opened the floor to questions from the Board. Mr. Page asked what the purposes of minimum lot sizes and why does that exist. Mr. Zimmerman said that environmental, land use, and societal needs. Mr. Page also asked why another town that Mr. Zimmerman is aware of in Somerset County went to 10 acre zoning and the resultant answer included "open space" as one of the reasons. Mr. Mobus expressed concern that these houses are squeezed in between two houses, and that there are daily concerns from residents to the Council about how this was allowed to happen. Mr. Zimmerman said they made the effort to conform to the standards and he offered out that they grant the approval subject with site plan approval. Mr. Zimmerman said one of the reasons he showed the photographs from the neighborhood is that they are great homes and they are compatible. Mr. Addario said that there are new houses in town that are built up on small lots, with too many steps to go up into the home, looking out of place in those neighborhoods. Mr. Zimmerman reiterated that the reason he suggested approval subject to site plan approval was just that. Mrs. Schaefer asked about the average size of the other lots on Cedar. Mr. Zimmerman answered 20,000/24,000 sq. ft size. She asked what the average distance between the homes on Cedar. Mr. Zimmerman said it varies. Chairman Speeney said the garage is about 3 feet off the property line, which is a problem, and the subdivision alone intensifies the impervious coverage of the remaining lot

and is a problem. Mr. Zimmerman said the garage is a preexisting condition. Mr. Speeney asked how many houses in this district, and Mr. Zimmerman did not know the number. Mr. Rusignola asked if the Applicant is willing to accept the condition that if the application were approved, whether or not she would be willing to accept it with site plan approval. Mr. Zimmerman said yes. Questions for Mr. Zimmerman were opened up to the public. Victor Huljack of 123 Cedar Road asked how many variances they were requesting. Mr. Zimmerman said 5. He asked if there was a variance required for the driveway. Mr. Zimmerman said maybe. He asked if there would be anything done for the water due to the overage of impervious coverage. Mr. Zimmerman said that would be addressed by the Engineer. Mr. Speeney called time at 10:36 p.m. on this application, and said it would be continued at the July 18th regular meeting. No further notification is necessary. Mr. Murray agreed to a continuation through July 30th. Residents asked if they would have a chance to make comments, and the Chairman said that after an application presentation is heard, that is the time that is scheduled for comments from the public.

Chairman Speeney listed the vouchers and the vouchers were approved for payment on the motion of Mr. Havas and seconded by Mr. Boyd and approved on roll call vote. Mr. Mobus was not present at the roll call for the vouchers

Chairman Speeney listed the Capital Project for 2006. Chairman Speeney thanked Lauren Fellin for doing all the work compiling the Capital Project. The Board and Mr. Herits the Borough Engineer discussed some of the project for 2006 and explained them, and Chairman Speeney asked for a motion to approve the Capital Project Budget for 2006. Motion to accept was made by Mr. Mobus, and seconded by Mr. Boyd, and approved on Roll Call Vote. Chairman

Chairman Speeney called the meeting at 11:01 by a motion from Mr. Page and seconded by Mr. Ellis until the next meeting of July 18th, 2006.

Respectfully Submitted,

Carolyn Taylor
Planning Board Clerk

