

BOROUGH OF WATCHUNG
SPECIAL MEETING
JUNE 20TH, 2006
REVIEW OF OR:06/09
MINUTES

Chairman Speeney called the meeting to order at 7:07 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 N.J.S.A. 10:4-6 et seq.

Present at the call of the roll were: Speeney, Boyd, Havas, Haveson, Page, Addario Pennett, Schaefer, Spratford, and Ellis. Also present was Mr. Robert Rusignola, Planning Board Attorney, and Mr. Mark Healy, Borough Planner from Heyer and Gruel. Mr. Mobus arrived at 7:15

Chairman Speeney said that the first purpose of this meeting is to hold a public hearing on the ordinance OR:06/09. The second purpose of this meeting is to give advice to the Mayor and Council. Mr. Addario asked what brought this on, what are the problems with this ordinance and what was the Board trying to establish this night. Chairman Speeney responded that this Planning Board adopted new land use ordinances which had not been accepted yet by Mayor and Council, and they have been picking some proposed ordinances out piecemeal and adopting them. He said the current ordinances for corner lots needs additional dimensions for completeness. Mr. Healy brought this to our attention. Mark Healy, professional planner with Heyer and Gruel and Associates stepped to the mike and said that the bottom line is that the proposed ordinance was brought about because the Borough's current zoning ordinance doesn't address lot depth. Basically it addresses lot width, and lot area, but not lot depth. There is a missing dimension. The proposed land development ordinance, which the Board had recommended last year, had these requirements in it. He said Mr. Cronheim's report said that if passed, it will create a lot of non-conforming lots. He said there was a legitimate concern in this report. He came to a conclusion though that roughly only 3% of the lots in town would be non-conforming. Also, it would maintain the development pattern that currently exists in the Borough. The concern is now that it is the last remaining lots that are oddly shaped or have topography issues that will be affected. Mr. Healy showed a chart with lots marked in different colors showing

different zoning areas. He said it affects future subdivisions of property. Mr. Boyd asked even if it becomes an emotional issue, what is the downside of grandfathering these last remaining lots. Mr. Healy said he didn't see a downside because it doesn't affect what they can physically do on their property. Chairman Speeney deferred the issue of grandfathering to the Attorney. Mr. Rusignola said generally what they are concerned about in grandfathering is whether or not we will zone a lot inutility. Generally this doesn't happen. Since this doesn't affect health and safety issues, there is no need to grandfather those lots in. Mr. Rusignola said, what would happen in a practical sense is when a lot comes before us for a subdivision, site plan or some other form of development and there is a need for a variance and that variance relief is based on some preexisting condition, it not something that has been changed. Mr. Addario said, if I have a corner lot now, then I can build on it, but if I have a big parcel of land that I want to subdivide, then I have to meet the standards. Mr. Rusignola said if you have an undeveloped lot now, you still have to meet the standards of the ordinance. Mr. Rusignola said they are currently in the process of redeveloping the entire land use ordinance, and that they are hopeful that the Mayor and Council take action on that before the end of the year. Mr. Havas asked how does this proposed ordinance differ from the LDO. Mr. Healy said there is only one sentence that differs in a minor way from the proposed LDO. The definition of lot width, says it can be achieved through the front setback, The new sentence says the minimum lot width shall be maintained through the remainder of the lot to at least the minimum required rear yard setback. Mr. Havas asked Mr. Healy if he had any idea why this was taken out of the LDO. Mr. Healy responded that he thought it was a matter of timing since the LDO was still in development and could be conceivably done sometime in the fall or, as Mr. Rusignola said, hopefully by the end of the year. Chairman Speeney said that this one corner lot issue is significantly different from both the LDO and this proposed ordinance from the existing ordinances, so Mr. Healy raised a flag to us and we chose to accelerate this issue with the Council to resolve this ambiguity similar to the driveway ordinance. Mr. Havas said if we spent less time working individually and more time working for the LDL, we could get a lot accomplished. Mr. Healy said he is about 2/3 done with the LDL. Mr. Addario raised the questions written by the Board of Adjustment Chairman. Mr. Rusignola said it would be quite unusual to grandfather lots in. He said we are not changing the zone, just changing some setback requirements. Chairman Speeney said if they wrote in grandfathering in every single ordinance, they would have more text than imaginable. Mr. Healy said are we meeting the current pattern of development, and indeed they are in conformity with 97% of the lots in town. Dr. Lee Erenworth, from Canterbury Lane, said it would be reassuring if there would be grandfathering put in. He said if you were one of the 3% of the owners of the

non-conforming lots, it would be very important to you as an owner. Mr. Rusignola said the purpose of the ordinance is not to zone these properties inutility. That would be contrary to the Land Use Ordinance. We are not looking to take away anyone's land. Rich Traynor from Porzio, Bromberg and Newman stepped to the mike and said he thinks the Board is going in the right direction to what can be perceived as a loophole in the Land Use Ordinance. Chairman Speeney moved back to the Planning Board for additional comments and closed the public portion. Chairman Speeney said we are looking for a motion to draft a resolution recommending this ordinance to the Council, and Mrs. Pennett made that motion. Mr. Havas seconded the motion. Chairman Speeney thanked Mr. Healy for his work. A roll call vote was taken and it was voted unanimously to recommend this ordinance to the Mayor and Council. Chairman Speeney sought a motion to adjourn this special meeting, and Mr. Haveson made that motion, and it was seconded by Mr. Addario and approved on voice vote. The meeting was closed at 7:29

Respectfully Submitted,

Carolyn Taylor
Planning Board Clerk