

**Borough of Watchung
Planning Board Meeting
April 17th, 2007
Minutes**

Chairman Speeney called the meeting to order at 7:33p.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, Schaefer, and Spratford, Ellis and Pote. Also present were Board Attorney Robert Rusignola, Attorney Daniel Bernstein and Board Engineer Tom Herits.

Chairman Speeney indicated that there was a quorum to conduct business. A motion was made to waive the reading of and approve the minutes of March 20th, 2007 by Mr. Boyd, seconded by Mr. Havas, and approved unanimously on voice vote.

Chairman Speeney said that PB06-14 Sisto Realty which is on the agenda, is not prepared to continue at this meeting and has requested a continuance until the May 15th, 2007 meeting. The Chair sought a motion to carry this application until the May meeting, which was made by Mayor Ellis, seconded by Mr. Boyd. Chairman Speeney said that they are missing maps. The motion was carried by voice vote with everyone in favor of continuing PB06-14 until May 15th,2007.

Chairman Speeney put a motion on the floor to only read the conditions in the following PB06-R7 resolution and not the factual findings. Mayor Ellis made that motion. Mr. Rusignola said that since this is a resolution of denial, there are no “conditions” in the resolution, but only factual findings in support of the denial. Mr. Rusignola said that the factual findings begin on page 16 and that Mr. Havas could begin reading there.

Havas read:

PB06-R7 Resolution of Denial
PB06-05 K & R Valley, LLC
113 Valley Drive Block 65.02 Lot 14
Preliminary Major Subdivision & Variance(s)
Resolution of Denial

Chairman Speeney suggested that on the last page, be added that the Board asked for a roll call vote “*to approve*”, but that the application was denied as follows. The Chair said that this way when someone looks at the vote and sees the tally, it will correspond to the language that precedes it. The Chair said that for those who have voted to carry the resolution, they are the ones who vote for the memorialization. A yes vote will carry the resolution. Mr. Rusignola asked that the word *memorializing* be placed on the first page

above the resolution information. Mr. Murray asked for some clarity and a discussion ensued. Chairman Speeney asked the Clerk to call the roll of those who were eligible to vote to memorialize this resolution. The roll call vote was as follows:

Roll Call

Speeney [yes] Boyd [yes] Schaefer [yes] Ellis [yes]

Mr. Rusignola recused himself for the reading of the resolution on Majestic Homes, and Mr. Daniel Bernstein sat in once again as Board Attorney.

Havas read:

PB07-R8-Resolution of Denial
PB06-13 Majestic Homes IV, LLC
561 Valley Road Block 70.02 Lot 2
Minor Subdivision and Variances
Resolution of Memorialization

Chairman Speeney asked that the last sentence say *the foregoing is a true copy of denial resolution*. Mr. Bernstein said that on page six, he changed *200 feet* to *180 feet* and #13 on page 7, changing the wording *4 narrow undersized lots* to *4 narrow small lots*. Mr. Bernstein said that he would make the changes to the resolution.

Chairman Speeney sought a motion to approve resolution PB07-R8 as read into the record, edited and subsequently amended. Mr. Boyd made this motion seconded by Mrs. Schaefer.

Mr. Boyd asked about page 2, item #4 that talked about the location of the garage, *western* references to the garage should be changed to *eastern*. Reference to the driveway should be to the *east* as well.

Chairman Speeney asked the Board Clerk to call the roll.

Roll Call

Speeney [yes] Boyd [yes] Havas [yes] Schaefer [yes] Ellis [yes]

The motion was carried.

Chairman Speeney thanked Mr. Bernstein for his help with this application.

Havas read:

Continued Application
PB06-12 Pinnacle at Watchung
95 Wetumpka Lane Block 70.01 Lot 3
Minor Subdivision

Mrs. Carol Spratford once again recused herself from this application.

Present were Bruce Freeman, representing the Applicant, the Applicant, and W. Leland Titus, Applicant's engineer. Mr. Freeman came to the microphone. Mr. Freeman said that when last here on January 16th, the application was adjourned to address two issues,

one being the question of whether there was inappropriate soil movement on the property and whether or not it was the Applicant who was moving soil. The Applicant testified that he had not moved any soil. The second issue was to have a site meeting with some of the neighbors. On the soil movement issue, two letters were written to Mr. Rusignola with supporting documents confirming no inappropriate action with reference to soil movement took place on this property by his client. Mr. Dombrowsky, the former owner with full approvals and permits from the Borough, was responsible for any movement that took place. A *No Further Action* letter from the state was sent to Mr. Rusignola on January 18, 2007. On February 20th, another letter was sent to Mr. Rusignola attaching more data on an underground tank removal and connection to a sewer line. There was one other earlier land disturbance approval for a deck and a drywell.

Mr. Freeman said that a meeting took place on March 2nd with neighbors at the site with the Applicant, Mr. Titus, the wetlands expert Mr. Cooke, Mr. Herits, and some neighbors. All issues that had been raised on January 16th were addressed on this site visit. Mr. Freeman said that neighbors concerns must have been addressed satisfactorily since none of the neighbors attended this meeting. Mr. Freeman said that one neighbor who said that the Applicant's property was draining onto his property, was actually on a higher grade than the Applicant. Mr. Freeman said that they do not yet have the DEP regulatory approval, but would propose that to be a condition of the subdivision approval should the Board grant it. Mr. Freeman said that the Applicant is willing to contribute to the sidewalk fund.

The Chair thanked Mr. Freeman. The Chair asked Mr. Herits Board Engineer for his opinion of the outcome of the site visit. Mr. Herits said that there were 3 adjacent neighbors, one being Mr. Kurtz, who was at the January 16th meeting, and who originally called for the site visit. Mr. Kurtz was satisfied with results. Mr. Herits said that the two neighbors across the street were satisfied as well. Mr. Herits said that a regrading of the driveway to assure no water goes out onto Wetumka Lane was discussed. Mr. Herits said he sees no problem when they come in with Land Disturbance Permits. Mr. Herits said that Mr. Freeman's representation is true.

Chairman Speeney asked the Board for questions. Mr. Boyd asked about the outcome of the issue of the standing water that was brought up by a neighbor. Mr. Boyd asked if it was surface water or a spring that was bubbling up. Mr. Herits said it was surface water and that any proposed grading on this property should help eliminate that. Mr. Freeman said he rested. Chair asked for comments or questions from the Public. There were none. The Chair asked the Board to close the public portion of the application by signifying a yes voice vote. The Board unanimously voted by voice vote to close the public portion.

Chairman Speeney asked Mr. Freeman if there were any variances or waivers associated with this minor subdivision. Mr. Rusignola said there is one waiver for the sidewalk fund. Mr. Herits said there is a waiver for the sideline not being radial to the right of way line. Mr. Herits said that even though it is not, it fits in with the area. Mr. Titus came up to the microphone. He was still under oath. Mr. Titus said that even though this is the case, it is one straight line that does not gerrymander.

The Chair said to the Board this is a minor subdivision without variances and with two waivers and sought a motion to approve PB06-12 minor subdivision at 95 Wetumpka Lane, Block 70.01 Lot 3 with a condition of approval from the DEP. Mr. Havas made this motion, seconded by Mr. Boyd. There was no discussion and the Chair asked for a call of the roll to approve.

Roll Call

Speeney [Y] Boyd [Y] Havas [Y] Page [Y] Schaefer [Y] Ellis [Y] Pote [Y]

The motion carried and this action of the Board to approve will be memorialized at the next meeting. The Chair said that the Applicant does not have to attend for memorialization of the resolution.

The Chair asked for a motion to approve the vouchers as listed. Mayor Ellis made the motion, seconded by Councilman Pote, and approved unanimously by roll call vote.

Mr. Rusignola thanked the Board for all it's help and support over the years, and for the professionals he has worked with over the years the Board members, Engineers, Planners, and all involved and to the dismay of the Board, he announced his retirement from the Planning Board effective the end of May. He said it was time to spend more time with his family. Mr. Rusignola said he was very proud of the fact that in nearly 14 years as Board Attorney, there have been no reversals, countermands or criticized. Mr. Rusignola said he has been given countless comments about the conduct of the Board.

Chairman Speeney thanked Bob Rusignola for being there and the guidance that he has given and the support for the Board, being the cornerstone. Chairman Speeney noted the resolution for Watchung Square Mall and Mr. Rusignola's support throughout that application. Mayor Ellis agreed with and thanked Bob for his patience, and professionalism throughout the years, and thanked him for his service.

A discussion ensued about a redevelopment of the Connell property based on a memo from the Mayor.

Board Clerk announced the Emergency Services breakfast on May 5th at Wilson Memorial and asked for Volunteers.

Chairman Speeney asked for a motion to adjourn and it was made by Mayor Ellis and seconded by everyone. The meeting was called at 9:05p.m. until the next meeting of May 15th, 2007

Respectfully Submitted,

Carolyn Taylor
Planning Board Clerk