

**Borough of Watchung
Planning Board Meeting
May 15th, 2007
Minutes**

Chairman Speeney called the meeting to order at 7:38p.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, Havas, Haveson, Page, Addario, Spratford, Ellis and Pote. Also present were Board Attorney Robert Rusignola 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 April 17th, 2007 by Mr. Havas, seconded by Mayor Ellis, and approved unanimously on voice vote.

Havas called: IR07-01 Informal Review
Majestic Homes IV, LLC
561 Valley Road Block 70.02 Lot 2

Chris Daunno representing Majestic Homes approached the microphone. Mr. Rusignola said that he would not take part in this informal hearing due to the fact that he lives within 200' of the subject property. He said that the Board did not require legal counsel for the purposes of informal review. Mr. Daunno said that they have property that is just under 3 acres. He said the current ordinance permits 60,000 sq. feet per lot in that zone. He went on to say that if they were to make a submission for a 2-lot subdivision, they would be 2.5% short of required area. Mr. Daunno brought a sketch drawn by an engineer with the lot divided into two lots, with the undersized lot to the left, conforming more with the undersized lot next to it, and the larger lot to the right, conforming more with the property to the right that was larger. He asked the Board's opinion as to what they thought of his submitting this scenario in a new application that would be 2.5% short in lot area. Chairman Speeney asked if this was essentially the same application the Board had in front of it recently for this property. Mr. Daunno said the previous application called for keeping the existing house, creating 4 variances. Mr. Daunno said this proposal would demolish the house, allowing 2 lots that both met all setback requirements. Chairman Speeney said this is a similar application and is not sure how substantially different it is. Mr. Daunno said his engineer advised him this would be a substantially different application. Mr. Daunno said he was not sure if that was the case, but thought it was worth bringing before the board.

Mr. Havas said some of the comments from the neighbors were they had no assurances the new home would be in keeping with the character of the neighborhood. He asked if there would be any assurances that both new dwellings in this proposal would be in

keeping with the character of the neighborhood. Mr. Daunno said it was important to him to build houses that are in keeping with the neighborhood.

Alan Page gave his opinion, stating he does not agree with deviating from minimum lot size, and his recommendation was for the Applicant to get the additional land he needs, and then come back before the board. He said there was no way that he could vote for this proposal.

Mr. Daunno told the Board if it would help to have concepts of what a potential house would look like, he would be more than willing to do that. Mr. Haveson said that he thought that Mr. Daunno should try and work with the neighbors, talk with them about what his potential plan is, and try to obtain the extra land. Mr. Daunno said he had sat with the Zoning Officer and discussed this proposal.

Chairman Speeney said he has strong feelings regarding the issue of infill development Borough wide. Chairman Speeney he thought this application represents an infringement on area requirement, therefore falling into the category of infill. The Chairman said until Mr. Daunno obtains the proper area, he could not support this proposal. Mr. Havas said that he would be willing to consider a new application. Mr. Addario told Mr. Daunno he felt it was important to work with the people who live in this neighborhood. Mr. Daunno said he continues to have ongoing dialogue with the neighbors, and thanked the Board for their forthrightness and time. The Chair thanked Mr. Daunno for coming to an informal hearing.

SISTO REALTY

Havas Read: Resolution PB07-R9
Granting Approval of
Re: PB06-14 Sisto Realty Company
95 Stanie Brae Drive Block 11.02 Lots 9 & 10
Minor Subdivision & Variances

Chairman Speeney stated that having read PB07-R9 into the record and having waived the reading of the factual summary and reading only the factual findings and conditions, he sought a motion to approve. Mr. Pote made motion to approve, seconded by Mrs. Spratford. Chairman Speeney opened discussion from the board. Mr. Herits said on page 8 the word 'west' needed to be added at the bottom line after the words '23 seconds', and a comma inserted after the words 'lot 9' on the line above that. Chairman Speeney asked since this is technically a continued application, whether or not the applicant needed to be represented. Mr. Rusignola advised the board he spoke that afternoon with Mr. Joseph Murray, attorney for the applicant. He said Harbor Consultants no longer employed the engineer that was supposed to have drafted the revised plans the prior month. Mr. Rusignola said the Borough received the revised plans the day before this meeting. Mr. Herits reviewed the plans this very afternoon and at the request of the Chair, this matter was before the board. Mr. Rusignola went on to say that paragraph 6 and 7 were revised by Mr. Herits today based upon information he took from the new map, and Mr. Rusignola said he was satisfied that it is consistent with the revised map and said map is consistent with what the Board required. Mr. Rusignola said he

went chapter and verse through the resolution with Mr. Murray and together they added some wording that Mr. Murray felt clarified the obligations under this particular resolution. Mr. Rusignola said all attorneys and the Board Engineer reviewed the resolution, and all parties found everything satisfactory. Mr. Herits questioned whether or not there would be a contribution to the sidewalk fund. Mr. Rusignola said that issue was not addressed during the hearing, or in Mr. Herits' report, and therefore could not be part of this resolution. Chairman Speeney said he considered this application a lot line adjustment and didn't have a sense of urgency about the contribution to the sidewalk fund when the two lots already existed. Mr. Rusignola cautioned that if anyone had any second thoughts on this issue, then it should be tabled this evening due to the fact that it was not brought out during the course of the proceedings. The Board agreed it was a moot issue. There was no further discussion, and the Chair asked for a call of the roll to approve.

**Speeney [yes] Boyd [] Havas [yes] Haveson [yes] Page [yes] Addario [abstain]
Spratford [yes] Ellis [yes] Pote [yes]**

The motion was carried.

PINNACLE AT WATCHUNG

Havas Read: PB06-07-R12 Resolution of Memorialization
Granting Minor Subdivision Approval to
Pinnacle at Watchung LLC (PB06-12)
95 Wetumpka Lane Block 70.01 Lot 3

Chairman Speeney said that having had the resolution read into the record, the Chair accepted the reading as a motion to approve and sought a second. Mr. Haveson seconded the motion. Chairman Speeney opened the floor to discussion. Mr. Rusignola said he spoke with Bruce Freeman, attorney for the Applicant who made commentary on the draft of the resolution. Mr. Rusignola said Mr. Freeman's changes were ineffectual, meaning they did not affect the meaning of the resolution, so those changes were made. Mr. Freeman was satisfied with the resolution. Mr. Rusignola said that paragraph one of the conditions which appears on page eight has wording that infers that this is a 'lot line adjustment', when in fact it is not. Mr. Rusignola said that the words 'As a result of the lot line' be stricken. Secondly Mr. Rusignola said, condition number 8, which appears on page 9, refers to a 'minor site plan' submitted by Titus, when in fact it is a 'minor subdivision'. Mr. Rusignola asked that the word 'site' be stricken, and the word 'subdivision' be substituted. Mr. Rusignola asked the Clerk to attach the Borough Engineers report of November 20 to the resolution. Mr. Havas accepted the changes. The Clerk reminded the Chair that only one of the board members, who voted for the resolution, could make the second to memorialize the resolution. Mr. Haveson withdrew the second, and Mayor Ellis made it instead. The Clerk called the roll of those who were eligible.

Roll Call

Speeney [yes] Havas [yes] Page [yes] Ellis [yes] Pote [yes]

The resolution was carried and approved.

APPOINTMENT OF BOARD ATTORNEY

Havas Read: PB07-R11 Appointment of Planning Board Attorney

Francis P. Linnus

Effective June 1, 2007 through the remainder of the calendar year 2007

Chairman Speeney said that having read the resolution into the record, he accepted the reading as a motion to approve, and sought a second. Mayor Ellis seconded the motion. Chairman Speeney opened discussion from the Board. Chairman Speeney let the Board know that Mayor Ellis, Laureen Fellin and he spent over an hour with Mr. Linnus, and Chairman Speeney said his impression was that Mr. Linnus is steeped in land use law experience. Chairman Speeney said this position would give the Board at least six months to work with Mr. Linnus in an initial appointment. Mr. Havas asked if Mr. Linnus has ever appeared before this Board. Mayor Ellis and Chairman Speeney said they did not believe he has been before them. Chairman Speeney said Mr. Linnus has a prior commitment in June and therefore will not be at the June meeting, but instead will send one of his Associates. The Chair called for a roll call vote to approve this resolution.

Roll Call

Speeney [yes] Havas [yes] Haveson [yes] Page [yes Addario [yes]

Spratford [yes Ellis [yes] Pote [yes]

The resolution was carried.

PASQUALE GRANDE

Chairman Speeney said that PB06-03 Pasquale Grande had asked for a continuance until June 19th. At this point he said, it is up to the Board to grant that extension.

Mr. Rusignola said that the extension is a balancing act between the amount of time it takes for the applicant to obtain outside approvals, and the amount of time the applicant is granted by the MLUL. The MLUL grants 190 days in which to perfect the subdivision.

He said the applicant came after 190 days and said there were extenuating circumstances.

Mr. Rusignola said it is his opinion that the Board has been very very lenient with applicants when it comes to this issue. Mr. Rusignola said he felt that in this case you should make the applicant and the Attorney appear, and have some documentation in advance for review by the Board Attorney so he can make a presentation to you on June 19th as to whether or not this falls within the MLUL or it does not. A discussion ensued as to how long this case was going on. Mr. Rusignola suggested the Board ask for a letter from Mr. Mark Breitman, attorney for the applicant, setting forth the legal argument explaining the rationale for the additional extension to be received by the Planning Board no later than May 20th. The board can rule on the argument on June 19th.

ROBERT RUSIGNOLA RECOGNITION

Havas Read: PB07-R12 Recognition of Service of Board Attorney Robert Rusignola

Chairman Speeney said that having read that into the record, the Chair accepts the motion and asks for a second, which was made by Mr. Haveson. Chair opened discussion. Bob

Rusignola thanked the board for everything over the years. There was unanimous applause for Bob. Tony Addario added that he appreciated everything that Bob has done for the Board over the last 14 years. Chairman Speeney asked everyone who was in favor of this resolution to signify by saying aye. There was a resounding AYE from the entire Board, and the motion carried with heartfelt thanks.

The Chairman said there was a COAH meeting, which took place this month in the Borough, and there was a committee formed by the Mayor consisting of the Mayor, Dan Cronheim, Don Speeney, Laureen Fellin, Tom Herits, Albert Cruz and Tom Franklin. The Committee looked at sites in the Borough in terms of where the COAH housing could be located. They looked at the sites from two different perspectives. One was a planning perspective, where Mark Healy of Heyer and Gruel gave planning input. The other was the engineering review of these sites, which took into account environmental issues. There are 3 lots, which rose to the surface in terms of where to locate our COAH housing. The first is Watchung Ridge behind the current Assisted Living Facility. Access could be gained to the west of that building. Mr. Havas asked how many units are planned. The Mayor said approximately 30 or 31. He said that would satisfy the Borough's COAH requirements until the year 2015. He said this property is completely independent of the Ness property. The second property is behind BJ's. There are wetlands and might be slope issues. Looking at BJ's, it is to the left and up in an area that is now wooded. The third location is the Connell property on Valley Road. The Mayor said there would be about 5 or 6 rental properties included as well.

Chairman Speeney asked if there were any reports from any committee. The Board Clerk advised the Board that the site visit that was scheduled for Watchung Crest has been cancelled until escrow monies are paid to the engineering department.

Chairman Speeney entertained a motion to approve the vouchers. Mrs. Spratford made the motion to approve the vouchers, seconded by Mr. Havas. Chairman Speeney asked for a roll call vote.

**Speeney [yes] Havas [yes] Haveson [yes] Page [yes] Addario [yes]
Spratford [yes] Ellis [yes] Pote [yes]**

The vouchers were approved.

The Chair called the meeting at 9:21p.m. until the next meeting of June 19th, 2007

Respectfully Submitted,

Carolyn Taylor
Planning Board Clerk