

Planning Board Meeting

Borough of Watchung

September 18th, 2007

Minutes

Chairman Speeney called the meeting to order at 7:36 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 role were: Speeney, Boyd, Haveson, Addario, Schaefer, Spratford and Pote. Mayor Ellis arrived at 7:54PM. Also present were Borough Engineer Tom Herits and Board Attorney Frank Linnus. Chairman Speeney indicated that there was a quorum to conduct business.

A motion was made to waive the reading of and to approve the minutes of the August 21st, 2007 meeting by Mr. Haveson, seconded by Mr. Boyd and approved unanimously by voice vote.

Chairman Speeney read: factual findings of Resolution:

PB07-R14 Joan Standish

PB07-02 286 Old Somerset Road and 635 Valley Road

Block 7100 Lots 1.02 & 2.02

Minor Subdivision and Variance

The Chairman sought a motion to approve, which was made by Mr. Addario, seconded by Councilman Pote. There was no discussion, and the Chair asked for a roll call vote.

Roll Call

Speeney [yes] Boyd [yes] Haveson [yes] Schaefer [yes] Pote [yes]

The motion carried. Chairman Speeney thanked Ms. Standish for all her cooperation in supplying the appropriate documents. Due to the fact that Board Secretary Peter Havas was not present, as soon as he signs the resolution, Ms. Standish can obtain her copy.

Speeney read: PB07-03 Map Investment Co.

40 Stirling Road Block 40.01 Lot 1

The Mayor arrived as the application was called. Wendy Berger, Attorney for the applicant from Cole Schotz was present. Ms. Berger gave a synopsis of history of the prior application before the board for this matter. Ms. Berger stated that she was not the attorney in the preliminary approval. The applicant proposed 3-4 years ago that they wanted to expand the parking lot at the site. They applied before this board to do that, and the board determined that they wanted to bifurcate the application. The application was an amended final site plan approval to expand the parking lot with variances. This decision was embodied in Resolution PB04-13 from application PB03-08. The Board determined in order to expand the parking lot, they would need a waiver from Borough ordinance section 138.33F(2). That section requires a landscape buffer of 20 feet in depth when a property abuts a residential zone; unless you could show that the existing foliage or fencing provided sufficient screening. The Board determined that they wanted to make that initial determination as to whether that buffer could be granted. If the buffer could not be granted, clearly the parking lot could not be expanded. Ms. Berger said that her understanding of the first resolution was that the Board heard that part of the application, and did grant that buffer with certain conditions, which are embodied in the resolution. The applicant knows those conditions and knows they have to abide by them. Ms. Berger said there was an engineer present representing the applicant who was a specialist in constructing walls. Chairman Speeney said in the prior application, the board had asked that the applicant at that time get an agreement with the 4 abutting property owners to construct a fence at a certain spot on the property. Chairman Speeney said the existing fence is 5 ft. into the property of the existing residents. Ms. Berger said there is a new fence shown on the plans. The Chair said if the fence were put as close to the property line as possible, the residents would be gaining back 5 feet of their land. The Chair said this was probably the issue that tipped the board in granting the waiver. The Chair asked if that agreement was still in place, and Ms. Berger said the terms of the agreement were embodied in the new plan. Ms. Berger said no one from the notice has contacted her or the applicant. The Chair asked if there was anyone present from the public to address this application, and hands were raised. The Chair said he did not think that the board could conjoin in the private agreement between the applicant and the neighbors but could condition the approval with elements of that agreement.

Ms. Berger called the applicants engineer Leonard Savino of Langen Engineering & Environmental Services located in Elmwood Park New Jersey. He was sworn in and recognized as an expert in the field of engineering. He discussed pages from the site plans which he called #24.01(landscape plan), #20.01(site plan)#23.01(soil erosion and sediment plan), #21.01(grading and drainage plan) which was the landscape plan dated 3/16/07. #24.02(landscape details)#26.01(plan view and elevation view of the retaining walls)#26.02(elevations and sections of the retaining wall)#26.03(details of the retaining wall)#28.01(site details).Ms. Berger asked about a storm water management report. Mr. Savino said a storm water report was submitted. Mr. Savino said currently there are 101 parking spaces on the site. They do not satisfy the current requirements of the zoning ordinance. Professional offices require 1 space for every 250 sq. ft. With that calculation

125 spaces would be required. Mr. Savino stated this building encompasses more than just professional offices, including medical offices and a variety of other offices and more spaces are needed. Mr. Savino said 29 additional spaces are proposed bringing the total to 130. Mr. Savino said to the north side of the site the existing parking is an aisle and head on parking. The proposal is to widen that so that it is double loaded parking in either direction, maintaining a 24-foot aisle. The slope would have to be cut into and a retaining wall built to allow for the double loaded parking. To accommodate the grade for the parking area, a triangular portion of soil would have to be removed by cutting on the north side about 3 feet on the west end of the wall, to about 7 foot on the east end of the wall, so the wall height will be ranging from about 3 feet to 7 feet along the north edge. The plan for the retaining wall is shown on sheet 26.01 & 26.02. Mr. Savino explained the soldier pile and lagging wall proposed would not impact into the adjacent property. He said that the wall was similar to one you would see as a noise barrier on the side of the highway, composed of pre-cast concrete and H-beams. Mr. Savino said only several inches behind the wall would be disturbed. Mr. Savino introduced photographs marked A-1(a completed soldier pile lagging wall), A-2(2 pages with 4 photos illustrating the actual construction of a wall of this type.. a geotechnical examination was done to determine soil type and depth of rock.. Ms. Berger asked Mr. Savino to describe the plan for the proposed fence. Mr. Savino said that page 20.01 showed the fence. He said it was a 6-foot high board on board fence, minimum 6 inches inside the property line. He said it was approximately 2 feet 6 inches between the retaining wall and the property line. Currently, the fence that exists is on the abutting residents property. Mr. Savino said the applicant is willing to remove the existing fence from the neighbors' property during the course of this construction. Chairman Speeney said the issue of that fence is an agreement between the applicant and the property owners that has already been agreed to from the prior resolution. The Chair said if you include that work it would be made a condition of approval. Ms. Berger agreed to that on behalf of her client. Ms. Berger asked Mr. Savino to discuss the drainage plans. Mr. Savino said since the impervious area is increasing, to accommodate that they are proposing a storm detention system subsurface that is shown on sheet 21.01. 3 rows of 80 linear feet 36 inch HDPE to reduce the precondition to the post condition in accordance with NJ storm water management rules. Ms. Berger asked about the existing light poles and what would happen to them. Mr. Savino said that on 20.01 the slope had some trees with some light posts and to accommodate the new parking, those poles will be relocated into locations that are not in the way, and where they will continue to illuminate the parking lot. No new lights will be needed. Mr. Savino said they are proposing two handicapped parking spaces right near the northern entrance.

Mr. Boyd asked what has changed since the last resolution. Ms. Berger said there was no final site plan approval because the actual design of the parking area was not approved. The buffer and the distance of it and the distance from residential properties, which required a variance was part of that approval, but the actual drainage system, the design of the wall structural elements, were not part of that approval and that is why it was bifurcated.

Ms. Berger asked Mr. Savino to go over the letter from Borough Engineer Tom Herits of Maser Consulting dated September 17th, 2007. Mr. Savino went over the report, item by item. Number 6 which required a loading and unloading berth was a challenge,

but they have figured out a plan and presented a sketch marked A-3 which showed a loading area in an originally proposed landscaped area, able to accommodate an 8-foot width approximately 31 feet in length. He said if they had to go to a 10-foot width, it would be approximately 25 feet. He said that with this proposed plan, the impervious coverage would still be within requirements. Ms. Berger said that they could not comply with length requirements of Borough ordinance, which is approximately 40 feet.

Ms. Berger said that they applied to Somerset County Planning Board, and have not heard back as of yet. Ms. Berger said that she understands that application to the Soil Conservation District might be required, and she said that the Borough Fire Official had no objection to the application but that fire trucks must be able to get in and out and pose no obstructions to fire connections. Chairman Speeney asked about the standpipes. Mr. Savino said there is a siamese connection where the loading and unloading area is proposed. Chairman Speeney said that was an issue that must be looked at by the Fire Dept. Mr. Savino said that the Applicant has indicated that they will continue to work with the Fire Official.

Mr. Savino said that the landscaping plan showed the trees that would be required to be taken out to accommodate the new parking spaces. The plan proposes 14 shade trees be placed interspersed between existing trees. Those trees will be planted approximately 22-24 feet in height.

Mr. Boyd asked if there would be any need for blasting for the soldier piles. Mr. Savino said that they did not anticipate any need for blasting. Ms. Berger asked if whether the delivery area were made, that triangle of landscaping on the landscaping plan would be eliminated. Mr. Addario asked the Engineer approximately how long this construction would take. Mr. Savino answered approximately 4-6 weeks. He said the work could be done in segments, so that all of the parking is not disrupted at once. Mr. Addario suggested some employees could park across the street during construction. Mr. Pote asked why a deficiency in parking was ever allowed in the past. Ms. Berger said the zoning ordinance has changed since the building was originally built until now. Mr. Pote asked about the relocation of lights, and asked if the height would be changed, and if the lights would adversely affect the residents. Mr. Savino responded the poles are very short, approximately 10-12 feet. Mr. Pote asked about the strength of the retaining wall. Mr. Savino said the strength of the wall was such that it would be able to contain the soil. Mr. Pote asked about the fence. Mr. Savino said it was a six-foot high board on board fence. Mr. Haveson asked where the drainage system would go. Mr. Savino said it would go to the existing detention basin that exists on the southern side of the building. Mayor Ellis asked about the construction of the beams of the wall. Mr. Savino explained the construction process. Ms. Schaefer asked about the intrusion of the soil on the other side of the wall, and where the disturbance would be and on whose property. Mr. Savino said the disturbance and work would all be done on the applicant's side of the property line. He said ivy would be planted on the top of the wall. Chairman Speeney asked Borough engineer Tom Herits if he had any additional comments. Mr. Herits had nothing additional.

The Chair opened discussion to the public. Mr. David Ritchie of 15 Guinard Drive came to the microphone. Mr. Ritchie asked Mr. Savino about the height of the proposed fence after construction compared to the existing fence. Chairman Speeney

said the board previously approved the six-foot fence. Ms. Berger said that the ordinance has a maximum limit of 6 ½ feet. Mr. Savino said t the grade differential of about 2 feet from the top of the proposed wall to where the fence is now. Mr. Ritchie asked if the top of the proposed fence would be two feet lower than the present fence. Mr. Savino said that was correct. Mr. Ritchie asked if steel plating would be put behind the wall during construction. Mr. Savino said that sometimes the steel plating would be placed behind the wall in order to protect the workers, but that decision was up to the contractor. They discussed the lagging and how it was installed. Mr. Ritchie asked how thick the lagging was, and Mr. Savino answered about 5 inches. Mr. Ritchie made a statement and said this application was last on the agenda on June 29th, 2004. Mr. Ritchie said if that was the correct date, it was 1166 days ago. Mr. Speeney stated the date of the approval was August 17th of 2004, and they have 3 years, and the application came in on August 14th, 2007. Chairman Speeney said that the prior approval is still valid. Mr. Ritchie said since the time of the approval, some of the homes have been sold and the neighbors have changed. He said another resident was here, but had to leave due to the hour and young children. He also said another resident John McDonald wanted to be here, but his father had passed away that day and of course could not attend. Mr. Ritchie said parking has been an issue on this applicant's property throughout, and the neighbors were willing to go along with the loss of the buffer in exchange for the plantings. He said the neighbors were agreeable with the plan that had been laid out, which was supposed to have been completed including the plantings by the fall of 2004. Mr. Ritchie made the point that he is now three years closer to moving out of the Borough and has a great concern that if the mature trees at the bottom of the slope that now exists were removed, that his property would be exposed to this commercial property behind him. He said being three years closer to selling his property, he is no longer in favor of this application. He also said that the removal of soil and trees may have impact on the flow of underground water. Chairman Speeney said that the problem he has in general, is that the prior approval is still valid and because of that, what legal leverage or responsibility the board has in saying something completely different. The Chair asked that the applicant and the neighbors address concerns and square away any issues that you have. Chairman Speeney said that in the meantime, the board attorney would give advice on issues that Mr. Ritchie has brought up regarding changes in neighbors and conditions since the resolution. Ms. Berger agreed to sit down with the neighbors.

Victor Kaminski of 29 Guinard Drive came to the microphone. Mr. Kaminsky said that he has heard nothing from the applicant since the preliminary resolution was passed. He asked Mr. Savino if he has measured the existing fence, and Mr. Savino said no. Mr. Kaminski said it is a six-foot fence on a two-foot footing. He said that Mr. Savino told Mr. Ritchie that the new fence would be two feet less than the height it is now, which would make it a four-foot fence. Chairman Speeney said that he would like to postpone this application until next month, giving the applicant and neighbors time to work out the details. Mr. Kaminski said that there have been changes in his foundation. Chairman Speeney said there is a storm water report, and if that report doesn't address Mr. Kaminsky's issues, he will have to bring in someone to do that, but that is testimony, not questions. Mr. Haveson asked what Mr. Kaminsky's foundation issues has to do with this application. Chairman Speeney said that issues must be addressed with the Borough Engineer and the Borough Fire Official relative to access to the standpipes. Ms. Berger asked for the reports within two weeks so that they might incorporate any changes into

the plans. Chairman Speeney told Ms. Berger and the neighbors that it was their responsibility to set a time and place and meet to discuss the issues before this application. Chairman Speeney asked for an extension date from the Applicant through the 31st of October. The application will be heard again on October 16th, with no further notice necessary.

Chairman Speeney read: PB07-04 Mount Saint Mary's Academy
Block 64.02 Lots 4 & 5
1645 Route 22 West at Terrill Road
Watchung, New Jersey
Minor Site Plan

Joseph Murray, Attorney for the Applicant was present. Mr. Murray said he had various witness present to testify. Denise Matera (Athletic Director of the Academy), David A. Clark (Engineer for the Applicant), Sister Lisa Gambacorto, RSM, Ed.S (Director of the Academy), Darren Phil (Licensed Engineer), Richard Kennedy (Facilities Manager) and Sister McCauley from the Academy.

Mr. Murray suggested swearing in all witnesses at once, which was done by Attorney Frank Linnus.

Mr. Darren Phil came to the microphone. Mr. Phil is a Licensed Engineer working in conjunction with Mr. Clark from Suburban Consulting Engineers. Mr. Phil presented his qualifications and was recognized as an expert in the field of Engineering.

Mr. Phil presented documents previously submitted to the board, sheets 1 through 4 of the site plan for the temporary trailer dated 8/30/07. Sheet one provided the 200' list and keys. Existing improvements were shown on that sheet, and roadways, existing buildings and the proposed trailer. The trailer is located at the northeast corner of the property near the gymnasium. Photographs Mr. Phil presented were marked A1-A4. A-1 showed the side view of the gymnasium along with the trailer, which is parked in the location proposed. Mr. Phil said there is an exit door in the gymnasium facing the trailer. Exhibit A-2 showed the southern end of the proposed trailer, which illustrates the approximate limit of excavation that is needed to provide access into the trailer. A-3 shows the side of the trailer that illustrates where the two doors are for egress and ingress. This picture was taken when the trailer was delivered and was sitting in the parking lot. The last photo A-4 shows the excavation that was undertaken to provide a level area adjacent to the existing parking lot. Mr. Phil went back to sheet 2 of the plans, which showed the overall plan. Sheet 2 provides a larger scale to help illustrate existing features and topography. The proposed trailer is shown on sheet two. Mr. Murray asked Mr. Phil to describe the vegetation in the area of the trailer. Mr. Phil said there is a lawn between the existing gymnasium and the existing parking lot. To the north there is an upslope that heads toward the rear property line, which is heavily wooded. To the northeast across the existing parking there is also a heavily wooded area along the side property line. Mr. Murray asked Mr. Phil if the slope conditions were such that you can see any residential homes or structures off the site in that direction. Mr. Phil said no, there are dense deciduous trees and evergreen trees that are located from this location. The trailer is approximately 99 feet off the rear property line. The residential properties have relatively deep rear yards also which are fully wooded. Mr. Phil moved to the next sheet titled site plan, which was divided, into two view ports. To the right was the actual site layout plan

at 20 scale. On the left side was the grading and utility plan at 10 scale. The trailer is approximately 3 feet in the air and because of the location chosen; it does not need a maze of ramps for ADA access. Mr. Phil said you will be able to walk out of the door of the existing gymnasium onto an existing concrete slab and from there onto a sidewalk and have access to both doors of the trailer. Mr. Murray asked Mr. Phil to mark a "G" on the page of the plan denoting the location of the door from the gymnasium toward the trailer. Mr. Phil marked that page exhibit A-5 and explained the dimensions of the trailer are approximately 13.75'w X 50'l by 13h. The trailer is a metal-sided one with windows on both sides and are operable. Utilities, (electric, water, and sewer) are being brought in. Right in the front of the trailer, there is a sanitary sewer cleanout and proposed is a gravity four-inch sewer connection to the trailer. There is both water and electric in the corner of the gymnasium, and by following the same line as the sanitary sewer connection, they can come up with those utilities from underneath the trailer. Mr. Murray asked if the gymnasium was equipped with a fire alarm system. Mr. Phil did not know, and Mr. Richard Kennedy, the facilities manager answered no, there was no alarm system in the gymnasium. Mr. Murray asked if the other buildings on the site had alarm systems, and Mr. Kennedy answered yes. Mr. Murray said the Fire Department had suggested a fire alarm system connected from the gym's system. On sheet 4 of the plans, you find the dimensions of the trailer and inside layout. There are details for utilities and height of sidewalk proposed to be constructed over a 2.4' wall, which would come across and line up the top of the sidewalk with the doorway. Mr. Murray asked if there would be any exterior lighting for the trailer. Mr. Phil answered that there are two 100w lights next to each door, and there is a mounted light on the wall of the gymnasium, which shines down right onto the trailer and the parking lot, so there is no need for additional lighting. Mr. Murray asked Mr. Phil what the oval area was on the plans, and Mr. Phil said it was a track and field area. Chairman Speeney asked about the dark markings on the plans near the oval. Mr. Phil said it was a gravel area for overflow parking, and immediately above the seating area was a patio area, which was about 30' above the field with no announcer booth or superstructure. There is some security lighting there. A long discussion ensued about what Mount Saint Mary's went through with this site plan and zoning approval and the Borough. Mr. Murray asked Mr. Phil if he had anything in writing with from the zoning officer with regards to site plan. Mr. Phil said yes, and gave Mr. Murray a document dated January 19th, 2007 marked A-6 which said the Applicant should be advised that it is the Zoning Officer's decision after consultation with the Borough Engineer, that the Zoning Officer determined a site plan approval would not be needed for the above referenced project, based on plans by Suburban Consulting Engineers, Inc. in a letter dated January 3rd, 2007. Mr. Murray asked Mr. Phil about the report from the Township Engineer, which included details for the modular block retaining wall. It is a 3'8" wall in the corner and drops to nothing in about 10 feet, and the same for the other direction. Mr. Murray asked about impervious coverage. Mr. Phil said there would be an increase of 1,381 sq. ft. of new impervious coverage. They are proposing to remove 616 square feet so there would be a reduction. Mr. Murray asked Mr. Phil about Fire Alarm Systems. Mr. Murray asked Mr. Phil if you could install a fire alarm system in the trailer, since there was none in the gym. Mr. Phil said it was difficult, especially since they want them hard wired. He said there might be a system out there that is wireless, but he didn't know of one. He said if the system was brought in hard wired from the closest building that had one, it would have to be brought in from the main building, over 100 feet away. The gym was built in 1983. Mr. Murray had no

further questions. Chairman Speeney opened questions to the board. Mr. Haveson asked what “temporary” meant. Mr. Murray said this trailer was never meant to be permanent. They don’t see it being there more than a matter of years. He said they are seeking a time limit. Mr. Murray deferred to Sister Lisa. She said it was leased for three years. Mr. Boyd said you could use the telephone line, which could be connected to some sort of monitoring system. Chairman Speeney said there should be a system in the trailer which either reports directly to the party, or to a monitoring system. Mr. Murray said the applicant would work in conjunction with the Fire Dept. towards installing a system that would satisfy the department. Chairman Speeney said down by McCauley Hall there seem to be trailers. Mr. Phil said that yes, those were trailers. The Chairman said this was his concern about permanent and temporary, and the McCauley Schools trailers are obviously permanent. Mr. Murray said if they went passed the deadline of 3 years on the trailer, they would come back before the board for an extension. Chairman Speeney said that there seemed to be a lot of construction down by the tennis courts. Phil said there is an existing parking lot that was gravel located up the access drive. They had a lot of issues with people utilizing this parking lot and turning around. They curbed and paved it to restrict the flow of vehicles going in and out of there. Mr. Phil said there were some cuts along the existing tennis courts because they lowered some of the parking there. Mr. Haveson went back to the proposed trailer. Mr. Haveson questioned what happened to the mountain near the site, and the land disturbance in the area. Mr. Haveson said there was presently a temporary road that cut through the ingress and egress. Mr. Phil said there was debris in that area that was all cleaned up and that this area did not require a lot of topsoil due to the nature of the soil in the area. Mr. Phil said that when preparing the athletic facility, the dirt that was removed was brought to the disturbance area and restored some of the steep slopes. He said trees will be placed there and the temporary road will be removed. Mr. Haveson said t the area looked like it was excavated. Mr. Phil said what he was seeing was the debris that was taken away. Mr. Haveson said he was very disturbed that the application before them was for a temporary trailer and the approval for that, when what he was seeing in fact was the scope of work that has been done on this property that never came before the board. Mr. Phil said with regards to the athletic field, it was determined that this was exempt from site plan approval, but that the applicant went through 5 months of complying with storm water analysis, and structural and geo-technical analysis which is all part of the land disturbance issues. They also went through the Environmental Commission, satisfying all of their requirements. Mr. Phil said they spent 5 months working with Borough departments on all of this. Chairman Speeney said to Mr. Haveson that he thought that this was a situation where the applicant was doing what the Borough told him to do, and the issue at hand was this trailer, and not the entire property. Mr. Speeney said he felt the board should stick with the issue of the trailer, because the questions that the board has, are for a different venue, and not here. Mr. Haveson then asked if the scope of redevelopment of this property, was beyond the purview of this board. Chairman Speeney said that it has been ruled, and it was not a question of this applicant not operating under the guides that it was given. Mr. Addario said he agreed with what the Chairman is saying, but that this trailer is just minimal compared to what happened on this property. Chairman Speeney said he believed the applicant was here in good faith. Chairman Speeney said he felt Mr. Murray has taken the board through a good history of the property. Carol Spratford asked if this was a classroom trailer. Mr. Murray called Denise Materia, Athletic Director of the Academy to the microphone. She explained that Mount Saint Mary’s Academy is one of

the only schools in their conference without an athletic trainer. She explained the Athletic Trainer handles emergency on site care for both the schools student athletes, as well as visiting schools athletes. She stated the gymnasium was built in 1983, and it is completely used up by classes. She said the trailer can house the athletic trainer, and it will contain 2 taping stations, 2 tables for ice or heat, some equipment, and some administrative space. She added some weight training would also be done in this room. Chairman Speeney said to Mr. Murray that he has established a use for the trailer as well as a time frame of 3 years and there is an issue of fire protection, which Mr. Murray agreed to address. Chairman Speeney opened questions to the Board. Councilman Pote asked what plans are in place that would change this in 3 years. Sister Gambacorta said the lease for the trailer is for 3 years, and that they actually do have plans for the gymnasium to be expanded. Chairman Speeney opened questions to the public. Mary Ciccolella of 1010 Johnston Drive came to the microphone. The rear line of her property abuts Saint Mary's Academy. Ms. Ciccolella asked where the haul road runs, if it is on the north side of the property. Mr. Phil said no, that it was much more in the middle. Ms. Ciccolella said that she can see an orange construction fence from her property line. Mr. Phil said that they put one where there was a 2 or 3 foot cut where the trailer is parked and put an orange fence around the trailer. Ms. Ciccolella said she lived nowhere near the trailer. Mr. Phil said he thought she was talking about an orange fence, which was put near the last retaining wall that was constructed on the track project. Ms. Ciccolella said she wasn't sure that the orange fence was not on her property. Mr. Phil said they were about 70 feet away from her property line. She asked about the lights over the athletic field. Mr. Phil said the lights are about 50 or 60 feet below her, and that the trailer in question is about 1,000 feet away from Ms. Ciccolella's house. Chairman Speeney suggested to the Board that they actually vote on the application tonight and memorialize it at the October 16th, 2007 meeting. Mr. Murray asked if the Board was to vote on the application; and there would be a month's delay in memorializing it, could they implement the trailer between this evening and the adoption of the resolution. Mr. Phil asked if they could trench all the underground utilities and topsoil and seeded for stabilization before the winter. Chairman Speeney said that there would be about 4 conditions and if the board votes to approve, and somehow things don't work out in terms of meeting those conditions, then the Applicant is proceeding at their own risk. Chairman Speeney said that they have articulated the fire safety issue, the time frame, providing the structural detail for the modular block retaining wall. Chairman Speeney asked for a motion to approve this application with the conditions outlined. Mr. Boyd made a motion to approve with the conditions outlined, seconded by Mr. Haveson. Councilman Pote said he felt a little uncomfortable with the secretive nature of what it is being used for. He said the fact that they asked for two years, and then changed it to 3 years. He asked for an understanding of the plans to go forward to expand the gym. Chairman Speeney said at the end of 3 years, it would be a condition that the trailer goes. Mr. Haveson said based on an overall perception, he didn't know he could vote against this application, but that overall, he has a feeling something is not correct. Mr. Haveson said he would like one of the conditions to make is that any further development or further improvements that are made to this property for whatever they do, they would be required to come before this board. Mr. Murray said that they agree that whatever further improvements that necessitate site plan approval...Mr. Haveson said do not put the word necessitate in there, and said any plan what so ever, any improvements whatsoever, that are made to your property for whatever you would need approval for, you must come

before this Board. Mr. Murray said sometimes the word approval may include the replacement of a door. Mr. Haveson said maybe...whatever it is. Mr. Haveson said he doesn't trust the applicant anymore. Mr. Murray said that if that approval requires the applicant to appear before this board, then they must do that. Chairman Speeney said that he has a problem with the language in the law in that certain activities by the applicant don't come before the planning board. Chairman Speeney said he would like to see the Board go back to the property to view the trailer in one year to check on compliance. Mr. Murray asked Chairman Speeney if they would have notification before such a visit and Chairman Speeney said no. The Applicant agreed to a condition of a site committee visit within the year. Sister Gambacorta stood and said she would like to go on record as saying that they (the Applicant) came in good faith this evening to discuss the trailer, and they came many months ago to discuss the athletic field with others. She said they operated in good faith, and followed all the things they were told to follow. And now, Sister Gambacorta said they feel they are almost being accused of some sort of dishonest deception

that the applicant has created to sneak through a plan that will jeopardize the safety of the students and a complex that has lasted for almost 100 years. Sister Gambacorta said that is not their intent, it was never their intent, and that they have been wonderful citizens of this community and feel now as though the undertone is that they 'have pulled a fast one', and now cannot be trusted. Chairman Speeney apologized for the applicant getting involved in what was an "internal squabble." The Chair asked the board to grant approval for this application as submitted with the conditions as specified. The time frame, the Fire Dept. issue, the modular block issue, and the fact that the planning board site review committee has a year to review the trailer. Mr. Addario apologized to the applicants and said that he respected the Sisters of Mercy. Alan Haveson apologized if he came off disrespectfully, but that he felt that he was being asked to grant something that had already been done. Mayor Ellis said that he respected the Sisters of Mercy and what they continued to do for the students and that they were indeed caught up in an internal problem. The Chairman called for a roll call vote.

Roll Call

Speeney [yes] Boyd [yes] Haveson [yes] Addario [yes]

Schaefer [yes] Spratford [y] Ellis [yes] Pote [yes]

The motion carried and the application was approved. Chairman Speeney said that they will memorialize this next month and that the applicant would proceed at their own risk.

Chairman Speeney signed the voucher. Chairman Speeney brought up correspondence from Cingular Wireless. Mr. Linnus said he reviewed the Correspondence from Day Pitney re: the Board of Public Utilities and Cingular Wireless dated 09/07/07, requesting relief and modification from prior approval regarding landscaping. Board Engineer and Chairman Speeney discussed height and distance requirements in the new laws. Mr. Linnus said they are looking to install boxwood shrubs. After a discussion, Mr. Linnus said the burden is on the applicant, if they are asking for relief, they should present an alternative plan. The Board decided that they should appear before the board without any need for further notice. Mary Ciccolella came up to the microphone and made a lengthy statement on how much she was upset with the Saint Mary Academy improvements and noise in her neighborhood both from them and other neighbors. She

explained that she intended to call the police if construction begins before 7AM, as well as other complaints about the projects.

Chairman Speeney read: PB07-R15

Resolution to enter Executive Session

Re: Litigation (Fiorenza vs. the Borough of Watchung)

Personnel Issues

The meeting resumed and Chairman Speeney adjourned the meeting until the next meeting of the Planning Board on October 16th, 2007

Respectfully Submitted,

Carolyn Taylor
Planning Board Clerk