

**Borough of Watchung
Planning Board Meeting
January 15th, 2008
Minutes**

Chairman Speeney called the meeting to order at 7:32p.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, Addario, Pennett, Schaefer, Spratford and Pote. Mayor Ellis arrived at 7:46p.m. Also present were Board Attorney Frank Linnus, and Board Engineer Tom Herits.

Chairman Speeney asked for a motion to waive the reading of and approve the minutes for the meetings of December 11th, 2007 and January 8th, 2008. That motion was made by Mr. Havas, and seconded by Mr. Addario. Hearing no discussion the Chair asked for a voice vote approval. Everyone voted to approve with the following two exceptions; Mr. Haveson could not vote on the December 11th, 2007 meeting, and Councilman Pote could not vote on the meeting of January 8th, 2008.

The Chair said that Board Attorney Frank Linnus would swear in Borough Engineer Tom Herits for the 2008 year. Mr. Linnus gave Mr. Herits the oath.

Havas Read: PB07-06 Mount Saint Mary's Academy
1645 Rt. 22 West @ Terrill Rd.
Block 6.02 Lots 4 & 5
Preliminary and Final Site Plan

Mr. Jay Bohn of Schiller & Pittenger was present representing the Applicant, substituting for Mr. Joseph Murray, primary attorney for the Applicant. The Chair stated that there was a draft resolution PB08-R7 to be read. Chairman Speeney said that Mr. Murray and Mr. Linnus have conferred on this resolution and agreed on the text. Mr. Bohn agreed that both Attorneys have discussed the wording and agreed to the content. The Chair asked Mr. Havas to read the resolution into the record from the findings of fact. Having had the factual findings and conditions read into the record, the Chair accepted that as a motion to approve, and sought a second. Mr. Haveson seconded that motion. The Chair asked for discussion and Mr. Haveson said that in condition number nine, it stated that there would be no nighttime activities. The next sentence, he said, read, "in the event sports lighting is proposed, the applicant shall submit a site lighting plan for review." Mr. Haveson suggested that the wording be revised. Mrs. Schaefer suggested the wording be changed to "for review and approval." Mr. Linnus said that could be amended. The Chair said that in the event that the Applicant wants to have night activities at the field, then they must come back before the Board.

Mr. Haveson then brought up condition #7 regarding the loudspeakers being directed away from the homes to the northerly direction, and that they shall not be used after sunset. Mr. Haveson asked if sunset is the time that ends the use of that field at night. The Chair said it was the testimony of the Applicant that they would not be using the field after sunset. The Chair said that if that occurs, at this point, it is not allowed. Mr. Haveson said that he is uncomfortable because so many things have come in from this applicant after the fact. Mr. Addario interjected that he thought that the Board was nitpicking. Mr. Addario said that the Applicant has presented a plan that he agrees with at this point, although possibly some of the things should have been done in a more orderly manner. Mr. Addario said that he thought the Board should pass this application. Hearing no more discussion, the Chair stated that the motion would now include this one modification on condition number 9, adding the words "and approval" and amended this motion to accept with that stipulation, and Mr. Haveson amended his second to match that motion. The Chair said that he supported this application

and thought Mt. St. Mary's was a wonderful school. The Mayor commented that he had a marvelous experience attending the 100th anniversary of Mount Saint Mary's Academy. He said it was a fabulous celebration, and the tradition that this school has brought to our community through the past 100 years has been wonderful for our community.

The Chair asked the Clerk to call the roll. The roll call was as follows:

Roll Call

Speeney [yes] Boyd [yes] Havas [yes] Addario [yes]

Pennett [yes] Schaefer [yes] Spratford [yes]

Ellis [yes] Pote [yes]

The motion carried and the application was approved with the change of wording in condition #9.

Chairman Speeney explained the proper process of coming before the board for future reference.

Mr. Linnus informed Mr. Bohn that in the resolution it stated that Joseph Murray was the appearing Attorney for this evening, and decided to fix the resolution to show that Mr. Bohn was the appearing attorney at this meeting. Mr. Bohn thanked the Chair, and the Chair thanked the Attorney and the Applicant for their time and wished them luck with the field.

Havas read: Resolution PB08-R6, Service to the Board, Alan Page. Chairman Speeney said that having had the resolution read into the record, he accepted it as a motion to approve, and Alan Haveson seconded that motion. Chairman Speeney said that Alan Page has contributed significantly to the work of this Planning Board in the 8 years that he has been a member, and explained that Alan's service has been double duty. He explained that in the years that Alan has been on the Planning Board he has also been a member of the ordinance committee, which helped draft the LDO as we know it. Chairman Speeney said that they met monthly with the committee. Chairman Speeney said he believes that the kind of dedication and effort that Alan Page has demonstrated is worthy of this acknowledgement from the Board. There was a chorus of agreement from the Board. The Mayor explained that Alan is a

man of few words, but always dedicated and meaningful words, and the Mayor said that he wanted to add his thanks to Alan for everything he has done throughout the development of Watchung Square Mall, putting in so much of his time. Mayor Ellis said it is appropriate that this resolution be passed. The Mayor said that we will all miss him. Mayor Ellis said that he wants it clear though, that he DID hold out for a future possible special project, and Mr. Page has agreed. The Chair asked the Clerk to call a roll call vote. The roll call was as follows;

Roll Call

Speeney [yes] Boyd [yes] Havas [yes] Addario [yes]

Pennett [yes] Schaefer [yes] Spratford [yes]

Ellis [yes] Pote [yes]

The motion carried and the resolution was approved.

The Chair asked if there were any committee reports. Mr. Havas reported that the finance committee has met, and made up the budget for the 2008-year, and that the finance committee reports that the budget comes in about \$5,400.00 less than the prior year. The Chair thanked the finance committee for their work, which comprised of Mr. Peter Havas, Mrs. Carol Spratford, and Mrs. Carolyn Taylor.

Chairman Speeney asked Mr. Herits if the Stonitsch application was going to come before this board. Mr. Herits reported that a letter has been requested from Mr. Stonitsch's attorney to advise as to what the use will be, before he can deem it complete, in order to make sure it comes before the correct board. Mr. Linnus said that the question is one of use. He stated that the applicant had a pre-application meeting with the zoning officer, and did not provide the zoning officer with sufficient information. The Zoning Officer determined, based on the information that he had at the time, that it was a permitted use. Subsequent to that initial determination, the attorney for the applicant filed the application with the Board of Adjustment, again, not clarifying what the proposed use of the addition would be. At that point, Mr. Herits, during the completion review period, which is 45 days, notified the attorney for the

applicant asking a simple question, what is the proposed use of the addition. Mr. Linnus said that he did not think Mr. Herits has yet received an answer. Mr. Herits said that he has not yet received a response. Summing up, Mr. Linnus said that if the use is not permitted, then this board does not have jurisdiction. He said that if the use is permitted by the zoning ordinance, then this is the board that will hear the application.

The Chair said that there is a February 4th meeting for Planning Board Chairs in Somerville, and encouraged the Board members to attend. The Chair said that the item on the agenda that would be most important were the COAH obligation issues.

The Chair asked if there were any other issues. Mr. Linnus prefaced his next comment with the fact that the board did not have to enter into executive session in order for him to give this short report. Mr. Linnus said that regarding the Fiorenza litigation, he has learned from the attorney for the Applicant, Mr. Triarsi, that his client received a verbal approval of their soil conservation plan, and if it is translated into a written approval, they will probably be requesting an appearance at the March 18th meeting.

Mr. Addario asked what was going on at Rt. 22 and Gray Street. Mr. Herits said that two buildings were demolished in preparation to build one new building for a jewelry store. The Board of Adjustment had granted site plan approval after the Planning Board did the final subdivision approval. Questions arose about why the Bd. Of Adjustment received that application from Mr. Bennett.

Seeing no more new business, the Chair adjourned the meeting at 8:32PM until the next meeting of February 19th, 2008.

Respectfully Submitted,

Carolyn Taylor

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Planning Board Clerk