

**Borough of Watchung
Planning Board Meeting
March 18th, 2008
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 [X] Boyd [X] Havas [X] Haveson [X] Addario [X]

Pennett [X] Schaefer [A] Spratford [A] Ellis [X] Pote [X]

Also present were Board Attorney Frank Linnus, and Board Engineer Tom Herits.

Chairman Speeney said that there was a quorum present to conduct business, and he asked for a motion to waive the reading of and approve the minutes for the meeting of February 19th, 2008, and the executive session minutes of February 19th, 2008. Mr. Haveson, seconded by Mr. Boyd, made that motion. Hearing no discussion, the Chair asked for a voice vote approval. The motion was passed by unanimous voice vote, except for Councilman Pote, who did not vote.

Havas read: PB08-R9 Resolution Recommending to Borough Council to amend ordinance OR:08-03 titled "An ordinance amending section 138-11A titled "Detached Accessory Structures"." Having read that resolution into the record, the Chair accepted that as a motion to approve and sought a second. Mayor Ellis seconded the motion. Hearing no discussion, the Chair asked the Clerk to call the roll. The vote was as follows:

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

Pennett [yes] Schaefer [yes] Ellis [yes] Pote [yes]

The Chair called for PB07-07 Adolf Stonitsch
7 Johnston Drive
Block 47.01 Lot 9
Preliminary and Final Site Plan &
Variance(s)

The Chair explained that the Attorney for Mr. Stonitsch is Ted Gast of Gast and Nash Law Firm in Watchung. Mr. Gast called and said that his Engineer had surgery this week, and could not attend this meeting. He said that he was not able to obtain another licensed engineer to represent the Applicant, and since they were on the agenda and advertised, the Chair asked for a vote to continue this application based on Mr. Gast's request to do so. The Chair asked for a motion to carry PB07-07 to the following meeting of April 15th, 2008. Mr. Haveson, seconded by Mrs. Schaefer, made that motion. The Chair said that notification has been made, and what will happen is that this application will be carried based on the Attorney's input that he could not attend, and that the Attorney will voluntarily re-advertised. The Chair asked for a voice vote, and the Board voted unanimously in favor to carry that motion.

Havas read: PB06-14 Sisto Realty
95 Stanie Brae Drive
Block 11.02 Lots 9 & 10
Request for an extension of time to perfect subdivision

Jay Bohn, of Schiller & Pittenger was there to represent the Applicant. Mr. Bohn went through the history of what has transpired since the Board approved this application, and said that the Applicant has endeavored to satisfy all the conditions of the resolution, but unfortunately that took more than the 190 days provided for in the statute. Mr. Bohn said that they are almost done, but that one point still needed clarification. He said that no where in the resolution was there a reference to a sidewalk fund contribution, but that the Engineer provided a formula for that contribution, and he wanted to know if the Board required that contribution. A very long discussion ensued over whether it was discussed during the original hearing, and most of the Board agreed that since it was not in the resolution, the Board could not require that condition. The Chair asked that

after this meeting, the minutes be gone through to see whether or not in fact it was discussed.

Mr. Linnus asked Mr. Bohn for the other reasons for the delay perfecting this subdivision. Mr. Bohn said that the delay was in the process of compliance review, and that some things were held up in the engineering department, but that he understood that it is becoming harder for municipalities to expedite compliance review in a timely manner, in order to cover all their bases. Mr. Linnus said that under the law when you grant an extension of time, you can grant an extension for up to a period of one year. Mr. Linnus said that the resolution of approval was granted on the 15th day of May, and November 21st of this year would be the limit of possible extension. The Chair asked if the reason for delay was out of Mr. Bohn's control. Mr. Bohn said that there were delays out of the engineering office during the compliance review, and that was the biggest reason for the delay. Mr. Herits said that there was some confusion on his part, and because of this confusion, it was not Mr. Bohn's doing that this perfection was delayed. Chairman Speeney asked if Mr. Bohn would voluntarily donate to the sidewalk fund, and Mr. Bohn said that he has not discussed this with his client. Mayor Ellis suggested that we check the minutes, and get back to Mr. Bohn with whether or not the sidewalk fund contribution was discussed at the hearing. Chairman Speeney said that he thought that condition number 5 in the resolution covered the sidewalk fund contribution by saying that refers to "satisfaction of all the Watchung Borough Ordinances relating to subdivision and development including but not limited to the compliance review procedure. The Chair said that they would vote on the extension of time, but that they would leave open the determination of the sidewalk fund contribution until the minutes were checked to see if it was discussed. The Chairman made a motion to approve the extension for PB06-14 Sisto Realty until May 15th, 2008 to perfect this subdivision. Mr. Addario seconded this motion. Hearing no further discussion, the Chair asked the Clerk to call the roll. The vote was as follows:

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

Pennett [yes] Schaefer [yes] Ellis [yes] Pote [yes]

The motion carried.

Havas read:OR:08-06 This ordinance amends the revised general ordinance of the Borough of Watchung by adding a new section 138-28.1 titled "Accessory Apartments Permitted as a Conditional Use".

Chairman Speeney accepted the reading of the resolution as a motion to approve, seconded by Mr. Haveson. Mr. Linnus explained the definition of a conditional use.

Chairman Speeney gave the background on how this resolution came about and a discussion of COAH requirements arose. The Chair said that an accessory apartment is a self-contained apartment that is within an existing structure unless there is an accessory structure that is attached to the main structure. The change in this ordinance takes away the requirement of accessory apartments only being allowed in the RR zone, and this change takes away any reference to a particular zone and allows accessory apartments in any zone on Borough County roads or US highways.

The Chair asked the Clerk to call the roll to approve the ordinance as introduced. The roll call vote was as follows:

Speeney [yes] Boyd [yes] Havas [yes] Haveson [yes] Addario [Abstain]

Pennett [yes] Schaefer [yes] Ellis [yes] Pote [yes]

The motion carried.

Havas read: PB08-R10 Opposition to proposed COAH third round affordable housing rules and regulations.

The Chair accepted the reading of the resolution as a motion to accept, seconded by Mrs. Pennett. The Chair called for a call of the roll. The roll call vote was as follows:

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

Pennett [yes] Schaefer [yes] Ellis [yes] Pote [yes]

The motion carried.

The Chair announced that Mr. Larry Latore and his wife filed an application for an accessory apartment, but has withdrawn his application due to the loss of his wife last week.

Mr. Addario brought up parking issues in town, and the need for more parking in certain areas.

The Chair asked Mr. Havas to put together a sub-committee to discuss conditional responses for resolutions. Mr. Havas suggested April 8th at 7:00PM.

The Chair adjourned the meeting at 9:01PM until the next meeting of April 15th, 2008

Respectfully Submitted,

Carolyn Taylor

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Planning Board Clerk