

**Borough of Watchung
Planning Board Meeting
July 21st, 2009
Minutes**

Salute to the Flag.

Chairman Speeney called the meeting to order at 7:35 and stated that notice of this meeting had been posted in the 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[A] Pennett[X] Schaefer[X] Beck-Clemens[X] Panzarella[X]
Ellis[A] Pote[X]

Mayor Ellis arrived at 7:38

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

Chairman Speeney asked for a motion to waive the reading of and approve the minutes of the meeting of May 19th, 2009. That motion was made by Mr. Havas, seconded by Mr. Haveson and approved by voice vote. The minutes of May 19th, 2009 were approved.

**Havas read: PB09-01 Carecycle, Inc.
Watchung Sqare Mall
1515 Route 22 West
Block 5703 Lots 2.02,2.03,2.04
Minor Site Plan**

Mr. John Sullivan of Vastola, Fackalman, Sullivan and Spengler was present representing the applicant. Mr. Linnus explained that this was the first time that the clothing bin license was before the board since the state statute on clothing bins was passed. He further explained that this license needed prior approval from zoning and was before this board as a minor site plan. Mr. Linnus said that this license does not superceed the ordinance of the Borough.

Mr. Sullivan explained that the Borough Ordinance and the state statute were relatively new and that the Borough ordinance became effective in March. He stated that Carecycle Inc. is a for-profit company, which is in the business of recycling clothes either for resale or recycle. Parts of the proceeds are shared with various charities or

organizations. There is a logo placed on each bin signifying the organization or charity that portions of the proceeds are donated to.

Mr. Sullivan explained that what was being presented to the board were 6 clothing bins being placed at Watchung Square Mall in two separate locations. Mr. Sullivan said that the state statute ensures municipalities uniformity of treatment. He stated that a site plan of Watchung Square Mall had been submitted previously with the application. Mr. Sullivan brought Mr. Edward Klein of Carecycle, Inc. to the microphone. Mr. Linnus swore in Mr. Klein. Mr. Klein stated that his job title was that of area representative. One of his responsibilities is to find sites and locations for clothing bins. Also, he negotiates arrangements with the owner of the site. He has been negotiating with Fidelity Management as to the locations of these bins. Mr. Klein said that his business has been operating for 45 years placing clothing bins in key locations in shopping centers, firehouses, VFW's, etc. The company also does home pickup of clothing. Mr. Klein said they have a profit sharing agreement with those location owners where they place the bins. Mr. Klein said that 8 billion pounds of clothing ends up in landfills yearly, and his company collects the clothing and either resells what is good at thrift shops, sells it to other countries, or recycles it completely.

Mr. Sullivan presented the following exhibits that were passed around to the board.

Exhibit A-1 was a photo of 2 bins at the Morganville, NJ Firehouse.

Exhibit A-2 was a photo of two typical bins at the Bali Health Club in Clark, NJ

They presented a site plan, which had been previously submitted of the Watchung Square Mall with the last revision date of January 20th, 2004. Mr. Klein showed on the site plan the two locations that he proposed the bins be placed. One was at the proposed bus stop along the main entrance by Wal-Mart, and the other was in the front-end parking lot of home depot, also near the main entryway. Mr. Sullivan said that he was aware that the Home Depot parking lot site would block a storm drain. Mr. Klein said that pickups would be made three times per week during off hours, and if anything was left by the bins that did not belong such as garbage or debris, it would all be cleaned up and carted away by Carecycle. Mr. Klein said that they were very concerned with the cleanliness of the area around the bins, and their image as a company.

Mr. Sullivan went on to say that Watchung Square Mall Site plan requires 3,645 parking spaces for the site, and 3,681 are provided. Each bin measures 6'x6'x6' and two bins would take up approximately two parking spaces. Mr. Klein said that Fidelity Management told him that as far as the Home Depot site for the bins, on the busiest day of the year, the parking lot is never full.

Chairman Speeney opened up questions from the Board. Mr. Panzarella asked if the bins were anchored to the ground. Mr. Klein said no. Mr. Panzarella asked how much

the bins weigh. Mr. Klein said that filled bins weigh approximately 2,000 pounds. Mr. Haveson was concerned that placing a bin near a drain might impede storm water runoff during a heavy storm. He went on to say that as far as the Wal-Mart site, they are proposing to place the bins on a main thoroughfare, which he thinks would be a traffic hazard. Mr. Haveson proposed a site towards the back of the lot in between Target and Home Depot. Mrs. Schaefer said that due to the elevation of the parking lot at Home Depot, she didn't think that the bins would be visible to incoming traffic anyway. Councilman Pote suggested the north east corner of the parking lot between Home Depot and Target as well. Mr. Pote asked what the breakdown of the profit sharing was. Mr. Klein said that he didn't know. It all depended on how much clothing was collected. Mr. Pote asked if the profit sharing was a percentage. Mr. Klein said that they do give a promise of a dollar amount. Chairman Speeney thought that Fidelity Management should have been present to address the parking issues. Chairman Speeney said that he would like Mr. Klein to seriously look at the Staples undercover sites. He asked Mr. Klein if he had an agreement with Fidelity for any other sites. Mr. Klein said yes. Another site they discussed was between Bed Bath & Beyond and Target. Mr. Klein asked if bins could be placed on the grass as to not take up any parking spots. Chairman Speeney suggested that Mr. Klein go with Borough Engineer Tom Herits to the site and see if they could come up with other potential placement sites. Mr. Herits and Mr. Klein agreed. Mr. Pote asked about vandalism and how often they had to deal with that issue. Mr. Klein said that in some towns vandalism can be a problem, but if any graffiti is placed on the bins, or if the bins become defective in any way, Carecycle would immediately rectify and fix any problems. Mrs. Beck-Clemens said that she thought that since Lupus and American Red Cross had bins in the area and are not for profit, she didn't see a need for any more in this area. Mr. Klein explained that a third party company exactly like Carecycle provides all of those bins. Chairman Speeney suggested taking a straw poll of the board based on sites proposed that the board approved of, and most of the board members said that if indeed the sites were approved by them, they would be in favor of approving this application. Chairman Speeney opened up to questions from the public, and hearing none, adjourned this application until the meeting of August 18th, 2009.

Chairman Speeney said that he wanted to continue this application until the meeting of August 18th, 2009 and asked Mr. Sullivan and the applicant for a continuance through the end of September 2009 with no further notice. Both the applicant and Mr. Sullivan agreed, and it was agreed that a site visit with Mr. Klein and Tom Herits would take place before the August meeting where they would appear at this location at 7:30p.m. Mr. Sullivan thanked the board for its time.

Chairman Speeney stated that the board was asked to review and respond to the Mayor and Council on proposed ordinance OR:09-12. This proposed ordinance would amend

Section 28 of the Borough Code and authorize a reduction of the age limit in the R-M-L-VI zoning districts from sixty-two (62) to fifty-five (55).

Chairman Speeney said he was in favor of this ordinance. The units in question have not been selling, and the last two buildings at Villa Domenico are not even built yet.

Councilman Pote said he was also in favor of the ordinance. Mayor Ellis said that residents have come before the Mayor and Council asking for this change. The Chair asked if there was any more discussion, and hearing none, he asked the Clerk to call the roll. The vote was as follows: Speeney[yes] Boyd[yes] Havas[no] Haveson[yes] Pennett[yes] Schaefer[yes] Beck-Clemens[yes] Panzarella[yes] Ellis[yes] Pote[yes]

Chairman Speeney asked Mrs. Taylor to write a letter to the Mayor and Council stating that the ordinance was in support of the Master Plan and that the Planning Board endorsed this ordinance.

Mr. Linnus reported that Judge Ashrafi upheld entirely the Planning Board decision in 2008 regarding Map Investment and Map has approval.

Vouchers

P.O. # 09-0926 Echoes Sentinel for \$35.00 The Chair asked for a roll call to approve the voucher. The vote was as follows:

Speeney[yes] Boyd[yes] Havas[yes] Haveson[yes] Pennett[yes] Schaefer[yes] Beck-Clemens[yes] Panzarella[yes] Ellis[yes] Pote[yes]

Voucher was approved.

The Chair adjourned the meeting at 9:10 PM until the next meeting of August 18th, 2009.

Respectfully Submitted,

Carolyn Taylor
Planning Board Clerk