

**Borough of Watchung  
Planning Board Meeting  
May 19<sup>th</sup>, 2009  
Minutes**

Salute to the Flag.

Chairman Speeney was not present and Mr. Boyd, Vice Chair served as the acting Chairman. Mr. Boyd 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 [A] Boyd [X] Havas [A] Haveson [A] Addario [X] Pennett [X]  
Schaefer [A] Beck-Clemens [X] Panzarella [A] Ellis [A] Pote [X]**

Mayor Ellis arrived at 7:40

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

Mr. Boyd stated there was a quorum present to conduct business, and asked for a motion to waive the reading of and approve the minutes of the meeting of April 21<sup>st</sup>, 2009. Mrs. Beck-Clemens made that motion, seconded by Mr. Addario. Hearing no discussion, the Chair called for a voice vote. The vote was unanimous except for Mayor Ellis who abstained, and the minutes were approved.

**Informal Hearing regarding Crystal Ridge Club.**

Mr. George Kroclick came before the board. Mr. Kroclick was an attorney from Duane Morris and was representing Crystal Ridge. Mr. Kroclick explained that the gate at Crystal Ridge has been problematic and it is currently not working. They are investigating new technology. When this was approved in 1999, it was approved with the condition that they must maintain a manned gatehouse 24/7. Mr. Kroclick explained that this condition was imposed over the objection of both the Fire Chief as well as the Police Chief due to safety issues. Mr. Kroclick said that more modern technology would hopefully eliminate many of the problems they've had with getting

the gate to operate properly. A more efficient system would move traffic through at rush hour more quickly. The traffic has been backing up on Route 22 during rush hour. Mr. Krockulick said that they are looking at technology where a visitor can call ahead to be let in. He said that most likely during rush hour, manned security would be needed, but other than rush hours, they are contemplating an unmanned gate. Mr. Boyd asked what the agreement was with the residents (contractually) and the gated community concept. Mr. Krockulick said that there is nothing in the lease promising a gated community. It is however currently and in the past advertised as such. Mr. Boyd asked what type of technology they propose. Mr. Krockulick responded that they don't quite know yet. He said if the Board demands a 24/7 manned gate, then it might end up being a totally different type of gate than if they do not require someone there all the time. He said if they did not require a manned gate, the technology would include some sort of keypad for someone to call in. Mr. Krockulick said that they would come back with a formal proposal for the Board, but they were interested this evening on whether in fact the Board was "married" to the idea of the gate being manned 24/7. Mr. Addario said that if this proposal were presented to the Board as a formal application, he would like to see a police report on what incidents have taken place as Crystal Ridge. Mr. Addario asked how long it has been since the gate has been inoperative. Mr. Krockulick did not know. Councilman Pote said that he felt that the manned gate was a deterrent to crime by having someone 'physically' there. Councilman Pote said that there have been incidents that he knows of where the gate has been unmanned altogether. Mr. Krockulick said that they have a new security company after getting complaints. Mr. Linnus asked if this was a pure rental complex. Mr. Krockulick said yes. There are also some affordable units. Mr. Linnus asked if the applicant in a formal application had any problem providing 200-foot notice. Mr. Krockulick said no. Mr. Boyd asked if the applicant has approached North Plainfield yet regarding this. (Some of the buildings are in North Plainfield) Mr. Krockulick said no. Mr. Krockulick said they are looking into technology which could allow emergency personnel to gain access quicker. Mr. Boyd said that this board would certainly be willing to listen to any plea from the owner regarding new technology. Mr. Krockulick said that hopefully any

new technology that the applicant will present would make it easier for emergency personnel to enter the community. Mayor Ellis asked if there were any other examples of a better gated system that the applicant had in mind. Mr. Kruculick said that his client owned other communities, but did not have a specific system in mind as of yet. Mr. Addario said that he was inclined to keep Crystal Ridge gate manned 24/7. Mrs. Beck-Clemens said that she agreed with Mr. Addario. Mr. Kruculick said that he wanted to assure the board that this community would absolutely remain gated. The manning of the gate is the question. Mr. Linnus asked if in a 200-foot notice, whether or not the tenants would be notified. Mr. Kruculick said that he did not know, but if asked, he would recommend to his client to notice the tenants. Mr. Kruculick thanked the board for their time.

Mr. Boyd called Care Cycle to the microphone. Mr. Linnus said that this Borough, like other municipalities have taken advantage of the new state law, which allows municipalities to adopt ordinances to license and issue permits for charitable clothing bins. Mr. Linnus said that we do now have an ordinance in effect. Mr. Linnus said that the grant of a permit or license does not automatically permit the placement of the clothing bins. Mr. Linnus said that a zoning permit would have to be submitted which will define whether a site plan approval is necessary, and whether the matter should go to the Board of adjustment for a use approval, and lastly whether it is a permitted use in the zone.

Mr. Edward Kline of Care Cycle came to the microphone. Mr. Kline said that Care Cycle has been in business for 45 years. Mr. Kline said that the company wants to keep clothes out of landfills and sell it back into the community at a discount. Mr. Kline said that to adhere to the new state law, a permit is required from the local municipality. A regulation of the new state law is no more bins in gas stations. Mr. Kline said that they were contacted by Fidelity to place clothing bins in the Watchung Square Mall. Mr. Kline said he contacted Michelle DeRocco who gave Mr. Kline a copy of the ordinance and application. Mr. Kline said he submitted the forms with a \$25.00 fee per bin back to the Clerk's office. Mr. Kline said he got a call about a week later telling him to meet with Ed Bennett, the Borough Zoning Officer. Mr. Bennett referred Mr. Kline to the Planning Board as a minor site plan.

Mr. Kline said that he assumes that the reason to appear before the planning board is to decide where to place the bins so that they don't conflict with the requirements of the Borough ordinance. Mr. Linnus said that the board would not be taking any action at this meeting. Mr. Linnus said that on the application itself. There is a line for the applicant to sign, and well as a line that states "placement approved" by the Building/Zoning Officer to sign. The initial threshold issue of whether you are a permitted use or not is made by the Zoning Official. Mr. Linnus said that it must be determined first whether what is proposed is a permitted use in the zone. If it is a permitted use, Care Cycle would file an application with the Planning Board for a review of the site location. If you are not a permitted use, you would take the application to the Board of Adjustment, and that board would determine both issues. Mr. Kline said that he has a letter of authorization from Fidelity, who has selected certain sites on Watchung Square Mall to place the bins. Fidelity would like 3 bins by Home Depot, and 3 bins by Wal-Mart. Mr. Kline said Care Cycle requires that their bins be visible when the public drives in and out of the mall, and easily accessible. Mr. Kline said he would be back in touch with Ed Bennett. Mr. Kline asked if there were any questions from the Board. Mayor Ellis asked how the goods from the bins were processed. Mr. Kline said they go through a huge warehouse in Brooklyn. Clothes are sorted and some are sold, and some are shipped overseas. Mr. Kline said that monies would be given back to the local municipalities, such as the Fire Department and Rescue Squad. He said they could put the logo of the benefactor of the donations. Mr. Kline said that his company would guarantee \$3,000.00 the first year. Ms. Beck-Clemens asked what happens to things other than clothes that end up in the bins. Mr. Kline said that anything not usable or sellable is recycled into other products. Mr. Boyd asked if Care Cycle is a for profit company. Mr. Kline said yes. Mr. Boyd asked how many parking spaces would be taken up for the bins as well as a loading area. Mr. Kline said that Fidelity said that the areas they designated do not take up any spaces. Mr. Kline said that bins are 6' x 6'. He said that if they were to use parking spaces, they would need approximately 2 ½ spaces at each site. Mr. Kline said that the contract with Fidelity, allows them to get out of their contract with 30 days notice. He said that they would keep the bins

at the shopping center meticulous, and pick up several times a week. Councilman Pote asked what Fidelity gains from having the bins there. Mr. Kline said that Care Cycle leases the space from Fidelity, so they have a monetary gain. The board asked where the nearest bins were, and Mr. Kline told the board they could find them in Westfield. Mr. Kline said that two bins were located at the Sears store but that they were just asked to remove them by Mr. Bennett. Mr. Kline talked about many organizations in different towns that are the beneficiaries of these clothing bins. Mr. Boyd asked if there were any other questions from members of the board. Mr. Addario commented that he has seen clothing bins with garbage and debris all around the bins, and Mr. Kline insisted that the clothing bins. Mr. Linnus reiterated to Mr. Kline that he had to apply for a zoning permit. Mr. Kline showed the board a site plan for Watchung Square with the two areas designated for the proposed clothing bins.

Mr. Boyd asked Mr. Linnus to give the board a brief explanation of the age restriction housing that the Governor just conditionally vetoed. Mr. Linnus said that the original legislation that everyone thought that the Governor would sign, he didn't sign due to successful lobbying efforts.

Mr. Boyd read the voucher for \$150.00 for the Rutgers, and asked for a motion to approve. Mrs. Pennett made a motion to approve, seconded by Mr. Addario. Mr. Boyd asked the Clerk to call the Roll. The roll call vote was as follows:

**Boyd [yes] Addario [yes] Pennett [yes] Beck-Clemens [yes] Ellis [yes] Pote [yes]**

The motion carried and the minutes were approved. The Chair opened up discussion to the public. Hearing none, the Chair adjourned the meeting at 8:40PM until the next meeting of June 16<sup>th</sup>, 2009.

Respectfully Submitted,

Carolyn Taylor  
Planning Board Clerk

