

**PLANNING BOARD  
BOROUGH OF WATCHUNG  
JANUARY 20, 2004**

- 1. Call to Order**
- 2. Roll Call**
- 3. Statement of Compliance with N.J.S.A. 10:4-6**
- 4. Approval of minutes, December 16, 2003 and January 6, 2004**
- 5. Resolution**
  - Resolution 04-R5  
PB03-02  
Scott Subdivision  
105 Washington Rock Road  
Block 5.01. Lot 2  
Minor Subdivision**
  - 5. Continued Applications**
    - PB03-07  
Sarah Tennenbaum  
Oakwood Road East  
Block 74.01, Lots 6, 7, 8, Bl. 74.03, L. 5  
Major Subdivision**
    - PB03-08  
Map Investment Co. – Continued to February 20, 2004  
40 Stirling Road  
Block 40.01, Lot 1  
Minor Site Plan**
    - PB03-09  
Bartholomew Subdivision  
195 Old Somerset Road  
Block 70.03, Lot 1  
Minor Subdivision**
    - PB03-10 Villa Domenico, An Adult Community at Watchung  
72 Stirling Road  
Block 40.01, Lots 3 & 4  
Amended site plan for age adjustment & distribution of units**

## Reports

- A. Site Plan and Subdivision Committee
- B. Ordinance Committee
- C. County Planning Liaison
- D. Village Center
- E. Environmental Commission
- F. Finance Committee

## 8. Public Hearing

## 9. Vouchers

## 10. Communications

- A. Resolution adopted by Mayor & Council, December 18, 2003 accepting re-zoning recommendation of the Planning Board for the Weldon Quarry site and BJ's Wholesale Club. noting it would be implemented in 2004 – C: D. Speeney, R. Rusingnola
- B. Susan R. Rubright of Gebhardt & Kiefer, December 23, 2001- re: request for an adjournment until the February meeting – c: all members
- C. Heyer, Gruel & Associates, December 17, 2003 – re: Proposal for Professional Planning Services for the Quarry Site Zoning – c: D. Speeney
- D. NJLM, December 18, 2003 – re: Proposed New Rules Governing the Extension of Regulated Utilities – c: all member
- E. NJLM, December 18, 2003 – re: Proposed Stormwater Regulations – c: D. Speeney
- F. Somerset County Planning Board, January 6, 2004 – re: January 22<sup>nd</sup> Planning Forum: Pre-Cross Acceptance Map Review – D. Speeney
- G. Raritan Valley Rail Coalition, January 1, 2004 – re: next coalition meeting c: D. Speeney

## 11. Adjournment

**RESOLUTION NUMBER PB 04/R5  
GRANTING MINOR SUBDIVISION APPROVAL TO  
WILLIAM N. SCOTT**

- |     |   |  |
|-----|---|--|
| (X) | Minor Subdivision                           | Application No. <b>PB 03-02</b>  |
| ( ) | Major Subdivision.<br>Preliminary           | Name of Applicant:<br><br><b>William N. Scott</b>                            |
| ( ) | Major Subdivision,<br>Final                 | <b>105 Washington Rock Road</b><br><b>Watchung, New Jersey</b>               |
| (X) | Variances (One)                             | Name of Owner:   |
| ( ) | Site Plan<br>Preliminary and Final          | <b>Same</b>  |
| ( ) | Site Plan,<br>With Variances and<br>Waivers | Location:<br><br><b>105 Washington Rock Road</b><br><b>Block 5.01, Lot 2</b> |
| ( ) | Recommendation to<br>Governing Body         |  |

**WHEREAS**, the applicant has filed for approval of a minor subdivision with a variance for a lot width on proposed Block 5.01, Lot 2 and waivers for scaled drawings and soil erosion plan with the intention of creating two (2) lots, the existing residence at Lot 2 ~~to~~ <sup>to</sup> continue and a resulting lot to be designated as Lot ~~2-01~~ <sup>2-01</sup> and

**WHEREAS**, the applicant was represented by Eric Wasser, Esq., of Somerville, New Jersey; and

**WHEREAS**, Thomas P. Andersen, PE, PP appeared and testified on behalf of the applicant as an expert in the field of engineering and professional planning; and

**WHEREAS**, the property in question consists of an irregular shaped lot consisting of 3.296 acres located in an R-R Rural Residential District and the applicant proposes subdividing the same into two lots, requesting a waiver for the construction of sidewalks along Washington Rock Road, a waiver from the RSIS requirement to regrade Washington Rock Road right-of-way, a waiver for submittal of a required Tree Removal/Replacement Plan and a variance on the lot width for proposed Lot 2. The Borough Ordinance requires a lot width of 150', while the application proposes 142.10' at the front yard set back line and 150' at the actual proposed building set back of 61'; and

**WHEREAS**, the applicant proposes the dedication of frontage along Washington Rock Road to provide a right-of-way to the Borough of 25' from the center line. Both public water and public sewer service will be provided for the new single-family residential construction; and

**WHEREAS**, Mr. Andersen testified that the applicant was unable to acquire any additional land which would increase the size of the property and eliminate the Variance required for setback. He noted that lot width would be 150 feet at the proposed building setback of 61 feet. In his report to the Board, Engineer Moody states that the "Board of Adjustment has routinely interpreted the Lot Width (set back requirement) as the lot width at the front of the building".

Mr. Andersen further testified that there were no sidewalks in the vicinity of the premises or on adjoining parcels and that the applicant was willing to make a contribution to the sidewalk fund maintained by the Borough in lieu of construction. Addressing the need for a waiver of the Tree Removal/Replacement Plan, he testified that all required information would be submitted prior to the issuance of a building permit.

Attorney Wasser referenced the minor subdivision plan prepared by Ensurplan, Inc. under the direction of William N. Scott, P.L.S. and Thomas P. Andersen, P.E. noting that the existing in ground pool would be removed along with the framed cabana abutting the same. He also noted that in placing the new structure at 61' off the lot line it would be, in his estimation, in compliance with the ordinance which requires a lot width of 150'. Mr. Wasser further noted that the applicant was willing to accept a Deed restriction for set back requirements on future development, noting that the applicant would do whatever was needed to maintain a 150' width requirement even if the pre-existing house was ever raised.

Mr. Andersen then testified that there will be a reduction in imperious coverage on both lots and the applicant would comply with this steep slope ordinance regarding development. As part of the submissions made to Engineer Moody, there is an imperious coverage and slope analysis map dated January 20, 2003 prepared by Mr. Scott and Mr. Andersen.

**WHEREAS**, based upon the foregoing, the Planning Board makes the following Findings of Fact:

1. All jurisdictional requirements have been met.
2. The application proposes a minor subdivision of Lot 2, Block 501, otherwise designated as 105 Washington Rock Road, Watchung, New Jersey into two (2) resulting lots, a proposed lot 2, upon which the existing residence would continue to exist, and a resulting lot 2.01 for development purposes. *OK*
3. The pre-existing lot consists of 3.296 acres and is located in an R-R Rural Residential District which permits the construction of single family detached dwellings. The subdivision creates the opportunity for improved zoning by creating two lots which are consistent with the zoning code save for the lot which requirements on proposed lot 2.01. The creation of additional impervious surface by construction of the dwelling is offset by the removal of the in-ground pool and framed cabana.
4. The application requires a waiver for the construction of sidewalks along Washington Rock Road, a waiver of responsibility to regrade Washington Rock Road right-of-way as required by RSIS and a waiver for submittal of required Tree Removal/Replacement Plan. The Board notes

that there are no other sidewalks in the immediate area adjacent to the lots which are created by this subdivision and a contribution to the Sidewalk Fund will help further the causes for which the Ordinance was enacted.

5. ~~The subdivision will create a variance for lot width of 142.1 feet on proposed Lot 2. The applicant intends to develop the lot by placing a one-family detached residence with a set back of 61' from which point the lot will be 150' in width. The Board finds this variance to be de minimis in light of the impressed intention of the applicant to locate a new dwelling where the width of the lot at the front set back line will meet the required lot width of 150'.~~ *SMS PWS*

~~The application requires a variance for lot width of 142.1 feet on proposed Lot 2. The applicant intends to develop the lot by placing a one-family detached residence with a set back of 61' from which point the lot will be 150' in width. The Board finds this variance to be de minimis in light of the impressed intention of the applicant to locate a new dwelling where the width of the lot at the front set back line will meet the required lot width of 150'.~~ *If the house on lot 2 SMS PWS will not develop a new dwelling unless the front setback is at a point where the lot width is at least 150 feet*

be de minimis in light of the impressed intention of the applicant to locate a new dwelling where the width of the lot at the front set back line will meet the required lot width of 150'.

**WHEREAS**, the application was considered by the Planning Board at public hearing conducted on the 16<sup>th</sup> day of December 2003 and direction was given to the Board attorney to create a Resolution in the affirmative, the Board having heard and considered all of the arguments of the applicant, the expert submissions made on the applicant's behalf by Eric Wasser, Esq. and Thomas P. Andersen, P.E., P.P., the commentary of Richard Moody, Board Engineer, the interdepartmental communications and advisory reports of the offices of the Borough Engineer, Municipal Departments and Agencies as received, the same being incorporated herein by reference, does

hereby vote to GRANT the application for minor subdivision approval of Lot 2, Block 5.01 on the Tax Map for the Borough of Watchung, creating two (2) resulting lots, neither of which shall be further subdivided, granting further the applicant's request for waiver from the requirements for the construction of sidewalks and compliance with the tree removal plan and permission not to regrade the Washington Rock right-of-way. The Board, by this approval, <sup>LOT WIDTH</sup> does further specifically grant a variance from the Borough's set back requirement of 150' subject to deed restriction on development as hereinafter set forth, finding that the purposes of the MLUL will be advanced by this deviation from the Zoning Ordinance requirements and the benefits of this deviation will substantially outweigh any detriment.

**NOW, THEREFORE, BE IT RESOLVED** that the application for minor subdivision approval is hereby GRANTED subject to the following conditions:

1. The recordation of subdivision deeds ~~or of a signed, approved subdivision map~~ setting forth revised metes and bounds descriptions for the two resulting parcels, recording the same with the Clerk of the County of Somerset within the time provided by law, attaching a copy of this Resolution to the said Deeds or Map so that the relief being granted and the conditions herein set forth with respect to this minor subdivision plan

approval are made part of the record of title in order to satisfy present applicable law. All Deeds shall be in the form approved by the Board Engineer and the Planning Board Attorney prior to filing and certified copies of the same on return from the Somerset County Clerk shall be provided by the applicants to the Planning Board for the Borough of Watchung, the Planning Board Attorney, the Borough Clerk, the Borough Engineer and the Borough Tax Assessor's Office.

2. The subdivision deed shall restrict maximum impervious coverage upon the resulting lots to be calculated consistent with the Steep Slope Ordinance for the Borough of Watchung as approved by the Borough Engineer and shall prohibit further subdivision of either lot so created. The applicant has offered to remove the in-ground pool and framed cabana and the Board conditions approval upon the same prior to the issuance of a building permit to develop Lot 2.01. The removal of the existing pool and cabana will reduce the impervious surface for both lots, especially in light of the fact that the existing bituminous tennis court will remain.

3. The subdivision deed creating Lot 2, Block 5.01 shall restrict development of a single family home to a point where the lot width measured at the front of the dwelling

shall not be less than 150 feet.

4. The tax payments due and payable to the Borough of Watchung on both of the subject properties shall be current as of the date of the filing of the subdivision map or deeds by the applicants.
5. That the Applicant shall provide certification that all outbound monuments have been set. The Board accepts the recommendation of Borough Engineer Moody and acknowledges that while the setting of monuments may not be required for the filing of a subdivision perfected by deed, the exigencies of the application require the same.
6. The Applicant shall comply with Borough Ordinances regarding underground services to the resulting subdivided lots.
7. In lieu of the construction of sidewalk, the applicant shall contribute to the Watchung sidewalk fund in an amount set by ordinance and calculated by the Borough Engineer.
8. Satisfaction of any requirements imposed by the New Jersey Department of Environmental Protection relative to the existing wetlands on the subject property including but not limited to placement and development of the new structure to be placed upon the newly created lot. The Board maintains continuing jurisdiction over the said

application to review any change in the plan which would result in placement, construction or development of a new residential structure.

9. The subdivision shall be consistent with calculations made in accord with topographical and Steep Slope Ordinances of the Borough of Watchung. Restrictions regarding impervious coverage shall be imposed as Deed Restrictions in the resulting subdivision Deed to be recorded by the Applicant.

10. Satisfaction of all of the Watchung Borough ordinances relating to subdivision and development, including but not limited to provisions of Chapter 119, "Subdivision of Land and Site Plan Review" ordinance and the compliance review procedure unless otherwise waived by the Borough Engineer.

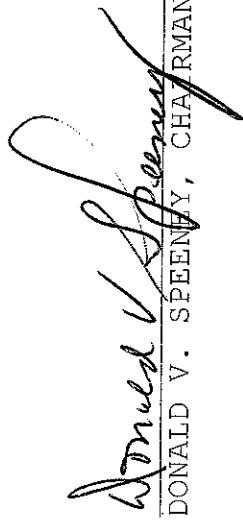
**BE IT FURTHER RESOLVED** that the Applicant shall pay the cost and expenses for final and correct recording of this Resolution, the subdivision deeds and any other documents associated with or required by this Resolution.

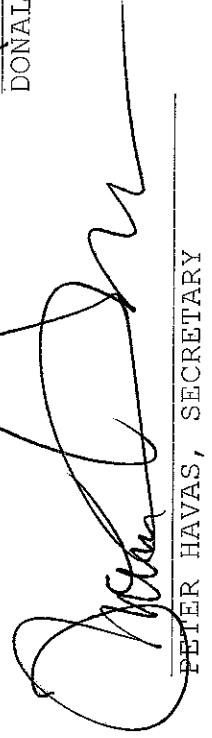
**BE IT FURTHER RESOLVED** that all conditions must be met by the Applicants within 190 days from the date of this Resolution as adopted or the approval granted by this Resolution shall be null and void.

**BE IT FURTHER RESOLVED** that nothing herein shall excuse the Applicants from complying with any of the rules, regulations or laws of the Borough of Watchung or any other governmental agency having jurisdiction over this Application including any condition previously imposed by the Watchung Planning Board.

**BE IT FURTHER RESOLVED** that this approval is further contingent on the Applicants paying all fees and escrows required by the Borough of Watchung Planning Board.

**BE IT FURTHER RESOLVED** that a certified copy of this memorialization of the Resolution of the Planning Board for the Borough of Watchung which was entered upon the record on the 20<sup>th</sup> day of January, 2004 be forwarded to the Applicant, the Borough Engineer, the Construction Official of the Borough of Watchung, and to the Mayor and Council for the Borough of Watchung and that the foregoing is a true and complete copy of the Resolution adopted by the Planning Board at the meeting date on the day and date above first written.

  
DONALD V. SPEENNEY, CHAIRMAN

  
PETER HAVAS, SECRETARY

Dated: January 20, 2004

Applicant	1/21/04
Mayor & Council	1/21/04
Assessor	1/21/04
Bldg. Dept.	1/21/04
Engineer	1/21/04

**PLANNING BOARD  
BOROUGH OF WATCHUNG**

**JANUARY 20, 2004**

Chairman Speeney called the meeting to order at 7:50 P. M. and stated that notice of this meeting had been posted in the Borough Hall, filed with the Borough Clerk and given by way of notice to the Courier News, Echoes Sentinel, the Reporter and Star Ledger in conformance with N.J.S.A.10:4-6 et seq.

Present on call of the roll were: Speeney, Ellis, Havas, Addario, Pennett, Page, Mobus and Mc Cumber. Absent were Boyd, Mobus and Haveson. Also present were Board Engineer Richard Moody and Board Attorney Robert Rusignola.

A motion to approve the minutes of December 16, 2003 and January 6, 2004 was made by Mr. Addario, seconded by Mr. Havas. Mr. Havas advised there was a correction on page 1 of the December 16<sup>th</sup> meeting; 5 market units should replace 5 marketable units. Mr. Havas noted there was no change in the amount of COAH units, only the bedroom distribution would differ. On Page 2 it was stated that Mr. Havas was not in favor of senior housing; he is. Mr. Havas informed that the Board did not approve the minutes of October 21, 2003. Mr. Speeney advised the minutes of January 6, 2004 should state that North Plainfield officials attended meetings but did not offer any input. A motion to approve the minutes as amended was made by Mr. Addario, seconded by Mr. Havas.

Mr. Speeney reviewed the Agenda items. He stated a letter from been received from Samuel Lachs, Esq., representing Sarah Tennenbaum - PB03-07, asking for a continuance to the February meeting as he was unable to obtain zoning information. Mr. Moody explained he differed with Mr. Templin their engineer on a variance issue for frontage on a private roadway. Mr. Speeney granted the continuance of the Tennenbaum application to the February meeting.

Mr. Speeney advised that a letter had been received from Ms. Rubright, attorney for PB03-08, - Map Investment requesting a continuance to the February meeting to obtain additional information. Mr. Speeney granted a continuance to the February meeting.

George Case, Oakwood Road questioned how many times Mr. Lachs could request a continuance. He and Mrs. Mitzner, also of Oakwood Road, had been present for two meetings and they both were postponed. Mr. Speeney advised Mr. Case to call the Planning Board clerk the day of the meeting to see if a continuance had been requested.

Mr. Havas announced:

Planning Board Meeting Minutes - January 20, 2004

Mr. Speeney advised that the waivers must be addressed for completeness of the application.

Mr. Murray addressed the waiver for the tree removal replacement plan. He stated the replacement plan will be submitted when applying for the tree removal permit, the waiver is requested for submission of the plan now, so that the application can be deemed complete.

The second waiver is for the installation of sidewalks on Old Somerset and Ridge Road. Mr. Murray stated the applicant is willing to contribute to the sidewalk fund in lieu of the construction of the sidewalks.

Mr. Gazalle stated a graded area had been provided on Ridge Road as had been requested by Mr. Moody.

Ms. Pennett questioned if all the trees in the shaded area were to be removed. Mr. Gazalle stated yes. Ms. Pennett requested if the applicant had submitted a tree removal permit for this area. Mr. Gazalle stated he had not.

A motion to grant the waivers requested was made by Mr. Havas, seconded by Mr. Addario and unanimously approved on roll call. Mr. Speeney deemed the application complete.

Mr. Murray questioned water runoff. Mr. Gazalle stated dry wells will be installed to handle runoff.

Mr. Murray addressed pages 2 and 3 of the memo from Mr. Moody.

Item 1. Applicant to become part of the Century/Cardinal Sewer Assessment Ordinance Applicant agreed.

Item 2. Applicant required to furnish freshwater wetland report.

Applicant furnished report from D. A. Agovino Associates stating there

were no wetlands on the property. Mr. Moody stated a LOI was not needed.

Item 3. Applicant shall set all outbound monuments as required by the "Map Filing Law".

Applicant will set the monuments and they will be noted on the deed

Item 4. Applicant to prepare "Impervious Coverage and Slope Analysis Map".

Applicant will provide a steep slope analysis,

Item 5. Applicant will comply with the driveway Ordinance.

Item 6. Applicant agrees to comply with the Borough Ordinance for Compliance Review.

Mr. Murray stated approval had been received from the County Planning Board.

Vouchers

A motion to approve a voucher for Robert Rusignola, for services rendered from January to October of last year and one for a legal ad run in the Courier News were approved on motion of Mr. Ellis, seconded by Mr. Havas and unanimously approved on roll call.

Adjournment

The meeting was adjourned at 10:00 P. M. to the call of the Chair or the next regular meeting to be held February 17, 2004 at 7:00 P. M.

Respectfully submitted,

Dorothy D. Figel  
Planning Board Clerk