

**PLANNING BOARD  
BOROUGH OF WATCHUNG  
AGENDA  
SPECIAL MEETING  
FEBRUARY 17, 2004  
7:00 PM**

- 1. Call to Order**
- 2. Roll Call**
- 3. Statement of Compliance with N.J.S.A. 10:4-6**
- 4. PB03-10 Villa Domenico, An Adult Community at Watchung  
72 Sturling Road  
Block 40.01, Lots 3 & 4  
Amended site plan for distribution of units**
- 5. Adjournment**

**PLANNING BOARD  
BOROUGH OF WATCHUNG**

**SPECIAL MEETING**

**FEBRUARY 17, 2004**

Chairman Speeney called the meeting to order at 7:15 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, Boyd, Addario, Pennett and Page. Mayor Ellis arrived at 7:20 P. M.; Mr. McCumber arrived at 7:25 P. M. Absent were Havas, Mobus and Haveson. Also present were Board Engineer Richard Moody and Board Attorney Robert Rusignola.

Chairman Speeney called:

**PB03-10 Villa Domenico, An Adult Community at Watchung  
72 Stirling Road  
Block 40.01, Lots 3 & 4  
Amended site plan for distribution of units**

Mark Breitman, attorney for the applicant, stated his client wanted to amend the distribution of the eight affordable housing units. The distribution would be five (5) two-bedroom units and three one (1) bedroom units. He called Cindy Glynos to explain.

Cindy Glynos, Vice President of JDN Properties and Development Company, was sworn as a fact witness. She stated they wished to change the distribution of the eight affordable housing units from eight one- bedroom to five (5) two- bedroom units and three (3) one-bedroom units. Upon questioning by Mr. Speeney, Ms. Glynos stated there would be four moderate and four low- income units; of the five two-bedroom units, three (3) would be moderate and two would be low-income.

Mr. Speeney said he felt this required a variance. Mr. Breitman stated he had advertised both ways. He felt it was a matter of interpretation.

Mr. Rusignola stated that under state statuted senior units may utilize different bedroom distribution than standard; however they must equal the number of affordable units offered. He said he referred the matter to Borough Attorney Cruz for his interpretation; he has not yet responded to this matter, but he has addressed the Developers Agreement. According to Borough ordinance the requirements have been met.

**PLANNING BOARD  
BOROUGH OF WATCHUNG  
AMENDED AGENDA  
FEBRUARY 17, 2004**

- 1. Call to Order**
- 2. Roll Call**
- 3. Statement of Compliance with N.J.S.A. 10:4-6**
- 4. Approval of minutes October 21, 2003 and January 20, 2004**
- 5. Resolution**
  - Resolution of Approval PB04-R6  
PB03-09  
Bartholomew Subdivision  
195 Old Somersset Road  
Block 70.03, Lot 1  
Minor Subdivision**
- 6. 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 Special Meeting in March  
40 Stirling Road  
Block 40.01, Lot 1  
Minor Site Plan**
  - PB03-12  
Watchung Square Associates/Wal Mart  
Block 57.03, Lots 2.01, 3.01  
Approval for revisions to building signage  
Preliminary & Final Site Plan**

## 7. 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

Heyer & Gruel & Associates      Weldon Quarry Rezoning (Par. Paymt)      \$1,000.00

## 10. Communications

- A. Stern, Lavinthal, Frankenberg & Norgaard, L.L.C., January 21, 2004 – re: Target Expansion requesting a one-year extension of final approval – c: D. Speeney, R. Rusignola
- B. Somerset County Planning Board, January 22, 2004 – re: Somerset County Grant Program Calendar – c: D. Speeney
- C. Mayor Ellis, January 23, 2004 – re: frequently asked questions by residents c- D. Speeney
- D. Somerset County Planning Board, January 29, 2004 – re: Transit Oriented Development Opportunities Information form – c: D. Speeney
- E. NJDEP, January 30, 2004 – re: Stormwater management – c: all members
- F. DeFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., February 11<sup>th</sup>, 2004 – re: Villa Domenico distribution – c: all members
- G. MiddleBrook Regional Health Commission, January 15, 2004 – re: Whitting proposed subdivision, Block 40.01, Lots 6.01 & 6.02, c: all members
- H. Middough Consulting, Inc., February 12, 2004 – re: WasMart application's architects – c: all members
- I. Gebhardt & Kiefer, February 10, 2004 – re: Special meeting request for their client Map Investment – c: all members

## 11. Adjournment

## PLANNING BOARD

### BOROUGH OF WATCHUNG

**FEBRUARY 17, 2004**

Chairman Speeney called the meeting to order at 7:40 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, Boyd, Havas, Addario, Ellis, Pennett, Page and Mc Cumber. Absent were Mobus and Haveson. Also present were Board Engineer Richard Moody and Board Attorney Robert Rusingnola.

A motion for approval of minutes from the meetings of October 21, 2003 and January 20, 2004 was made by Mr. Addario seconded by Mr. Havas. Mr. Havas enumerated several typos in the minutes of October 21, 2003. A motion to approve the minutes as amended was made by Mr. Addario, seconded by Mr. Havas and unanimously approved on voice vote.

The following Resolution into the record:

**Resolution of Approval PB04-R6**  
**PB03-09**  
**Bartholomew Subdivision**  
**195 Old Somerset Road**  
**Block 70.03, Lot 1**  
**Minor Subdivision**

Mr. Havas having read the Resolution was a motion for approval, motion seconded by Mr. Addario. Jay Bohn, attorney for the applicant, noted there were typos on the various pages of the Resolution. Mr. Rusingnola noted the corrections to be made and commented to Mr. Bohn that was why the draft copy of the Resolution had been submitted to him prior to the meeting; he should have reviewed the Resolution and called in the typos prior to the final draft. Mr. Havas also noted several typos on the Resolution. Jim Richardson, attorney for Ms. Bartholomew, said his client had reviewed the Resolution and had no problem with it. Chairman Speeney noted this application was for a minor subdivision that adheres to all Zoning Ordinances and is consistent with the Master Plan. Mr. Havas motioned for approval of the Resolution as amended, seconded by Mr. Addario and unanimously adopted on roll call.

Mr. Speeney announced that Susan Rubright, representing Map Investment, PB03-08, requested a special meeting during the month of March since she and the applicant's other professionals had conflicts the third Tuesday of each month. After discussion it was decided that Mr. Rusingnola would get in touch with her and advise that she have a

Planning Board Meeting – February 17, 2004

- Item 1. Wetlands – Mr. Templin stated there was a pond located on Lot 8, Block 74.01 and he would obtain a LOI for the entire parcel. Dry wells will be placed on all lots to assist in drainage problems.
- Item 2. Oakwood Road East is not constructed to Borough standards. Mr. Templin stated his client was willing to listen to the association's recommendations.
- Item 3. Boundary survey and outbound monuments – He will supply a copy of all deeds.
- Item 4. Impervious coverage – This will be restricted on each lot.
- Item 5. Recording of Deeds – Not Applicable this is a major subdivision application.

Regarding the Engineering Recommendations:

- 1a. Annexing a portion of Lot 6, Block 74.01 to Lot 5, Block 74.03 – Lot will be deed restricted
- 1b. Required a deed restriction to increase front yard setback to 100' –He requested that the setback be 75' to allow for installation of a pool in the backyard if required.
- 1c. Substantial tree replacement be made within 15' of new property line –no problem with that requirement.
- 1d. Location of residential driveways- Mr. Templin requested that he be allowed 10' - setback from the property line on lot 7 instead of the 15' requested by Mr. Moody, he can meet the setbacks requirements on the other lots.

Mr. Speeney questioned lot 5. Mr. Lachs stated it was a landlocked piece of property with access to Bonnie Burn Road and is not sewered; there are no plans to develop the piece of property at this time. When it is to be developed, an appearance before the Planning Board would be required.

Mr. Rusignola questioned the waiver for installation of sidewalks. Mr. Templin said in lieu of the construction of sidewalks, a contribution would be made to the sidewalk fund. A discussion followed whether this was a requirement since it was a private roadway. Mr. Moody replied that it was.

Regarding replanting of trees along the property lines, Mr. Moody said that he was addressing the two houses that were to be demolished and homes rebuilt that would require additional trees to be removed.

Mr. Rusignola asked Mr. Moody if the application was complete. Mr. Moody replied that it was.

Mr. Addario asked how many houses were to be demolished. Mr. Lachs replied only one.

Mr. Speeney opened to the public.

Attorney Jay Bohn said he was representing the owner of lot 8, Georgina Mitzner. He questioned if the driveway on lot 8 was required to be moved. After discussion it was decided the driveway did not need to be relocated.

Planning Board Meeting – February 17, 2004

Mr. Rusignola asked Mr. Bohn to send him a letter indicating what he felt had transpired at this meeting; he would include those conditions in the Resolution.

Chairman Speeney closed the public portion.

Mr. Rusignola explained the Board did not have the authority to regulate setbacks. The applicant is asked if they are willing to have a different setback. If they are willing, that then becomes a condition of the Resolution.

Chairman Speeney stated he was continuing the application to March 16 at which time a Resolution of Approval would be read.

Mr. Speeney called:

**PB03-12**

**Watchung Square Associates/Wal\* Mart**

**Block 57.04, Lots 2.01. 3.01**

**Preliminary & Final Site Plan**

**Approval for revisions to building signage**

Patrick Sprouls, attorney for the applicant stated the applicant desired to amend the signage that had been approved under the building sign package. The revisions are as follows: No revisions on the south face (Rt 22). On the East face, the "Satisfaction Guaranteed" sign would be removed and the "Wal-Mart" sign added. On the north face "We Sell for Less", "1-Hr Photo", "Pharmacy" and "Optical" signs would be relocated. The "Always" sign would be enlarged and the "Satisfaction Guarantee" sign added. This was an addition of 73.9 sq. ft. of signage. The sign contractor did not realize he had to come before the Board for approval before any signs were changed and consequently several signs had been moved.

Steve Jouriles, A. I., was sworn. He presented two exhibits. "A-1" Existing Conditions, dated February 17, 2004, "A-2" Proposed Signage Revision B" dated February 17, 2004. He said the proposed signage on the east elevation is a "Wal\*Mart" sign. It is on a blue stucco background, so that customers in the existing parking lot of the mall can see the building.

Mr. Rusignola questioned the "grand opening" banner. Mr. Sprouls said that Mr. Bennett approved the banner. It is temporary and will be in place for 30 days.

Mr. Page questioned why signage was now before the Board. The Board approved sufficient signage when the application was previously before the Board.

Mr. Speeney stated the new signage on the east is the "Wal\*Mart" sign and an increase in the "Always" sign by 10 sq. ft.

Planning Board Meeting – February 17, 2004



twenty (20') foot wide private, sanitary house lateral easement for the proposed sewer connection; and

**WHEREAS**, pursuant to Borough Ordinance a Tree Removal/Replacement Plan is to be prepared by the applicant and submitted to the Environmental Commission for commentary before the hearing. Borough Code also requires the construction of sidewalks along Ridge Road and Old Somerset Road ~~and~~ <sup>and</sup> the Residential Site Improvement Standards require ~~regarding~~ <sup>REG-RADING</sup> of the right-of-way along Ridge Road and Old Somerset Road; and

**WHEREAS**, the applicant was represented by Joseph Murray, Esq. at a series of hearings, the last of which was conducted on the 20<sup>th</sup> day of January, 2004; and

**WHEREAS**, Richard W. Moody, Borough Engineer/Planning Board Engineer, upon review of the application for development and the minor subdivision plan has submitted a Memorandum to the Planning Board dated December 16, 2003, with commentary upon the proposed subdivision; and

**WHEREAS**, Mr. Murray, in response to the Memorandum and in furtherance to the application called Robert Gazzale, P.E., to testify in his capacity as Project Engineer. Mr. Gazzale provided an overview of the application, referring to the Revised Subdivision Map dated January 9, 2004. He stated that there are no variances required and the proposed subdivision will result in two conforming lots. He further testified that the property consists of 3.75 acres and is located in the RR,

Rural Residential Zone. The lot fronts on Old Somerset Road and Ridge Road and contains some steep slope areas on proposed lot 1.01 which the Engineer has indicated will require retaining walls. The building sewer line for proposed Lot 1.01 will be connected to an existing lateral on Old Somerset Road by a twenty (20') foot private sanitary house lateral easement on existing Lot 1. The proposed lot will have access to Ridge Road and resulting impervious coverage will be within Borough standards.

The applicant requested waivers of the Tree Removal/Replacement Plan for purposes of completeness; Mr. Gazzabe indicated that a tree survey has been completed and that compliance with the Tree Removal/Replacement Plan will occur if the Board grants approval. The applicant also seeks a waiver from the requirement to construct sidewalks and grade the shoulder on Old Somerset Road and Ridge Road. The Engineer testified that the applicant will provide a graded area on Ridge Road to alleviate erosion and would contribute to the Sidewalk Fund in lieu of the construction of sidewalks. In response to questioning, the Engineer also stated that all of the trees in the shaded area on the map would be removed subject to issuance of a Tree Removal Permit; and

**WHEREAS**, upon hearing of the said testimony, a motion was made and seconded granting the waivers subject to the

representations made by the Engineer. The waivers were granted; and

**WHEREAS**, upon review of Sheet 2 a question arose regarding drainage of surface water and the need for proper grading and storm water detention. The Engineer testified that dry wells would be installed to handle water run off. The Engineer also responded affirmatively to the Moody Memorandum of December 16, 2003, noting that there were no wetlands on the subject property according to a Memorandum prepared by D. A. Agobino Associates; and

**WHEREAS**, Board Engineer Moody testified that he was satisfied with the responses elicited from the applicant noting, however, that shade trees are being taken down along Ridge Road and that pursuant to Borough Ordinance only two trees were required to be replanted on each lot. It was suggested that one tree be planted every forty (40') feet to which Mr. Murray indicated the applicant would comply. Mr. Moody indicated that the plan for replacement will be prepared in concert with input from the Environmental Committee regarding replacement trees within the right-of-way area where the trees were removed; and

**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 1, Block 70.03, otherwise designated as 195

SOMERSET  
DMD  
SVA

Old ~~Somerset~~ Road, Watchung, New Jersey, into two (2) resulting lots, a proposed new Lot 1.01 fronting on Ridge Road and consisting of 65,706 square feet and a remaining Lot 1 on Old Somerset Road consisting of 97,521.5 square feet, upon which a one-story brick dwelling would remain.

3. The pre-existing lot consists of 3.75 acres and is located in the RR, Rural Residential District, which permits the construction of single family detached dwellings. The subdivision creates the opportunity for improved zoning by creating two (2) lots which are consistent with the Zoning Code, both of which will be fronting on existing, approved roadways. The creation of additional impervious surface by construction of a new dwelling is well within Borough Code Standards and, as such, requires no variance.

4. The applicant has sought and received waivers from the Planning Board for completeness to allow the application to move forward. The Board granted a waiver from the Tree Removal/Replacement Plan which the applicant agreed to submit when making application for the tree removal permit. The Board also granted a second waiver for the installation of sidewalks

on Old Somerset Road and Ridge Road, noting, however, a willingness to <sup>PROVIDE</sup> apply a graded area on Ridge Road to alleviate erosion. The Board notes that there are no other sidewalks in the immediate area adjacent to the lots which are created by this subdivision and that the applicants' contribution to the Sidewalk Fund will help further the causes for which the Ordinance was enacted.

5. The applicant has agreed to comply with the engineering comments set forth in the Memorandum of Richard W. Moody, P.E., dated December 16, 2003.

6. The application has received approval from the Somerset County Planning Board.

**WHEREAS,** the application was considered by the Planning Board at Public Hearing conducted on the 20<sup>th</sup> day of January, 2004, 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 made by Joseph Murray, Esq., on behalf of the applicant, the expert submissions made on the applicant's behalf by Robert Gazzale, P.E., the commentary of Richard Moody, Borough Engineer/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 1, Block 70.03 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 at the time of application.

**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 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. Restrictions regarding impervious coverage shall be imposed as Deed Restrictions in the resulting subdivision Deed to be recorded by the Applicant.

3. The submission to the Board Attorney and Board Engineer of a report from D. A. Agovino Associates stating that there are no wetlands on the subject property. This report is required to obviate the need for a Letter of Interpretation which the Board waives, pending receipt.

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. 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 any other agency or instrumentality having jurisdiction over this application 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. 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.

10. Compliance with the Borough Tree Ordinance and the submission of a Tree Removal/Replacement Plan pursuant to Ordinance 126-B(1).

11. Compliance with the Engineering Comments of the Borough Engineer in his Memorandum dated December 16, 2003, provided, however, the requirement to provide and N.J.D.E.P.

Letter of Interpretation is omitted subject to receipt of a satisfactory report from D.A. Agovino Associates, stating that there are no wetlands on the property.

12. The applicant will execute on behalf of the developer all documents and/or instruments required to be part of the Cardinal/Century/Ser Assessment Ordinance and to pay the cost of the assessment as determined by the Watchung Borough Assessment Commission and approved by the Mayor and Borough Counsel. The Ordinance revision to include proposed lot 1.01 as a benefiting property shall be completed prior to the recording of the Minor Subdivision Deed. The applicant will provide proof of compliance with this condition to the Board attorney and to the Borough Engineer.

13. The applicant will enter into a written agreement for the proposed 20 foot wide sanitary house lateral easement across proposed lot 1 in the ~~place~~ that's generally depicted on the minor subdivision plans dated January 9, 2004. The agreement will be in a form approved by the Borough Engineer and the Board Attorney and will be recorded by the applicant at no cost to the Borough. The applicant will provide a copy of the recorded instrument to the Borough Engineer and the Planning Board Attorney upon return from the Somerset County Clerk.

**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.

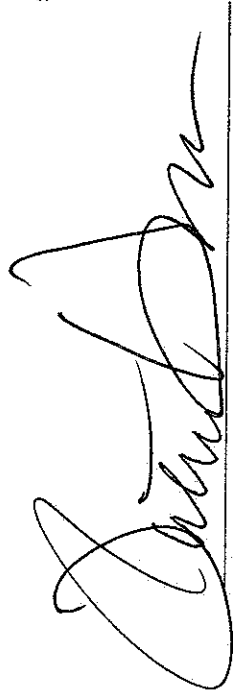
**BE IT FURTHER RESOLVED** that all conditions must be met by the Applicants within 190 days from the date of this Resolution as adopted or the approval granted by this Resolution shall be null and void.

**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.

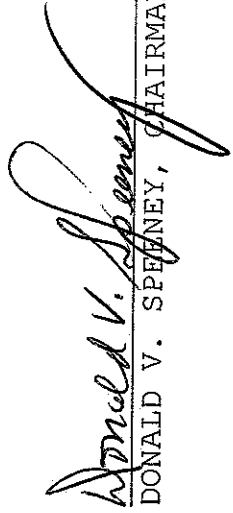
**BE IT FURTHER RESOLVED** that this approval is further contingent on the Applicants paying all fees and escrows required by the Borough of Watchung Planning Board.

**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 17<sup>th</sup> day of FEBRUARY, 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.



PETER HAVAS, SECRETARY



DONALD V. SPEANEY, CHAIRMAN

Dated: February 17, 2004

C: Applicant 2/18/04  
Mayor & Council 2/18/04  
Engineer 2/18/04  
Assessor 2/18/04  
Bldg. Dept. 2/18/04