

**PLANNING BOARD
BOROUGH OF WATCHUNG
AGENDA
SPECIAL MEETING
APRIL 13, 2004**

- 1. Call to Order**
- 2. Roll Call**
- 3. Statement of Compliance with N.J.S.A. 10:4-6**
- 4. Discussion of Proposed Land Use Ordinance**
- 5. Adjournment**

**PLANNING BOARD
BOROUGH OF WATCHUNG**

SPECIAL MEETING

APRIL 13, 2004

Chairman Speeney called the meeting to order at 7:33 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, Ellis, Havas, Addario, Page, Mobus and Mc Cumber. Absent were Pennett and Haveson. Also present were Board Engineer Richard Moody, Board Attorney Robert Rusignola and Borough Planner Mark Healey.

Chairman Speeney announced this was a special meeting dealing with Land Use Ordinance. He said he would also discuss rezoning. He asked Mr. Havas if the ordinances were now one package. Mr. Havas said they are unified including the driveway ordinance.

Mark Healey of Heyer, Gruel Associates, Planning Consultants to the Borough, stated in February he had submitted to the committee a complete draft of the new Land Development Ordinance which included the driveway ordinance and Chapter 600, Design Standards, compiled by Mr. Moody. The committee met to review and discuss it. After the meeting, the office of Heyer & Gruel made some additional changes. Lot frontage was changed to include the recent amendments to the ordinances. Two portions regarding zoning requirements were deleted. He felt Chapter 600 should cross-reference Chapter 118, Steep Slope and Stormwater Management;

Mr. Moody informed the zoning portions were removed to allow the Ordinance Committee of the Mayor and Council to make some changes to allow the zoning official to grant necessary waivers to eliminate the necessity of appearing before the Zoning Board for a variance. The Mayor and Council would like the Planning Board's Ordinance Committee, Mark Healey and myself to appear before the Council to explain why changes were necessary. This was a re-codification of the ordinances in an easier to read format. Mr. Moody advised that Mr. Cronheim has been in contact with Mr. Rusignola so it is being reviewed jointly.

Mr. Mobus asked if the "tweaking" of the ordinance would allow some of the work to be removed from the Engineering Department. Mr. Moody replied yes it would, it would

**PLANNING BOARD
BOROUGH OF WATCHUNG
APRIL 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 Special Meeting of February 17, 2004 and regular meeting of February 17, 2004**
- 5. Resolutions**
 - Resolution of Approval PB04-R7
PB03-10 Villa Domenico
72 Stirling Road
Distribution of units**
 - Resolution of Approval PB04-R8
PB03-07
Sarah Tennenbaum
Oakwood Road East
Block 74.01, Lots 6, 7, 8, Bl. 74.03, L. 5
Preliminary Major Subdivision**
 - 6. PB02-04 Watchung Square Mall/Target – Extension of filing date**
 - Resolution of Approval PB04-R9
PB02-05 Watchung Square/Target
Extension of filing date**
- 7. Continued Applications**
 - PB03-08
Map Investment Co.
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**

8. New Applications

PB03-13
Whitting/JDN Properties
Preliminary & Final Major Subdivision
40 Stirling Road
Block 40.01, Lots 6.01, 6.02 & Pt. 4

9. Reports

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

10. Public Hearing

11. Vouchers

Heyer, Gruel Associates	2/17/04	\$1,495.00
NJ Planning Officials	1/9/04	\$ 148.00
Courier News	1/22/04	\$ 43.50
Gray's Florist	3/10/04	\$ 50.00
Heyer, Gruel & Associates	3/17/04	\$3,461.25
Heyer, Gruel & Associates	3/22/04	\$3,500.00

12 Communications

- A. Stern, Lavinthal, Frankenberg & Norgaard, L.L.C., February 17, 2004 – re: Extension of filing date for Application PB02-05 –c: all members
 - B. Robert Rusignola, Esq., to Susan Rubright, Esq., Attorney for Map Investment, requesting a representative be present at the meeting of March 16, 2004 to arrange for a special meeting date – c: all members
 - C. Joseph E. Murray & Associates, P. A., February 17, 2004 – re: Whitting subdivision and whether JDN Properties need be a co-applicant and map revisions – c: R. Rusignola
 - D. Epstein, Fitzsimmons, Brown, Gioia, Jacobs & Sprouls, March 2, 2004 - Re: cart corral signage – c: all members
 - E. Board of Chosen Freeholders of Somerset County, March 4, 2004 – re: Resolution passed on March 2, 2004 regarding participation in 2004 Cross-Acceptance – c: D. Speeney, R. Rusignola
- Communications A thru E were forwarded with the March Agenda.
- F. Stern, Lavinthal, Frankenberg & Norgaard, L.L.C. to Laureen Fellin dated April 2, 2004 – re: Target expansion approvals – c: R. Rusignola.
 - D. Speeney

- G. Susan Rubright, Esq. of Gebhardt & Keifer, March 16, 2004 – re: suggested dates for the continuation of the Map Investment application – c: all members
- H. Joseph E. Murray & Associates, March 22, 2004 – re: Block 78.01 Lot 1 rezoning to allow a senior citizen complex – c: all members
- I. Mark Breitman, Esq. to COAH requesting approval of unit distribution for the Villa Domenico –c: all members
- J. Somerset County Office on Aging, March 26, 2004 – re: Senior Housing Design Seminar to be held April 22, 2004 - c: all members
- K. Albert Cruz, Esq. to Mark Breitman, Esq.- re: JDN Properties properties conflict between Planning Board Resolution and Borough Ordinances c: all members
- L. Expression of gratitude from the Rusignola family in the recent death of a family member – c: file
- M. NJSLM advising of a seminar to be held for Registering Domestic Partnerships in New Jersey – c: all members
- N. Mayor Ellis, to Donald Speeney, Planning Board Chair, April 5, 2004 –re: a request for the rezoning of Block 78.01, Lot 1 –c: D. Speeney
- O. Environmental Technology, April 5, 2004 – re: application to NJDEP for permitting on the Joren property – c: R. Rusignola, D. Speeney
- P. Donald E. Brundage, A.I.A. – April 7, 2004 –re: TGI Friday’s renovations inquiring whether a site plan was necessary – c: D. Speeney, R. Rusignola
- Q. Kate Butler, COAH, April 12, 2004 – re: approval of unit distribution at Villa Domenico- c: all members

13. Adjournment

PLANNING BOARD

BOROUGH OF WATCHUNG

APRIL 20, 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, Addario, Pennett, Page, Haveson, Mobus and Mc Cumber. Absent with Havas. Mayor Ellis arrived at 8 P. M. Also present were Board Engineer Richard Moody and Board Attorney Robert Rusignola.

A motion to approve the minutes of the special meeting of February 17, 2004 and the regular meeting of the same date was made by Mr. Boyd, seconded by Mr. Addario. Chairman Speeney noted there was a correction on Page 2 of the regular minutes. He noted the size of lot was larger but not the size mentioned. A motion to approve the minutes as amended was made by Mr. Boyd, seconded by Mr. Addario and unanimously approved on roll call.

Chairman Speeney called:

PB03-08
Map Investment Co.
40 Stirling Road
Block 40.01, Lot 1
Minor Site Plan

Frank Hickman, a representative from Gebhardt & Kiefer, attorneys for Map Investment, stated he was present to arrive at a special meeting date. Mr. Speeney announced after reviewing the dates submitted, the first date available was Tuesday, May 25th. After checking with the rest of the Board it was determined that May 25th at 7:30 P.M. was when the Map Investment application would be heard

Mr. Rusignola advised that the Resolution for the Sarah Tennenbaum application would be carried to the May meeting. Mr. Lachs, attorney for Ms. Tennenbaum, requested additional time to review the proposed Resolution.

Mr. Rusignola read the following Resolution into the record:

Resolution of Approval PB04—07
PB03-10 Villa Domenico
72 Stirling Road
Distribution of Units

Planning Board Meeting – April 20, 2004

Mark Winter, Esq., of Stern, Lavinthal, Frankenberg & Norgaard, L.L.C., said his client, Target, had previously been granted approval for the expansion of 16,820 square feet. He stated he wished to apply for an extension of the filing date. He stated that no Developer's Agreement has been received and he just recently received the Compliance Review forms.

Mr. Rusignola stated that the applicant needed to provide proof that the filing date could not be met because of the inability to meet non-municipal approval deadlines. Mr. Moody explained that his office had sent the Compliance Review Package on several occasions after approval for the expansion had been granted.

Sal Davino, Fidelity Development, said it was necessary to obtain parking approval from Home Depot and Bed, Bath and Beyond. It had taken nine months for this approval. So it was virtually impossible for Target to get the necessary approvals within the required time constraint.

Chairman Speeney asked the Board to consider the request for extension of the filing date. A motion was made by Mr. Addario, seconded by Mr. Haveson that the deadline for filing be extended. Extension of filing date was approved unanimously on roll call.

Mr. Rusignola read:

**Resolution of Approval PB04-09
PB02—04 Watchung Square/Target
Extension of filing date**

A motion to approve the Resolution of Approval for the filing extension for Target was made by Mr. Haveson, seconded by Mr. Addario. A discussion ensued. The rationale for granting the approval was discussed. Mr. Moody explained his office sent the Compliance Review package out after the approval for expansion was granted. Several months later another package was sent out. The Engineering Office received a completed Compliance Review package on April 12. Mr. Cruz would not have been able to draft a Developer's Agreement since the Compliance Review has not been deemed technically complete.

After discussion, Chairman Speeney moved to have the Resolution tabled, seconded by Mr. Haveson. A voice vote was unanimous for tabling the Resolution. Mayor Ellis motioned that the attorney prepare a new Resolution of Approval, seconded by Mr. Boyd and unanimously approved on voice vote that the attorney draw a new Resolution for the next meeting stating the facts as discussed this evening.

Mr. Mobus requested a copy of the Resolution be sent to him. Mr. Rusignola said Mr. Mobus would have the Resolution next week.

Mr. Murray gave an overview of the project. He entered exhibit "A-1", a colored rendering of sheet six, Landscaping and Lighting, part of the plans submitted by Mr. Whitting. Mr. Murray said the site was a triangular portion of property adjacent to the Senior Citizen's project. The site is accessed through an easement from the private roadway. The roadway has a width of 50'; it will be extended onto the Whitting property. The Whitting residence is located in the northwesterly portion of the site. Access to the Whitting property is through an easement running along the westerly portion of the property's border. That roadway will be eliminated, as will the Whitting house. There will be four new houses built on the site. A C-2 variance is required.

R. Thomas Cannarella, P. E., cited his curriculum vitae; Mr. Rusignola accepted them and he was sworn. He gave a general overview of the application. The site is located along Stirling Road. It now houses the 1-½ story Whitting home. The majority of the property is a grass lawn. Sheet two depicts the trees to be removed. The topo of the site is also shown on this sheet. Sheet three shows the geometrics of the site, subdividing the site into four lots. Sheet four shows the grading. The maximum building height allowed is forty feet. These houses will be less than 40 feet, so that a height variance will not be required. The proposed roadway is to be 50 feet; a portion 32 ½ feet is within the construction easement. A row of evergreens is proposed for screening of these houses from the senior project. There is no frontage on a public roadway; it will be a private access road. The tract is landlocked. The sewer line is already in place. Water and underground electric will be installed underground in the grassy area along the 50 foot roadway. A sidewalk waiver will be requested since there will be no sidewalks. There is 150 feet from the end of the cul-de-sac to the senior project. One light will be placed at the northeast end of the cul-de-sac. Curbing is mountable to allow for greater turning radius for emergency vehicles since the cart way is only 20' rather than the 28' feet as required under R.S.I.S.

Mr. Speeney asked the purpose of the light at the end of the cul-de-sac. Mr. Cannarella said it is to let people know it is the end of the roadway. They may have turned down the road by mistake. Mr. Murray said he would abide by whatever Watchung's policy is regarding lighting at the end of the cul-de-sac.

Mr. Murray addressed Mr. Moody's letter stating that a final plat had not been filed so this was not a final major subdivision. Mr. Cannarella stated he would request a waiver from the detention basin as one had been designed off-site. Mr. Moody requested a different scale for the maps submitted. Mr. Cannarella said that might be difficult. Mr. Cannarella said he would not have a problem with the rest of the requirements. Mr. Moody stated tree removal would be taken into consideration when the tree removal application was requested.

Mr. Speeney asked for a continuance to the next meeting. Mr. Murray consented to the continuance. Mr. Speeney stated the committee noted the site requires extensive cleanup.