

**Borough of Watchung
Planning Board Meeting
October 19th, 2010**

Minutes

Chairman Speeney called the meeting to order at 7:34pm. Salute to the flag. The Chair called for a roll call. Present at the call of the roll were: Speeney (X) Boyd (X) Havas (X) Haveson (A) Addario (X) Pennett (X) Schaefer (X) Beck-Clemens (X) Panzarella (A) Ellis (A) Pote (X)

Chairman Speeney indicated there was a quorum to conduct business and indicated that Mrs. Beck-Clemens will be voting at this meeting. The Chair stated that this meeting was being held in compliance with N.J.S.A. 10:4-6 et. seq. of the open public meetings law and proper notification of this meeting has been made. Chairman Speeney sought a motion to approve the minutes of the meeting of September 21st, 2010 as published and waive the reading. That motion was made by Mr. Havas, seconded by Mr. Addario and approved by voice vote by those eligible to vote. The minutes were approved with two typographical errors to be corrected.

Havas read: PB10-R9 Elite Properties
Minor Subdivision w/no variances
Block 1702 Lot 7
Resolution of Memorialization- approval

Mr. Linnus had a change to findings of fact number seven. The Board granted a waiver for the turnaround of the driveway and proposed that on page four, after now therefore, after the waiver of the contribution to the sidewalk fund, that *a waiver for the turnaround in the driveway* be added.

The Chair accepted the reading as a motion to approve and sought a second. Mr. Addario made the second and the Chair asked if there was any discussion from the Board. Hearing none, the Chair asked the Clerk to call the roll from

the members who voted on the motion. The roll call vote was as follows:

Speeney (yes) Boyd (yes) Havas (yes) Addario (yes) Pennett (yes)
Schaefer (yes) Pote (yes)

The motion carried and the application was approved.

Havas read: PB10-02 Bank of America
1511 Route 22 West
Block 5703 Lot 2.01 & 3.01
Amended Site Plan w/ variances
Watchung Square Mall

Mr. Arthur Sypek, attorney for the applicant was present. Mr. Sypek said that they had no further testimony at this time with regard to the application. The presentation was concluded at the last meeting. The Chair asked Mr. Havas to read resolution PB10-R10 granting minor site plan approval to Bank of America. Havas read: PB10R10 Resolution of Approval of minor site plan with variances. Mr. Linnus said there were two technical amendments on page 6. The first was the clause stating that the resolution was memorialized should be deleted because it was happening at this meeting, not last. The second was a typo on Now, therefore be it resolved should read, Now therefore be it resolved by the Planning Board of the Borough of Watchung. Mrs. Beck-Clemens said that on page six, twelfth word should be corrected for a spelling error. The Chair accepted the reading of the resolution as amended as a motion to approve and sought a second. Mrs. Schaefer seconded the motion and the Chair opened up discussion from the board. Councilman Pote said that from the last meeting, his concern about the security was not reflected in the resolution. He said that due to the fact that the ATM was removed from the main traffic area, there is an exposure to a person taking out money, and being robbed, mugged, or worse. He said that the cameras are used re-actively, but they won't prevent a crime. Councilman Pote said he was still concerned about the flow of traffic, and asked to have the direction of the traffic flow pointed out on the exhibit. The clothing bins were discussed regarding the moving of them. Mr. Herits said that he would prefer to have the ATM installed, and then he would make a decision as to whether or not the bins needed to be moved. Councilman Pote also suggested moving the ATM to where the bins originally

were. A discussion ensued and it was decided to keep the ATM location where it was proposed. Mrs. Beck-Clemens voiced concern about the economy improving and the section of the parking lot possibly becoming more crowded. Mr. Sypek said that he thought that the impact of the 4 spaces utilized was diminimus. He said that the location selected was not an arbitrary one, and that Bank of America has researched this. Mrs. Pennett voiced her concern about pedestrian traffic using the ATM and cars potentially coming in fast to the ATM, not seeing the pedestrians. Mr. Sypek said that in testimony, it was stated from research that a very small number of pedestrians would normally use this kind of ATM. He said they have taken every precaution to make this site safe. Councilman Pote expressed concern about the flow of traffic. Mr. Addario said that the only time he could foresee a problem with traffic, is when PC Richards holds it's tent sale. Mr. Herits asked the Chair if the board couldn't hold some jurisdiction over the site for a fixed amount of time. The Chair said that this board didn't have the right to hold jurisdiction after this application was approved and left the board. Mr. Sypek agreed that from six months of the date of opening if there was a problem with the traffic, that the board would re-evaluate the signage and directional markings or striping on the road. He said that he was speaking for Bank of America, but could not speak for Mr. Davino. Mr. Linnus said that condition #12 should read that the Board retains jurisdiction of site review for a period of six months beyond the issuance of a Certificate of approval. Mr. Linnus added into the resolution on page 2 that *board member Councilman Pote had concern about security issues and that the applicant's proposed security system is a passive system which will not prevent crimes as they are occurring.* The Chair asked the board if there was any further discussion from the board. Hearing none, the Chair sought a motion to accept the resolution as amended. The Chair asked the clerk to call the roll. The roll call vote was as follows:

Speeney (yes) Boyd (yes) Havas (yes) Addario (yes) Pennett (yes)
Schaefer (yes) Pote (no)

The motion carried and the application was approved.

Havas read: PB10-04 Old Chester Road Associates
501 Watchung Avenue Block 4701 Lot 2
Minor Site Plan w/variances

Mr. Joe Murray was present representing the applicant. Mr. Murray is from Schiller and Pittenger, 1771 Front Street, Scotch Plains, New Jersey 07076. He

introduced Robert Berlant of 23 Mountain Blvd. Warren, New Jersey who was sworn in. Mr. Berlant is a principle owner of the property in question. He stated that he is in partnership with family members. Mr. Berlant said they have owned the property and managed it since 1988. Mr. Murray stated that they are here for a modification to the site of 29 parking spaces from 25 parking spaces. Mr. Berlant said that the parking has always been tight. He said that there are four tenants in the building who are long-term tenants, and there are some tenants currently being forced to park in the lots of the triangle mall. Mr. Berlant said that there are two tenants on the second floor, and two tenants on the first floor. On the first floor is a dentist and a law firm, and on the second is an insurance company and a real estate management company. Mr. Berlant said that there is currently one handicapped spot, and 24 other spots. They are proposing four extra spots. Mr. Berlant said that typically, approximately 20 people work in the building on an average day. Mr. Murray said that the proposed application would create stacked parking. Mr. Berlant said that they would create a situation where an attorney would park in the first spot and his secretary would park behind him. This way, if someone needed to move during the day, the person in the other spot would be accessible to the first. Mr. Murray asked if this would be enforced. Mr. Berlant said that all the tenants are close and they have discussed this and it could be managed and enforced. Mr. Murray asked Mr. Berlant about the report from Borough Engineer Tom Herits. Mr. Berlant said they could comply with everything except for the second handicapped spot. He said that the present one is almost always empty. He said that there is no elevator, and only the first floor is handicapped accessible. Mr. Murray asked what happens if a handicapped person needed to go to the second floor. Mr. Berlant said that the tenants make accommodations by using an office on the first floor in another of the tenants suites. Mr. Berlant said that in Mr. Herits engineering review letter, it was suggested that another handicapped spot be added. Mr. Murray asked if the lack of a second spot became a problem in the future, would Mr. Berlant would entertain coming back to this board to amend the site plan by putting a second spot in. Mr. Berlant said yes. Mr. Murray asked if the variance for the front yard setback was a pre-existing non-conforming condition. Mr. Berlant said that yes, it is a pre-existing condition. Mr. Murray asked about the variance for impervious coverage and said that there is a maximum imperious coverage of 70%. Mr. Berlant said that 75.1% proposed. Mr. Murray said that another witness would address that. Mr. Berlant said that they proposed removing a section of the curb on the Somerset Street side closest to the building and moving it over six feet. Mr. Berlant said

that by doing that and re-striping close to the building, it allows them to pick up two more parking spaces. Mr. Murray asked if the moving of the curb has been submitted to the Somerset County Planning Board. Mr. Berlant said yes, that they have been given approval. Mr. Murray asked if there was a lot of pedestrian traffic in that area. Mr. Berlant said no. He said that pedestrians certainly have enough room to walk. Mr. Murray asked if the Somerset County Soil Conservation has given an exemption. Mr. Berlant said yes. Mr. Murray asked Mr. Berlant how the employees of the building who park at the Triangle Mall lot walk to the building. Mr. Berlant said that they use the sidewalks that were recently put in. Mr. Berlant said that referring to Mr. Herits report number 5, he'd prefer to do single striping for the parking lot, rather than hairpin. Mr. Murray asked Mr. Berlant if the parking spaces are 9' x 18'. Mr. Berlant said yes, but that the two of the new spots were 10' wide, and they would be shrinking them down to 9' in order to get the two extra spots. Mr. Berlant said there is a ramp currently in the middle of the building. It doesn't meet ADA standards, so they are planning to relocate the ramp to go parallel with the front of the building, and created a striped section in the middle of the building. They will narrow the existing ramp and stripe it. It will become part of the macadam. Mr. Berlant said he would love to do the work immediately. Mr. Berlant said that the tenants have a good relationship and have all been there for years. He said as far as the handicapped spot, it's really just for wheelchairs. If there were changes in tenancy, Mr. Berlant said that he would be willing to provide that information to the administrative department in the Borough Hall to address the handicapped issues. The Chair opened up discussion from the board. Mrs. Schaefer asked what would happen if the stacked spot was hindered by other parking spots. Mr. Berlant said he made the locked in spot bigger so employees would not have to step out of their cars onto the grass. Mrs. Schaefer asked what would happen if the user of the front locked spot went to lunch, and someone else parked there. Mr. Berlant said that those spots would be delegated to those who were there every day all day. Mrs. Schaefer asked about a large tree on the property. Mr. Berlant said that the large tree will not be touched, and he has had the root system of that tree checked by a tree company and it would be feeding it with a deep roots feeding for two or three years after the work was completed. Mrs. Pennett said that Mr. Berlant is really relying on his tenants getting along. She wanted to know how Mr. Berlant could control these designated spots as far as who uses them. Mr. Murray asked how with signage they could control those using these spots. Mr. Berlant said that if there is a problem, he would put up signage, but doesn't

think that it is currently necessary. Mrs. Pennett had concerns about the impervious coverage. Mr. Berlant said he approached one of the neighbors to see if he could purchase a piece of their property, but he was not able to purchase it. Mrs. Pennett said that if the board agrees to the impervious coverage increase with this application, what happens to the next one. Mr. Berlant said that this property was unique, sandwiched between two streets. He said he thought this was a diminimus increase. He said that the two 12' wide proposed spots could be shrunk down to 10' if the board felt necessary. Councilman Pote asked Mr. Linnus if the town was liable in some way to allow the stacked parking given the fact that someone could not get their car out. Mr. Linnus said no, but that the Planning Board has an obligation to make sure that any application approved is safe. Mr. Berlant said they are also proposing a number of shrubs and bushes to be planted to that a passing motorist doesn't see just blacktop. Mr. Linnus said that earlier in the testimony Mr. Berlant commented on three variances that were sought. The first was a minimum front yard setback. The ordinances requires that you have 30' and Mr. Berlant has 13.7' existing. Mr. Linnus asked if Mr. Berlant obtained a variance for that condition, and how it arose. Mr. Berlant said he did not go in for the original approvals, but it was Steven Trenk who was the original developer of the property. Mr. Linnus asked whether anyone had in fact obtained variances for this relief. Mr. Herits said he had no problem with the single striping. Mr. Berlant said he did not have the resolution, but has the original as-built from 1987. Mr. Linnus said he needed to know if there were approvals for the variances and the impervious coverage. Mr. Murray said that May 15th, 1987 was the date on the as-built by the surveying firm of Paulas, Sokowski and Sartor titled proposed Trenk office building Block 4701 Lot 2, which was marked exhibit A-1 dated October 19th, 2010. There was no impervious coverage standard on the as-built. Mr. Murray said he did not know if there was an impervious coverage standard at that time. Mr. Berlant added that nothing has changed since the original as-built. Mr. Linnus said that they also needed to see the original resolution. The Chair said that that should be obtained before the next meeting. Mr. Murray said he would contact Mrs. Taylor to look for the original application. The side yard setback on the as-built is consistent with the plan submitted, said Mr. Herits. Mr. Linnus asked about the front yard setback. Mr. Linnus said that the chart referred to on exhibit A-1 requires 30', and the plan shows 15', and applicant has currently 13.77'. Mr. Herits said one is a scale distance, and the other is an actual surveyor's distance. Mr. Linnus said they need to see the resolution. Mr. Linnus said that for the record, Mr. Berlant

purchased this property in 1988 and asked if since purchasing it, they have ever been here before this board to develop this property in any way. Mr. Berlant said no. Mr. Murray gave Mr. Linnus a copy of the applicant's notice. Depending on what is found from the original application, another notice may or may not have to be done. Mr. Murray said that in light of the fact that the original application needed to be found, should they carry this application to the next meeting. The Chair agreed. Mr. Linnus recommended that the application be carried pending finding the original application in case notice be required. The Chair said that on advice on council, they should go no further and asked for a continuation based on notice. The applicant agreed. The Chair said the next meeting is November 16th, 2010 and asked for an extension through the end of December. Mr. Linnus said that neighbors may or may not get future notification based on what information is found. The Chair also suggested that the applicant take into account other issues that were raised so that they were ready to address those points. Mr. Berlant asked the board if they wanted to see them reduce the size of the two spots. The Chair said he didn't think there has been enough testimony yet to answer that. Mrs. Pennett asked if a potential witness who was a family member was cause for her to recuse herself at the next meeting. Mr. Linnus said it was up to her, but that there are plenty of voting members, and that might be a good idea. The Chair carried the application to the meeting of November 16th, 2010. The applicants thanked the board for their time.

The Chair asked Mrs. Schaefer for an update for the Master Plan re-exam and Mrs. Schaefer said that she and the Chair would be meeting with Mark Healy tomorrow to go over what should be addressed at the special meeting. The Chair said that one thing he'd like to see come out of this re-exam is some written document as to the step-by-step process of the Master Plan re-exam. Mrs. Schaefer said she would put something together, and the board was reminded that the special meeting workshop for the Master Plan re-exam would be October 26th, 2010 at 7:00PM. The Chair adjourned the meeting until the next special meeting of October 26th, 2010.

Respectfully Submitted,

Carolyn Taylor
Planning Board Clerk