

**Borough of Watchung  
Planning Board Meeting  
May 17th, 2011**

**Minutes**

Salute to the Flag

Chairman Speeney called the meeting to order at 7:30pm. 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 (X) Ellis (X) Pennett (X) Schaefer (X) Mobus (X) Pote (A) Beck-Clemens (X)

Chairman Speeney indicated there was a quorum to conduct business. The Chair stated that this meeting was being held in compliance with N.J.S.A. 10:4-6 of the open public meetings law and proper notification of this meeting has been made. The Chair said that Mrs. Beck-Clemens would be substituting for Councilman Pote. Councilman Pote arrived at 7:38

Havas read: PB11-01 Pinnacle at Watchung  
Block 6601 Lot(s) 5&6  
60 Valley Drive  
Minor Subdivision

The Chair said that the Planning Board is in receipt of a letter from Attorney for the Applicant Bruce Freeman, asking for a continuance until the next Planning Board meeting in June and offering an extension of time through the end of July. The Chair asked the board to grant a continuation of this application and accept the extension through July 31<sup>st</sup>, 2011. Mr. Havas made that motion with a second from Mr. Haveson. The Chair called for a voice vote and all were in favor of granting the continuance and extension. The motion carried. The Chair said that no further notice is necessary on the part of the applicant.

Havas Read PBIR11-01 AT&T

Mr. Jason Sturn, representing AT&T came to the microphone. Mr. Sturn stated that he is the corporate real estate representative for AT&T. The Chair stated that this was a work session. Mr. Sturn stated that they have a property at 15922 Route 22 east. He said that the property currently has a fence on three sides of the property and for whatever reason, the fence on the easterly side of

the property continually is getting knocked down. Mr. Sturn said that he is being told by the store that trucks when coming in and out are knocking it down. Mr. Sturn said that he has not personally seen this happen, but that he keeps repairing it. Repairs are becoming more and more costly, and Mr. Sturn said that he is here before the board to ask if the fence could be taken down on the one side to the east. Mr. Sturn said that he was not really sure why the fence was first put in, and didn't have that history. Mr. Sturn said that he has provided pictures. There are some parking buffers to the Raymour and Flanigan side of the building. Mr. Sturn said that he didn't know if they were placed there to control traffic trying to get through or not. The Chair said he remembers the original application but didn't remember why they had the fence on the eastbound side. He asked if there were any reports as to who or what is knocking this fence down. Mr. Sturn said he has no idea if it is people knocking it down, the winter from snow plows, or if it is trucks. The Chair asked about the fences in the rear and the side, and the condition of those. Mr. Sturn said that the other two sides are currently in good condition. Mr. Sturn said that he has been in this position since 2006 and that's as far back as his knowledge goes.

Mr. Haveson said he was on the original committee for this application and he remembered that one condition was that the fence was supposed to be closed to prevent traffic coming from Gray's Florist coming through. Mr. Haveson said that he was not aware that the fence was supposed to be closed, but that if the board wanted, he could keep the fence closed from his side of the fence. There is an opening in the fence with a gate. Chairman Speeney said that the board could go out and do a site visit, and that Mr. Sturn could make a formal application. The Chair said that he was not trying to make this a burden for the applicant. He said that the issue for the board would be to review the original conditions in the resolution and to make a site visit. Mr. Ellis suggested a guard rail be installed so that the fence would not continually be taken down. Mr. Sturn said he could look into a guard rail but if a big truck hit it, it would certainly not look very nice. Chairman Speeney said there was a worry of people using the AT&T lot in order to access the Lord and Taylor property at the time. The Chair asked Mr. Sturn if he was looking to get rid of the fence altogether, or get something sturdier. Mr. Sturn said he was open to any options for something that was sturdy and wouldn't get continually knocked down. He said that the challenge was that anything going in there, was going into asphalt. Chairman Speeney said that Mr. Sturn should look at the guide rail that separates Villa Furniture on Route 22 and North Drive, and the gas station immediately next to it. He said that guide rail has been there for approximately 25 years and thought it might be a good option. Mr. Sturn said that he would

consider that. He said that the easiest solution for him would be to remove the fence altogether. The Chair suggested that he could make an application to review the conditions of the resolution, which would trigger a site visit and then the conditions could be revisited. He said that they could also review the traffic patterns, which may be different than they were nine years ago. Chairman Speeney said that Mr. Sturn could ask for complete removal of the fence in a formal application, but to be open to the possibility that the board could ask for a guide rail to be put in. The Chair asked the board attorney for the language for such an application. Mr. Linnus said that since the board did approve a site plan for this property, the formal application would be to ask for a modification to the conditions of approval.

Mayor Mobus asked how high the current fence is. He said that the damage seems to be higher than four feet. Mayor Mobus said that the Borough has a tremendous problem with crime in the shopping areas and thought that the fence could be a deterrent to shoplifters trying to leave the scene of a crime on foot. Mayor Mobus said that bollards, used to protect gas pumps could be a possibility and cheaper. Mr. Sturn said that he is open to other options. The Chair reiterated that the applicant can make a formal application and the board would look at this at this time. Mr. Sturn said that the fence could be closed unless there was an emergency situation, and asked if the fence needed to be locked. Mr. Boyd said that Gray's Florist didn't want the fence closed due to the fact that in an emergency, his mother lived upstairs. The Chair said that the board would review all conditions at the time of a formal application. Mr. Sturn thanked the board for their time, and the Chair thanked Mr. Stern.

Chairman Speeney said that in the reexamination of the Master Plan, suggestions were made and said that this list has become action items for this board. The Chair said that the Master Plan sub-committee met to discuss these items. Starting on page 28 of the report The Chair said he would refer to each title and what the committee is recommending the Planning Board without discussion, and at the end, ask for a motion to approve the report and at that time have discussion. At the end, if there is anything that requires expending cost for a planner, in the motion, to give the go-ahead for the planner to give an estimate and to begin that work.

Page 28 Land Use and development Impervious surface limits in the RML districts, proposed 25% maximum impervious surface limits in the RML districts. The Chair said that in the RMLII zone, the committee would like to have Mark Healey go through the current ordinance for the RMLII and create a new ordinance for this zone, which can then be sent to the council as a

recommendation for their review and action. Chairman Speeney said that the committee recommends not making any changes to the impervious surface limits in residential zones, other than the RMLII zone. He said that the committee thinks that the current definition of impervious surface is adequate.

Pertaining to non-conforming streets, the Chair said that the committee thinks that there should be a grandfathering clause but for right now, the committee thinks it is a non-issue.

Regarding the steep slope ordinance and driveway ordinance, the committee would like to leave them as they are presently written.

As far as fencing, they will check and investigate the Land Development Ordinance regarding fencing.

Regarding pools, Chairman Speeney said that the ordinance states that pools should be regulated by the BOCA code.

Chairman Speeney said that the conservation easement definition is too limited and doesn't allow for traversing of sewage or water that would disturb it. He said that you would expect it to be alleviated once it is disturbed. He said that Mark Healey would have to look into that.

Regarding Borough acquisition of the gas station on Somerset Street next to Borough Hall, the committee still thinks that should be carried through and remain on a back burner for the Mayor and Council.

Regarding the Village Center Historical Overlay Zone, the committee discussed having consistency in this zone, and creating design standards, especially in signage and thinks that the Village Center Preservation Committee would be the appropriate committee to contact an architect to look into that.

Regarding the construction of sidewalks along Mountain Blvd., the committee would like to make this an agenda item with the Mayor and Council, following through with what the Planning Board has discussed previously.

Pertaining to Open Space and Recreation, the Planning Board will take this as an agenda item to Mayor and Council, regarding to acquisition of the Connell property for Open Space and recreation.

Regarding traffic circulation, Chairman Speeney said that Interstate 78 and Diamond Hill Road interchange is the big issue, and thought that there should be modifications to New Providence Road. Chairman Speeney said that the whole issue requires the Council and the Army Corp of Engineers and thought there could be something done with New Providence Road in terms of helping with flooding and traffic. That is what the modifications would be to New Providence Road. Chairman Speeney said he would like to see New Providence Road raised and to use it as one side of a detention system, using Watchung Mountain to the east as another side.

Mr. Ellis said that regarding the acquisition of the Getty Station on Somerset Street, that station is part of a lease group with many other gas stations. Mr. Ellis said that this lease package is up in 2012 as he recalls. He said that given the fact that this lease is almost up, it would behoove an inquiry to ask about it now. He said that there was a gas station which was part of this group in Gettysburg PA and a historical group went to them and asked to have this one gas station taken out of the group, and was successful. Mr. Haveson asked who should approach this lease group and Mayor Mobus said it would be the Council who should approach them.

Chairman Speeney said that also regarding traffic circulation, the left hand turns at Washington Rock Road, Brookdale Road and Anderson Road are issues that should be addressed and followed up on. Chairman Speeney asked if items two and three of the report could be addressed independently of having the road straightened out and would like to ask the Council to forward that request to the county.

Chairman Speeney brought up the fact that the capital budget should come before the Planning Board to review, and stated that the board has yet to see it.

Chairman Speeney said that he would like to have the Master Plan Subcommittee report read into the record as a motion to accept. Mr. Haveson made the motion to accept this report, seconded by Mr. Haveson.

The Chair opened up discussion from the board.

Mayor Mobus suggested that maybe since there are so many issues, this could be tabled until next month.

Chairman Speeney said that the only place that this board has an opportunity to change is the RMLII zone

The Chair asked for a roll call vote. The vote was as follows:  
Speeney (yes) Boyd (yes) Havas (yes) Haveson (yes) Ellis (yes) Pennett (yes)  
Schaefer (yes) Mobus (yes) Pote (yes) Beck-Clemens (yes)  
The motion carried and the report was accepted.

Chairman Speeney asked that any suggestions from the board be voiced and action on these items could be taken at the next meeting.

Chairman Speeney asked the Clerk to get an estimate on work by Mark Healey Specifically creating a proposed ordinance for the RMLII zone.

Chairman Speeney thanked the sub-committee as well as the board for all the time put into this work.

Vouchers-Chairman Speeney asked for a motion to approve vouchers, made by Mr. Ellis and seconded by Mrs. Pennett. The Chair asked for a roll call vote, the vote was as follows:

Speeney (yes) Boyd (yes) Havas (yes) Haveson (yes) Ellis (yes) Pennett (yes)  
Schaefer (yes) Mobus (yes) Pote (yes) Beck-Clemens (yes)  
The motion carried and vouchers were approved.

Chairman Speeney opened up the meeting to members of the public. Hearing none, closed that portion of the meeting.

The Chair adjourned the meeting until the next meeting of June 21<sup>st</sup>, 2011.

Respectfully Submitted,

Carolyn Taylor  
Planning Board Clerk