

**Borough of Watchung
Planning Board Meeting
September 15th , 2015 Minutes**

Chairwoman Schaefer called the meeting to order at 7:30 p.m. The Chair called for a roll. Present at the call of the roll were:

(X)Chairwoman Schaefer (X)Mr. Boyd (A)Mr. Desnoyers (A)Mr. Ellis (X)Mr. Haveson
(X)Councilwoman Joren (X)Mrs. Pennett (X)Mayor Pote (X)Mr. Speeney
(A)Mr. Hartmann (X)Ms. Spingler.

Linnus (X) Herits (X)

Chairwoman Schaefer indicated that there was a quorum to conduct business and stated that this meeting was being held in compliance with N.J.S.A. 10:4-6 of the Open Public Meetings Act and proper notification of this meeting has been made.

The Chair asked for a motion to waive the reading of the minutes and approve the minutes of June 16th, 2015. It was so moved seconded and carried on a voice vote. Mrs. Pennett did not vote. A motion by the Chair was made to waive the reading and approve the minutes of the July 21st 2015 meeting. It was so moved, seconded and carried on a voice vote. Mrs. Pennett did not vote. Mr. Ellis arrived at 7:40p.m.

As the Planning Board we have been assigned with identifying an area in need of redevelopment in the Borough for C.O.A.H. Currently the Borough owns Block 5701 Lot 6.1, East Drive, which has the potential of 46 units, 19 of which would satisfy our prior round. In order for a builder to receive funding through the NJ Housing Financing Agency, we need to classify Block 5701 Lot 6.1, East Drive, as an area in need of redevelopment. There is a special meeting scheduled on October 13th 2015 in which Marcia Shiffman will interpret her report. Then there will be a public meeting. At that point the Chair will make a motion to the Mayor and Council.

The Chair made a motion to have Mr. Linnus represent the Planning Board to work with Ms. Shiffman on the redevelopment study. The motion was moved and seconded. The Chair called for a roll: Mr. Boyd (yes), Mr. Haveson (yes), Councilwomen Joren (yes), Mrs. Pennett (yes), Mayor Pote (yes), Mr. Speeney (yes) Mrs. Spingler (yes), Chairwoman Schaefer (yes).

Mr. Linnus said the subject of our discussion tonight is the continuation of a request made by Weldon Materials Inc. to amend the Watchung Zoning Board permitting Weldon to extend the quarry zone to the Bonnie Burn R.O.W. Formal action at this meeting may be taken. The purpose of the meeting is to review Weldon's proposal, review the Planning Board's Ad Hoc committee report and to receive public comments regarding the proposal. He summarized the chronology of Weldon Materials request to the Planning Board from December 2014 to present. Throughout the process the public

had been noticed of the Planning Board meetings on this subject. Board member Hartmann is not present tonight and has emailed communications to the Planning Board Chair and requested that this communication be referenced into the record tonight and the Chair has agreed to do that. Mr. Hartmann had specific questions regarding procedures and substantive issues. Mr. Linnus reviewed those specific matters along with our procedures and bylaws and has concluded that there were no violations and everything was done legally to date.

Chairwoman Schaefer read Mr. Hartmann's emails of May 2nd and August 21st into the record. Mr. Butler asked for a copy of an email he did not receive, but expressed his appreciation for the emails he did receive. The Chair said she would read her email response into the record. Mr. Butler said "I'm not asking you to." Chairwoman Schaefer said, yes I know but in the view of transparency I am going to read them. Mr. Butler thanked her. Chairwoman Schaefer read her response into the record.

Mr. Speeney read the Ad Hoc sub-committee report dated July 30th 2015 into the record. Recommendations for the following minimal buffers around the perimeter of the quarry include along Bonnie Burn Rd. 130 feet, along Bonnie Burn Rd. (Colorado Café) 250 feet, along Valley Rd. 100 feet, and along New Providence Rd. 30 feet.

Mr. Speeney would also like the board to review the Overlay zone and the C.O.A.H. housing requirement since growth share criteria for C.O.A.H. housing no longer exists and the Overlay zoning ordinance would impact this. He also recommends the board to consider eliminating the housing section of the Overlay ordinance.

Chairwoman Schaefer asked Mr. Healey if there were any additional comments he would like to add. Mr. Healey said, no, not at this time. However, the Board should discuss the comments and recommendations made by the Ad-Hoc sub-committee, specifically the buffers. Mr. Butler presented Exhibit A-5 Figure 2 to the board. Weldon has closed on three parcels of land, Colorado Café, the Fagner residence and the Gaynor residence, thus owning everything on that side of Bonnie Burn Rd. Mr. Butler, the Ad Hoc sub-committee, and Bob Weldon spent a lot of time talking about the 130 foot buffer and where it was to begin. Colorado Cafe has no trees, so the Ad-Hoc sub-committee suggested a buffer of 250 feet and Bob Weldon tentatively agreed to it. What that would do is increase the undisturbed forest on or about the Colorado Cafe from 60 feet (undisturbed) going up Bonnie Burn to 180 feet. Where we would do plantings there. The Chair asked how long they projected to be quarrying there. Mr. Weldon said more than decades. With what we have right now it would be generations and with this it would increase slightly. There's no plan to do anything other than quarrying. Mr. Butler referenced page 22 of the Watchung tax map marked as Exhibit A-6. It shows the quarry, Valley Road, New Providence Rd., Bonnie Burn Rd. and it shows properties across the street from the quarry along Bonnie Burn Rd where he pointed out the set-back recommendations made by the Ad Hoc sub-committee. He said they will not do any quarrying until the buffer berm is put up. Mr. Butler added that when

they met with the Ad Hoc sub-committee on May 19th 2015 they gave the board exhibits and talked about the berm being 30 feet wide and 10 feet high. The topography in the line of sight profiles on Exhibit A-7 which also includes an aerial photo of areas B, C, & D shows the line of sight on B and C is interrupted by the planting of the trees and the earthen berm. In D, the quarry is a lot higher so we won't be able to put a 30 foot berm but maybe a 25 foot berm because we can't put that size berm up a hill. He also pointed out when Weldon's engineer did these they were for 115 feet so when we recreate this using 130 feet, lines of site are going to be even better. They could affect the width of the earthen berm.

Chairwoman Schaefer asked for clarification on the 60 feet to 180 feet comment. Mr. Weldon referenced Exhibit A5 Figure 2 the smaller map where it says 60, that's where we are going to 130 feet so by going from 130 to 250 we are adding 120 feet, so we're adding 120 feet to 60 feet of forested area, so there will be a total of 180 feet of forested area at the Colorado Café Lot 6. The Chair opened it up the board for questions. Mr. Herits asked if the fence perimeter maintenance road is going to be visible from Bonnie Burn Rd where you will not be able to construct the berm. Mr. Weldon said they will be able to put a slight berm in there, but the fence will be raised a little bit higher and the road will be behind the fence. I don't think you will be able to see much of it because the trees are small plantings. The berm is 10 feet high and the trees are 10 feet high and when they mature they will be 60 or 100 feet high. The trees being planted are going to be ones giving great coverage both for us, for noise, for dust, and things that we don't want leaving the quarry property. We are going to do everything we can to make that buffer as thorough as possible. Mr. Herits asked if it was possible to plant on the slope or is it just knob or rock. Mr. Weldon said if there's a berm and we can have an area on top of it, as we could build it with a square-ish top and put plantings on top, which we would be happy to look into. Mrs. Pennett asked about the Colorado Café parking lot and whether they would be digging up the parking lot and then planting trees. Mr. Butler said they would not be quarrying there until the lease runs out in January 5th, 2022. Mr. Weldon said if they were to raise the building at some point in the next 8 to 15 to 20 years it would be to build a significant berm even bigger than the 10 foot berm where we would be able to put huge plantings up on that to keep noise and dust exposure away from Bonnie Burn Rd. and the residences across from it. Mr. Speeney asked how the Board builds this offering into the ordinance. Mr. Healy said when he drafts the ordinance it should spell out the specifics on the buffer regarding the trees, height, density native, etc.

Mr. Butler asked whether a buffer would be considered as a variance or a waiver. Mr. Healey said when it comes to an issue like the width of the buffer, that's considered a waiver for a zoning requirement. You will have to ask for that on your site plan application. Mr. Linnus clarified that it is called a *design waiver*. When Mr. Healey drafts the ordinance, Mr. Butler would like that he and Mr. Linnus get together. Mr. Speeney suggested that this zone should be a "stand alone" zone with its own identity. Also, we have to clean up our existing Quarry ordinances and Overlay. Mr. Butler asked

for clarification on the Overlay zone because the map doesn't reflect that. Mr. Healey said the Overlay Zone has a discrepancy between the tax map and the text of the ordinance because the map has it covering the entire super block, but the text describes just 4 properties identified at the corner of Bonnie Burn and Valley. So yes, that is something that needs to be fixed.

Mrs. Pennett would like to have the environmental committee see the plan for the plantings. Mayor Pote wanted clarification on the term "Native Forest Tree" specifically does that include both the types of trees? Those put in to create the buffer and those cases where the buffer already exists. Mr. Weldon clarified stating they don't want to take down any trees that are going to preserve the buffer. In the gaps and near Colorado Café we're going to have a combination of what's there right now and whatever we decide as an environmental committee that follows the Boroughs ordinances. Mayor Pote said it would be helpful to have an aerial view of the entire property with the lots outlined and the buffer marked out so that you visualize where the buffers change in terms of their width and determine where the trees exists. Mr. Butler said he would provide the aerial map. Mayor Pote also asked for clarification on how the 30 feet for New Providence Rd. is permissible as it seems extremely close. Mr. Butler said there are no homes along New Providence Rd. It's largely forest. Mr. Healey said one of the standards in the existing ordinance on New Providence Rd. is 30 feet. The Ad-Hoc sub-committee felt it was appropriate to keep it at the existing 30 feet. Mr. Haveson wanted clarification on the order of the buffer along Bonnie Burn Rd. Mr. Butler said: 5 feet R.O.W., then 60 feet of native forest trees, 30 feet earthen berm, 5 feet barbed wire fence for safety, then 30 feet wide perimeter road. Mr. Herits asked what they plan on doing behind the fence south of the Colorado Café on Bonnie Burn Rd. Mr. Weldon stated they have quarried as much as they can behind that fence safely so they don't have any more plans to quarry any further than they have right now. Mr. Healey said based on the 130 feet buffer this area would be considered pre-existing non-conforming. Mr. Herits suggested putting in a provision in the ordinance excluding that section.

Mr. Butler respectfully requests that we announce when the next meeting is to take place. Chairwoman Schaefer said the next available meeting would be November 17th, 2015. The Chair asked for any other questions from the board, hearing none she opened it up to the public for questions. Ben Toscano, 185 Bonnie Burn Rd. expressed his thanks to both the Planning Board and Mr. Weldon. He appreciated the way things have been going with the Earthen Berm. He put a lot of work into his house and one thing about Watchung he loves is the trees. His major concern was whether this would decrease his property value and would like to know if and how the quarry effects his tax rate. Secondly, he thinks that the 250 foot buffer near Colorado Café will not reach the existing tree line. He thanked everyone again. The Chair called for anyone else from the public seeing none, the public portion was closed. She asked for any further questions or comments from any of the board members. Mayor Pote suggested that if members want to make another visit to the site, they should do so. Chairwoman

Schaefer said she would make the arrangements and to ensure we don't have a quorum, she will take groups of 3.

Meeting was adjourned at 9:13p.m.

Respectfully Submitted,

Maryann Amiano

Maryann Amiano
Planning Board Clerk