

**Borough of Watchung
Planning Board Meeting
January 20th , 2015 Minutes**

Chairman Schaefer called the meeting to order at 7:35 p.m. The Chair called for a roll call. Present at the call of the roll were:

(X)Mr. Boyd (X)Mr. Desnoyers (X)Mr. Ellis (X)Mr. Haveson (X)Councilman Joren
(X)Mrs. Pennett (X)Mayor Pote (X)Mr. Speeney
(X)Mr. Hartmann (X)Ms. Spingler (X)Chairman Schaefer.

Linnus (X) Herits (X)

The Chairman 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.

Chairman Schaefer asked for a motion to approve December 16th minutes, the motion was moved by Mr. Speeney, seconded by Mayor Pote carried on a voice vote.

Mr. Linnus said he had received a letter from BJs stating they are still working on the request from our fire official and have submitted an extension through March 17th. They are requesting an adjournment for February 17th with no further notice. If the board accepts an adjournment, the matter will proceed on February 17th without further notice. The motion was moved by Mr. Speeney and seconded by Mr. Haveson, motion carried on a voice vote. This application is scheduled to be heard on February 17th without further notice.

Mr. Weldon presented with his attorney Mr. Butler requesting the Planning Board to informally discuss the borough's resolution R10: 12/18/14 adopted in December of their proposal as it would be consistent with the borough's Master Plan and proceed accordingly. The Weldon's are requesting to re-zone a number of lots into the existing Quarry Zone. Weldon has established an escrow with the borough associated with the request. The borough Council has asked the Planning Board to take the lead regarding the rezoning.

Mr. Butler, attorney for Weldon, said his understanding was that tonight they were on the Agenda for discussion purposes only. They are prepared to present tonight and have exhibits but that would be up to the board as to whether they would like to hear them. Chairman Schaefer suggested they present now since there is time tonight and no one else is on the agenda and February's Agenda is full. Mr. Butler said he would then like to proceed accordingly. He respectfully pointed out an error on the agenda. The agenda reads: Weldon's request to rezone 3 properties on the quarry side of Bonnie Burn Road to the Quarry Zone. He stated Weldon's request was for 14 lots not 3 lots. In the Mayor and Council's resolution the 4th Whereas clause it states such. The Town Council thought Weldon was just talking about 3 lots; Colorado Café, Mr. Fragner, and

Mr. & Mrs. Gaynor's lot, which at the time Weldon had under contract. Weldon closed on Colorado Café on January 15, 2015 so they own those 7 acres now. Mr. Fragner said they will close on March 1st 2015 and Mr. & Mrs. Gaynor said they would close on June 1st 2015.

Chair then advised Mr. Butler that our Consultant, Mark Healy, would be looking over the application to ensure that it is compliant with the Borough's Master Plan. Mr. Butler's plan is to convince the board to extend the Quarry Zone. Mr. Butler testified in many instances these lots were split between the BA zone (Neighborhood Business) and LI (Limited Industrial). These lots have already been quarried. In 2009 the new Master Plan rezoned them residential. Mr. Butler's contention is why had the Planning Board rezone a lot residential when it had already been quarried and the quarry expands by nature.

Weldon bought Colorado Café as a sale leaseback for seven years and wants to rezone lots 6 through 19. Mrs. Pennett asked where the firehouse was and Mr. Butler pointed it out and said Weldon owns the land. The firehouse lease terminates in 2017 and Weldon understands that the Borough needs to have a firehouse on that side of town for insurance purposes. Exhibit A-1 January 20, 2015 WBB was introduced to show the property that Weldon owns in Block 7601. It's a large copy of the tax map, sheet 22.

Next Exhibit A-2 January 20, 2015 WBB has 4 exhibits that show the old zoning ordinance before March 12th, 2009 the new zoning ordinance of 2009. It also shows the split zone lots and has a green line showing where Weldon quarried up to. These lots had been rezoned residential in 2009. The orange line was the termination of the BA zone under the old ordinance. The 4th exhibit shows the lots Weldon wants rezoned to Quarry. Lot 12.02 was zoned for quarrying before 2009. Weldon quarried it and now it's zoned residential.

Mr. Butler testified the old ordinance before March 12, 2009 the LI zone (Limited Industrial) permitted quarrying, labs, offices, storage and garages. In 2009 the new zoning ordinance took out the LI zone and zoned it QU. The part of the BA zone (Neighborhood Business) was from the Bonnie Burn ROW (right of way) going back approximately 300 feet where you could have stores (lots 11, 10, 9.01). In the old zoning ordinance before March 12, 2009 zoning lots 11, 10, and 9.01 were in split zones (LI & BA) 300 feet in from Bonnie Burn road the zone was BA. The remainder of lots 11, 10, and 9.01 were in the LI zone (Quarry). This exhibit shows a fence colored orange, which was the termination of the BA zone. The green line shows where quarrying presently terminates. On March 12, 2009 our new Borough ordinance zoned all of lots 11, 10, 9.01 in the residential zone even though at least half of these lots had been quarried.

Mr. Hartmann asked the distance between the end of quarrying and Bonnie Burn road and Mr. Butler said 310 feet.

The Chair opened it up to public for comments, hearing none, she made motion to close the public portion. The motion was moved, seconded and carried on a voice vote.

Chairman Schaefer asked the board if there was any other further discussion. Hearing none the Chair asked for a motion to adjourn the meeting. Meeting was adjourned at 9:30 p.m.

Respectfully Submitted,

Maryann Amiano
Planning Board Clerk