

MINUTES

PLANNING BOARD

MAY 10, 2011

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Chairman, Mr. Connor, called the meeting to order at 8:02 P.M. He then read the following statement:
Adequate notice of this meeting has been provided by posting a copy of the public meeting dates on the municipal bulletin board, by sending a copy to the Courier News and Echoes Sentinel and by filing a copy with the Municipal Clerk, all in January, 2011.

ROLL CALL

On a call of the roll, the following were present:

Christopher Connor, Chairman	A. J. Batista, 1 st Alt.
Mead Briggs, Vice-Chairman	
Mayor Nanette Harrington,	Barry Hoffman, Bd. Attorney and his partner, Daniel Bernstein, Esq.
E. Thomas Behr, Member	Kevin O'Brien, Twp. Planner
Donald Butterworth, Member	Thomas Lemanowicz, Bd. Engineer
Kevin Dempsey, Member	Dawn Wolfe, Planning & Zoning Administrator
Guy Piserchia, Member	
Brendan Rae, Member	
Michael Smargiassi, Member (arrived @ 8:20 P.M.)	

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PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

The February 22, 2011 regular and executive session minutes were approved as written on motion by Dr. Behr and seconded by Mr. Butterworth.

PUBLIC QUESTION OR COMMENT PERIOD

The meeting was opened to the public for questions or comments of items *not* on the agenda. There being none, the meeting was closed to the public.

BOARD COMMENT SESSION RE: GREENHILL DEVELOPMENT PARTNERS CONCEPT PLAN

Mr. Hoffman noted that this is a conceptual discussion only, it is not a formal application and by the specific provisions of the Municipal Land Use Law any discussions or determinations that may be reached are not considered binding in a legal or formal sense.

Dr. Behr had two technical concerns regarding the April 26, 2011 presentation of the Greenhill Partners concept proposal one of which he felt is a threshold issue dealing with the Master Plan. He also wished to comment on the applicability of the proposal as it touches the ordinances. First, as to the technical issues, he felt that the applicant did a ingenious job cherry picking from the existing elements of the Master Plan that they felt their application would support and very carefully ignoring those aspects of the Master Plan which did not seem to agree with their proposal. He felt it was clever, but entirely wrong. He said that a Master Plan attempts to create a total understanding of a desired future for a town, its way of life, its look and feel – those qualities that make it special as a place. He said that when we are talking about Valley Rd., we have to add the additional dimension of those qualities that allow it to be a thriving commercial center which is part of what that deal is. To say that we are going to take a piece of this or a piece of that and ignore other parts of it Unless you deal with the entirety of a Master Plan, he said that you entirely destroy its integrity. The second piece of concern and an issue that he thought the applicant would certainly need to address is the fact that there was some very compelling and interesting presentations of the architectural design for the small elements within it and what we got was an insurance that somehow or other, although there were not pictures, that same sense of scale and appropriateness to a community (that is a very low scale, low impact community), somehow or other that would be captured in a building of this magnitude. Talking about a big box store, he said that that is a very expensive way to design a big box. He said that the reason people build big boxes is because it is very easy to put one up without a lot of regard for the architectural detail which costs money. He felt that another question that would be very important for the applicant to deal with is, to what extent are they really willing to comply with the desired architectural standards, look, and feel for Long Hill Township? He said that there is just one simple threshold issue. He said that he is very familiar with the current new Master Plan for Valley Rd. and knew its language well and could not find *anything* in it that suggests that a building that is going to be 60,000-70,000 S.F. is in any way consistent with the goals of the new Master Plan for Long Hill Township. It did not seem to him to fit what the Master Plan and ordinances, as they have been revised by the Board, call for. In terms of how this particular proposal matches up with the ordinances, and not the Master Plan, he said that that is a crazy story that we need to talk about further. He said that right now we have 4 different ordinances that apply to this particular building or conceivably any building that wants to go up in Long Hill Township. He said that we have the ordinances that were created by this Board which were rejected by the Township Committee whole scale. We have the ordinances that were proposed by the Township Committee which, in his mind, are completely out of keeping with the Master Plan for Valley Rd. We have the ordinances prepared by the applicant's planner, which rather conveniently make a case to say that what they want to build is the best solution for Long Hill Township, and we have the only set of ordinances right now that actually do apply which are the 1997 ordinances that are currently on the books. He said right now he had no idea how we should properly go about commenting on this proposal or any application until we can get our ship in order and solve the problems that really confront us as a Township Committee and Planning Board in dealing with what the ordinances will be.

Mr. Batista said that he echoed a lot of what Dr. Behr had to say, although he differed in some of his opinions about the concept review. He said that a concept review is a good thing as opposed to what he thought many members of the public had stuffed in their mailboxes. He said that a concept review is not something that a Planning Board will look at and pass on in a moments notice under the cover of night. He said that this is an application where the applicant, at a good cost to himself, has paid professionals to come up with an idea to present before this Board to see if it is something that we can work towards – a mutual goal of presenting a development that would be sustainable for Long Hill, profitable to both of the developers as well as to the Township, and keeping with our Master Plan goals. He said that the overall idea of the project, from the comments received from the community, seem to believe that this is something that could be put up under the proposed ordinances and that is simply not the case. He said that the proposed ordinances that have been forwarded from this Planning Board would not allow for stand alone residential, as was proposed. In addition, it would not allow for the large size single box store that was proposed unless it were a supermarket, which he believed was a carve-out and one exception to that larger scale allowance. The reason being, that this Board would want to have an idea of what is going to be there before they would allow it to be put in. He thought the architectural ideas were *exactly* what we are looking for in its scale towards the front of Valley Rd. and the architectural standards in using the requests that we put into Valley Rd. to put in plazas, fountains, and walking space to give something to the community that they could walk around in at the location where it begins at Morristown Rd. and Valley Rd. – it is the entrance to the Valley Rd. business corridor and it is an important spot. That said, he said it is one of the more difficult spots to deal with at this point simply because, at this point as Dr. Behr said, we don't have an ordinance that allows for this type of residential. In fact, we have drafted ordinances that have been forwarded to the Planning Board that would allow for some mixed use. The scale is still in debate. The fact of the matter is, we don't know whether the Township Committee is going to ever pass any ordinance from this Board with *any* residential, whether that be a simple mom and pop store with a couple of apartments on top or some sort of stand alone project such as the one that was proposed. He said that, clearly, the sentiment that was echoed at the last minute was that it wouldn't be so favorable if it were of that scale. He said that he was not ready to make that decision and he thought the project was a good idea which could potentially present a lot of good to this community as far as tax incentives go. He said that the fact of the matter is that our property taxes aren't going down and there are very few ways to increase our tax rates to put into the community without putting out a lot from our infrastructure. He felt that there is a happy medium that can be reached but we are not there yet because we are not there yet between ourselves and our ship needs to be righted between the Township Committee and the Planning Board. Without dealing with the scope of the project that was before us, he believed that that is something that we should be moving towards – the scope of it needs to be narrowed and defined, but he felt that this is exactly the type of project that we are looking for as far as a mixed residential commercial – clearly not on the scale that was presented. However, he said that we set out on this journey years ago to spur on some new development – to redevelop this area of the commercial hub of our Township and the fact of the matter is, by seeing this proposal, we've done that – we want to spur on more concept reviews. He said that he *invites* more developers to bring concept reviews for them. He said that he must apologize for some of the behavior that was presented to the applicant and to his professionals because, while most of the comments and questions were valid, there were some individuals in the Township that he felt overstepped their bounds, insulted and lambasted the applicant for presenting a concept to the Township.

Mr. Dempsey agreed with the comments made by his fellow Board members. He agreed with Dr. Behr wholeheartedly that what we are trying to put in place and what has been presented did not match. He felt that the Township needs controlled development along this area of mixed use/residential, but that stand alone townhouses is not what the Board envisioned and actually wrote things up away from that. He said that we specifically said *not* anything larger than 30,000 S.F. because we didn't want big box stores of 70,000 S.F. because we know what a big box store will do to the community. He said that he would end his comments there because he wanted to get to the discussion of the Valley Rd. Business District Ordinance so that it can be forwarded to the Township Committee for a vote.

Mr. Butterworth felt that most of what Dr. Behr had said is “right on target”. He said that the one thing that this concept plan identified for him that there *may* be an interest for is more retail space. He said that he had questioned whether or not we already have *too* much, but apparently there would be people interested in more retail space in the Township, therefore he would be willing to see more concepts on a smaller scale.

Mr. Briggs said that, if he broke the concept plan into three sections, one would be the component of commercial that faced Valley Rd. He liked the combination of stores, sidewalks, landscaping and a piazza which he felt was a nice element to bring to the Township. He reiterated his colleague's comments on the big box stores. He said that the Board spent a lot of time on the matter and compared it to current stores within the Valley Mall. He said that what we saw were sustainable stores and reasonable stores and none of them are over 30,000 S.F. He said that we looked at that as what is appropriate for our Township. Looking at the big store on the concept plan, he did not feel that it fits comparing it to residents who live on Morristown Rd. with the flow of traffic there. No matter what you do, he could not see that as sustainable and noted that it is a quality of life issue there as well. Looking at the residential component, he felt that there is some merit there, however he said that the scale “is tough” and that it is a lot of units. He said that we do have units like that along Valley Rd. such as Sunrise at Gillette, which he said is a contributing component of our town, so he felt that it is something that we do need to consider noting that the Board will be discussing residences tonight as part of the updated Valley Road Ordinance. However, he felt that it is important to see these concepts, not only to see what we have down on paper and see it in reality, but to make sure we are going along the right path. To Mr. Batista's point, he felt that it is important that residents get their voice out, but do it in a reasonable manner.

Mr. Piserchia believed this is a question of scale and appreciated Mr. Luke and his team for presenting what they have which he said has helped the Board and Township focus on what we may prefer and what we may not prefer. What he was most troubled about is that the Board, Township Committee, and public have become focused on something that, in the current Ordinance, is zoned Office and we have all become very emotional about something that is not happening tomorrow, but what *could* happen. He said that the time of decision rule has come and gone. We knew it was coming and, perhaps, it is understandable that we missed that deadline, but look across the street from this property. There is a piece of land called the Valley Mall that is zoned retail and we don't have any size limitations in the current Ordinance. As he understood it, a big box, which is what *all* of us want to prevent, could go in tomorrow if an application is submitted to Mrs. Wolfe. He asked Mr. Hoffman to correct him if his understanding is wrong.

Mr. Hoffman deferred the matter to Mr. O'Brien to discuss specific provisions of the Ordinance and what would and what wouldn't be allowed.

Mr. O'Brien replied that there are no size limitations in the B-3 Zone for the Valley Mall. In response to Mr. Dempsey, he said that there is no overall size limitation for the entire Township.

Mr. Piserchia said that, while we have been watching the Kurz property diligently and have had some serious discourse on it here and at the Township Committee and by the esteemed public, he felt that we are watching the diligently wrong game.

Mr. Connor noted that the Shop-Rite Plaza (also zoned B-3) also has no size limitation right now.

Mr. Piserchia said that he appreciated his fellow Board members comments, but what continues to trouble him right now is the *current* Ordinance, which is the law. He said that we have no defense if what we *don't* want is a big box.

Mayor Harrington said that, for the most part, her fellow Board members had stolen her thunder. She said that Mr. Piserchia echoed her biggest fear of the real danger of a big box in the Valley Mall. She said that, with all of the empty space that is there now, the owner could cobble together 80,000 S.F. of contiguous space and into that could go a big box and that would be consistent with our current Ordinance. She felt it really important that we not just consider what we are doing in light of the empty space and potential *new* development, but we consider what we are doing with respect to the ordinances in light of *existing* retail space. She said that she would like to echo some of the sentiments about the proposed architectural details and the piazza and some of those concepts which she felt were good. She also felt that it was important to recognize that concepts are good. Whether you did or did not like the concept, liked pieces of it or did not like certain aspects of it, she said that the truth of the matter is that our Township government (both the Planning Board and Township Committee) has presented this in the most open, straightforward, and transparent fashion that they could. She said that nobody is trying to "ramrod" anything and this is not going to happen tomorrow. She said that we are having a conversation about what our vision is, about what the vision of the Master Plan is, and what the vision is in prior drafts of ordinances that might be possible. She said that these are good things for us to visualize and then craft ordinances that really define what we want and what we don't want.

(Mr. Smargiassi arrived at 8:20 P.M.).

Dr. Rae said that since many of his fellow Board members had already spoken, he would not reiterate any of the good points that were made. He felt that the concept proposal has galvanized the community. He said that in the past few years, the Board has been considering the ordinances and how Valley Rd. would shape up in a vacuum. He said that the concept review has gotten the community involved and he felt that there is a division as to whether we want any development at all. If we do get development as a mixed use, is it to be solely retail or a mixed use of residential and retail? As Mayor Harrington indicated, he said that we are now able to have this conversation in a very open and transparent way with community involvement, which he welcomed. Referring to the discussion at the prior meeting, he did not feel that anyone had overstepped their boundaries in the democracy that we live in. He said that he was quite prepared to listen to everybody, no matter how they convey their opinions.

Mr. Smargiassi said that to him, personally, this has been very eye-opening. He said that he saw the presentation at the Township Committee as well and there were certain aspects of the plan that he liked. From a design standpoint, he felt that the buildings all look very architecturally pleasing. He felt that the community is very fortunate that this concept was presented to both the Township Committee and to the Planning Board because, with very minimal changes, it could be built with no further Board input if the proposed ordinances were passed as is. He said that if Greenhill chose to put a dividing wall between the large retail space and remove the residential component and change it to apartments or all to retail, they are done. The footprint and all of those other things all conform to the proposed ordinances. As far as the proposed ordinances are concerned, he said that they wouldn't have any issue of what we are considering. He also felt that it questions the thought process behind a single zone for Valley Rd. He said that, if you look at surrounding communities, they may have transition zones with a core business center, which is something that he mentioned in the fall. He said that a couple of members of the public brought up how you would develop that corner property. In the Master Plan, he said that it talks about working to improve traffic flow. He did not see how you could develop that property and improve traffic flow without access to Plainfield Rd. He felt that if you try to have left hand turns coming out of there, we will end up with another traffic light. He was not sure what is in our ability to have that happen because we are talking about private property, but he felt that the Board needs to reconsider or think through the process of how you have additional development on Valley Rd. and not make it into a traffic nightmare.

Mr. Connor asked Mr. Lemanowicz if he had any thoughts from an engineering perspective.

Mr. Lemanowicz said that we saw a conceptual plan and didn't get into being able to look at specifics with regard to engineering guidelines, whether they be circulation patterns, roadway widths, drainage capacities, etc., so there is not a lot for him to comment upon. He said that, obviously, the development does have a lot of impervious cover for which a detailed drainage review would have to be done. He said that the traffic is also an issue and traffic studies would have to be done in order to get beyond the concept stage. At the concept stage, he said that there is really not much engineering to get into since there are no details.

Mr. O'Brien felt it important to remind the Board that the ordinances that have been sent to the Township Committee are the end of what has been a 4 year process. He said that, in 2007 and 2008, the Board wrote a Master Plan for the Valley Road Business District laying out its vision for what they felt Valley Rd. should look and feel like. Over those 2 years, they reviewed a number of concepts and stayed more on the conceptual visionary side than on the nuts and bolts numbers side of the equation. The Master Plan adopted in 2008 laid out that vision and said that we should do certain things as a community on Valley Rd. It was then put back in front of the Planning Board to develop the rules and regulations that support the vision in that Master Plan. Over a 2 year period, the Planning Board worked on those ordinances which are represented in the document that was sent to the Township Committee at the end of last year. Over that entire process, he said that the Planning Board grappled with a number of very large issues. Amongst them were size limits on retail establishments and the Board came down with a 30,000 S.F. maximum for any retail establishment except a grocery store which could be up to 80,000 S.F. The Board reviewed big boxes and what they perceived as their negative impact upon a community and decided that they would not allow them. The Board also wanted to introduce a feel of walkability and livability to certain areas on Valley Rd. and talked about mixed use development along with commercial development. Another topic the Board dealt with was whether or not to have multiple zones along Valley Rd. along the one mile long section. He believed that when the process was started there were six zones that fronted Valley Rd. and the Board was determined to whittle that down. He said that, at one point, we were down to two and the ordinances wound up with one zone encompassing all of Valley Rd., while recognizing that different parts of Valley Rd. have different aspects to them. But over time, in order to make that area gather cohesiveness, the Board decided that it was best to have a single zone. He said that the Board worked on bulk standards to limit development as much as possible. Amongst those bulk standards are things such as lot coverage, floor area ratio (which would limit the size of a structure), and parking requirements. All those standards, as well as setbacks from the front and rear yards, all work together to limit the size of development. He said that it is a very unique development that would actually be able to maximize out at the F.A.R. that the Board has recommended. It is possible, but it would take a lot of doing and the only way that it worked is through mixed use because the parking was combined. The Board also considered the impact of residents and school children upon Valley Rd. and what impact, if any, they would have. Over the last 4 years, he said that the Board has gone through a number of processes and discussions, all of which were at open public meetings, many of which included public commentary, and developed the ordinances that have been sent to the Township Committee. They have now been referred back to the Planning Board with a recommendation that the residential aspect along Valley Rd. be removed from those ordinances.

In response to Dr. Behr, Mr. O'Brien agreed that he was aware of 16 public meetings that were held on the Valley Road Master Plan.

Dr. Behr said that it is a matter of fact that there were 16 meetings on the Valley Rd. Master Plan stretching out over two years and more time. He asked Mr. O'Brien if he had any idea how many meetings were held on the ordinances?

Mr. O'Brien recalled that there were between 1 ½ - 2 dozen meetings held on the ordinances.

Dr. Behr said that there were something like 30 publicly noticed meetings where the public would have been welcome to come and speak. In addition, all of those meetings were televised. He also said that you will find, if you click onto the Township website, the minutes prepared by Mrs. Wolfe which are extraordinarily detailed so that, if a resident in 2007, 2008, 2009 or 2010 wanted to know what the Planning Board was doing, that information is just two clicks away on the Township website. He said that this was a process in which the Planning Board went out of its way to try and engage the public in and *now* we are seeing the public, but we didn't see the public when all the discussion was going on.

Dr. Rae felt that everything that Dr. Behr said is true, but there should be a take home for the Board from all of this and that is that we did not adequately publicize the importance of what was going on to the public.

Mr. Connor said that he was glad that the public finally did show up, noting that some members of the public had been here on and off, and some were watching on television. He said that he has been involved in this activity as long as Dr. Behr has mentioned and that he had a few objectives, one of which is that he really wants to see the improvement of Valley Rd. in the long term and he knew that the only way to do that is to set up some decent direction in ordinances. He said that it will not be overnight because if we get this done, twenty years from now you may look out there and it is going to be something that all of us will be very happy to see. He also said that we have to have some positive impact on residential taxes and cannot continue to have 93% of our tax revenues come from the residents. He said that we need to have a *reasonable* business district that is producing tax revenues in excess of their costs. He said that we need a plan to develop Valley Rd. because that is about the only place that we are going to do it and we need to have a plan that the vast majority agrees to. Finally, he said that we need to be consistent

with the Master Plan. He said that we spent a lot of time and work on the Master Plan, noting that it is not perfect and, at some point in time, it might have to be readjusted. He noted that the law now requires that Master Plans be re-examined every 10 years, rather than every 6 years. He said that, if the community believes at some point the Master Plan is inconsistent with their view that review can always be sooner. However, we have just adopted a Master Plan and he felt that we need to go with that, in general. He thanked Greenhill for their presentation because he felt what they have done is a community service and that they have given us something that you can look and touch and feel. He said that you can talk about words, ordinances, and Master Plans, but you really don't understand what might be doable until you have something to look at. At their expense, he said that they provided this focus that allows us to look at a possibility even though it might not be consistent with old, new, or proposed ordinances and come up with a final recommendation.

Mr. Connor opened the meeting to the public for questions or comments only on the conceptual plan, but said that he would like to limit it to those people who have not already commented and asked those speaking to be reasonably brief.

Mr. Walter Brown, 56 Madison St., said that he has lived there for the last 20 years and probably 8 times has been flooded in along Morristown Rd. He said that the idea of development of the land opposite Madison St. looked to the residents as if they will be drowned because, as a Planning Board, you haven't done it. He said that every third October he and his neighbors get rained in and are stuck for 3-4 days. He asked the Board to please make sure that, if that land is going to be developed, it plans for these floods. If it gets any worse, he said that they can't live there.

Mr. Batista replied that this Planning Board *has* taken those considerations into effect and, under the watchful eye of former member, Dr. Leonard Hamilton, the Board approved of an Environmental Ordinance which coincides with the State ordinances which are environmentally friendly and are the best practices with strict environmental stormwater regulations. He said that the new stormwater BMP (Best Management Practices) for parking lots and sidewalk designs require developers to take out more than they put in. He said that those ordinances have been sent to the Township Committee and they have not been passed yet and that this is one of the issues the Planning Board is having in having to deal with drafting ordinances piecemeal and not having them approved.

Mr. Brown said that, from a resident's standpoint, you are the Planning Board and we have been drowning for 20 years and this has been a repeated problem. He asked where the blame lies?

Mr. Connor replied that the Environmental Ordinance was worked on for two years and was passed and forwarded to the Township Committee. He asked Mr. O'Brien how long ago?

Mr. O'Brien replied that they were forwarded to the Township Committee at the beginning of 2010.

Mr. Connor said that it is really up to the Township Committee to take the work that the Planning Board did and either approve or send it back to the Planning Board so that it can get done.

Mr. Brown asked how residents could stimulate this activity?

Mr. Connor replied that two members of the Township Committee are present on the Planning Board and, hopefully, this will stimulate their activity, adding that it was not their fault.

Mr. Brown asked whose fault it is?

Mr. Connor replied that it was never put on a Township Committee agenda by the Mayor last year.

Mr. Smargiassi believed it is a fact that the Planning Board increased lot coverage for all of the district which includes some of the land that is included in a flood plain. He said that he understood that the regulations call for no net increase in stormwater runoff and actually will improve it, but he did not think it makes any logical sense to encourage redevelopment, additional development, and additional lot coverage on property that is in a flood plain. He felt that that is just common sense.

Mr. O'Brien noted that the current Ordinance does prohibit development in the critical areas.

Ms. Olga Argunova, 691 Meyersville Rd., said that since she has been a resident it has been a nightmare during flooding when she cannot even reach Valley Rd. She said that, until we do something with the drainage, we should not even talk about development in the future. She reminded everyone that, about 50 years ago, there was a good idea about architecture and beauty instead of the Great Swamp when there was a proposal to construct an airport. She said that she understood the need for airplanes, but not in her place. She asked who will pay for the additional sewerage which is already an expense for existing residents. She said that with all due respect, a developer is not just a good guy who will provide for others and forget about himself. He will help his "very buttery piece of bread", wash his hands, and go away. She said that this area should not be developed...period. She asked if something can be done with the flooding first, before talking about development.

Mrs. Dorothy Smullen, 141 River Rd., said that she was sorry that she missed the meetings in 2007, 2008, and 2009 because she has choir on Tuesday nights and stopped getting the Echoes-Sentinel, but it is not as if she hasn't cared about this Township. She said that she has lived here for 42 years and has served on the Shade Tree Commission and First Aid Squad for over 10 years. She said that she moved to the Township because she wanted suburban and

not urban. She said that this land is a wet area when it rains and asked if the lessons of Bound Brook and Wayne mean anything to the Board? She said that we need to leave areas undeveloped to help soak up the water. She urged the Board not to add any further impervious blacktop and buildings. She said that you can't trust Mother Nature noting that we have had more than one 100 Year Storm event in the last 100 years. She said that even levees aren't the answer, as we see recently in other states. She felt that we are lucky to have the nearby Great Swamp National Wildlife Refuge – almost 8,000 acres to help abate flooding and that building on every parcel of land impacts the swamp negatively. She said to let us be expert planners to realize the value of green space for the future of our children and the environment, not development of stores and blacktop. She urged the Board to have a vision that does *not* include build, build, build. She noted that all of the existing stores aren't even rented now in the Valley Mall.

Mrs. Barbara Grillo, Magna Dr., asked if anyone has considered the impact that these buildings would have on the Police Dept., Fire Dept., First Aid Squad, and the schools? Specifically, she asked if we have fire fighting equipment that is compatible with the size buildings that are proposed, or will we be required to go out and buy additional fire fighting equipment to meet State regulations to fight fires for that size property?

Mr. Connor replied that we *do* have fire fighting equipment that would take care of the buildings that have been proposed.

Mr. Batista added that the Police Dept. and Fire Dept. would issue memos at the time of a formal application letting the Board know if it didn't.

Mrs. Grillo asked about the impact on the school system.

Mr. Connor replied that we have a lot of data which indicates a result of maybe 1 to 2 additional students per classroom per grade. The data is local, from neighboring towns, as well as the State, with all coming up with approximately the same numbers.

Mrs. Grillo replied that that can change and asked how many children you want per classroom?

Mr. Connor replied again that we have significant data and that was one of the significant inputs to our study.

Mr. Briggs added that a committee looked at closing Gillette School because we are actually seeing declining enrollment. As far as the infrastructure goes, he said that over the last couple of years, including 2008, we actually saw enrollment drop to a point where we need to review our school system to see whether it was prudent to keep that school open or not.

Mr. Batista added that the recent census data also showed that over the last 10 years our population has decreased.

Mrs. Grillo said, however, if you bring in rental properties they bring in students.

Mr. Connor replied that the conceptual plan did not include rental properties, it included individually owned townhouses.

Mrs. Susan Jeans, Madison St., said that she has lived in the Township for 42 years and is a member of the Shade Tree Commission. She said that Madison St. would be directly impacted by this particular development and noted that it has flooded for years. It did not make her particularly happy to think of the flooding being worse, even though the talk is of making the flooding situation better by developing the site. She doubted very much that that would be the case. She agreed with a previous speaker who stated that the developer is not in it to develop our community to our advantage, they are in it to develop the betterment of their pocketbook and they don't care "two hoots" what happens to our community. She said that when we are looking at this sizeable piece of land, and we have so few left in town, she questioned if this is the very best thing we can think of to do with this parcel of land? She said that we have a beautiful Town Hall and Library and across the street will be a Walgreen's with stacks of cars. Even if there are 150 residential units, with an average of 2 cars per unit, there will be 300 cars pouring out of that development. She didn't know how they figured out there will be 1.2 children per 12 units, and said that it actually did not work out that way at Sunrise at Gillette. She said that the estimate at that time was that there was only going to be a handful of children. She said that there are more children going into smaller dwelling places nowadays because people simply can't afford that first time house with a number of bedrooms. They are living a little more economically, therefore she did not believe that there will only be an average of 1.2 children for every 12 units, or whatever it was they had figured out. She said that, ideally, we have always talked about maintaining some open space and we are just bit by bit giving away any possibility of having any open space to maintain. She did not think that the community wants to have more developed land, but would rather have open space.

Mr. John Lombardo, 72 Poplar Dr., said that he has heard conflicting things going on and watched the last meeting on TV. He heard a comment that our school systems are declining and said that he was wondering why we spent millions of dollars a few years ago expanding them, if that is the case. He said that a Board member indicated that the meetings were announced and nobody attended and yet he saw two faces on the Board that he has spent 7 years with at the flood wall meetings and he felt that that has a lot of impact on the discussion of the Planning Board and Zoning and those type of things and yet he does not see any of those faces at any of those meetings over 7 years. He felt the perhaps the Planning Board has fallen short on its obligation. He said that, if the flood wall went in, the NJDEP, EPA, or Army Corps of Engineers, would not allow *any* of this development to occur across the street

within the flood plain. He heard a gentleman here talking conceptually that some of the space might be in the flood plain, but they are going to buy that land somewhere else. He said that the bottom line is that he said through 7 years of hearing the Police Dept., Fire Dept., and First Aid Squad say why they need this flood wall that is going to protect 60% of the people 50% of the time. He said that their concern with wanting to put the flood wall in is that what they have today can't serve the people today that are in the flood plain and we are talking about 150 houses and, in those 150 houses, about 13 of them get flooded in living space and we are talking about building another 150 units or so and possibly in living space in the flood plain. He said that you can't build in the flood plain anymore. He said that we listened to people who had stores on Main St. say that, if we don't get this flood wall in, they are going to move their businesses out of the town and yet we are talking about putting more businesses in the flood plain. He said that he saw some of the pictures of the conceptual buildings that contain 3 stories and he felt they were disgusting. He said that he would much rather see a park across the street. He asked how long we have been paying open space tax?

Mr. Connor replied that it has been a long time and some of it has been spent.

Mr. Lombardo asked why we are paying this to allow this type of development to go on in our town?

Mr. Briggs replied that the Planning Board is not designated to spend that money. It is the Township Committee's choice.

Mr. Lombardo replied that the Planning Board is zoning it based upon the fact that we are paying these taxes. He said that we are paying taxes to keep land open in this town and then we are going to make zoning so that they can put in a big monstrosity mall across the street?

Mr. Connor replied that the conceptual plan did not have any development in the flood plain.

Mr. Lombardo disagreed because a gentleman said that it is undetermined and, if we encroach on buffers, they will buy space elsewhere. But it still puts people in businesses in the flood plain.

Mr. Connor asked Mr. Luke to clarify the matter.

Mr. Lombardo said that they will put living space or retail space in the flood plain as long as they take it out somewhere else.

Mr. Piserchia appreciated a lot of the points that Mr. Lombardo had brought up. He said that currently there is about 1.9 million dollars in the open space fund and the public deserves to know that.

Mr. Lombardo replied that the sentiment of the town is that we are willing to pay that tax to maintain open land. He was not saying that it will buy every piece of open land in the town. He said that he was sorry that he didn't make any of the meetings but he was focusing on the flood wall meetings. He felt that the Ordinance should not allow development in a flood plain if you have to buy land somewhere else to compensate for it.

Mr. Joseph Cilino, 661 Heritage Rd., said that what he had to say *is* referring to the proposal. He also wanted to make it clear that he understood, as public servants, the job the Planning Board has is quite difficult and, therefore he does respect the member's positions and what they do. However, he felt that the Township does *not* do an adequate job in communicating with its citizens. He said that he has had second hand information from 500 citizens of the Township who virtually had little or no knowledge of the workings of the Township. He said that it is *not their* problem, it is *our* problem – *everybody's* problem and that communication is a two-way street. He believed that the Board has certain obligations as leaders of the Township to get the correct and appropriate information to the residents, especially in severe matters such as we are talking about today. He said that, if one were to drive down Valley Rd. today, he would ask that person to compare our downtown in the area of Valley Rd. that we are discussing tonight, and have discussed in the past, with other towns and look at the aesthetics. He said that he is not putting blame on anybody, but as he drives down the street he asks himself why it looks so shabby along Valley Rd. and what kind of thought process, if any, went into passing these proposals or building permits for these types of buildings that have left this Township looking poorly. After looking at Main St. and the \$800,000 we spent on it, he said that if he showed you the plans and how great they looked and you looked at it today, you would say the plans are not consistent with what we did – and they are not. He said that as residents, if we look at what the Township in general has done in the past in terms of aesthetics and making it a better place and community to draw in more people, one has to ask themselves where was the thought process behind all of this? At the last meeting, he asked a question about the water that will run off from the proposed site – whether they do it or somebody else does, where is the water going to go? He kept on hearing, 3 times, that we have to work within the guidelines of the E.P.A., but he didn't hear an answer. He said that we know that Morristown Rd. floods. At a previous Township meeting the same question was asked and the answer was that we are going to jettison that water or allow it to flow into the tributary behind the proposed site, which then goes onto Morristown Rd. and contributes to the flooding there and also goes to downtown Stirling and contributes to the flooding there. He said that he has not heard in the proposal how those problems would be taken care of and how those people will be able to rest easy at night when it rains hard. He compared the time it takes to come up with a couple of ordinances to the 4-6 years from when President Kennedy said that we are going to go to the moon and win the space race. He said that he was "baffled" and that we have to work quicker and smarter and do it as a group and not as individuals.

A resident named "Joyce" from Gillette, said that she has watched the Planning Board on television. She said that when someone here said that they recommended that we remove the residence part of the Valley Road plan, she did

not understand the impact of that statement or what it means. She said the citizens rely upon the Planning Board and the reason why they are sitting there is to help the citizens understand the importance and boil it down into layman's terms. She said that it took the Planning Board 30 meetings to come up with something, so just imagine how the residents feel. She said that the residents realize that the Board has committed its time and is doing a great job within the bounds of all of the other things that it has to contend with, however she said not to take the citizens to task and consider it their failing for us all not coming up with a plan we can stand behind. In addition, she felt that if someone wants to come up to the podium more than once, and if the Board wants representation from the populous, she felt that should be allowed. She was "incredibly concerned" about this development and would prefer to see no development on this particular tract. However, in the balance of things, she said that we have to figure out what we want to do here. She felt that the parcel is such a key one to this community that it warrants very, very careful consideration – more than almost any other parcel. She said that if you were to stand at the Gillette Train Station, you could go from there to this parcel without going on Valley Rd. (about 1.5 miles). If you were to stand at Central School, you could get from there to this parcel without going on Valley Rd. In her opinion and vision for the Township, she saw Morristown Rd. having a bike lane since it is very rural and a great place to ride your bike, but it needs to be protected. She could see members of the community – families – coming from those two distances to that particular area. She saw what is proposed to be developed as a central cornerstone in our community and something that is a destination for people and families because, contrary to the way it has been spoken – as if our Township is trying to discourage children from moving here (which is totally contrary to what she felt everyone feels), what would be more advantageous is for this parcel to be developed as a "gem". She said that we have the library here and we want children to come to the library, but what we don't want is children on Valley Rd. on their bikes because we already had an unfortunate incident which happened in the past. She said that we need to keep this open for families. She said that she understood that we are all under budget constraints, whether we are talking about the municipality or our own personal budgets, but the issue to her was that we only have one proposal before us. We are not talking about other possible uses for the land. In her vision for that tract of land, as someone has already suggested, she suggested perhaps a park. She said that we have Riverside Park, which she loves, but in order to get there you've got to cross Valley Rd. She said that if this parcel was developed as a different type of a park that was, perhaps, economically feasible within our Township budget, then this particular proposal before us would seem even less viable. She said that the proposal before us has issues with traffic, drainage, and infrastructure costs which have not been talked about too much but touched upon such as police and schooling – but what about sewerage? She said that the benefit you might derive from having businesses there needs to have a lot of subtractions taken from it. In her experience, what she has found is that whenever you put up a fence or building, it seems like a good idea but it creates infrastructure costs that outweigh the initial benefits. She suggested that we put our heads together about a better use for the land, something that is not a structure on the land that would prevent drainage – for example, a golf course. She said that you have probably seen a lot of solar installations coming up here and there and that 19 acres of land of solar panels can power half of the homes in our entire Township. She said that the largest item in our municipal budget is \$325,000 per year for electricity. She said that, solar panels on ¼ acre could power the entire Town Hall. She said that we are going to have additional electricity requirements when we create our new sewer plant and that number is just going to keep going up and up. She said that we will have debt that is going to be retired soon (in either 2012 or 2013) and we have an opportunity to invest, as towns all around us are doing, in solar energy. For example, she said that the town of Summit, which is in much worse financial shape than our town, is investing in solar energy. They are banding together with about 17 other towns in order to minimize their electricity needs. If they can do it with the dire straits that they are in, we certainly can do it and, once we do something like that, we free up money in our budget to do things like putting a bike lane in or purchasing this land ourselves. She asked the Board to consider the other possible uses and said that she wanted the developer to consider other possible uses that don't involve macadam or stores, because for the 7,000-8,000 people in this town, we have two shopping centers and one of our saving graces is that those two shopping centers are dispersed somewhat along Valley Rd. She said that, if we were to develop the central part of our town as a business district, we are creating a log jam of traffic among other things and we don't need that, we need other ideas. She said that her final thought is to please put the ordinances in effect so that tracts such as this cannot be developed because we do need the open space. She said that nature is so much stronger than any flood wall we would ever put in or plans we would ever have. She said to look at the Mississippi River right now and you will know where she is coming from.

Mr. Connor thanked Joyce for her comments and reiterated that this is not a proposal before the Planning Board, it is merely a conceptual plan.

Mrs. Carol Prasa, 160 River Rd., said that at the last meeting of the Planning Board, Greenhill Development stated that their proposal would not have a negative effect on the flooding problems in our Township. She said that she planned to address several areas in which she took exception to that statement. She said that the portion of the Ordinance which reduces the conservation easement from 75' to 20' is in direct opposition of the Passaic River Advisory Commission's recommendations which state that "Having towns in the Passaic River Basin pursue flood risk reduction changes in the Master Plan, Zoning Ordinances, and Flood Prevention Ordinances to guide future development away from flood plains or prevent future development in these high risk flood prone areas". In addition, she said that the proposed Ordinance rezones 60 acres currently zoned as Conservation. She said that this will allow current rules of 15% lot coverage to go up to 60% coverage. She said that the majority of affected land is wetlands and largely not suitable for building. She said that the rezoning of this area allows developers to use the extra lot coverage and build with density much higher than the 60% in the conservation area. She said that another way to say this is, if the Ordinance is passed, then much of our Conservation Zone on Valley Rd. will be eliminated and that will, of course, benefit Greenhill Development and *not* benefit our flooding issues. She said that the citizens are struggling to find solutions and that all agree that one of the best long term solutions toward flood mitigation is conservation zoning. She said that the Passaic River Advisory Commission urges buying undeveloped land for use

as flood storage areas. She said that the concept known as Bonus Landscape Standard is, perhaps, fallacious to her. She said that the concept is, if developers increase landscaping on the edge of wetlands, they are allowed to build more in the areas. She said that planting environmentally appropriate trees and shrubs is a goal towards flood reduction, however this should be done *instead* of building in sensitive areas, not *in addition to*. She said that reducing buffer zones from 25' to 10' almost doesn't need a comment, it is so nonsensical. She said that buffer zones are designed to limit building and protect existing neighborhoods with a buffer. She said that all this ordinance will do is provide the developer with more developable land at the expense of existing residents and at the cost of more flooding. On the subject of "critical area", she said that it is considered critical area if a site has a slope of 15% or greater when measured across a 10' contour. It is also considered a critical area if the land is a flood hazard area, wetlands, surface retention, detention basin, wet basin, or a dry underground basin. She said that our conservation code currently demands that we prohibit, to the greatest extent possible on the municipal level, land development in town critical areas. She said that it seems this development defies the logic of that. In summary, she said that there has been little attempt in the ordinance to help with the Township's flooding problems. In addition to the previously mentioned issue, she said that our ordinance makes no attempt to reduce impervious surfaces. She said that, with this ordinance, any developer can pave 70% of their wetland, as well as allowing underground parking causing further disruption of underground streams and natural water retention areas. She said that one hopes that the ordinance that will be discussed tonight has not been penned solely for the purpose of making the developer's life easier and more profitable at the expense of the well being of our community. She thanked the Board for its time and its work.

There were no further comments from the public.

Mr. James Luke, principal of Greenhill Development Partners, said that he wanted to respond to some of the comments made, but also make a general comment on how Greenhill ended up here. He said that Greenhill responded to a Master Plan that the Planning Board generated. He said that nothing that was proposed was not in the original Master Plan. The original Master Plan called for buildings, grocery and non-grocery, up to 80,000 S.F. and, in fact, there was a draft that he believed said 100,000 S.F. He said that he was not trying to come in and destroy the community or increase flood hazards or things of that nature. He said that they are not looking to come in and spend a *substantial* amount of money to go away and leave the Township with problems. He said that they are a conscious developer, are not a publically traded company, and are not doing this to feed the bottom line or to feed Wall Street. He said that they do see imperfections in the Ordinance, not the Master Plan, as it relates to the market. He said that for Greenhill to come in here and pay a substantial amount for this land and to develop it, per your Master Plan and with regard to your proposed ordinances, we have to know that we can lease the space and sell the residential units. He said that they are not going to come in here and build a box and foreclose and walk away. He said that they have families and children and live in their own communities and are not that type of developer. He took umbrage to the fact that people who do not know him personally can stand up and tell him that he is an evil developer that is going to destroy the community. He said that he cannot defend that and will not try. However, he said that he can say that Greenhill has studied this market and the users and retailers that want to be here. He said that he was not going to speak to the public because he heard them and can respect their concerns and that he was speaking solely on what was in the Township Master Plan and through the iterations of the draft ordinances. He said that the concept of mixed use is exactly that – it is mixed use, a retail/residential marriage and the two thrive on one another. As per the ordinance, as Mr. Burgis defined in the prior meeting, by reducing the single use structure, or minimizing or limiting it to 30,000 S.F., we will end up with 400,000 S.F. of pizza shops, nail salons, etc., which is great, but not what they are interested in building. He said that the Planning Board will make its decision on what it feels is best for the Township and Greenhill understands that, but he wanted there to be consideration if the Board is going to take action for a proposed project, that it be taken with consideration of the market place, not ignoring the comments and concerns of the public. He said that he was simply speaking in terms of what the Board is looking at and which direction it will take. He said that, if the Board is going to take action on an ordinance, it should be sure that it is viable to the market place. He urged the Board not to limit it to the detriment of a potential development. He said that a 30,000 S.F. non-grocery store is a challenge that was discussed at the Township Committee meeting and during opening comments of this Board. He said that the market place is *not* filled with those types of retailers. He said that the point is that Greenhill has not hidden the fact that they have a user that is interested in being here and their requirement is 65,000 S.F. He said that Greenhill feels that it is a good, quality user that is a national retailer which they do not believe will come in and "go dark" in 10 years leaving an empty space. He said that there are two grocery store sites in the Township – Shop-Rite, which they understand is going to expand, and the Pathmark space which contains 58,000 S.F. They also understand that there are specific users that are looking at that space. He said that, if you zone this property for up to an 80,000 S.F. grocery store, they can certainly go to the market place and look for that user. If the concern is traffic, he could say that a grocery store will generate a *substantial* amount *more* of traffic – at least 20% greater than a typical retail use. He said that a 30,000 – 60,000 S.F. store is going to generate less traffic than an 80,000 S.F. grocery store on that site. He said that he has heard the concerns and wanted to address them from a business perspective. If this Board is taking direction for an ordinance, he just asked that it give market consideration and not zone the property to something that it cannot sustain or hold.

Mr. Nick Stevens, 26 Deer Run, said that there have been a lot of great suggestions for what to do with the property that had not even occurred to him before such as a park and other types of uses. His main concern is that, although he loves this town, he felt that it is about the ugliest town he has ever seen and when he drives through it, he can't figure out what is going on. He said that, if you want to focus on improving retail, you have to do it where most towns do it and that is where the train stations are. He said that it is based on an old notion, but the concept is that our town is already set up that way and Stirling and Millington already have places where you can improve the retail space and look. He said that a gentleman talked about the Main St. concept that really looks nothing like it was supposed to. When the Act II consignment shop burned down and the gas station was out of business, it looked like

a great opportunity to take that whole area and create a uniform look and make a beautiful area for real estate and, all of a sudden, Act II showed up with a giant building for one consignment store. He asked where the vision was then to redo an empty gas station and a burned down house and make a uniform look on that street? He felt that the town should focus on improving what is going on in that existing retail space first. He said that there are lots of abandoned things in Millington and space where work can be done to do retail there of the quality of what this town probably wants before we start looking at turning the subject property into retail space.

Mr. Tom Grosskopf, Gillette, read the following from the Township website: “Long Hill Township is a rural, low density residential community characterized by large tracts of open space, attractive single family residential neighborhoods, tree lined streets, and a general absence of large nonresidential land uses. The Township is one of the least dense and most scenic municipalities in Morris County”. He said that he thought we would all like it to stay that way.

Mr. Walter Brown, Madison St., asked if there is an ordinance now before the Township Committee that would go towards solving the area flooding problem?

Mr. Connor replied that there is a proposed ordinance that would try to ensure that it doesn't get worse. He said that the Environmental Commission basically recommended the ordinance to the Planning Board, there were hearings on it, and it was their recommendation that it was an ordinance that would make the runoff requirements much more stringent over what they are now, although for a large location such as we are talking about, those are State mandated. He said that we took the State mandates for larger properties and applied them to smaller and individual developments. The ultimate end to that would be to reduce the runoff of any future development, however it has not been discussed at the Township Committee level.

Mr. Brown said that you are addressing the future developments and really not dealing with the current situation.

Mr. Connor replied that what is built, is built. It would address any new construction, whether it be residential or business that may well be subject to the regulations.

Mr. Brown asked Mr. Connor, in terms of land management engineering on what we have now, if he knew of anything being done to alter what happens every other year?

Mr. Connor replied that the Planning Board cannot retroactively ask someone who has already received approval and built something to now go and dig it up.

Mr. Brown asked if anyone has developed a plan to solve the flooding problem in the area, or are the residents helpless?

Mr. Connor replied that we have a plan that will help solve the problem.

Mayor Harrington said that what is on the table and has been the discussion at the Township Committee level has been the flood wall/levee that the Army Corps of Engineers has designed and that has been on the table for quite a number of years. She said that Mr. Lombardo spoke about the Flood Mitigation Committee that has been in effect for 7 years and we continue to struggle with that. She said that the Township Committee has not approved the necessary funding for the flood wall and it continues to be a subject of discussion at the Township Committee for upwards of close to 10 years.

Mr. Brown replied that that is not governing or leading.

Mr. Piserchia clarified that the funding from the State and Federal Government was not approved until August of 2010 and nothing could have been done until then. It is only from that point forward that it has become a discussion item on the Township Committee level. He said that a lot of the members of the public who are present this evening have come and expressed their concerns regarding the proposed flood wall. He said that only from August of last year to this very moment, it has become a *serious* conversation. Before that, it was a proposal.

Mr. Brown asked for the Township's outlook in terms of going forward. He asked if progress is being made, or are we stuck in arguments?

Mayor Harrington replied that the Township was proceeding on a path to actually make a decision with respect to the flood wall, but the E.P.A. came in and tested the area and the R.O.W. of the flood wall and found friable asbestos in that area. Until the E.P.A. completes their work, she said that we have held off and postponed action as a Township on the flood wall project.

Mr. Guiseppe Panetti said that he moved into the Township 2 ½ years ago and that he grew up in Essex County which is highly congested and saturated with people. When he and his wife were first married, they bought a townhouse in Union, NJ and he has seen firsthand what 150 units will do to a small two block intersection. He said that he is pro-business and realizes that the Planning Board is in a difficult situation and that revenues are needed to pay for police, sewerage, etc. He said that he was not knocking the idea and that he liked it, but he also saw the downside to it. He questioned what the traffic pattern will be with 150 new units and 2 cars per unit, which he felt will cause a problem. With regard to public safety, he said that with any new infrastructure you will have to hire more police and will need more fire trucks and asked for the total loaded cost. He said that hiring more police will

entail more police cars and pensions. He said that he has heard a lot about flooding, but very little about one topic. He noticed the empty stores in the Valley Mall and would love to see more tenants in there because it makes the appearance and personality of the town better. He said that he has heard that the population of the Township is 7,000 and asked how many more stores and strip malls the Township can support? He asked at what point are we coming to an area where we have oversaturated the store market? He referred to Parsippany which is known for all its strip malls on Rt. 46, however about 30% of them are empty right now and the town is dying from revenue. They are vacant and it gives a negative connotation and appearance to that town. He said he was not present to “bash” the Board and stressed that he liked the idea, but has concerns. He noted the site of the former Blue Star Cleaners which was located in downtown Millington and questioned if a nationwide chain is brought in, what happens to the small “mom & pop” stores in this Township? He said that they will get “gutted out” noting that they cannot compete price-wise. He said that Costco destroys everyone. He said that the Board is in a difficult situation and that he does not want his taxes to go up. However, he said that if you do something of this “grand nature”, there is a cause and effect relationship. He said that, if the proposal was closer to the exit off of Rt. 78, that would make sense and be a great idea and the traffic wouldn’t be that bad.

Mr. Carmine Melito, 50 Cottage Place, said that he has lived in the Township for almost 40 years. He recalled when Leo the Lion was roaring down the street. He also recalled the following day when he could not leave his street (Madison Ave. at the time) because of the first 100 Year Storm he experienced (and noted that there were probably 6 or 7 of them within 10-15 years). He said that Mrs. Jeans told the residents where to park so that they would not lose their cars to flooding. He said that there was one manor house and a herd of cows on the site of the Valley Mall. He did not believe that the subject property that is now being discussed was virgin hardwood, it was big hardwood (probably swamp maple), but it was mowed down about 30 years ago because they were going to build soccer fields there that never happened. He said that he has been pretty apathetic about listening to what has been said because, as Mr. Connor said, he probably won’t be around to see this happen, but there are some things you can count on. He said that, if you build, the water is going to come and that there will be more and more of it. He said that he moved here when the Feds decided we would have a national wildlife refuge instead of an airport which was a pretty good idea and saved a lot of land. He said that Mrs. Prasa and others have some good ideas and he was not presenting any of that, but the feel of the Township isn’t what it used to be. He realized that you cannot stop all progress, but you just can’t tear everything down. He said that his parents moved to Toms River in Ocean County about 38 years ago and every time they put up another store along Rt. 37, his father said to look at the progress. He said that now when you look at the progress, you are drowning in it. He said to save the trees, make the water go away downstream somewhere – building is not going to make it get any better.

Mr. Connor had two clarifications. From the comments of the Board and from what he heard from the public, he said that there is no intent to allow a Walmart sized construction here. He said that Walmart sized constructions will exceed 100,000 S.F. He felt that there is almost unanimous agreement that no one in the town or on the Board is in favor of a development like that. He said that, if we pass these things, Walmart will be precluded from being here rather than our current state noting that if they somehow took over Valley Mall, they could show up. Secondly, he wanted the public to understand that the Pathmark, which is owned by A & P, was under bankruptcy. During the period of time the property was controlled by the bankruptcy court, the owner of the property had no rights to fill that anchor store. When you do not have the ability to fill your anchor store, the problem is that you can’t fill the subsidiary stores either because no one wants to come in betting on what the anchor will be. He said that the owner of the Valley Mall regained control of his lease of the Pathmark property early in May. He is now free in the process to bring in a new tenant/anchor store. Once that new anchor store is brought in, there is a likelihood that you will see some of the other vacant units fill up. He said that high number of vacancies in the Valley mall is somewhat impacted by the bankruptcy of A & P.

There being no further comments, the meeting was closed to the public.

Mr. Connor announced a 5 minute recess. He said that the Board was initially going to move on to the next agenda item which is a discussion of an ordinance to establish a zoning permit. He said that additional information has come in over the weekend and, with the Board’s agreement, he would like to postpone discussion of that ordinance until the next meeting. He also stated that the Board will go into executive session at approximately 10:45 P.M. to discuss legal and personnel matters. Depending upon timing, he said that there may be a chance for some comments from the public.

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DISCUSSION

REVISED PROPOSED ORDINANCE RE: VALLEY ROAD BUSINESS DISTRICT

Mr. O’Brien said that the Planning Board passed a recommended ordinance at the end of last year after reviewing the current standards along Valley Rd. and the Master Plan along Valley Rd. He said that this ordinance was sent to the Township Committee over the last several months and they have had a few meetings and some public participation on it and have returned it as the MLUL calls for, for this Board to recommend to the Township Committee whether or not the proposed ordinance is or is not consistent with the Master Plan. He said that the ordinance you have in front of you is different from the ordinance that the Planning Board sent to the Township Committee in two regards. The first regard is that all residential use has been removed from the ordinance. The original ordinance contemplated mixed use residential above retail. The other change was that, instead of allowing a maximum of 3 stories and 40’ in height, the new ordinance recommends a maximum of 2 stories and 35’. He said that it is up to the Board to decide if they would like to accept those changes and either recommend or not recommend the amended ordinance back to the Township Committee.

Mr. Connor noted that this was not a formal resolution, but an agreement to pass this back to the Planning Board so that we did not have to go through a number of bureaucratic steps if they had actually adopted it.

Mr. Hoffman added that, in other words, this has not yet been formally introduced on first reading by the Township Committee.

Mr. Conner suggested taking this in order and, at the end of the discussion, he will entertain any other changes or recommendations that are brought forward. He said that the residential component has been stripped out which eliminates any mixed use residential, including deleting senior citizen housing and affordable housing of the type that might be required by COAH (or its replacement).

Mr. O'Brien said that COAH is in limbo right now and the Governor has stated his opposition to it and its mission of providing affordable housing through the processes that they have developed over the last 30 years. The COAH statutes that require so much affordable housing per some much development are currently in front of the Supreme Court of the State of New Jersey and it is going to make a decision one way or another regarding what happens to COAH and its affordable housing process. Regardless of what that decision is, he said that there will be some kind of affordable housing requirement that will continue through this one way or another. He felt that it is in our best interest to assume that COAH is going to continue in some form and be prepared for it, rather than respond to whatever happens at the court level.

In response to Mr. Connor, Mr. O'Brien said that, in the past, we have had several developments of affordable housing done such as Lounsbury Meadows and some of the other townhouse developments in which we have received credits. He said that future affordable housing units are not allowed anywhere in town except under the proposed ordinance originally proposed for Valley Rd. by the Planning Board.

Mr. Connor asked what the impact would be if we no further affordable or senior citizens housing is allowed in the Township?

Mr. Connor replied that it has been found in the courts over the last 30 years that towns that do not provide affordable housing in accordance with the State statutes are open to law suits from developers who are willing to provide that affordable housing component of a larger residential development such as the one in Bedminster that everyone is familiar with. He said that the Township would have zero control over that.

Mayor Harrington said that some of the biggest concerns of the Township Committee were expressed by Mr. Piserchia in what could potentially be in the Valley Mall. Their concerns are also with the 3 story and residential over retail being something they pretty unanimously did not want to see in Long Hill Township. Understanding the COAH issue and also the fact that it is in flux, she said that there was some recognition that at some point in time the residential component might have to be revisited when they fully understood what our COAH obligation ultimately will be under whatever comes out of these decisions. Rather than blindly try to put something in place when we don't know what rules we are trying to meet, she said that it was decided to try to put something in place that provides for some incentives for development along Valley Rd. that would help developers who want to put money into their properties with zoning that would prevent the possibility of a Walmart actually going into the Valley Mall. Those were the areas of pretty much agreement. Given the amount of opposition and concern, she felt to some extent that we have to start to think about whether the Master Plan works, especially for the property across the street and whether that is what we really want in this Township. With the time of decision rule, she said that we also have to protect ourselves and she felt that that was the common ground that the Township Committee came to.

In response to Mr. Connor, Mr. O'Brien explained that the Legislature passed, and the Governor signed, a law a little over a year ago regarding how applications for development are treated when they are turned in to a Planning or Zoning Board. The new law says that the standards that apply when an application is presented to the Board are the standards that apply throughout the process. Previously, the standard was that the rules that were in place *when a decision was made by a Board* were the rules that governed how the decision was made. Previously, when somebody came in with an application, the Township would actually have the time between when the application was presented to when the decision was made to change the rules if the Township felt that its public health, safety, and morals were at risk. He said that we do not have that option anymore.

Mr. Batista could see where the Township Committee has reached a decision to take out the residential aspect of it – it is simply politically expedient to do so. But he said this Board's obligation is to plan for the future 20 years of this Township and, the fact of the matter is, after 4 years this Board passed a Resolution that is asking for some type of residential mixed use development on this .94 stretch of road in our Township. He said that no residential means that we are not drafting our ordinances according to our Master Plan. He said that the process started in 2007 when the Township Committee and Planning Board joined together and filed an application for the ANJEC grant program which ultimately led to the passing of the Valley Road Business District Ordinance which was forwarded to the Board. In coming to those conclusions that we reached, he said that we looked back to the 1987 Master Plan which, interestingly, we hear the words thrown out by the public that this is a "semi-rural Township". He said that, yes, overall we are a semi-rural township, but this Township for 25 years has had zoning for low, medium, and high density single family residential, as well as multi-family development. While overall we are semi-rural, he said that we are not semi-rural in the Valley Rd. district. He said that we also looked at the 1996 Master Plan where, again, the Valley Rd. development was discussed and nothing was ever done about it, and the same thing in the 2003 Master Plan Re-Examination. He said that an ANJEC application was filed in 2007 and it noted as one of its goals that we were to revitalize our commercial business district and now the 15 year old ordinances which have not

worked in spurring on any meaningful development at all. He said that the Long Hill Environmental Commission reached their final report in December, 2009 which was entitled “Bringing Smart Growth to Long Hill Township”. He said that that report is available to the public and was posted on the website. In developing the final report, he said that there were more than 1,800 volunteer hours that were catalogued to come to those conclusions by residents and volunteers. There were more than 200 hours of Township professional and staff members that were paid and, from the beginnings of those meetings for the ANJEC report, there were 40 total meetings to come to the point where we were when we passed the Valley Rd. Ordinances. In addition to that, when George Vitureira was our Mayor in 2007, he and the Planning Board worked with the Rutgers University Bloustein School of Planning & Policy, which came up with the 2007 study entitled “Regenerating Long Hill Township”, which was also discussed at many public meetings. He said that they also talked about the regeneration of the Valley Road Business District and about the way to manage stormwater was to take control of it. In those ordinances that were sent to the Township Committee, we are touching on those issues about the stormwater issues. In 2007, one of things he found most intriguing when he became a part of the Planning Board was going back and looking at the 2007 Long Hill Future Search Committee where 68 professionals and members of the public sacrificed an entire weekend to meet and discuss the Valley Road development. He said that there were nearly 1,000 hours of volunteer discussion and planning that went into that report. In March, 2009, he said that we looked at the housing study and zoning analysis that was provided by one of our citizens, and the 2009 Conservation Plan Element of the Master Plan, as well as the Valley Road Master Plan Element that was passed in 2010. In reviewing all of these reports, plans, and studies that we drafted, he said that we believe that the residential element *was* a necessary component at that time to spur on any meaningful development. He said that the massive undertaking that we have taken for the last 4 years of volunteer hours and professional hours that were paid for told us that our goal is to restore Valley Road. He said that it has become a victim of 40 years of inharmonious design and planning and this is our opportunity to take control of it. He said that it has become a dead zone and nobody really wants to invest in it seriously. Simply by saying that we are going to limit it to some commercial development – we have had commercial development. He said that in 1997, it was rezoned for office and none of that has worked. What we know *will* work is adding a residential component to it, he said. With that said, he said maybe it is *not* having 150 units, but maybe it *is* having a series of four 8 units per acre on small lots and limiting the maximum amount of residential units on a particular parcel by the acreage. He said that we can come up with numbers like that. He felt that it is the Board’s job to come up with an economic model that is viable for developers, retailers, as well for our community. He said that we need to get beyond the “we can’t do this aspect” which has caused discussions to go on for 10 years on the sewers and 10 years for a flood wall, although he understood that they were only discussions at that point, and 4 years in coming up with Valley Rd. which really dates back to 1987 when the discussions started. He did not think that the Board can send this back to the Township Committee without having some residential component that will be palatable to the Board, to the residents, as well as to the Township Committee. He did not feel that the Board would be doing its service if it is sent back with no residential element.

Mr. Briggs said that one of his concerns is taking control of the future. He said that, essentially, with the time of decision, we have lost the control. He felt that a lot of the elements that have been worked over this time frame within the ordinances will help protect the Township and will spur on some of the commercial side. He said that scale and number of units per acre are things we will have to discuss, noting that it is not going to happen in 30 minutes. He also understood Mr. Batista’s fear that once it is taken out, it will never see the light of day. He said that his fear is that the Valley Mall will turn into something that none of us would want and across the street no one will put in that 4 or 6 unit residential because of what is across the street. Given the fact that the Board’s back is against the wall at this point, he said that he could certainly see pulling the residential. He said that there are places where he felt it is opportunistic to have it in there and is certainly willing to talk about it and he felt it would be prudent, but he really feared about the lack of control we have and, if something doesn’t go in front of the Township Committee, and they are willing to do 90%, and the Board members need to talk about residential amongst themselves to get the other 10% ready, he wanted to protect the Township and spur on some commercial where we know it can happen and take that other 10% and talk about it. He said that we have the community input on that component, but we need to protect ourselves now. He did not want the onus on the Planning Board who has been sitting here week after week after week for discussion, when the Township Committee needs to make that final decision on that. He said that he would hate to see that 90% go to naught because of this one component.

Dr. Rae agreed with Mr. Briggs. He also realized that everything Mr. Batista said is true. He acknowledged that the community wasn’t involved before and has become involved now, but he got the sense that the overwhelming sentiment seems to be that there be no residential development on Valley Rd. He said that with what we have before us now with the time of decision rule, we need to move forward and get something in front of the Board and then get into some kind of productive dialogue with the community where we give t he various sides of the story and let the people decide and maybe we do come back to it and decide that a residential use should be allowed, but the way it stands right now he felt that it behooves us to move forward, strip the residential component out, and get into a meaningful dialogue with the public.

Mr. Batista replied that we have had 4 years of dialogue. He asked what we are telling the residents that appeared at those meetings – that came to 20 meetings and participated in them? He said that we have paid money out of our pockets to our professionals and asked our residents to volunteer weekends, multiple man hours, and we have had schools do studies and have had State funded grants that told us one thing. Now because of a room in which possibly half of the people are against *any* residential use whatsoever - he felt that some will be open to specifically targeted residential – what are we telling them if we are going to turn our backs on 4 years of work, based upon 2 meetings and a conceptual plan?

Dr. Rae replied that he did not think the Board is turning its back on 4 years of work. He felt that the conceptual plan has galvanized the community and really brought them out in force. Rather than the volunteers and interested individuals in the community, he said that we really are seeing what the community truly feels. He said that we can use those 4 years to then talk to the community at large and give them a different point of view but, ultimately, let them decide after hearing that. He said that it is something that we absolutely have to do.

Mr. Batista replied that, with all due respect, the fact of the matter is that simply because (Dr. Rae) wasn't here for those discussions doesn't mean that they didn't occur.

Dr. Rae replied that he was not disputing the fact that they occurred. He said that in the 2 weeks that have passed since the last meeting that has been the topic of conversation everywhere he has gone. He said that it is not just 2 rooms full of people, it is community wide and we need to take notice of that. He said that we are 9 individuals up here and it is a different cast of characters every couple of years and we have to pay attention to what the community wants.

Dr. Behr said that, in listening to the comments from the public, it really confirmed something that he has been thinking about for while. He said that what we are looking at right now in this room, to his mind is a total meltdown of our responsibility as a community. He said that we have the obligation as a community to plan for the future together, collectively, and wisely. He said that he has put in probably 100 hours as a volunteer citizen in those years with the Friends of Long Hill Township and that Master Plan went forward smoothly. While it wasn't a perfect Master Plan, he said that it certainly was a huge improvement over what had preceded it. He said that it was done smoothly, effectively, and collaboratively. He said that now we take a look at a situation and all of us have failed. He said that he would take a look at himself, as a Planning Board member, and in all fairness to the Planning Board as a whole, and say that we didn't do our job sufficiently in finding ways to engage the public when we needed the input during the time it was being discussed. He said that we could have done a better job with that. He said that for the Township Committee and the Planning Board, at this stage of the game, to be in a Mexican stand-off – at logger heads about what is the proper vision for Long Hill Township, is inexcusable and shame on us collectively for failing in our responsibility of leadership to the Township. He said that we may need to go back and do this whole thing over again. He said that he was not thrilled because he put a lot of time into where we are right now. He agreed with Mr. Batista on many of the points that he made. He said that, if we have to do this again, might we please do it his collaboratively as a community and that the politicizing that's gone on with this issue be dropped and put the garbage because we don't need that. He said that, if we are going to have to do this again, let's do it right. As to the matter before us, he said that it is very simple. It was the intention of this Board to have a different concept for the development of Valley Rd. that had its roots in the principles of new urbanism and smart growth and the nature of that is that you have a different way of thinking about what retail is. He said that for 50 years we lived with the notion of retail and commercial development in towns based on the automobile. He said that you live in one place, you get in a car, and you drive to work – a different place. You go shopping in your car from store to store to store. He said that we have created a society based upon the automobile and we have seen what that got us – it got us strip malls, Rt. 10, and Rt. 46 – all the things that we don't like and don't want in this town. So the notion of the Planning Board over a 4 year period was let's think about a different way of combining people and shopping so that people could find more of the things that they need closer to where they live and that is the fundamental principal of new urbanism and do it not from one end of Valley Rd. to the other – that is crazy talk. He said that, to put 3 story buildings from Main Ave. all the way to end of town is crazy talk. But, where it fits and makes sense with the scope, that was the intent of the Master Plan. These ordinances, by removing all of those elements, are not consistent with the Master Plan, he said. It violates all of the principles and calls for an entirely different concept for commercial development on Valley Rd. and, therefore, as a Planning Board, he did not think we can forward it with approval.

Mr. Connor said that there will be more comments from Board members, himself included, but if he allowed them to continue, there would be no chance for any comments from the public on the residential issue. He opened the meeting to the public on whether or not residential should be part of the Valley Rd. Ordinances and asked the members of the public to limit their comments to 5 minutes.

Mr. John Lombardo, 72 Poplar Dr., said that he did not know that the sentiment of the people was that they don't want residential. He felt that what they *don't* want is big, massive stores with a lot of traffic. He felt that bringing people from outside to go to a Walmart or Kohl's is what the people don't want. He said that we keep hearing about the Federal and State requirements for building in a flood plain. He said that his understanding is that those are *minimum* requirements and that the local municipality, based upon the threat to the population in the area, can actually *increase* those – not reduce them. The fact that we have people telling us that we have to comply with those laws in terms of buffers, etc., he felt it is a minimum requirement.

In response to Mr. Connor, Mr. Lemanowicz said that the NJDEP has sole authority over wetlands and flood plains. For instance, in a wetlands buffer, there are several types of transition areas. If an applicant goes to the State and the State says that it is a 150' transition area, the town cannot challenge that.

Mr. Hoffman said that the NJDEP statutorily has exclusive jurisdiction to make freshwater wetlands determinations as to areas that can and cannot be disturbed, as well as the type of buffer or transition areas which are associated with that type of property. He said that they have regulations which supersede anything which a town might wish to implement.

Mr. Guy Roshto, 30 Ave Maria Court, said that he was impressed with the public tonight and that they got up to speed quickly and articulated their issues and explained them very well to the Planning Board. He was also impressed with what he was hearing most recently from the Planning Board, especially from Dr. Rae and Mr. Briggs. He said that it is very important that everyone comes together and starts talking about this as a community for moving our town forward in the direction we want it to go. In terms of residential, he said that he was not sure that he could speak for the public, but could say from the people he has talked to that most, if not all of them, don't want apartments above retail or apartments behind retail. He felt that the Board should seriously consider what those individuals think about that. In terms of the impact in the Ordinance about taking out residential, he agreed with dr. Behr that, when you take out residential you also have to look at things like the F.A.R. because, when you decided to put residential in, he assumed that it was done with the understanding that you would have a second and third floor and that F.A.R. was based on that second and third floor. He did not think that the Planning Board can go back to the Township Committee with what it has today in good conscience – you would have to sit down and review it. His last concern was related to the conservation zones and easements. He said that he would like the Board to take a look at changing the Conservation Zones to the BD- Zone and reducing the conservation easement from 75' to 20', which concerns him and a lot of people he has spoken to.

Mr. Batista said that he thought it was Mrs. Prasa who made the comment about their being 60 acres of conservation area being rezoned. He said that the Valley Rd. Business District Ordinances do not rezone the conservation area on Morristown Rd.

Mr. O'Brien agreed and added, "Nor anywhere along Valley Rd.". They are not changing.

Mr. Roshto said that the ordinances today show the block and lot numbers and if you go and look at the block and lot numbers where Greenhill Development is talking about, he said that the block and lot includes both a sliver of office zone and the conservation area – it is all one block and lot.

Mr. O'Brien replied that they are governed by the Tax Map and there is split lot zoning.

Mr. Roshto asked if the Ordinance presented is in error?

Mr. O'Brien replied, "No". He said that the map overrules it. The Ordinance is correct in that those lots are being changed, but the Zoning map shows where the zone boundary is on those lots. He agreed that the conservation zone is not changing.

Mr. Roshto said that one last comment that he heard earlier that concerned him was the environmental protection ordinances that were put through to the Township Committee last year that weren't acted upon, those ordinances need to be in place before you pass this ordinance, not after you pass it. He said that this Board proposed to the Township Committee in January that you move forward with the proposed ordinance and he felt that was an error and what they should be saying is to pass the environmental protection ordinances first and then pass the ordinances we present to you. He said please don't do it backwards.

Mr. Connor replied that the Planning Board has no control over when they were brought forward.

Mr. Roshto replied that you do have control over when you present them.

Mr. Connor disagreed. He said that it is subject to the Township Committee and the Mayor and the Township Committee set the agenda. He said that we assume that, if we pass something, that that will be acted on in some order, but it has not been acted on and the Planning Board has continued to provide them with ordinances for their action and we are assuming that they will take them in order unless there is some priority and, if this is a priority, that is their decision.

Mr. Roshto replied that, with respect, the Planning Board proposed in January in front of the Township Committee, that they adopt the ordinances in front of them.

Mr. Connor disagreed. He said that it was merely a discussion item and the Planning Board was not even officially notified until just before this discussion. He said that that was a discussion item sent up by the Mayor for discussion purposes only – it was not a proposal and was not our presentation. He said that he was not allowed to present and only came out of the audience to answer.

Mr. Roshto said that Mr. O'Brien presented and characterized that ordinance in January as one that this Board recommended 7 to 2 to pass.

Mr. Connor requested clarification from Mr. O'Brien. He said that his clear memory was that it was a discussion item and not an agenda item.

Mayor Harrington said that it was intended as a discussion item in anticipation of time of decision and that was why it became more of a priority for the Township Committee. She said that the Environmental Ordinances indeed need to be addressed along with the many, many other things. She said that the Environmental Ordinance laid unaddressed and not put on an agenda for more than a year prior to January because they were sent up early in 2010 and they sat for a long time. She said that it is difficult to set those priorities and to bring these things for discussion and the time of decision legislation propelled the Valley Rd. Ordinance to the forefront because she wanted to

protect us from exactly the circumstance we may be facing now in that a Walmart could go into Valley Mall. With the limited amount of meeting time, she said that we do the best we can to try an address all of the issues and there are many that have been dangling for years and years that she has tried to bring to the forefront for discussion because they need resolution.

Dr. Behr said that he wanted to clear up what may be some misconception on the part of the public. He said that we have had a very strong set of environmental ordinances specifically directed to provide flood protection for Long Hill Township in place since the 1996 Master Plan. In point of fact, he said that every single application that the Board of Adjustment has passed in the last 6 or 7 years has been improved in terms of stormwater management based on the approval. He felt that it is also true for the Planning Board. He said that we have improved the stormwater management quality in Long Hill Township, so it is not like we haven't had tight, strong ordinances, it is just that the newest ones that have been presented to the Township Committee take it the next step forward in tightening those protections, because we need to and all know what is going on in terms of the flooding problems in Long Hill Township. He said that it is not like this is the first time that a Planning Board has thought about stormwater management.

Mr. Hoffman said that, in response to the gentleman that inquired about the inter-relationship between local and State regulations of wetlands and flood plains, etc., he said that he would request, if the Board deems it appropriate, that Mrs. Wolfe furnish the gentleman with a couple of pages from the "bible" on N.J. land use practice authored by Mr. Cox starting at Pgs. 895-902 of the 2011 edition. Therein it discusses the interrelationship between State and local regulation and notes, interestingly, that if local regulations in certain areas or respects, are more stringent than what the State would impose, then sometimes the local can apply. He said that it would do a disservice at this hour to summarize it in greater detail.

Mr. Connor requested Mrs. Wolfe to provide him, and each Board member, with copies.

Ms. Rosemary Agrista, Meyersville, said that she was a former Board Secretary of Friends of Long Hill Township, a participant in all 3 Future Search Conferences, and the Meyersville 411 neighborhood group, said that she remembered and recorded discussions of all of the meetings about Valley Rd. She said that the residential discussions were centered around low density single family, possibly duplex, and people were not even in favor of a second story. She said that people wanted tree lined streets with some type of walkways. She said that what is happening here is that people are very upset about the concept of high density housing on Valley Rd. She said that putting in a flood zone was never discussed. She said that people talked about Valley Rd. in general, possibly redeveloping some of the properties that already exist.

Ms. Monica Patrick, Millington, said that she lives on Valley Rd. and lives in an almost 100 year old house. She said that, in the last 10 years, the traffic has increased and she felt that the proposed concept plan will substantially increase the traffic even more. She said that people still "blow by" when the school bus is completely stopped while picking up her children. She said that nobody is going to care unless this community stands up and says "No". She apologized to Dr. Behr and said that she did not know about the past meetings. She said that she has two children and would have never dreamed of looking on the Township webpage to see that this was going on. She said that she heard about the issue from word of mouth. She said that she relies upon the Planning Board to make sound decisions. She said that she loves her house and now she will be forced to move to Chatham Township to maybe live with her family because that is what it is coming to. She said that she would love to move over there but cannot afford it because she does not want to work and prefers to stay home with her children. She said that some residents make choices and sacrifices and this was her sacrifice. She said that the Board is forcing her to have people drive by and not stop for her children on the school bus. She said that she had called the police several times but people don't care, they just "blow on by". She said that people driving by just don't care, but the people in this community do care. She said that she wished she knew about this a long time ago because she would be here all the time.

Dr. Behr said that he wanted to repeat that he was not in favor of this application. He said that he appreciated Ms. Patrick's passion, but the whole concept the Planning Board was looking for was to decrease the amount of automobile traffic in the Valley Rd. commercial area by providing more opportunities for people to shop in their neighborhood without having to get into their cars. It was not to increase traffic on Valley Rd., it was to look for ways to decrease it and turn it from a through street, which it is still now, and turn it into something that is more of a community area.

Ms. Patrick replied that all of the people come from outside of the Township. She said that this town is not going to be able to support a big box store.

Dr. Behr said that he is not arguing for a big box store.

Mr. Connor closed the meeting for comments from the public and said that this discussion will continue at the next meeting (on May 24, 2011).

Dr. Behr made a motion to extend the meeting until 11:30 PM which was seconded by Mr. Smargiassi.

Mr. Briggs made a motion to enter executive session to discuss legal and personnel matters which was seconded by Mr. Butterworth.

Mr. Connor announced that the Board will not be taking any action when it reconvenes.

The Board entered into executive session at 10:58 P.M.

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The Planning Board reentered public session at 11:45 P.M. and announced its adjournment.

DAWN V. WOLFE
Planning & Zoning Administrator