

MINUTES

**PLANNING BOARD**

**DECEMBER 13, 2011**

**LONG HILL TOWNSHIP**

**CALL TO ORDER AND STATEMENT OF COMPLIANCE**

The Chairman, Mr. Connor, called the meeting to order at 8:03 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.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

Excused:

Christopher Connor, Chairman

Brendan Rae, Member

Mead Briggs, Vice-Chairman

Mayor Nanette Harrington, Mayor

Barry Hoffman, Bd. Attorney

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

Michael Smargiassi, Member

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**EXECUTIVE SESSION** - It was determined that there was no need to hold an executive session.

**PUBLIC QUESTION OR COMMENT PERIOD**

The meeting was opened to the public for questions or comments. There being none, the meeting was closed to the public.

**DISCUSSION**

**SIGN ORDINANCE AMENDMENTS**

Mr. O'Brien said that in October the Planning Board discussed a proposal that came from the Long Hill Township Chamber of Commerce. It was presented by Mr. Sandow and was a memo that the Board had seen on a previous occasion in which the members of the Chamber of Commerce had encouraged the Planning Board to take action to allow off-site signage. In the course of that discussion, the Board talked about a number of items. In his own memo of 12/8/11, he said that he tried to list what he felt was the consensus that the Board reached and they are Item Nos. 1a-k. No. 2 of the memo contains discussion points that he wanted the Board to be sure that they are making a decision on and that is either the decision that they wish to make or, if there is a further decision that the Board needs to make. He included Item No. 3 which are general principals of wayfaring signs from one of the planning reference books with a graphic that shows how some of the existing wayfaring signs are made. No. 4 includes some examples of existing wayfaring signs.

Mr. Hoffman asked Mr. O'Brien if he knew of any precedent in other municipalities or elsewhere whereby a sign for a commercial usage on a given lot or piece of property is permitted expressly or explicitly to be directed on another piece of property be it contiguous or even more distant.

Mr. O'Brien replied that he was sure that there are some ordinances that allow that, perhaps under certain conditions. But what we are talking about are signs that go in the R.O.W. and would be *Township* signs, not private signs on private property for another business. Referring to the last page of his memo, he said that you can see signs for various businesses. In the case of the Acadia, ME. and Philadelphia, PA. signs, he said that points and places of interest are included which are erected in the R.O.W. and serve to help people get to where they are going.

Mr. Hoffman replied that they are not pure identification signs but are directional in nature.

Mr. O'Brien agreed. He said that they are not there for advertising, for instance, but rather to show people how to get to the establishments and that would require the approval of the Township Committee because it is in a R.O.W. and also consent from Morris County if it were along Valley Rd., Division Ave., or one of the other County roads. He asked if any of the items he had listed concern anyone.

In response to Mr. Connor, Mr. O'Brien said that Mr. Sandow had suggested that the Promotions Committee be in charge of it because it is an existing body.

Mayor Harrington agreed that the Township Committee had appointed a Promotions & Enhancements Committee, noting that its members are the ones that selected and installed the banners along the streets. She agreed that it is an excellent project for them, noting that they have not been terribly active of recent.

In response to Mr. O'Brien, Mayor Harrington said that they also handle the "Welcome to Long Hill Township" signs. She was unsure if they have Chamber of Commerce representation.

Mr. Connor felt that, if you are going to have such a committee, having the Chamber connected to it would make sense.

Mayor Harrington agreed and said that it is probably something to take up with the new Township Committee next year.

Dr. Behr said that, if we put this forward to the Township Committee, the recommendation would be that this be managed by the Promotions Committee and that its membership be so appointed as to have a representative of the Chamber of Commerce on the Committee.

Mr. Connor noted that they are free to do what they want, but he said that would also be his recommendation.

Mayor Harrington said that Mr. Piserchia had a current listing of the membership of that Committee and, actually, Mr. Sandow is a member although she added that she did not know if he will be reappointed.

Mr. Connor said that a generic, non-specific name probably would work best.

Mr. Briggs said that during discussion there was talk about possible municipal and area destinations. He asked if the thought would be to have the same template, but with different colors?

Mr. O'Brien replied that the interstate highway system uses color coded signs and they are used in the State of New Jersey, as well. For instance, brown will designate a recreation area or State Park, blue would be a business, and there is another color for local government. So there could be things like that that are themed. Since the post is there, he said that it seemed appropriate to put up signs leading to the Post Office, Town Hall, Library, etc.

Mr. Briggs agreed that it would help with consolidation.

Mr. Lemanowicz said that the Manual on Uniform Traffic Control Devices is the "bible" of signage and it gives you all the colors and symbols for various things. He suggested keeping those colors because people are used to them, although he noted that the Township likes a more aesthetic look to things and they are not that aesthetic. He said that you still might find some way to get the color in there, perhaps with a frame around it. He noted that they make a plastic wood that shows a little more character.

Mr. O'Brien said that one of the consensus items that he thought he had, although he was not positive, was that the Township would order the signs and control getting the signs, placing the orders, and putting the wordage on the signs after the application is received just like they would do any other municipal sign. This way the individual business owners do not go out and get their sign and hand it over to the DPW.

He referred to Item No. 2 of his report entitled "Discussion points of the Chamber proposal". Under Item a, he said that it lists retail and service establishments only and asked if there was a reason to include any other kind of business.

Dr. Behr asked about something like the Raptor Trust or the Shrine.

Mr. O'Brien replied that they could fall under the Township signs as local area destinations, presuming the Township wanted to put up signs for them.

Mr. Connor noted that both provide retail services through gift shops.

Mr. Smargiassi asked what language would need to be included for an organization such as the American Legion which is not really a retail service and may or may not be considered a destination.

Mr. O'Brien said that if you folded it under something like the Shrine or the Raptor Trust, it would be a non-profit organization that serves the public.

Mr. Hoffman suggested that it could be considered a headquarters for community or public service organizations.

Mr. Lemanowicz said that a service establishment would be an accountant but asked what if it is a home office?

Mr. O'Brien replied, "No".

Mr. Lemanowicz said that you are not going to want to see little signs all over the place in neighborhoods.

Mr. O'Brien said that part of the approval process for a home office is the lack of signage. They are allowed one sign on the property just to show that they are there and that is it. They are supposed to be non-intrusive in a residential neighborhood. He felt that the last thing you would want is signs out on Valley Rd. pointing you to "Joe's Tax Service".

Mr. Dempsey asked if this is just going to be for Valley Rd., for the Township, or Valley Rd./Main St.?

Mr. O'Brien said that Mr. Sandow had identified several roadways and that his proposal was for Valley Rd., Long Hill Rd., Division Ave., Main Ave., Central Ave. and Meyersville Rd., which are pretty much the main commercial streets in town. He asked the Board if it was comfortable with those roadways.

Mr. Briggs felt that they make sense.

Dr. Behr asked if there is any need to include Morristown Rd.

Mr. Dempsey and Mr. Butterworth said that there is so little on Morristown Rd. and agreed that they were good with what is proposed.

Referring to Item b, Mr. O'Brien said that we had discussed signage rights for non-profits. Referring to Item c, he said that the Chamber has suggested a .3 mile limit (a little over 1,500') and asked if the Board felt that that is reasonable or if they would like to see more.

Dr. Behr asked for an example of how that would work.

For a reference point, Mr. O'Brien thought that Lombardo Farms is .3 mile off of Valley Rd.

Referring to the Shrine, Mr. Connor said that at some point it is probably .3 mile but you would want to put a sign on Valley Rd. where it is surely a lot farther from Valley Rd. than .3 mile.

Mr. O'Brien said that you could exempt non-profits or community serving organizations.

In response to Mr. Briggs, he said that Long Hill Rd. would be one of the roads that was indicated earlier.

Mr. Connor added, but people are going to come on Valley Rd. and they then need a sign that says "Shrine This Way", then on Long Hill they are probably okay. But without a sign on Valley Rd. that is a mile and a half away, you might not ever make it up to Long Hill Rd. He questioned how much advance should be provided. He said that he was not wild about exceptions for retail establishments but exceptions for historical or service organizations might be treated differently.

Dr. Behr said that if people are looking for Murphy Landscaping, for example, they are probably going to be looking for him on Valley Rd., so the commercial establishments on Valley Rd. probably will be well served by simply having signs on Valley Rd. He said that if we take a look at service establishments, it might be further out in the town and those might be granted a little more leeway. He did not know that we want to have signs advertising all of the commercial establishments in town spread all over the town.

Mr. O'Brien said that the idea would be that any establishment off of Valley Rd. has a sign pointing to it. If something is off of Long Hill Rd., there is a sign that points down that roadway towards it and that is it. So, if you tell somebody that something is off of Long Hill Rd., you get them on Long Hill Rd. and there is a sign. But you don't have a sign on Valley Rd. up to Long Hill Rd., down Meyersville Rd. in a trail from main road to main road.

Mr. Smargiassi said that, if you exempt these organizations, common sense would say that they hopefully wouldn't put one on every road that comes into Long Hill Rd. He asked, if they wanted to they could put one at every intersection unless they are excluded from doing that, but if we only are going to include specific roads, they would only be at those specific intersections.

Mr. O'Brien replied that it would be at the closest one. He agreed that the applicant would have to pick one, or the Township or Promotions & Enhancement Committee would pick one. He said that you would want to be able to get them there from wherever the main road is.

Mr. Smargiassi's concern was the Shrine would say that they wanted one at North Maple Ave. and Long Hill Rd. and Long Hill Rd. and Meyersville Rd. His concern was that on Long Hill Rd. you could have 5 different Shrine signs on it.

Mr. O'Brien replied that the Shrine, for instance, is on Long Hill Rd., so according to the Chamber proposal they don't get a sign because they are on a main road already.

Dr. Behr asked if they would get a directional sign from Valley Rd.

Mr. O'Brien replied that that was a good question and it is the Board's decision. He questioned, if you do that, is the carve-out for non-profit community serving, or organizations such as that, or do you do it for everybody.

Mr. Briggs said that you could get all the churches.

Mr. O'Brien replied that the whole Chamber proposal says that if you are on a main road you don't get anything because you've got your own sign already. But if you are off the main drag, we want to put a sign on a main road saying that you have to go down here to get where you are going. The thinking is that you tell somebody to get on Valley Rd. or Long Hill Rd. and look for the sign.

Mr. Briggs said that with all the GPS's and hand-held's these days, he felt that just to get directionally close should be sufficient rather than charting a course from Valley Rd. where the consolidations come undone.

Mr. Connor said that his concern was of people driving a bus from New York City and getting off Rt. 78 and then, if they have GPS they are fine, but it is somewhat easy to get lost around here. He said that there are not too many places like the Shrine that people are going to visit from areas significantly far away. He said that the Raptor Trust is the second one where people come from a relatively long distance. He recalled that there are already a number of directional signs leading to the Shrine.

Mr. O'Brien said that there are some small ones that have been added onto various street signs.

Mr. Connor asked, if enacted, does the Shrine have to take their signs down. He said that he answer is probably, "Yes".

Mr. O'Brien said that that was something that Mr. Sandow had in mind when they talked about consolidating the signs.

Mr. Smargiassi believed that it was only at intersections where we were going to provide signage. So, if they have a sign someplace now, wherever it is it would just stay if it is in a random area. But if it is in a place that we are going to put signage and either themselves or somebody else is going to put up one of these Township endorsed signs, then the other signage would be removed from the intersection.

Dr. Behr asked, where there are ad-hoc signs and we are putting Township signs in place, the ad-hoc signs would then be removed?

Mr. O'Brien replied that that was the discussion.

Referring to Item d regarding sign materials, he said that that is something that is probably better handled by the Promotions & Enhancements Committee with whatever advice the Board would like to give.

Mr. Briggs felt that they did a good job with the signs coming into town and that they did a lot of research as to materials, longevity, and things like that. He suggested that they come up with recommendations keeping the "Welcome to Long Hill Township" signs as an indicator.

Mr. O'Brien said that Item e states that any shared buildings don't get signage because the building gets signage.

Mr. Briggs noted Joe's Barber Shop (across from the Shop-Rite) where there are 3 different establishments in one building and asked if that would be considered a shared building.

Mr. Dempsey felt that if they are off the main road, they can still get a sign whether they are a shared building or not.

Mr. Briggs agreed and said that frontage on a main road would exclude them.

With regard to Items f & g, Mr. O'Brien said that suggestion is something that probably the D.P.W. should make a decision on if you are suggesting something larger than a typical street sign. He said that the reference books say that the typeface should be at least 4" given the speeds on the street. An exception could be like in Westfield where they've got a stylized "W" that they put on everything that says "This is Westfield". He said that we could do a little symbol for LHT or LH that could go on every sign in addition to the actual name of the business that would be a grant. He said that that would be up to the Board or the Promotions & Enhancements Committee.

He said that Item h is to let the D.P.W. order and get the signs. Item i would be that there is an annual fee for keeping the sign on the signpost. The sign, if damaged or faded would have to be removed or replaced. He asked the Board if it was interested in an annual fee, or if it was something that should be left to the Promotions & Enhancement Committee. He believed that the "Welcome to Long Hill Township" signs are for 3 years.

Mr. Smargiassi suggested that there be a fee to cover the costs of putting it up and that the period be 3 years. Assuming that it is going to be a modest fee, he asked why put the burden on the Township and the owner of that establishment to come and renew it every single year.

Dr. Behr said that this is not supposed to be making money for the Township, so he would not want to "soak" the people that have the signs.

Mr. O'Brien said that at the last hearing we talked a bit about having a sign on each side of the street, which would be 2 signs. Another idea would be to have lettering on both sides of the signs. He asked the Board if it had any preferences.

Mr. Briggs preferred both sides of the sign.

Mr. O'Brien said you could have signs on both sides of the street but it might be more difficult to see if you are on one side and the sign is on the other side.

Mr. Butterworth said that that is probably more site specific. He said that in some places it works and in some places a double sign would not work.

Mr. Smargiassi said that his personal preference would be that it be on one side of the street and be double sided.

Dr. Behr said that you are really talking about 2 signs on one pole because you would have 1 pole and 1 sign and then the writing becomes a little “funky”. He imagined a sign that is put on a pole which is fine on the side which is mounted, but questioned on the back side what do you do with that?

Mr. Smargiassi said that it would have to be printed the opposite way.

Mr. O’Brien felt that Dr. Behr is right – that if it goes up to standard and the standard takes away some of the lettering, then you would have to do something else.

Mr. Butterworth said that you would have to put a second sign on the other side of the post.

Mr. Lemanowicz said that a lot of Valley Rd. has turn lanes and if the sign is located in such a position that traffic from either side could see it, by the time you see it, it is too late to get into the proper lane to make or not make the turn.

Dr. Behr said that he did not know that we are talking about a huge visual pollution here if we have signs on either side of the street. He felt that the purpose of them is to be functional.

Mr. Briggs suggested asking the Promotions & Enhancements Committee for suggestions.

Mr. O’Brien said that Item i is about whether or not a business gets more than one sign location if they are off the major route by several streets and that could include Murphy’s Landscaping where you have to turn off of Valley Rd. to Poplar Dr. and you’ve got to turn to make that left to go into the side street that he is at the end of. He asked if they get another sign or do they just get the one sign that brings them down Poplar Dr.

Mr. Dempsey’s take was that they just get the one sign that gets people off the main drag down Poplar Dr. He said that, otherwise, you may get a trail of signs that can be taken from Rt. 78 all the way through.

Mr. O’Brien asked the Board if wanted to have ordinance language for the Township Committee or a memo outlining the principals that it is in favor of.

Mr. Dempsey suggested sending it to the Promotions & Enhancements Committee to take it to the next step and give us some visuals – what they agree on as far as what the signs should be and things that we ask them for so that when we take it to the Township Committee we can actually show them the ordinance and here is what the signs are going to look like. Without that, he did not think they will vote for it.

Mr. Connor suggested that it might be appropriate for two members of the Planning Board to be invited to the Ordinance Committee when they are discussing it in case they have questions or backgrounds, assuming that we can get a volunteer or two.

Mr. Butterworth said that we have some very specific things for which we want input such as what the sign is going to look like.

Mr. Connor said that we are asking them to do at least half of our work.

Dr. Behr suggested inviting them to one of the Planning Board meetings.

Mr. Dempsey said that the idea is that when we are done seeing what we want, we can just go from there. He suggested getting the ordinance language, inviting them to us, and talking about it and giving them a heads up and asking them to go get some materials and ideas and come back for further discussion and agree on a style and go.

Mr. Connor said that when working with the Shade Tree Commission, it was helpful to have an informal discussion with them and it made things work easier rather than doing things in a more formal way.

Mr. O’Brien asked if the Board would like them to come to a meeting after we draw up our summary.

Mr. Connor felt that we should have our summary. He said that we could have an informal meeting or do something other than that. He was not sure which works best.

Mr. Piserchia said that if he understood correctly, rather than make it formal public, a member or two of the Planning Board would go to a meeting of the Promotions & Enhancements Committee. He noted that they do not meet on a regular basis, so this would be the topic. He did not know if the Board wants one of the representatives to be a Township Committee person, or maybe two separate members.

Mr. Connor replied that he had not thought that far. He just thought that if they are going to talk about it, not just getting the paper, but getting a little bit of the verbal input – someone who could answer questions on what we meant as they look at it (not formally).

Mr. Piserchia felt that that is the better way.

Mr. Briggs said that, not knowing who the Planning Board members will be next year, we seem to lose a lot in translation between inception and the final product and having a Township Committee member guide it through would only be a positive in his opinion.

Mr. Connor said that a Planning Board member and a Township Committee member would probably work best.

Mr. Briggs said that, perhaps at the January Reorganizational Meeting, we can see what the situation is. He did not believe that the Promotions and Enhancements Committee will be meeting in the next couple of weeks.

Mr. O'Brien said that we will do a memo to the Promotions & Enhancements Committee for January saying that the Board would officially like to meet with them, go over our guidelines and see how they feel, and see what kind of suggestions they have to bring back to us so that we can draw this up formally with everybody on board.

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**DISCUSSION**

**B-D ZONE RESIDENTIAL CONCEPT PLAN**

Mr. Lemanowicz distributed copies of a "Valley Road Zoning Concept" which he had prepared. He said that he took the Ordinance revised at the last meeting which was for 6 units per acre and basically prepared a plan just to show everybody what that might look like. He said that it is somewhat difficult to visualize when you are looking at numbers. He said that his plan shows a 6 unit per acre development of garden apartments. He knew that garden apartments were not the most attractive, but he was trying not to spend a whole lot of time on this. If it were townhouses instead of being up and down, they would be next to each other and there might be a few jogs in the buildings but, for the purpose of giving a general magnitude of development, he thought that this was sufficient. He said that what you see are 1,200 S.F. units (living space). The units are actually 36'x 40' (instead of 30' v 40') just to throw in a couple of hundred square feet for what a developer might say is common areas – your foyer and utility areas. He tried to make the development as big as he could to show the Board what is probably the most that you will see under this ordinance. As he suspected, the unit count was the control. He said that there is plenty of room for the yards. The maximum building coverage allowed is 30% and he only had 10.4% there. He said that he threw in a clubhouse just to try to get that number up. The plan shows 34% lot coverage, where 60% is allowed. He said that he even threw a pool in to increase the lot coverage. He said that there are plenty of sidewalks and he also added extra parking spaces for the clubhouse. He noted that there are 10 extra parking spaces above and beyond the unit needs for the clubhouse. He said that he has appeared before Board s representing applicants where the question is, well it's a clubhouse, are you going to have A.A.R.P. meetings there or blood pressure screenings that will bring people in from the outside – we want to have extra parking. Even with that, he said that we are still at 34% out of a permitted 60%. He said that you could fill the place with tennis courts, or whatever, to get that number up but it started to get a little unreasonable. He said that the units sizes are the maximum sizes. There is obviously room at dead center in the front for a very large detention basin if you wanted a surface detention basin. He said that he tried to increase the lot coverage and this is probably more lot coverage than you would see with this development because he has large islands in the parking lot and you've got to have the aisles extend around. In reality, he said that a developer would probably not want to do it quite this way. He would want to get everything together in one spot to have as little aisles as possible because aisles don't mean anything to him. The parking lots he needs and the aisles he doesn't need. He said that a developer would probably squish this whole thing into a much smaller area on the lot just to reduce his costs. He wanted to show what kind of intensity that 6 units per acre is going to be. He said that these are 1-story units, stacked on top of each other. He said that each building has 10 units for a total of 30 units which is 6 units per acre on 5 acres. Prior to going with 6 units per acre, he noted that we were talking about 8. He said that that is essentially another 30% more as far as units go. If you look at the building coverage and lot coverage, he said that you could increase them by 30% and still be fine. He noted that the F.A.R. is less than half of what you are allowed. He said that he did not take the time to make another example, because the Board had chosen 6 units per acre, but to consider that, that would obviously increase the building coverage, the parking lots, and make start to effect how much room you have for a detention basin, but a lot of detention is done underground now. He said that this particular development is not on any of the lots in the Zone. He did not want to take an existing lot and do a layout of it for fear that he would see that next year as an application saying that he did this. He said that we haven't talked about the impact of wetlands, steep slopes, easements, or sanitary sewer situations. He said that all of that would reduce the developability of a property.

Mr. Dempsey said that, in his mind, when we were talking that is how he ended up going down to the 6. He said that we had all these things that are relatively generic and fit along with everybody but in this particular case if we chose to put a residential in, the F.A.R. and lot coverage numbers could give us something *huge* that we didn't want. He said that it kind of validates in his mind that this is kind of what we wanted to do – whether 6 is the right number or not, he said that we talked about it and decided 6. He said that it limits the number of units that can go in. They still might have lot coverage for other things such as a tennis court here or there, but they are permitted to do that, but he said that we did not want the lot coverage to be calling out the number of units that we could have in there.

Mr. Lemanowicz said that, with the lot count being maxxed out, the other restrictions (lot coverage, building coverage and F.A.R.) are not even close to be maxxed out. He did not know if someone could take that to mean that you have 4 controls here (lot coverage, building coverage, F.A.R. and unit count) and 3 of them are saying "I can do twice this development".

Mr. Dempsey said that a couple of them just say that you could pave over more of the land.

Mr. Lemanowicz questioned if there is any precedent for someone going for a “d” variance to say that 3 out of the 4 controls say one thing, but this one other one is really the only control and is that fair, proper, or defensible?

Mr. Dempsey said that that is a good question because that is specifically why it was put in there – for it to be “the” controlling piece.

Mr. O’Brien said that when those standards were discussed (going way back) they were under the guise of much higher density and larger buildings and there the primary control was a combination of impervious cover, lot coverage, and parking, which is why the mixed use worked so well under those conditions. But what we have done is that we have left those standards in place and have changed the dwelling units, so perhaps an idea is to look at those bulk standards with these lower dwelling units and those too could be reduced, however keeping in mind that the principal permitted use along Valley Rd. is going to be retail.

Mr. Dempsey asked if it would be twofold if he put retail at one set of rules, including lot coverage, but if he didn’t, and can’t put both – it is either all retail or all residential, if he put residential in he had a whole different set of rules in that area.

Mr. O’Brien said that you could make the residential a conditional use and give it different standards.

A Board member noted that residential *is* a conditional use right now.

Mr. O’Brien replied that it is *for location*. He said that we didn’t change the bulk standards such as the setbacks and lot coverage which is what Mr. Dempsey was talking about now.

Dr. Behr replied, “But we could”. He said that the conditional use for residential would have its own bulk standards.

Mr. O’Brien replied, “Of course”.

Mr. Dempsey said that, looking at this, seeing what people could exploit, it might be something that we should look into – just that it’s a full residential. He said that Mr. Lemanowicz’s question was “Could it be exploited” and he said he did not know.

Mr. Lemanowicz said that he has never seen one, but that doesn’t mean it hasn’t happened. He said that you could obviously use it as an argument, he just didn’t know if it was a *good* argument.

Mr. O’Brien said that you could see an applicant come in with an argument that the 6 dwelling units is what the Ordinance calls for, however I am coming in with 12 but I meet all the bulk standards, so what is the harm? He said that the harm is that they would need a density variance, possibly a use or a conditional use variance, which means that they have to prove special reasons in front of the Zoning Board and there is a much higher gate to hurdle because it requires a super majority of 5 affirmative votes. But an argument could certainly be made.

Mr. Smargiassi said that the counter to that would be that the primary use in the Zone is retail and housing is a conditional use and that the limiting factor that was made to decide that is the number of units per acre. He said that we could do “what if” scenarios until we are blue in the face too, so he did not know if one is stronger than the other.

Mr. Lemanowicz replied that, as a conditional use, you can put different bulks on this and knock it all down to come closer to these numbers. He said that he was fairly generous. As an example, he said that maybe 30% building coverage would bring it down to 15 or 20. He said that you would still be well above what he had. He said that bigger units could be allowed but noted that 1,200 S.F. units are good size units, especially for 2 bedrooms.

Dr. Behr was not troubled by this in terms of an application that would come before the Board of Adjustment for all the points that Mr. O’Brien had made. But he said that you could lower the maximum building coverage to 20% and the lot coverage to 50%.

Mr. Lemanowicz replied that you could basically do whatever you want. He said that Mr. O’Brien put it into words in that if someone comes in and says that they meet this, this, and this, what difference does it make how many units are in there? He said that the building is still the building.

Dr. Behr said that the intent is to control the density and, in order to meet the negative criteria, they have to show that there is no significant harm to the intent of the Ordinance, as well as the Master Plan.

Mr. Lemanowicz said that, if the others are closer and it was bumping up against another limitation, it makes the Board’s job a little easier to say, “No, this is what we want”.

In response to Mr. Connor, Mr. Lemanowicz said that the dimension of the clubhouse he had included is 1,200 S.F. , which is not large but there are not a lot of units there.

Mr. Connor said that, assuming that it is somewhat upscale and you do have a larger clubhouse where they can do more things and have tennis courts, what he didn't want to do is to say they will not have enough space to bring in amenities that they might want to bring into it and so limit them. He did not have a big problem in leaving it the way

it is, but if it will be reduced he felt that it needs to be understood whether you could have 2 tennis courts and a larger clubhouse just to make sure that it doesn't get you up to 50.

Mr. Lemanowicz replied that, in order to get the 30% building coverage, you would have to add 42,000 S.F. of building, which is a pretty significant bump.

Mr. Dempsey said that he was fine with leaving it at 6 units per acre. He felt that Mr. Lemanowicz's general depiction shows that there *is* a constraint on the number of units and it doesn't burden them on lot coverage or anything like that, but it does give us what we wanted which is a lower density out of the acreage.

Mr. O'Brien asked if the Board would like to see the bulk standards lowered.

Mr. Connor said that we discussed it but he did not see a conclusion .

Mr. Butterworth suggested leaving it as it is. He was not worried about someone coming in and saying that they could build up to the maximum on the other criteria. He said that it states that this is the density per acre and that is our hold. He felt that it would make for a very attractive development and the fact that they could put amenities in without bumping up against some of these other constraints.

Dr. Behr also was comfortable with it. He asked if Mr. Lemanowicz's plan would be included with the rest of the materials that will be sent to the Township Committee.

Mr. Butterworth and Mr. Connor both felt that it should be since it is an explanation of what it would look like if they pass it.

Mr. Lemanowicz offered to include a text of the assumptions and "why's".

Mr. Butterworth felt that it was good as it is.

Mayor Harrington expressed concern that something like that would confuse the Township Committee and, rather than it be an example of what may or may not happen, it would be more of a focus of discussion as opposed to the rest of the Ordinance. She recommended that when it is forwarded to the Township Committee and goes on for discussion, she hoped that members of the Planning Board would be invited and would be able to attend and be able to answer questions at which point Mr. Lemanowicz's plan could be presented *as an example*, but she did not feel it should be included in the package. She felt that too many people will focus on the picture and the assumptions would get lost.

Mr. Dempsey said that he needed the plan and felt it was great but noted that the Township Committee hasn't gone through the iterations that the Board has, so looking at it for the first time might be a little confusing for them.

Dr. Behr agreed and said that he was reconsidering *don't* send it to the Township Committee.

Mr. Connor felt that it is something that, when it is presented and members are invited to do a Q & A and presentation, this is an answer where we can put all the proper words around it.

Mr. O'Brien confirmed that it will be left out.

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## **DISCUSSION**

### **PLANNING INITIATIVES STATUS REPORT #5**

Mr. O'Brien said that during this past year we spent a lot of time on Valley Rd. As a result, a lot of other things did not get done. However, Valley Rd. is now finished on the part of the Board and since the last meeting he has had a chance to look at things and forwarded a lot of things and forwarded them over to the Township Committee and made a list of things that do need to be done on the Planning Board's part. He said that he tried to bring everyone up to date on the various initiatives that we have. He explained that his *initial* Planning Initiatives Status Report was issued on December 8<sup>th</sup> because he wanted the members to have something before the weekend. He updated that report today with information he had received from Ms. Gatti, Municipal Clerk, in terms of what the Township Committee has been doing with help from Mrs. Wolfe and Dr. Behr on some items that have been taken care of by a committee of the Planning Board.

Referring to Item 1A – "Technical Review Committee" he said that the TRC Ordinance was forwarded to the Township Committee along with Item B on Pg. 2 – "Application Checklists". He said that the Application Checklists replace 28 pages in the Ordinance with a 5 Pg. checklist that is much, much easier to review, easier to follow, and much easier for applicants to complete. The next step on that is that once those checklists have been adopted, Dr. Behr has volunteered to complete his Applicant's Guide that will accompany the checklists. He said



that Item C – “Planning/Zoning Process Committee Meetings” is complete. He noted that the Zoning Permit Ordinance was passed in August with thanks to the Mayor and Township Committee.

Referring to Item II – “Master Plan – new items”, he said that Item A – “Ten Year Reexamination” is currently due in November of 2013. No work done on it since early 2010 when the Subcommittee was working on the Land Use Element.

Referring to Item III – “Master Plan – open items” and Item A – “Historic Preservation Element”, he said that the Historic Preservation Element had been produced back in 2006 and, at that point, Mr. Fast was the Chairman of that Committee and it had been revised through a few iterations between 2006 and 2010. In 2010, he said that a newly constituted Historic Preservation Committee rewrote the element, forwarded it to us, and now that we have time and staff time, the Historic Preservation Element will be reviewed by staff and forwarded to the Board. He said that the Board asked for those documents to be sent out and they were sent out last week (the original one from 2006 and the current one from 2010).

Referring to Item B – “Open Space and Recreation Element”, he said that the Board directed staff to split that into two components and that process will now get underway.

Dr. Behr asked if Mr. O’Brien if he had gotten back the input from the Open Space and Recreation Committee that he needs to move forward?

Mr. O’Brien replied that he had received an e-mail from the Open Space Committee today and he did not have an opportunity to review it for content, however they indicated that they had taken a look at the element and done some revisions. He said that he would take a look at them and then bring it back to this body.

Referring to Item C – “Conservation Element”, he said that it also needs to be finished up as well as Item D – “Community Facilities Element”. Pending approval from the Chair and the Board, he said that there are several elements of the Master Plan and rather than work on them all and throw them all at you, he suggested that while staff can work on them in the background, we will do them at the Board level one at a time rather than to “scatter shot” the focus.

Dr. Behr recommended that the Conservation Element be done first because he felt that it is a very important one for the town.

Mr. Smargiassi concurred with Dr. Behr.

Referring to Item E – “Millington & Stirling”, Mr. O’Brien said that Millington leads through into the Highlands Transfer of Development Rights Study (Item IV – “Grants” - Item A – “Highlands Council Transfer of Development Rights (TDR) Grant”, which he said has taken a back seat. He said that he would have a draft to the Planning Board for the next meeting (in January). He said that the TDR is an overall framework which shows how an area could be developed using development credits from elsewhere in the Highlands. He said that that is Step 1 in the Millington Master Plan. Following the TDR Study, he said that the Millington Master Plan will be written from that study and, at some point, a Stirling Master Plan.

Referring to Item V – “Ordinances”, he said that there is a whole list of ordinances that have been recommended to the Township Committee including the Building Height Ordinance, Development Fee Ordinance, and the Environmental Ordinance. The Township Committee returned the Environmental Ordinance to the Planning Board on June 22, 2011. Chairman Connor and Environmental Commission Chairwoman Hennessy attended the meeting and discussed the draft. The Township Engineer suggested changes to the it. The Committee suggested that the Planning Board amend the Element with the Township Engineer’s comments and refer the draft back to the Township Committee. The revised draft has not yet been reviewed by the Planning Board.

In response to Dr. Behr, Mr. O’Brien said that the revised draft will be red-marked to show the changes made by the Township Committee compared to what was initially sent to them.

Mr. O’Brien said that the Meyersville Ordinances have been forwarded to the Township Committee.

He said that Ordinance Fees and Escrows will be underway and noted that the Chair had requested staff review of land use fees and escrows and, under the direction of Mrs. Wolfe, he and Mr. Lemanowicz will be meeting with her to go over what they feel will be appropriate suggestions for the Board.

He said that Stirling Parking will be adopted by the Township Committee.

He said that the Tree Ordinance went to the Township Committee and came back to this body and the Planning Board suggested that the Committee reconsider the original draft. There has been no action by the Township Committee as yet.

He said that the Valley Road Ordinances were sent to the Township Committee yesterday.

He said that the other open item in front of us (Best Management Practices Manual) will be worked on by himself and Mr. Lemanowicz and they will have a draft to the Board by its next meeting.

Referring to Item VI – “Current Initiatives”, Item A – “COAH (NJ Council on Affordable Housing), he said that the Development Fee Ordinance has been sent to the Township Committee and it has not been acted upon. He said that COAH is still alive and has been placed under the DCA of the State of New Jersey and they still have mandates that are out there that are still the law of the land, however there is an element of limbo to it because their standards have been referred to the Supreme Court by various court decisions, so everybody is waiting to see what happens there.

Referring to Item B – “Building Design/Architectural Standards”, he said that that has been an ongoing process and now that Valley Road has been lifted off of us and we have time in front of us. He believed that Dr. Behr and Mr. Jones (former Chair of the Zoning Board and former member of the Planning Board) will be introducing a draft for consideration after the Valley Road Ordinances have been adopted and it will be based upon those Ordinances.

Referring to Item C – “Morristown Road”, he said that in 2010 the Township Committee had a conversation with residents along Morristown Rd. about rezoning that area. A resident (or residents) provided money to the Township so that it could review proposed changes. As of Friday afternoon, he said no change has been given to us by those residents. He said that the process would be that they would provide us a draft set of ordinances that would show what it is that they would like us to do and what they would like to have allowed along Morristown Rd. in terms of uses and bulk standards. Their planner informed him on Friday that he had not been authorized to prepare a draft zoning ordinance. He said that this was about the third time that he has spoken to that planner in the last 6 months or so in keeping up, so he did not know exactly where that is. He did inform the planner that he would be presenting this report this evening and asked if he could reach out to the residents and find out if there was an update so that he could pass it along to the Board, but he had not received a call as of this afternoon.

Mr. Piserchia asked if it would be helpful if a letter was sent to Mr. Stroh to see if he is still interested and, if so, who should be the source of that letter?

Mr. O’Brien replied that it could come from the Board and that the Board would be reviewing any ordinances or it could come from the Committee because that was the body that the residents went to in order to start the process rolling. He left it to Mr. Piserchia to decide.

Mr. Piserchia replied that Mayor Harrington can take care of it and that he would suggest that tomorrow. But to be clear when we are saying a possible rezoning of Morristown Rd., he asked if we were talking south of the railroad tracks?

Mr. O’Brien agreed that it would be south of the railroad tracks and believed that there were about a half dozen properties that were in consideration. Under no circumstances was north of the railroad tracks part of any discussion and the discussion was limited to the properties that had commercial activities on them. He said that that is a C-Zone which does not allow commercial activity except for a farm and, as the Board and Township know, there are about a half dozen properties that have various commercial activities going on on them, some of which were by variance, some have been there for a very long time, and some are just there. He said that we were hoping to clear up that situation and make it better for everybody. He said that it might be helpful if Mr. Piserchia would have the Township Committee write to Mr. Stroh (the authorizing person) and see what his intentions are.

Mayor Harrington said that the Township Committee referred the issue to the Planning Board requesting funding for the study to be done, however she felt that it is incumbent upon the Planning Board to go back and ask if the Stroh’s are still interested or if there is something that still needs to happen here.

Mr. Connor said that he did not have a problem sending a letter if that is the will of the Board and suggested sending one out.

Mr. O’Brien said that that sums up where we are. He said that the Board has gotten a lot done this year although it doesn’t always feel that way because we did spend an awfully long time on one particular topic. However, a number of things were sent up to the Township Committee and, in terms of Valley Rd., he felt that the Board made a great deal of progress because there were genuine concerns out there and the Board worked through those concerns. He felt that the Board has sent a fine product up to the Township Committee for its review.

Mr. Connor asked for the status of Tifa and the Division Ave. sidewalk improvements.

Mr. O’Brien replied that we were to write to a letter to the County.

Mrs. Wolfe recalled that a conference call was to take place.

Mr. O’Brien replied that sounded good too. He said that staff was going to contact the County to give them the final decision of the Board to make it official that the Board sat, considered, and made a decision. He said that it is probably going to be a telephone call followed by a letter.

With regard to the Land Use Element, Mr. Connor said that we had started that activity and it then got suspended. He asked if it still makes sense to continue on it. He said that, at some point in time, it seemed that we had to get it done earlier and now it seems that we don’t have to get it done earlier.

Mr. O'Brien replied that we don't have to get it done earlier because the legislature has decided that, instead of a 6 year re-examination of the Master Plan, it is now a 10 year re-examination. Perhaps rather than to look at that and have one more front open, he said perhaps we should finalize the open elements in front of us, see what they are, and put them in the mix and then take from them on the need for the Land Use Element.

Mr. Dempsey agreed.

Mr. Connor said that, hopefully, the Valley Road Ordinances for the business district will be adopted which will provide some guidance.

In response to Mr. Connor regarding the proposed 2012 Planning Board Budget, Mrs. Wolfe said that departments were asked to hold to a 2% increase. She said that it was increased in some areas and was submitted to Mr. Sheola, as requested, prior to the deadline and after discussion with Mr. Connor. She said that a detailed copy will be included with the 2012 Planning Board Reorganizational Agenda.

Mr. Connor's recollection was that, of the non-salaried expenses, they went up from \$34,000.00 to \$35,000.00 (or about 3% over last year). He noted that in a couple of areas we did overrun this year and, although we were within budget for at least the first 10 months, we needed an extra \$1,000.00.

Mrs. Wolfe noted that some of the expenses such as the paper supply for all of Town Hall are beyond our control because the total cost is apportioned to each department.

Mr. Connor agreed. He said that, although it can always change, we have not asked for a significant increase. He said that, last year, we had to ask for some significant line item transfers in October to get us within a budget that we could live in, but this year that wasn't necessary. He thanked Mrs. Wolfe for providing him with monthly updates on where we were at. Occasionally questions came up but he said that they were able to be resolved fairly easily. He said that, for the Chair, this has been a much easier year of saying that we would have enough money until the end of the year.

In response to Mr. Connor, Mrs. Wolfe said that the 2012 Planning Board Reorganizational Meeting will be held on January 10, 2012.

The meeting was opened to the public for comments. There being none, the meeting was closed to the public.

Mr. Dempsey thanked Mayor Harrington for her service and dedication to the Planning Board this year and wished her well in the future. She was given a round of applause.

There being no further business, the meeting adjourned at 9:40 P.M.

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DAWN V. WOLFE  
Planning & Zoning Administrator