

ORGANIZATIONAL MEETING MINUTES

Tuesday, January 10, 2012

PLANNING BOARD

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

Mrs. Dawn Wolfe, Planning & Zoning Administrator, called the meeting to order at 8:00 P.M. She stated that adequate notice of this meeting had been made by e-mail to the Echoes-Sentinel and Courier News and was posted at Town Hall and filed with the Municipal Clerk on December 15, 2011.

PLEDGE OF ALLEGIANCE

OATH OF OFFICE

Mrs. Wolfe administered the Oath of Office to the Mayor's Designee Jerry Aroneo, reappointed member Michael Smargiassi, newly appointed members Guy Roshto and Joseph Cilino, and newly appointed Second Alternate Charles Arentowicz.

ROLL CALL

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

Jerry Aroneo, Mayor's Designee	Charles Arentowicz, 2 nd Alternate
Christopher Connor, Member	
Mead Briggs, Member	
Donald Butterworth Member	Barry Hoffman, Board Attorney
Joseph Cilino, Member	Thomas Lemanowicz, Bd. Engineer
Kevin Dempsey, Member	Kevin O'Brien, Twp. Planner
Brendan Rae, Member	Dawn Wolfe, Planning & Zoning Administrator
Guy Roshto, Member	
Michael Smargiassi, Member	

ELECTION OF CHAIRMAN

Nominations were opened by Mrs. Wolfe for Planning Board Chairman for the year 2012. Mr. Briggs nominated Mr. Connor. Mr. Dempsey seconded the nomination and the Board unanimously reappointed Mr. Connor to the Chairmanship.

ELECTION OF VICE CHAIRMAN

The Chairman, Mr. Connor, requested nominations for Vice Chairman for the year 2012.

Mr. Smargiassi nominated Mr. Briggs. Mr. Dempsey seconded the nomination.

Mr. Briggs nominated Mr. Smargiassi. Mr. Roshto seconded the motion.

Mr. Smargiassi respectfully denied the nomination.

Mr. Briggs respectfully advised that he did not have the time to serve as Vice Chairman and asked if any other members were willing to serve in that capacity.

Dr. Rae volunteered to serve as Vice Chairman. Mr. Briggs nominated Dr. Rae. Mr. Smargiassi seconded the motion.

The Board unanimously appointed Dr. Rae to the Vice-Chairmanship.

APPLICATION REVIEW COMMITTEE APPOINTMENTS

Mr. Connor will serve as Application Review Committee Chairman. He appointed Mr. Briggs and Mr. Dempsey to serve on the Committee to provide nonbinding reviews and recommendations on all applications submitted to it, prior to the filing of a formal application before an approving authority. He also appointed Mr. Cilino as alternate member.

ADMINISTRATIVE SITE PLAN WAIVER SUBCOMMITTEE

Mr. Connor appointed the Administrative Site Plan Waiver Subcommittee (ASPWS) consisting of Mr. Butterworth and Dr. Rae. As no other members expressed availability, he appointed himself as alternate member. The Planning and Zoning Administrator or designee and the Construction Official or designee will serve as non-voting members in an advisory capacity when needed. The ASPWS shall review all site plan waiver applications for a change in use or occupancy.

ORDINANCE REVIEW SUBCOMMITTEE

Mr. Connor will serve as the Ordinance Review Subcommittee (ORS) Chairman. He appointed Mr. Butterworth and Mr. Roshto as members and Mr. Smargiassi as alternate member. The ORS will meet on an as needed basis, usually with the Township Planner, to discuss proposed Ordinance changes for recommendation to the Planning Board and, ultimately, the Township Committee.

LAND USE ELEMENT SUBCOMMITTEE

The Land Use Element Subcommittee was first appointed in 2009. Since then discussions have centered on land use classifications and new designations for zoning districts that were more descriptive of the various zones. Mr. Connor said that his intention was to have the Land Use Element Subcommittee (instead of looking at the Master Plan Land Use Element) review the other elements to provide some input prior to them coming before the full Board. He said that he will define it better in the near future and provide copies to the Board members to see who may be interested in serving.

Mr. Connor requested a single motion to adopt the appointments of the Planning & Zoning Administrator; Attorney; Planning Consultant; and Engineer. Mr. Butterworth moved to adopt the proposed appointments. Mr. Dempsey seconded the motion.

Mr. Connor asked if there were any questions.

Mr. Arentowicz requested to briefly speak on the three contracts on the agenda for the Planning Board Attorney, Planning Consultant and Planning Board Engineer. He said that, having spent over 20 years as a consulting partner at one of the Big five (now the Big Four) professional services firms in New York City, he was very familiar with the NJ Statutes and Public Contracts Law Sec. 40A:11-5 Exceptions and, in particular, contracting for professional services whereby a contract may be awarded without competitive bidding. He quoted from the Statute: “The application of this exception shall be construed narrowly in favor of open competitive bidding, whenever possible....” Second, he said that some of these contractors before the Board this evening have been in their positions from 10-28 years. He questioned if this longevity of service is fair to the taxpayers of Long Hill Township. For example, he said that again with his experience in professional services, his firm and with guidance from the Securities Exchange Commission, rotated their coordinating audit partners every 7 years intending to provide and help ensure integrity, additional objectivity, independence, and more importantly the welcoming of new ideas and approaches. He said that he appreciated all the prior work, discounts, rate reductions and/or rate freezes from the Board’s consultants, but asked his fellow Planning Board members if they felt that competitive bids would benefit the Planning Board and the taxpayers of Long Hill Township.

Mr. Connor thanked Mr. Arentowicz for his comments. He said that most of the consultants have been serving the Board for a particularly long period of time with the exception of Mr. Lemanowicz who was appointed to replace the former Township Engineer, Justin Lizza. He said that there were 17 candidates for the position of Planning Board and Board of Adjustment Engineer and they acted in unison because it made sense to have the same number of people supporting each Board. Out of the 17, he said that it was narrowed down to 5 candidates and, ultimately, Mr. Lemanowicz was selected some 3 years ago as the Board Engineer, clearly as the result of successful competitive bidding. He said that Mr. O’Brien and Mr. Hoffman have represented the Board for a long time and have provided excellent work for us. With regard to our financial difficulties, he said that they have been *more* than giving and keeping their costs down, noting that their rates are at or below market, while giving us exemplary service. He said that they also have the benefits of being able to take and work on cases efficiently because they have that experience and the ability of knowing where to look so they can turn around material in a matter of a few hours where someone who didn’t have that experience would have to work through Mrs. Wolfe or do the research themselves. In such case, he suspected that there would be *significant* hours if we brought anyone new in who had to go in and look through the documentation. Therefore, he believed that our expenditures are minimal and he felt that one of the reasons they are is because we have very effective professional staff. He invited other comments.

Mr. Cilino said that he felt that it is great that we have people that we can rely on that have done a good job in the past. He said that it has been his experience in working with government agencies for 20 years that price is not necessarily the best decisive element in a decision. His feelings on a bidding process is that it does allow the “cream of the crop” to come to the top provided that the people observe and use the information properly. He said that he was for bidding because it keeps the bidders and the people doing the bidding on an even keel and it keeps us all focused on the task at hand more than, perhaps, us getting comfortable with certain commodities. While he felt that it is great that we have people here who have done an excellent job for us and helped us out, he believed that a process that should be followed is a bidding process in this kind of circumstance and any kind of contractual circumstance.

In response to Mr. Briggs, Mr. Connor said that it took at least 6 months to go through the process of retaining our current Board Engineer.

Mr. Briggs said that he appreciated the comments that have been made and he felt that if there is a desire for the Board to work that way, it wouldn’t be in this session, it would be something that we would want to establish well in advance of next year, adding that it made sense to him to a degree. He felt that there is a place for institutional knowledge and noted that there is a lot of work on the Board’s agenda and a lot of work that is done gratis for the

Township that is not necessarily in bidding specs. He felt that there is a time and place for that but there is also a concern as far as the particular professional that usually is when you look to the bid because you never know what you are going to get on the outside necessarily, but he did not think that it is going to be a process where all the bids will be in in a week or two. He felt that this must be done well in advance as part of the process. He said that it seemed that the Township brought this to the fore late last year as an idea and he felt that it is something that should be town-wide because there is a lot of overlap between professionals and different projects and the like. He said that it is broader than just the Planning Board – you have the Zoning Board and Township Committee.

Mr. Aroneo said that the Township did indeed do this last year and it came about as a Township Committee discussion and they thought it was good practice to bid the spots. He said that they are very comfortable with their professionals and they are just like us – coworkers and employees, but when that issue was raised, the public does have a right to have that bid. He said that people came to the Township Committee and asked why we don't ever have bids going out for our professionals and they had been discussing whether they should or not and they were in that discussion when that resident came forward and agreed to do that. He said that we know that Mr. Hoffman has served us well for multi-generations and that he served when his father was here and he has always done his job admirably and is a great lawyer.

Mr. Hoffman said that it was welcomed on his part to see a new generation of Aroneo's coming forth.

Mr. Aroneo thanked Mr. Hoffman but said that it is not about the individuals. It is about the *appearances* that we give as town servants and how do we want that process to be handled. Do we want it to be open and competitive or do we want it to be closed? He said that, for the planner position, requests for proposals were received at the Township Committee level. He said that the Township Committee really doesn't pay the planner and yet he is the Township's planner. He said that they also got proposals for their own engineer and a lot of things. He said that it doesn't mean that they have to change that position, but it should be reviewed.

Mr. Briggs replied that, if you had those proposals, they should have been forth to the Planning Board for consideration. He also felt that you need lead time and you can't just "switch it".

Mr. Aroneo replied that they (the Township Committee) actually do not do that because it is a different position – that is the *town's* planner and the Planning Board hires its own planner. He said that, if the Township desires a different planner, they can go hire a different planner and the Planning Board can still hire their own. He said that the business here is the business of the Planning Board and not the Township Committee, so they do not cross that information back and forth.

Mr. Briggs replied that, from the perspective of taxpayers as far as having two different individuals, he knew from the engineer's position, they looked at that.

Mr. Aroneo said that the Township rarely has business with the planner, it is almost always with the Planning Board and Zoning Board and so they are going to defer to this Board who uses that.

Mr. Briggs felt that some discussion and dialogue between the Township Committee, Planning Board and Zoning Board should take place as to how to go forward.

Mr. Aroneo added that you don't have to appoint people tonight – you can put it off and appoint them on a meeting by meeting basis if you want to talk about it some more.

Mr. Connor asked if there were other comments.

Mr. Butterworth said that we are in the middle of this whole revision of the Township and we do need the corporate memory, particularly of Mr. O'Brien who has 5-6 years background just on this one topic on the Master Plan and he felt that it would be impossible for anybody else to step in at this time and pick up those pieces and proceed without disrupting an awful lot of the work that has been done.

Mr. Cilino said that he could see Mr. Butterworth's point and said that those kinds of things *are* very disruptive, but he felt that we should not negate that process because there is disruption. He could not imagine that anytime in this chain, over the next 6 months, year, or 2 years, that it would not cause a disruption if there were a change, so he felt that we should look at that pretty closely – as soon as time allows.

Mr. Connor asked if there were any other comments.

Mr. Hoffman said that, for the benefit of all members present, his firm was requested to submit a fee request by the Board Administrator and he felt that that would not be sufficient (in his firm's case at least). He said that he submitted a package proposal that he felt more fully sets forth his firm's credentials and qualifications and it should be the pleasure of the Board to handle the appointment or selection process of its professionals in a so called open and competitive bidding manner. He said that he stood ready to explain, comment upon, and to answer any questions which the Board may have. In addition to the monetary ones, he said that he should simply note that, in that respect, his firm's relationship to the Planning Board has been somewhat different from his colleague consultants in that there has been somewhat of a dearth of applications in the last year or two for development, site plans, subdivisions, etc. and what has been their understanding with the Board in these tight economic times, and they are comfortable and accepting of, is that they attend public meetings of the Planning Board when there are

actual applications and hearings and where there are legal issues popping up left and right in the course of that process that needs to be followed strictly to comply with the Board's legal obligations. Beyond that, he said that it has been attendance on a strictly as needed basis because much of what happens here, although it may physically take place in an open court room setting, really is in the nature of work sessions rather than final adopted amendments to the Master Plan and officially designated public hearings and the like, and their attendance at all of those work sessions of the Planning Board (which probably have been the majority of the meetings that have been attended in the past year or two) has been strictly on an as needed basis. He said that it has been in those instances where the Chairman, in his reasonable judgment and discretion, has advised him when he feels that there is a reasonable likelihood of significant legal issues of a certain nature cropping up at the next work meeting and, in those case, he has already blocked the night out so that he may be in attendance. He said that his firm is comfortable with that and is willing to live with it. He said that they reserve that night for the benefit of being here should the Board find it necessary and appropriate, but most of the work sessions concern planning or engineering issues rather than involving legal complex matters and to have his attendance really is not mandatory. He said that he hoped that clarified the nature of how it has evolved in the last couple of years because this is an ongoing and vibrant process. He said that it is true that he has been with the Board and town for a long time, but that doesn't mean that they are "staid" and guaranteed a seat in gold lettering. He said that they are here when the Board feels it necessary and they attempt their best to fill that role.

Mr. Smargiassi asked Mr. Aroneo, if the Township came up with any type of policy when they discussed this. He asked if they are going to seek competitive bidding *every* year, or every several years? In his opinion, to put it out every single year seemed excessive. He said that if there is a set policy then that would be followed forward.

Mr. Aroneo replied that there is no set policy and no set discussion. They thought that certain positions should turn over periodically, one of them being the auditor, which they felt is good practice. He said that it doesn't mean that our current auditor is in jeopardy because he actually preferred the one we have right now, but they still bid that position anyway. He said that *all* of the professional positions were bid this year by the Township Committee. There were several positions which they had no plans to change which they got proposals for and he felt that that is fair and, to him, is appearances. He felt that the Township should look at all of the material and it is a good public practice to do that and added that that was his personal opinion and not the policy of the Township Committee. He said that many of the positions this year have not yet been appointed and are still open and will be discussed tomorrow night. He said that the Township Attorney also understands this because it is about appearances.

In response to Mr. Connor, Mr. Aroneo said that the Township is not required to take the minimum bid because the services can be different.

Mr. Connor believed that you get what you pay for and said he would certainly not want to see a lowball bid come in and then the Board would be required to accept someone just because they are cheaper.

Mr. Aroneo said that he would defer to counsel on that one, but he did not believe that that is the case. He noted that professionals do not charge for everything. In the case of the Township Attorney, he said that he has done things pro bono for the Fire Departments and First Aid Squad. He said that he is a community servant the way we are and is a volunteer for our Township the way we are and is a part of our community in that regard. He said that he has been around a very long time and has been very good to our Township in a lot of ways. He said that he would hate to lose him and get someone else who may "nickel and dime" us for every phone call because we would lose.

Mr. Connor noted that the professional staff has already been appointed by the Board of Adjustment at their last meeting, although that does not mean that the Planning Board must do the same thing although there are many commonalities between the two Boards. He felt that what has been raised is a reasonable thing for the Board to consider, but he agreed with Mr. Briggs that it is something that we ought to put on this year's agenda and, if we are going to do it, look at it and really understand what the ramifications are and make sure that everybody understands what we gain and what we might lose. He said that the motion stands on the following appointments of the Planning & Zoning Administrator, Attorney, Planner, and Engineer. He asked if anyone wished to propose a change to please do so, otherwise he would like a roll call.

(There was no further discussion).

A roll call vote was taken. Those in favor: Mr. Briggs, Mr. Butterworth, Mr. Cilino, Mr. Dempsey, Mr. Aroneo, Dr. Rae, Mr. Roshto, Mr. Smargiassi, and Mr. Connor. Those opposed: None.

PLANNING & ZONING ADMINISTRATOR'S APPOINTMENT

BE IT RESOLVED by the Planning Board of Long Hill Township that Dawn V. Wolfe is reappointed Planning & Zoning Administrator of the Planning Board until the Organizational Meeting of January 2013. The Planning & Zoning Administrator will hold office hours at Town Hall, 915 Valley Road, Gillette, N.J., Mondays, Tuesdays and Thursdays 8:30 A.M. to 4:30 P.M., Wednesdays 8:30 A.M. to 6:30 P.M. and Fridays 8:30 A.M. to 2:30 P.M.

ATTORNEY'S APPOINTMENT

WHEREAS, the Long Hill Township Planning Board requires professional legal services which shall include but not be limited to attendance at meetings, preparation of administrative documents and correspondence, legal research, consultation with the Board Members, Administrator, Secretary and other municipal personnel, as well as

with legal representatives of applicants, and miscellaneous legal services (except for litigation and certain other types of services such as (a) Any litigation handled for the Board; (b) Any extensive or major redrafting of Township ordinances; (c) Drafting of resolutions; (d) Review of easements, deeds, agreements or documentation pertaining to formation of a planned development, condominium, homeowners' association, or the like; (e) Other matters requiring attendance at conferences, work sessions, etc., out of the office; and providing advice as a non-fair open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5); and

WHEREAS, the anticipated term of this contract is (1) year; and

WHEREAS, the Law Firm of Bernstein & Hoffman has submitted a proposal dated December 6, 2011 indicating that they will provide the legal services at a rate of Five Hundred and Fifty (\$550.00) Dollars per meeting and an hourly rate of \$158.00 for legal services not embraced within the basic arrangement as outlined above in Items (a) – (e); and

WHEREAS, the Law Firm of Bernstein & Hoffman has completed and submitted a Business Entity Disclosure Certification which certifies that the Law Firm of Bernstein & Hoffman has not made any reportable contributions to a political or candidate committee in the Township of Long Hill in the previous one year, and the contract will prohibit the Law Firm of Bernstein & Hoffman from making any reportable contributions through the term of the contract; and

WHEREAS, in addition, this contract is for professional services and may be awarded without public bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township Chief Financial Officer, in accordance with N.J.A.C. 5:34-5.1, has certified in writing to the Township Committee the availability of adequate funds to pay the maximum amount of the contract;

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Township of Long Hill, in the County of Morris, State of New Jersey as follows:

1. A professional services contract with Bernstein & Hoffman, Attorneys at Law, 2253 South Avenue, Suite 7A, Scotch Plains, N.J. 07076 is hereby authorized.
2. The Board Chairman and Planning & Zoning Administrator are authorized to sign a professional service contract with Bernstein & Hoffman, in accordance with the following terms and conditions:
 - A. Term: A period not to exceed 12 months
 - B. Rate: \$550.00 per meeting and \$158.00 per hour for other legal services as stated in Items (a) – (e) above.
 - C. Services: The firm shall provide professional legal services.
3. The Planning & Zoning Administrator, in accordance with the provisions of N.J.S.A. 40:11-5(1)(a)(i), is directed to publish a notice once in the Echoes-Sentinel stating the nature, duration, service and amount of this contract.
4. The Planning & Zoning Administrator shall make copies of this resolution available for public inspection at the Municipal Building, 915 Valley Road, Gillette, New Jersey, during regular business hours.
5. This contract shall be charged to 12-01-21-180-180-236. The certification of available funds by the Township Chief Financial Officer shall be attached to the original resolution and shall be maintained in the files of the Planning & Zoning Administrator.
6. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.

Mr. Hoffman said that it was his pleasure to serve the Board for 2012.

PLANNING CONSULTANT'S APPOINTMENT

WHEREAS, the Long Hill Township Planning Board requires professional planning services which shall include but not be limited to attendance at Checklist Review Committee Meetings and Application Review Committee Meetings prior to regularly scheduled Board meetings, attendance at Board Meetings; field work, research and writing; and any other task assigned by the Planning Board; and providing advice as a non-fair open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the anticipated term of this contract is (1) year; and

WHEREAS, the firm of Shamrock Enterprises, Ltd. has submitted a proposal dated November 21, 2011 indicating they will provide the planning services at a rate of Five Hundred and fifty (\$550.00) Dollars per meeting; and an

hourly rate of \$125.00 for all other planning services, including field work, research and writing; and any other task assigned by the Board; and

WHEREAS, the firm of Shamrock Enterprises, Ltd. has completed and submitted a Business Entity Disclosure Certification which certifies that the firm of Shamrock Enterprises, Ltd. has not made any reportable contributions to a political or candidate committee in the Township of Long Hill in the previous one year, and that the contract will prohibit the Firm of Shamrock Enterprises, Ltd. from making any reportable contributions through the term of the contract; and

WHEREAS, in addition, this contract is for professional services and may be awarded without public bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township Chief Financial Officer, in accordance with N.J.A.C. 5:34-5, has certified in writing to the Township Committee the availability of adequate funds to pay the maximum amount of the contract;

NOW, THEREFORE BE IT RESOLVED by the Planning Board of the Township of Long Hill, in the County of Morris, State of New Jersey, as follows:

1. A professional services contract with Shamrock Enterprises, Ltd., Madison House, 866 Madison Ave., Rahway, N.J. 07065 is hereby authorized.
2. The Board Chairman and Planning & Zoning Administrator are authorized to sign a professional service contract with Shamrock Enterprises, Ltd., in accordance with the following terms and conditions:
 - A. Term: A period not to exceed 12 months
 - B. Rate: \$550.00 per Board meeting; and \$125.00 per hour for all other work including field work, research and writing and any other task assigned by the Board.
 - C. Services: The firm shall provide professional planning services.
3. The Planning & Zoning Administrator, in accordance with the provisions of N.J.S.A. 40A:11-5(1)(a)(i), is directed to publish a notice once in the Echoes-Sentinel stating the nature, duration, service and amount of this contract.
4. The Planning & Zoning Administrator shall make copies of this resolution available for public inspection at the Municipal Building, 915 Valley Road, Gillette, New Jersey, during regular business hours.
5. This contract shall be charged to 21-01-21-180-180-221. This certification of available funds by the Chief Financial Officer shall be attached to the original resolution and shall be maintained in the files of the Planning & Zoning Administrator.

Mr. O'Brien expressed appreciation for his reappointment and said that he is looking forward to working with the Board in 2012.

ENGINEER'S APPOINTMENT

WHEREAS, the Long Hill Township Planning Board requires certain technical and/or professional services hereinafter described as Engineering Consulting Services which shall include but not be limited to the following: serve as the general engineering consultant to the Planning Board; attend all meetings of the Planning Board as requested; advise the Planning Board on all engineering matters under their jurisdiction; the Consultant shall be available for consultation by telephone at all reasonable times; represent the Planning Board as its Professional Engineer pursuant to N.J.S.A. 40:55D-24; review site and subdivision plans, as requested; prepare special reports, plans, studies, applications, and similar work, as requested; testify on behalf of the Planning Board before Commissions, Agencies, or Courts of the State of New Jersey, as requested; and perform any other related engineering work, as requested; and

WHEREAS, the anticipated term of this contract is (1) one year; and

WHEREAS, Remington, Vernick & Arango Engineers has submitted a proposal dated December 6, 2011 indicating they will provide engineering services at a rate of One Hundred Eighty Three Dollars and Thirty Three Cents (\$183.33) per hour to attend night meetings. An hourly rate of One hundred and Twenty Five Dollars (\$125.00) will be billed for engineering services for all other work including field work, research writing, and any other task assigned by the Board; and

WHEREAS, the firm of Remington, Vernick & Arango Engineers has completed and submitted a Business Entity Disclosure Certification which certifies that the Firm Remington, Vernick & Arango Engineers has not made any reportable contributions to a political or candidate committee in the Township of Long Hill in the previous one year,

and that the contract will prohibit the Firm of Remington, Vernick & Arango Engineers from making any reportable contributions throughout the term of the contract; and

WHEREAS, in addition, this contract is for professional services and may be awarded without public bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township Chief Financial Officer in accordance with N.J.A.C. 5:34-5.1 has certified in writing to the Township Committee the availability of adequate funds to pay the maximum amount of the contract;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Long Hill, in the County of Morris, State of New Jersey as follows:

1. A professional services contract with Remington, Vernick & Arango Engineers, 300 Penhorn Avenue, 3rd Floor, Secaucus, NJ 07094 is hereby authorized.
2. The Board Chairman and Planning & Zoning Administrator are authorized to sign a professional service contract with Remington, Vernick & Arango Engineers, in accordance with the following terms and conditions:
 - A. Term: A period not to exceed 12 months.
 - B. Rate: \$183.33 per hour to attend night meetings; and \$125.00 per hour for other engineering services as stated above.
 - C. Services: The Firm shall provide professional engineering services.
3. The Planning & Zoning Administrator in accordance with the provisions of N.J.S.A. 40A:11-5(1)(a)(i), is directed to publish a notice once in the Echoes-Sentinel stating the nature, duration, service and amount of this contract.
4. The Planning & Zoning Administrator shall make copies of this Resolution available for public inspection at the Municipal Building, 915 Valley Road, Gillette, New Jersey during regular business hours.
4. This contract shall be charged to 21-01-21-180-180-237. The certification of available funds by the Township Chief Financial Officer shall be attached to the original Resolution and shall be maintained in the files of the Planning & Zoning Administrator.
5. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.

Mr. Lemanowicz expressed his appreciation for the support of the Board and also said that he looked forward to working with everyone in 2012.

MEETINGS

BE IT RESOLVED by the Planning Board of Long Hill Township that meetings, in general, will be held on the second and fourth Tuesdays of each month with the following exceptions: in July, August and December, the Board will only meet on the second Tuesdays. Unless otherwise scheduled, all regular meetings will begin at 8:00 P.M. (or immediately following an executive session if deemed necessary) in Town Hall, 915 Valley Rd., Gillette, N.J. Following is the Regular Meeting Schedule. If deemed necessary, Executive Session meetings of the Planning Board will be held in Town Hall, 915 Valley Rd., Gillette, N.J. on the same dates as listed below at 8:00 P.M. *prior* to the regular meeting.

2012 PLANNING BOARD CALENDAR

January 10, 2012 – Organizational Meeting – 8:00 P.M.

January 24

February 14

February 28

March 13

March 27

April 10

April 24

May 8

May 22

June 12

June 26

July 10

August 14

September 11

September 25

October 9

October 23

November 13

November 27

December 11

ROBERT'S RULES OF ORDER

BE IT RESOLVED by the Planning Board of Long Hill Township that Robert's Rules of Order shall govern the deliberations of the Planning Board except when they conflict with any of the established rules of the Planning Board. Special committees and commissions may be created from time to time as directed by the Chairman or a majority of the Planning Board. Any or all standing committees shall be appointed by the Chairman and approved by a majority of the Board. It shall be considered unlawful for any person to disturb any meeting of the Planning Board or any committee thereof; any person violating the provisions of the rule may be summarily ejected from Town Hall, committee room or other meeting place. No person other than the Chairman of the Board shall address that body at any regular or special meeting except upon recognition of the Chairman or a majority of the members present at the meeting.

CALENDAR ORDER OF BUSINESS

BE IT RESOLVED by the Planning Board of Long Hill Township that the Calendar Order of Business shall be mailed or given to each member of the Board on or before the Friday before each designated meeting. The Chairman and any member of the Board shall have the right to place any item on the agenda.

NOTICE OF PUBLICATION

BE IT RESOLVED by the Planning Board of Long Hill Township that the following newspapers are designated to receive Notices as required by the Open Public Meetings Law:

- 1) Courier News
- 2) Echoes-Sentinel

All notices required by the provisions of the Open Public Meetings Law shall be furnished the newspapers designated for such purposes.

NOTICES OF MEETINGS

BE IT RESOLVED by the Planning Board of Long Hill Township, pursuant to the authority of the Open Public Meetings Law that the sum of \$20.00 annually is hereby fixed as a reasonable sum to be prepaid the Planning & Zoning Administrator of the Planning Board by any person desiring notice of all Meetings to cover the cost of providing said notice. All requests are to be made to the Planning & Zoning Administrator.

MINUTES

BE IT RESOLVED by the Planning Board of Long Hill Township that the minutes of the regular public meetings shall be sent to the Planning Board members and that a copy of said minutes be posted at the Town Hall. By this procedure and/or the unanimous agreement of the Board Members, the reading of said minutes shall be waived. Copies shall also be sent to the Planning Board Attorney, the Township Engineer, the Township Planning Consultant, and the Long Hill Township Library. The recordings of all public meetings of the Planning Board shall be retained for two years from the date of said meeting or until after the conclusion of the appeal time or the conclusion of any litigation, whichever is later.

The cost of providing copies of audio recordings of meetings to any person desiring the same shall be in accordance with the annual fees established by the Township Committee for copies of public records.

MEMBERSHIP

BE IT RESOLVED by the Planning Board of Long Hill Township that the Board approves the application for membership for 2012 in the New Jersey Planning Officials at the established annual fee for 2012.

2012 BUDGET

Mr. Connor said that the following 2012 Budget was prepared by Mrs. Wolfe with his input based upon analysis of previous expenses and the expenses projected for 2012.

Mrs. Wolfe explained that she had gone through the expenditures to date (from the date she had prepared the draft) and in instances where the figures were relatively accurate, she did not increase them. In cases such as Office Supplies where we ran somewhat over budget, she explained that she increased those line items. In other instances where we ran under budget, she said that she lowered the figures in the 2012 Budget. She said that it was basically a matter of adjusting each line item appropriately.

Mr. Connor noted that the line item that showing the largest increase is in Education/Training.

Mrs. Wolfe explained that the M.L.U.L. requires that all new members of either the Board of Adjustment or Planning Board take a mandatory training class and pass an exam upon completion. The cost of the mandatory training class and associated books is fairly significant. Since there are a number of new Board members this year, she said that she felt it appropriate to increase that particular line item and to pad it to also allow for attendance at continuing education classes for experienced Board members.

The proposed 2012 Planning Board Budget is as follows:

<u>ACCT. NO.</u>	<u>ITEM</u>	<u>BUDGETED 2011</u>	<u>BUDGETED 2012</u>
21-180-180-201	Miscellaneous	\$ 100.00	\$ 100.00
21-180-180-203	Office Supplies	750.00	900.00
21-180-180-205	Postage	- 0 -	- 0 -
21-180-180-206	Printing	300.00	200.00
21-180-180-209	Conventions/Conferences	150.00	150.00
21-180-180-211	Equip./Service Agreements	500.00	400.00
21-180-180-213	Legal Advertising	250.00	150.00
21-180-180-214	Publications	250.00	150.00
21-180-180-219	Dues & Membership	250.00	250.00
21-180-180-221	Planning Consultant	18,000.00	18,000.00
21-180-180-236	Legal	1,500.00	2,000.00
21-180-180-237	Engineering	11,000.00	11,000.00
21-180-180-271	Education/Training	<u>300.00</u>	<u>700.00</u>
	TOTALS	\$ 33,350.00	\$ 34,000.00
21-180-180-101	Salary & Wages	\$34,552.00	\$ 35,243.00

Mr. Aroneo said that he has noticed that this is a very frugal Board and he thanked the Chairman and Board’s professionals for that.

Mr. Briggs made a motion to adopt the proposed 2012 Planning Board Budget which was seconded by Mr. Butterworth.

A voice vote was taken. All those eligible to vote were in favor.

MEETING CUT-OFF

BE IT RESOLVED by the Planning Board of Long Hill Township that, as a matter of procedure, it is the intention of the Planning Board not to continue any matter past 11:00 P.M. at any regular or special meeting of this Board unless a motion is passed by the members then present to extend the meeting to a later specified cut-off time. Further, that this notice shall be made part of published operating procedures for applications to this Board and shall be announced at the opening of each regular and special meeting.

Mr. Butterworth made a motion to continue the meeting cut-off as proposed which was seconded by Mr. Dempsey. A voice vote was taken. All those eligible to vote were in favor.

APPROVAL OF MINUTES

The October 11, 2011 minutes were approved as amended on motion by Mr. Briggs and seconded by Dr. Rae. Mr. Dempsey abstained as he was not present at that meeting. Mr. Cilino, Mr. Aroneo, and Mr. Roshto abstained as they were not members of the Board at that time.

PUBLIC QUESTIONS OR COMMENTS

The meeting was opened to the public for questions or comments.

Mrs. Paula Connor, Millington, said that she too was once a new member of a Board and had been an advocate for the senior citizen bus. Addressing the two members who had stated their concerns and raised questions (as she said they should as taxpayers), she said that once you get on a Board you really find out all the things that you need to learn and that takes time and they will become the best members when they give completely of themselves unselfishly. To the two new members who were talking about going out for bid, she said that it is wonderful for them to be so concerned. She said that they will see the blending of their professionals as well as each and every one of the members here who have all lived and had experiences and have learned in a new area. She thanked the Board for giving her the chance to talk about something that is really important in our community.

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

DISCUSSIONS – STATUS UPDATE AND 2012 PLANNING PRIORITIES

Mr. O’Brien said that, at the Board’s direction, he had prepared a Status Report of the various initiatives that this Board has undertaken over the last year, bringing the Board up to date with those various items that we have been working on. Because we have new members, he said that he would provide a bit more detail than usual.

He said that the first item is the idea of a Technical Review Committee (T.R.C.) and this Board has been working on that for some time. It is an intermediary step between when somebody applies for a variance or site plan approval and they appear before a Board for that application. He said that the T.R.C. consists of the professionals of the

Board meeting with the applicant and their professionals to go over the issues that arise during site plan and variance review and to try to resolve as many technical issues as possible prior to it coming to the Board itself. He said that it has been our experience that it reduces the amount of time that an applicant spends before a Board which reduces their expense and their time in getting an approval. The T.R.C. is part of an ordinance that has been forwarded to the Township Committee.

Over the last year, he said that the Board also reviewed the Application Checklists. In the current Zoning Ordinance, there are almost 30 pages of application checklists that are based upon each type of application that can come before this Board or the Zoning Board. He said that the Operations Committee, along with he and Mr. Lemanowicz, have reduced the checklists to a 5 page checklist and they felt that the benefit of doing it that way was to reduce the number of pages in the Ordinance and make it simpler, clearer, and more understandable for applicants before the Boards and to also save time and money on the part of the applicants. The Application Checklist has also been forwarded to the Township Committee.

In response to Mr. Briggs, Mr. O'Brien said that Dr. Behr volunteered to write an Applicant's Guide which would be a step by step process as to how to apply to one of the Boards. The primary audience is a regular homeowner typically coming before the Zoning Board for a deck or addition to their house rather than somebody who is coming before the Planning Board for a commercial site plan. He said that they are non-professional and they typically have an engineer or architect draw up some plans and this process manual would tell them exactly what they need to do step-by-step through the process and guide them through it. He said that Dr. Behr volunteered to write the guide pending approval of the Application Checklist.

He said that the Planning/Zoning Process resulted in an approval at the Township Committee level of a Zoning Permit Ordinance which was a missing level that we had in our Ordinance to take the place of a Certificate of Occupancy which *had* been relied on by both Boards as a trigger mechanism to make sure that the zoning process had been followed. Instead, the Zoning Permit is a separate application and a separate process beyond that of the construction side which adheres to the Construction Code. The Zoning Permit Process makes sure that things such as lot coverage are taken care of and that the various bulk standards are met for any applicant before the Board. It also makes sure that any conditions that are placed on an approval are met after the applicant goes away from the Board.

With regard to the Ten Year Reexamination of the Master Plan, he said that by law the Planning Board must rewrite the Land Use Element to the Master Plan by the end of 2013 and it has to be done every 10 years thereafter. The last time we did a re-exam was in November, 2003. He said that there are a number of open items to the Master Plan itself and these are elements. The Land Use Element is required by the M.L.U.L. and it is a unifying document laying out the goals and objectives of the Township for future land use. The Land Use Element also reflects various other elements that are allowed by law and, in our case, some of them are open such as Historic Preservation, Open Space, Conservation, Community Facilities, and a number of other elements that are allowed by law. He said that the Land Use Element ties everything together and is the overriding part of the Master Plan which the community relies upon.

He said that the open items contained on Pg. 3 of his Status Report are those open elements for which work has been done either by this body or by various committees of the Township and they are at a point now where the Planning Board needs to take action on them. He said that the Historic Preservation Element has been forwarded to the Planning Board for review; the Open Space and Recreation Element has also been forwarded to the Board; as well as the Conservation Element and the Community Facilities Element, all of which we have draft documents and all of which need to be acted upon by this Board. He said that the Board has decided to write new elements for the villages of Millington and Stirling because the Master Plan has been rewritten for Valley Road and for Meyersville and so their elements are done.

Besides that, he said that there is also a background item which is the grant that has come out of the Highlands Council for the Transfer of Development Rights (T.D.R.) Study, of which Millington is the primary area of study and Stirling is a secondary area. Once the grant study is done, Millington and Stirling should flow from that which will make our job a lot easier because most of the work will already have been done and that is why these are not an immediate priority.

He said that the Township has been awarded a grant by the Highlands Council to study the Transfer of Development Rights, meaning that another area in the Highlands that does not allow development (for instance, preserved farmland or an area of significance because it is a watershed). He said that people can buy credits to develop from that area and apply them to what is called a receiving area and Long Hill is looking at whether or not we are interested in becoming a receiving area and, in particular, whether or not that area around the Millington Train Station makes sense for development for that. Advantages for the Township would include cash payments per unit, as well as assistance from the Highlands Council and *possible* infrastructure assistance down the road depending upon what our study finds. That study is underway and is due to be completed very shortly.

Referring to Pg. 6 under "Ordinances", he said that a number of ordinances have been forwarded to the Township Committee by this Board for action. One was the Building Height Ordinance in which we changed the building height definition. He said that we had heard from a lot of residents and applicants before the Board that our building height definition was overly strict and the current building height definition goes from the very lowest elevation on a house to the very highest elevation on a house meaning that an awful lot of homes that are on one of the steep elevations in which you have a first floor at road level but behind the house you've got a basement below the first

floor or, in some cases, two basements below the first floor because of the way the slope goes away from the roadway, were running up against use variances because of height. So we did adjust that so that we took an *average* height which made it a lot more workable for residents and that is still in front of the Township Committee.

He said that the Development Fee Ordinance, which was required by the Council on Affordable Housing (COAH) was also referred to the Township Committee and that document was required under the prior COAH regulations and while COAH itself has been abolished by the Governor, the standards and requirements of that agency have been moved over to the Department of Community Affairs (DCA) to a new office. So the obligation to provide affordable housing is still there, but the regulations have not been completely implemented as yet. Either way, he said that the Development Fee Ordinance is still in front of the Township Committee for its action.

He said that an Environmental Ordinance had been sent to the Township Committee for comment and was sent back to the Planning Board for further comment based upon comments from the Township Engineer and that is still being worked on at this point.

Following the adoption of a Meyersville Master Plan Element, he said that the Planning Board prepared a series of ordinances implementing that element of the Master Plan and there are few, if any, changes to the actual standards of that particular area and the two were forwarded to the Township Committee.

He said that the Stirling Parking Ordinance, which reduced the amount of required parking in the Stirling Village area, was adopted by the Township Committee.

The Tree Ordinance that was sent to the Township Committee was sent back to the Planning Board for comment and was resent back to the Township Committee.

He said that the Valley Road Ordinances were unofficially reviewed by the Township Committee early last year and some recommendations were made and this Board looked at them and made a number of changes to them and have since forwarded them back to the Township Committee.

Under “Other Suggested Changes”, he said that Ordinance Fees and Escrows are being looked at and Mrs. Wolfe is directing that effort and he and Mr. Lemanowicz have been helping her on it.

He said that the Best Management Practices (BMP) Manual is a follow up to the Environmental Ordinance. The Environmental Ordinance requires us to provide a guide to residents on how to accommodate the stormwater regulations that are in effect. Anybody who is covering land at this point has got to mitigate that coverage with something that will help land absorb water. He said that the BMP Manual is something that he and Mr. Lemanowicz and others have been working on in order to guide residents on what they need to do. It primarily revolves around implementing rain gardens which allow runoff from roofs and other elevated pitches to come down and be absorbed into the ground. He said that that has to be done once the Environmental Ordinance has been adopted and he and Mr. Lemanowicz are very close to completion of it.

Under “Current Initiatives”, he said that COAH again is in limbo in that the body itself has gone away and the requirements are still there. There is a court case before the N.J. Supreme Court on the methodology being used, but in the meantime it is still in our best interest to make sure that we are following whatever the rules are that are required.

He said that this Board has been talking about Building Design/Architectural Standards over the last few years and we do have a series of standards in our Ordinance. It was felt by members of this Board that they could be made more specific as well as in some areas being made more broad, but within a particular framework, to give people more guidance as to how the town would like to see, in particular, commercial establishments be designed and the architectural requirements that would be expected by the Township. He said that Patrick Jones, who is an architect in the Township and a former Zoning Board Chair and Planning Board member, has been working on it, as well as Dr. Behr. Several meetings have been held and discussion is ongoing with the idea that both Dr. Behr and Mr. Jones are supposed to bring some more standards to us in terms of more definitive standards than what we have talked about once Valley Road has been adopted by this Board and that now is done.

With regard to Morristown Road, he said that residents there have been cited by the Zoning Officer for various non-conforming uses on their property and, after taking a look at it, the Township realized that there were a number of properties on the south side of Morristown Rd. below the railroad where similar uses were going on that were non-conforming with the Zone. One of the residents there offered to assist the Township with a zoning study to see what would work in that particular area and that went away at some point in late 2010. He said that he attempted to contact the applicant’s planner a number of times and finally was able to have conversations with him last month and this month. He said that last month he told him that he had not heard anything from the resident and that he had not been directed to prepare a study that we would then review and the Board would take a look at. However, he said that he did get news this afternoon from the planner that Mr. Stroh had hired and he told him that Mr. Stroh *did* direct him to prepare a zoning ordinance for our review and he expected that to come about some time in February.

He said that the Tifa sidewalk is a longstanding item that has been in the Board’s purview since 1989. He said that Tifa undertook to put various improvements along Division Ave. that were not done. He said that late last year this Board met with representatives of the Morris County Planning Board and representatives from Tifa were invited and this Board decided that we would like the County to narrow the road there, put in curbing and appropriate sidewalks,

which were required by various site plans over the last 20 years. He said that he and Mrs. Wolfe have worked on a communication to the Board and expect it to go out at the end of this week and he will update the Board with the County's response to that at the next meeting or the meeting after that.

Mr. Hoffman recalled that two County Officials were in attendance at that recent meeting and they were certainly amenable to giving the green light to the improvement level being established and implemented because ultimately the County, it being a County road, has the final say as to what level of improvements would be appropriate. He felt that they were on the same page as this Board, but the third player – the one to do the implementation, although an invitation was extended for them to be present, for whatever reason was not.

Mr. O'Brien said that we have found over the last several years that when we have discussed various local issues with the County Planning Board, they have been very differential to us and basically they would not take action unless this Township wanted a particular action to be taken. He said that they were here and did indicate their ascent and it just needed to be communicated to them formally. As far as the applicant is concerned, he said that Tifa has a site plan approved before the County and this Township and in order for them to continue with both their Certificates of Occupancy and other various approvals, they have got to comply with the requirements of the County and the Township. In fact, he said that to go a step further, this Board decided that a past practice of ours had been to allow the Tifa site to bypass the site plan approval application and process by going to site plan waivers. He said that a site plan waiver means that, instead of having to put a formal application into the Board, have it reviewed by staff, have a public noticed open hearing, go through that process and have the Board consider whether or not that site plan can be approved or not, the site plan waiver allows the committee of two people (that were appointed this evening) to meet on the site, look at the applicant's documents, discuss the application before the Board, and so long as there is no significant change to the building or to the site, the Site Plan Waiver Committee has the ability to approve the site plan waiver which saves a *significant* amount of time and money for the applicant, but it only works when there is no significant change to the site, the use, or the building. He said that this Board decided that the site plan waiver process would not be available to Tifa should they not undertake the improvements that they have committed to and have been approved in various site plans. He said that that is a significant change on our part in our communications with Tifa that we, as a Board, would really like them to do this.

He said that Pg. 10 contains a "Priority List" where he recapped various ordinances and various elements that are open before the Board and recaps what he had just discussed. He asked if there were any questions.

Noting that Mr. Sheola will be moving on in March, Mr. Briggs said that he noticed his name mentioned in the Community Facilities Element and the Highlands TDR Grant materials. He asked there is any knowledge transfer that has to be done so that it can be captured and given to the next in line.

Mr. O'Brien replied that he was aware that Mr. Sheola was leaving and said that we need to take care of that before he does.

Mr. Briggs said that with new people on the Township Committee the liaison role will grow with what is happening on the Planning Board and comments from the Township Committee. He said that we should have a better flow of thoughts and perceptions so that we can work more unified. He said that there are a number of items before the Township Committee and, if there is room on agendas going forward so that we can get the dialogue going and get things moving, he would appreciate it and he felt that the Board would too.

Mr. Aroneo replied that that has been discussed and that will happen and this Board should be getting new direction from the Township Committee.

Mr. Connor said that, if we get as much advance notice as possible when the particular ordinances are going to be discussed, it would be helpful so that someone from the Planning Board and himself and the Planner, when possible, could attend, or the other appropriate person that may have been responsible for writing the ordinance. He said that it is important that we get, as a Planning Board, to articulate some of the rationale. He said that we see the paper and pen but sometimes they are rather long and complicated and giving a brief update of where we were and why we did certain things would allow us to answer some concerns prior to going through each Board member picking through items which we may want to address in advance. He felt that that would make things work much quicker and smoother.

Mr. Roshto said that one of the things he saw in the past was the back and forth between the Township Committee and the Planning Board. He said that, if there was anything he could do, he would love to prevent that from happening in the future. He said that he counted 6 ordinances in front of the Township Committee sent from the Planning Board, as well as 2 other items the Planning Board asked to do. He asked if it would be advisable for the Planning Board to review those. For example, he said believed that there was some discussion towards the end of the year about a possible change to the Meyersville Ordinances. He asked if we should consider reviewing these one time to make sure that this Board is in agreement before he asks the Township Committee to start looking at them.

Mr. Connor said that the problem with quick reviews is that we think it is going to be quick and we reopen items and spend the entire year redoing what we've already done. He did not feel that they are that much out of line with the Township Committee. He felt that, last year, our liaison back and forth was pretty good. He felt that the better way to do it was to have a brief first reading that isn't necessarily for public discussion – it is for a reading of this is what is being proposed and have the Planning Board listen to the concerns or ask/answer questions. If, in fact, it needs to be returned to the Planning Board with revisions, the Board will then understand the areas that we should work on,

rather than try to guess where there may be concerns. He said that some of these may not have issues and in other cases there may be.

Mr. O'Brien said that when the ordinances that have been sent to the Township Committee were sent to them, this Board did go through a thorough process of review and discuss and none, including Meyersville, have been reopened since they have been forwarded to the Township Committee. He said that it is up to the Board whether they think they are done.

Mr. Roshto asked if the Board believes that the ordinances that are in front of the Township Committee are a) going to go through the Township Committee in a reasonable amount of time; and b) what this Board sitting here today believes is appropriate.

Mr. Dempsey replied that some of the ordinances are going to be controversial and some will need some tweaking, but just as we have a very large new population here, you also have one at the Township Committee level. He said that he would rather hear their opinions coming back to us than us hashing out to go back to yet a new Committee. He said that the Planning Board has done a lot of work and he felt that Meyersville is a perfect example. He said that 5 years ago when he joined the Board, Meyersville was thrown into a Subcommittee and had an enlightening piece of history. By the time we were done, he said that the people of Meyersville – what they wanted and asked for, we made more restrictive. He said that we took it to a better level than they thought and they had no problems with that. He said that that is a perfect example of a case where we listened to the people, wrote it, submitted it, and would like an opinion on it to come back to us to go.

Mr. Aroneo said that he was on the Township Committee last year and never saw the Meyersville Ordinance. He said that he did not know that they had it until just now.

Mr. Briggs said that that is what he was talking about – the liaison.

Mr. Aroneo said that to be fair to the Township Committee you can't always do bulk ordinances and that it takes a while. He said that at one time in 2010 there were 6 ordinances transferred in bulk and they could not have been acted on in a timely fashion. He agreed that there could be new direction and asked what the point of the Planning Board would be to go through all of the ordinances again.

Mr. Connor said that the Board did recognize that the Township Committee had a couple of other issues that seemed to take a considerable amount of Board time and they were higher priority than ours.

Mr. Aroneo replied, "Not necessarily". He said that it is all important.

Mr. Dempsey agreed and said that an extra year to do our land use helps us.

Mr. Aroneo agreed. He said that there are new faces and we should hear what they have to say.

Mr. Roshto said that the document Mr. O'Brien gave him is excellent and he has already asked the Township Committee to give him all of these ordinances. He said that he would start the process to move them through the Township Committee and get their opinion and feedback.

Mr. O'Brien said that this is a standard Planning Board document and we have had something in this shape for several years now and it is updated on a regular basis. He was surprised that it hadn't been forwarded to the Township Committee at some point. He offered to make that a part of his distribution if so desired.

Mr. Connor felt that the Board could trust its liaison. He said that the Township Committee gets enough paper and one more 10 page document probably would not be appreciated.

Mr. Hoffman said that the purpose is just a clarification. He said that what we are talking about here are efforts to increase/maximize the dialogue between the two governmental agencies that are over and above what the M.L.U.L. requires because, as he was sure Mr. Pidgeon has or will tell you, the governing body, once it introduces on first reading a proposed ordinance or ordinance amendment. He said that it is required to refer it to the Planning Board in which we have a minimum of 35 days to respond giving comments and then, if not altered in some significant manner, comes on for final or second public hearing and, perhaps, adoption by the governing body. He said that these efforts that have been discussed all pertain to *prior additional* steps to increase the level of communication between the governing body and the Planning Board so that by the time its first introduced, there has already been some preliminary dialogue and there is less in the way of surprises.

There being no further discussion by the Board, Mr. Connor opened the meeting to the public.

Mr. Dennis Sandow, Millington, said that he would do his periodic calendar reminder that the last hearing that was held by this Board on a Master Plan Element was in May, 2009. By his count, 4 members were serving on the Board at the time of that hearing (the final hearing on the Meyersville Element). He said that we have 24 months to complete the Master Plan and there are about 11 elements left to go.

Mr. O'Brien replied that those elements are optional, with the exception of the Land Use Element and Housing Element.

Mr. Sandow replied that you may call them optional, but the fact is we haven't done a *complete* Master Plan since 1996. He said that we did a reexamination in 2003 which was fairly brief and essentially changed nothing. He said that we have a large number of serious items to contemplate to revise sections of the Master Plan. For example, he said that we spent a half million dollars to put in lights and sidewalks in downtown Stirling and we certainly need to do something with a Stirling Element that takes advantage of those improvements. He said that we have a wet police station and, for the Community Facilities to contemplate, we have 3 or 4 open spaces since 1996 which were not even contemplated in the 1996 Open Space Plan and the Recreation Plan also dates from 1996 and doesn't include any use of those new open space acquisitions. He said that his point is that, although it may be optional, we can't produce a Master Plan on the basis of "re-examining the 16 year old elements". He said that we have got to deal with the new plan based on the new reality of where this town is today. He said that we can't use 1996 as a baseline for our plan for the next 10 years. He said that there are 24 months left and he will keep reminding the Board of that. He said that Mr. O'Brien neglected to include the off premise sign ordinance in his list which has been back and forth and is now in the hands of the town to put it into the hands of Promotions & Enhancement and then it will be back here and then back to the town and that has been going on for 5 years – actively for about 4 months. He asked him to add it to his list because he was quite concerned about that one. Finally, he noted the "elephant in the room" – the Land Use Ordinance and said that it is one thing to say that we will do that *after* we get the other pieces done, but he wanted to remind the Board that the biggest concern we have in this town over land use is the fact that 41% of the existing residential houses are on substandard lots. Over 1,000 houses built between 40 and 100 years ago are on substandard lots. He said that what that means is, if an owner of a house between 40 and 100 years old on an undersized lot wants to evolve his house into something different, he has to go to the Zoning Board for a bulk variance because his lot is undersized. Therefore, we don't see that traffic. He said that the Planning & Zoning Boards between them all together see 10 applications for residential bulk variances a year. He said that there are potentially a thousand out there as people may wish to upgrade their house on a substandard lot. He said that either we have got to make those lots conforming by changing the lot size in various parts of the town, or we've got to find a way to expedite the evolution, otherwise 10 years from now those same 40-100 year old houses are going to be 50-110 years old without any opportunity to be improved. He said that this holds down property values in large sections of this town because there is no easy way for the property to be improved. He submitted that the Land Use Ordinance doesn't have to wait for downtown Millington and downtown Stirling and there should be land use activity going on *now* to figure out what we can do to make many of these houses conforming. He said that he was also reminded that the 41% figure that he used *excludes* the density modified neighborhoods. He said that he treated them as conforming because, in fact, they were conforming at the time they were approved but, as a matter of fact, now 10, 20, or 30 years after those neighborhoods were put in, the current homeowners aren't aware of that and they, too, come to the Board for approval and so he felt that as a matter of practicality we have got to figure out a way to reclassify those zones or those density modified approvals or something in order to make it easier for those taxpayers to improve their properties. He urged the Board to consider making Land Use a higher priority. For those who have not seen his definitive study which shows that 41% of our residential properties are undersized, he said that he would be glad to provide a copy of the complete study. He said that it was conducted 3 years ago and hasn't changed because we have had no new houses built in town and the only change that he was aware of is that we have subdivided 4 lots and, thus, created more undersized lots in the base.

Mr. Hoffman said that what Mr. Sandow has just described is not what he believed to be *totally* the case. He said that there is a certain amount of grandfathering that is built into the existing Ordinance permitting as of right, without the need to seek variance relief, development to take place or additional development to occur on existing substandard lots providing that they are not *too* substandard. He deferred to Mr. O'Brien to describe exactly what those limits/parameters are. However, he said that that line drawing as to where one needs to seek a variance as opposed to where you can go forward and build *without* the necessity to do so should perhaps be changed. He said that that is a legislative judgment for the Planning Board and, ultimately, the Township Committee to make, but it is not *totally* the case that if somebody is very slightly substandard they have to go and seek a variance – there is some leeway to a certain extent that is built into the Ordinance.

Mr. O'Brien said that our Ordinance provides a fair amount of "wobble room" for people who have substandard lots and buildings that do not meet the requirements in terms of setbacks and how much coverage is on a lot in terms of percentage. He said that somebody who has an undersized lot who wishes to expand their home can do so provided that they do not build into those setbacks – the distance between the end of the house and the end of the lot, meaning that you could not get closer to your neighbor's home than is what is currently allowed, nor could they pave over or cover with new building more of the lot than is allowed in a percentage basis than now. He said that Mr. Sandow is right in that in those 41% of residential lots that are undersized, if somebody wanted to do something significant, then in many, if not most, cases they would need a variance from the Zoning Board of Adjustment. But there are also many cases where smaller additions to a house would not require relief from the Zoning Board and we have a number of carve-outs in the Ordinance that allow them to do that.

Mr. Sandow said that the most severe situation is in old downtown Stirling. He said that most of the lots there are ¼ acre and the zoning is for ½ acre, so those lots are undersized by a factor of a half. He said that you have driveways next to houses which are certainly always infringing on the side yard setback and that is the zoning we have created. He said that the smallest lawful zone in this town is 20,000 S.F. which is almost ½ acre. He said that many, many houses are built on lots that are smaller than that. In the older post World War II neighborhoods, he said that there are a lot of lots which were simply carved out of larger lots without regard to size. He said that typically those neighborhoods are zoned R-3 and are roughly ¾ of an acre and yet there are many houses scattered throughout where the lot sizes are smaller than that. He said that it is an unfortunate situation and those houses will tend to be 60 or 70 years old and the owner is stuck with a property which probably doesn't fit the evolution that we are looking for and certainly isn't rural heritage and yet it certainly isn't a McMansion either. He felt that those properties are a drag on

our ratable base and we need to make them legal so that they can move a little easier or we need to come up with some other solution that works for the town. He did not think that we can ignore the fact that the zoning, when we created it without regard to the existing property sizes, is a burden on many homeowners in this town.

Mr. O'Brien said that when the 1995 Master Plan (adopted in 1996) went through its iterations before the Planning Board, a number of assumptions were made as part of that document and, amongst the assumptions, was that residential lots would be consolidated given the amount of new building that was going on them, which is one reason why a number of those lots are now undersized because the Planning Board said that they knew that we have 5,000 S.F. and 10,000 S.F. lots in Stirling, but we want to see 20,000 S.F. lots and we want to see those two little cottages get together and build a normal size house. Another presumption in 1995-1996 was that an Office Zone would work wonders and O-Zones were created along several parcels along Valley Rd. and Division Ave. With the exception of one office building on Valley Rd. in Gillette, it hasn't worked.

Mr. Sandow replied that the new office building in Gillette is *not* in the O-Zone.

Mr. O'Brien agreed, but said that they grabbed the office moniker to say that this is a good thing in that particular location. He said that Planning Boards make decisions based upon a vision that they have for the community based upon what they know when they know it and in 1995-1996 the housing market was roaring, offices were being built, and decisions were being made and the Planning Board adopted a Master Plan that called for a number of those items. As time as gone on, and he noted that Mr. Sandow has been a consistent critic of it), he said that things have changed and the situation has changed. He said that the Office Zone is a complete bust and there have been very few consolidations of lots over the last 15 years and he felt that this is something that the Planning Board should look at in the course of their deliberations on the Land Use Element.

Mr. Sandow said that all of the conclusions about how the world has changed in 15 years and busted the dreams of our forefathers, he agreed wholeheartedly that it is time for a new dream that is perhaps a little more rooted in reality. He felt that we have to discuss exactly what is our motive with regard to growing the tax base and what is the most practical way of achieving that. He said that we have to discuss our motives about the aging housing stock in this town. Percentage wise, he said that roughly 1/3 of the housing units have been built in the past 40 years and that includes everything from the McMansion neighborhoods to the townhouses and condo neighborhoods, the garden apartment neighborhoods – across a broad spectrum. But he said that we haven't had much construction within the past 40 years of the "starter house" and it is those houses which are essentially unimproved and growing older and older. He questioned what is our goal for those houses? With only one exception, he said that he has known of nobody who has torn down a house that was less than 40 years old in order to rebuild it. He said that the stock in between the older neighborhoods within walking distance of the 3 schools are the ones where nothing is happening and 10 years from now at the expiration of the next Master Plan nothing will continue to happen unless we happen to come up with a practical Land Use Plan – something that is truly an incentive to developers to do something and to homeowners to cash out and do something with the assets that they have. With regard to downtown Stirling, he said that we have discussed at length the issues of what we want that to look like. In the 4 block area that is the downtown Stirling Zone, he said that half of the properties are residences and the issue there is that, if you are a business located next to a residence, your use is constrained by different setback rules. If you are a business next to a business, you don't need a setback. If you are a business next to a residence, you need a 10' side yard setback. He said that those lots are only 50' wide and if you are a business surrounded by two residences, all of a sudden your 50' wide building has to be 30' wide and now you are talking about the economics about rebuilding an undersized building. He said that we need to seriously consider how we are going to evolve downtown Stirling into a walking business neighborhood as opposed to a half residence/half business neighborhood – or we have got to decide we are not going to do that and accept the fact that the turnover of businesses in the past 5 years on Main Ave. is extremely high. He said that business come, they fail, and they go. There are vacant properties up and down the street and he was sure there always will be because there is no incentive for redevelopment or a property owner or business person to exploit the half million dollars that we spend on lights and sidewalks and he felt that it is up to the Planning Board to figure out a way which is practical and does have an element of dreaming in it, but which also is in tune with the reality of property values and market place needs. Therefore, he said that he wished to repeat his initial request to please get started on the Land Use Element as quickly as possible and please put the alternatives and the decision points down on paper and put them in front of the public as soon as possible. He said that this can't be a last minute effort after we have finished with downtown Millington and downtown Stirling. He said that this has to proceed in parallel and has to address the bulk of the properties in this town and the bulk of the taxpayers who are the residents.

Mr. Aroneo said that in 2010 we applied for a grant to pave Main Ave. in Stirling and we received that grant and this year that will actually happen, so hopefully that will bring a little new life to downtown Stirling.

Mr. Sandow replied that, if we are going to pave Main Ave., let's do it a week *before* the bike race and not a week *after*. He said that we have these improvements going on, but we don't have the land use (Zoning Ordinance) infrastructure to create the improvements. He said that we tried a little bit with the Parking Ordinance and we finally got that right so that the on site parking is reduced – but he questioned what the on street parking looks like. He said that, unless you are a hotel, you don't need it (which is good for the hotel patrons because they just spread out). He said that we all know what the opportunities are in Millington and it is pretty extensive and yet both the major property owners in the Millington redevelopment have been before this Board on truly ancient issues (the sidewalk issue at Tifa and the Barrett issue of is there a difference between a landscaper today and a lumber yard from 120 years ago, or are they both comparable uses of the land). He said that both are here fighting ancient battles instead of gearing up for the future.

Mr. Roshto noted that Mr. O'Brien had listed the very last thing in his summary to be done in the future which is the Land Use Element. He asked if we know what the future is – is it this year or next year?

Mr. O'Brien replied that it is due by November of 2013. He said that, as Mr. Sandow has pointed out, in order to do it properly you have got to take into account what happens in the other elements that are prepared by this Board. Whether you do it in conjunction *with* those other elements or *after* those elements – it is up to the Board and its time at discretion.

Mr. Roshto said that he knew last year the Board's recommendation was to hold on the Land Use Element and finish up the Stirling and other elements first. He asked if that is still the case.

Mr. Connor replied that we can take a look at it but said that the problem is that using resources, keeping within budgets, etc. To some extent, if given enough money, he said that we could do those things in parallel but would probably have to hire an assistant planner because, even though we could have enough money, there is a time constraint on our support staff. He asked Mr. O'Brien when he felt that the group working on the Highlands will come to some sort of conclusion. He noted that that is one of the things we have been waiting for – to get whatever data and studies that were done by the Highlands Committee so that we could use them to accelerate the work that we have, in particular, in Millington and, to some extent, in Stirling.

Mr. O'Brien replied that a draft with decision items will be available no later than the middle of February.

Mr. Connor said that he would like to see if we could somehow do them in parallel. He said that we need to do Millington and Stirling anyway because they are a significant part of the Land Use Element. He felt that Meyersville should be easy and not have any significant delays, however he was unsure about Valley Rd. noting that the Board has made some significant changes there that were consistent with the previous Township Committee's recommendations and, hopefully, most (if not all) of the new Township Committee will agree with. He said that we have those 4 elements and are trying to pull in the rest of the town which is essentially residential. He suspected, at best, that we could start the project mid-year and perhaps have a target of having something out by the end of the year. He said that we could have reasonable hearings early in 2013 rather than to *start* working on them in 2013.

Mr. Roshto said that he was not sure that he was advocating anything. His concern was that he was not sure that we can do it all and he said that he would rather have the Board focus on the most important things to do and get them right than to try to cram everything in, however he also understood that we do not want to do a re-examination (or some individuals might not want to do that).

Mr. Connor felt that we need to act upon that those elements that have already been presented to us and that, hopefully, we can do it in a more efficient way. He said that approval of at least the Master Plan portion of it is the responsibility of the Planning Board and not the Township Committee. He felt that we should try to get those expedited and, if we can get those off the table by the middle of the year, then that should allow us to do some additional work. From a Township Committee aspect, he said that they have enough on their plate that needs to get done (or returned to the Planning Board with or without approval).

In response to Mr. Roshto, Mr. Connor agreed that he was referring to the 5 or 6 elements being worked on such as Conservation, Historic Preservation, etc. He said that we can set up a schedule indicating which are ready and which may need more work and put them in an order of when they are available for the Board to act upon with an objective to having all of them reviewed by mid-year, although he did not know if that is feasible or not.

From an efficiency standpoint of cost, Mr. Hoffman said that if they are going to be ready at or about the same time, you would want to have all of them adopted in a single formally notice public hearing because that is the only way to officially adopt or amend the Master Plan – to serve notice on each of the adjoining towns, the County Planning Board, and also publish it in the official newspaper. If you do them separately, he said that it gets unwieldy and expensive.

Mr. Connor said that his only concern is that we get public hearings and not be able to finish 3 or 4. He said that it will all depend.

Mr. Hoffman said that, to his knowledge, the practice of this Board has largely been to entertain a lot of public input even before the officially noticed hearing so that we have gotten the benefit of public view to a large extent before we officially go on record with adoption of a document.

Mr. O'Brien said that the Board may wish to consider whether the initial review of those elements is at the Board level or if it would prefer to have it at the Committee level to work out issues.

There being no further discussion, the meeting adjourned at 10:10 P.M.