

MINUTES

PLANNING BOARD

APRIL 10, 2012

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Chairman, Mr. Connor, called the meeting to order at 8:05 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, 2012.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Christopher Connor, Chairman

Brendan Rae, Vice-Chairman

Mead Briggs, Member

Donald Butterworth, Member (arrv'd. @ 8:10 PM)

Joseph Cilino, Member

Jerry Aroneo, Mayor's Designee

Guy Roshto, Member

Michael Smargiassi, Member

Charles Arentowicz, 2nd Alt.

Kevin O'Brien, Twp. Planner

Thomas Lemanowicz, Bd. Engineer

Dawn Wolfe, Planning & Zoning Administrator

Excused:

Sandi Raimer, 1st Alt.

Kevin Dempsey, Member

Barry Hoffman, Bd. Attorney

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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

PROPOSED ENVIRONMENTAL ORDINANCES

Mr. Lemanowicz said that he and Mr. O'Brien met with Paul Ferriero, Twp. Engineer, last Monday to go over the draft Environmental Ordinance and the two memos that were written last year by Mr. Ferriero. He said that they discussed a few items and recalled that the intent was to develop another ordinance called a Land Disturbance Permit (or something similar to that) because that would directly address those land disturbances that were not the result of site plans which have been found to be important because there are issues relating to the clearing of large parts of properties, septic, pools, and that type of activity that tends to negatively impact adjoining properties if not properly done. He said that he prepared an ordinance very similar to that for another client, so he was re-working that one to follow (as many as he could) the limitation triggers that we had in the Environmental Ordinance so that it is a more complete action. At this point, it is not completed yet and the intent is to have a draft for review prior to the weekend before the next meeting.

DISCUSSION/DECISION

VALLEY ROAD MASTER PLAN ELEMENT

Mr. O'Brien said that the Board has asked to discuss the Valley Road Element of the Master Plan which was adopted in November, 2008. That Element represented work that was done on the part of the Township and the Board in 2007-2008 and the ordinances resulting from that Element and its vision for the community were prepared by this Board in 2009-2010. A set of those ordinances was referred to the Township Committee early in 2011 with the feedback to scale down the size and scale of development. There were also two suggestions – one was to cut back and one was to eliminate residential development altogether from Valley Rd. In 2011, the Planning Board took those suggestions from the Township Committee, worked on them, and came up with a draft of ordinances that reflected their discussions based on those suggestions. He said that he understood that residential seems to be the crux of the discussion for this evening and if one takes a look at the ordinances that have been sent to the Township Committee as of last December, residential is a *conditional use* in terms of multi-family along Valley Rd. Along Valley Rd., multi-family residential use is limited to sites that are more than 3 acres and the way that the Planning Board developed that ordinance, only 5 properties on the north side of Valley Rd. would be eligible to have residential units. According to the environmental study that Mr. Lemanowicz prepared, he said that they found that there could be a maximum number of 172 residential units based upon a density of 6 units per acre. He said that there was also a live/work overlay proposed for the area of Bay St. and Walnut Ave. The Planning Board, when it developed this section of the ordinance, felt that it was fairly unique because it was dedicated towards crafts people - artisans, artists, internet entrepreneurs and other people who would work in a home setting, however they would not have an office like an accountant, engineer, or lawyer might have – but rather a place where the public would come and gather, so that is why the Board decided that a live/work space could have a work space on the first floor and a residential unit on the second floor of a building and could only be occupied by the artist/artisan/or entrepreneur who was working there. It could not be rented out. He said that there were a number of trends which the Board considered during the course of its deliberations and, because we have a number of new Board members, he thought it would be to everyone's behalf just to point out some of the thoughts that the Board had so that that way the Board could move on with its current line of thinking. Among the trends that are occurring in society, he said that one is that transit oriented development is becoming a fairly hot ticket, particularly here in N.J. as well as other areas of the New York metropolitan area, because not as many people are commuting as far as they used to. He noted that gas prices and the housing prices that peaked in 2007-2008 have something to do with it, as well as the inability of some people to make housing/mortgage payments. He said that that is something that the Board considered in terms of

what would happen in the future of this community. Another trend that they gave consideration to was that retail is changing. The large big box retailers such as the Walmart's, K-Mart's, Target's, and Costco's are changing in that many of them are downsizing in specific markets in specific places for the reason that they don't need as big a store as they used to. In addition to the downsizing of brick and mortar retail, is a sizeable increase in internet sales. If current trends continue, he said that there will be more shopping on the internet than in stores, which means that the stores that people are going to be going to are places like supermarkets which, against the trend, are expanding in some places and getting smaller in others. He said that we see both of those trends in Long Hill Township where Shop-Rite is looking to expand and the former Pathmark site is looking to decrease in size by putting in a smaller Kings. Another trend that the Planning Board kept in mind is that COAH and its mandate of affordable housing is not going away and, in fact, COAH has recently been reinstated as the affordable housing agency by the courts and even though that agency had gone away for some time, the mandate was still there but it was just under another heading in state government. Still working its way through the courts are whether or not the 2008 standards that COAH wrote for all of us to follow are appropriate or not appropriate. He said that they have been battered down in the lower courts but is currently before the State Supreme Court as to whether or not they will exist or be changed. So, amongst those trends that are happening, the Board did give thought to providing COAH related housing along Valley Rd. and decided that a work/live environment was something that may work given what is happening in retail and is, in fact, a very unique concept. The only similar concepts to that are artists live/work spaces for primarily visual artists in places like Jersey City, Newark, and Red Bank. He felt that it was very unique because it wasn't limited just to artists but to anybody who would create something and sell it to the public. Another trend that the Board noticed in retail was that, in addition to those large stores downsizing, there is another trend towards people visiting specialty shops more than they used to and getting what they want from those stores rather than going to a K Mart or a Walmart and getting what is sometimes seen in some places as inferior service and inferior products and instead going to the person who is making them or a specialty retail place that knows what is going on. For instance, he said that there is now resurgence amongst the Ace Hardware stores where they are actually increasing in size because they are smaller and they give more personal service. He said that when the Board looked at Valley Rd. and saw a combination of these trends, they thought that putting some customers (in terms of residential along Valley Rd.) would be helpful to the retailers that were and continue to exist along Valley Rd.

Mr. Roshto said that approximately 3 meetings ago he distributed a couple of pieces of paper that were suggesting/recommending to the Board that we remove the live/residential out of the Element. He said that he was hoping that that would be most of our conversation. He felt that if that could be addressed it would be a great step forward. He quoted a paragraph from the Element which states "Long Hill Township's dedication to a semi-rural community should be evidenced in our downtown by our dedication to environmentally friendly and green building practices as well as a park like setting with tree lined streets and environmentally friendly regulations". To him, that is what should be the focus of whatever the Board decides to do on Valley Rd. He also believed that putting residential, especially apartment/townhouse type homes, even if on the northern side of Valley Rd. in a small selective area, is counter to that paragraph and he was opposed to it. He hoped the Board would support him in removing the lines that he had distributed 3 meetings ago.

Mr. Cilino said that last year in the debate over the flood wall, a company (Greenhill Developers) presented a proposal and what was cited by some people in the Township was the study that was done through Rutgers and the conclusion they came to as far as residential and the Valley Rd. renovation. They thought that residential would be really good, however, there was a meeting with 250 residents of Long Hill Township who were opposed to any residential construction in the Valley Rd. plan, clearly outweighing the study that was done by people who were college students without any experience whatsoever or knowledge of what this Township is about, any history of what the Township wanted, or anything in terms of information about the direction that we might want to head. With that information, he said that he too disagreed with any residential component of this Element.

In response to Mr. Briggs, Mr. Cilino confirmed that he had had an opportunity to read the study that the Rutgers students had provided.

Mr. Briggs said that a lot of the flooding, environmental components, and greenways were addressed as components and bringing them to light is also incorporated in the study. He said that the preparers were planning students and he would say that it was a component of the Board's discussion from beginning to end and certainly wasn't what the Board hung its hat on. He said that, if you look at the number of meetings which were held on this, it was one of the factors that contributed and, as stated eloquently by Mr. O'Brien, there were a lot of thought processes behind it. He said that we took some of it into consideration, but not everything.

Mr. Cilino replied that he understood but his point was that we had some 90 people, supposedly there were a lot of residents but we don't know how many residents, and the number was kind of ambiguous because no one could really tell us how many residents participated in the study and moved forward on it. Even if the number was 90, he said that 250 residents came out in opposition which clearly indicated to him that the residents of this Township were against the proposal in terms of residences on Valley Rd.

Referring to the Twenty-Twenty Study, Mr. Connor said that he knew that specific people were invited and he suspected that somewhere in the data it will show the number of residents. Being a part of it, he said that his take on it was that the overwhelming number of people there were residents and he wouldn't be surprised if it wasn't 75% or so.

Mr. Briggs replied that, even so, it was just an Element – a piece of putting this together.

Mr. Cilino said that with all due respect, for the piece of it, all of the discussions that he was involved in over the last year and into this year with the Planning Board have indicated that the residential component is not wanted and that he was still confused as to why it is still included.

Mr. Briggs replied that the residential component along Valley Rd. is not all inclusive and that there is a COAH component which Mr. O'Brien mentioned and there is also the Walnut Ave./Bay St. live/work Element. He said that he could see that we have discussed along Valley Rd., but there are other components which we haven't discussed which he felt bear discussion. He could see Valley Rd. being an issue but he also saw two other components that need to be discussed as well.

Mr. Connor's recollection was that when this was passed at the end of 2008 as a result of about 2 years of study and multiple meetings and hearings, it was passed unanimously and there was no notable amount of opposition to residential, so while he understood what Mr. Cilino was saying, he said there have been other meetings since then and we have had public input when we got to the ordinance level. At the Planning Board level when it was passed, he said there seemed to be a reasonable compromise between what some people wanted to do which was have *significant* residential within the Valley Rd. business district and others who wanted none. He said that the solution seemed to be agreeable to everybody on the Planning Board at the time and there was really no large voice against the Master Plan at that time. He said that that was his recollection, noting that most of the of the people here were not on the Board then.

Mr. Butterworth agreed that that was his recollection too.

Mr. Cilino said that he understood what Mr. Connor was saying about the people on the Planning Board and when this was looked at, but said we are looking at going into the future here and that was the way he was approaching the matter. He said that we are looking at our future and what we want to see in our future. If, in the past when this Element was produced, there wasn't an outcry of what he discussed earlier, clearly today (from the beginning of 2011 on, from his perspective) the mood has changed somewhat and, again, he said the wanted to stress that we are looking at moving forward into the future and not what took place in the past, otherwise we wouldn't be sitting here, we would just "dust off the old and present it and move forward". He felt that the Board should take that into consideration.

Mr. Aroneo agreed and said that he could also add some history to this. At the time we did Valley Rd. Twenty-Twenty, was right when he became an elected official and there was opposition to residential on Valley Rd. at that time. As a matter of fact, he said that from that committee was spun off (although he was not involved in it) a resident committee opposed to residential and that committee's function was to inform the Planning Board and the Township Committee on the issues involving residential zoning on Valley Rd. He felt that it illustrates the point that there was opposition from the get-go. He said that no matter how organized or not they were, there was still some opposition and, at the Township Committee level (himself being the most outspoken one) there was always opposition to residential use on Valley Rd. for various reasons. He said that it was always out there and he thought that the public probably did not know what was going on and did not have an idea what the potential rezoning of Valley Rd. really meant and, when they found out, they got organized and came down here. He said that he was not involved with the Planning Board that year, but was the year before (in 2010) and there was not a lot of opposition. As a matter of fact, he said that when people asked him about it they were surprised when he told them what type of rezoning was being considered. He thought that it took a long time to get organized and, when it did, the Planning Board heard from the public and he felt it was a good thing. He said that the Township Committee also heard from the public also and he felt that that is what drove the Township Committee to start talking about the Valley Rd. ordinances as they were coming up from the Planning Board and the necessity to give the Planning Board some direction and that is when the Township Committee asked him earlier this year to write the memorandum. He said that there were a few things in there that the existing Township Committee cannot pass legislation on that involves residential uses and increasing lot coverage, density, and building height, and lot consolidation that would change the character of the Township, and would not accept environmental impacts and would consider removing environmentally sensitive or constrained areas from the lot coverage calculation, and obviously no traffic impact. He said that we are talking about residential only and there are a few other things that might be minor, but he felt that we should talk about removing the residential component and when we are done with that we still have to go through the increase in lot coverage. He said that earlier, when we were talking about the Zoning Ordinance itself, he was told by the Board that there would be no increase in lot coverage but when he looked through the Master Plan, it says "Provide bonus lot coverage in exchange for higher landscaping requirements for new buildings". He said that it also says "Connect parking lots and allow bonus development and/or reduced parking requirements for linked parking lots". He said that these are minor things but yet they do increase the lot coverage. He felt that Mr. Cilino brought up a good point and that last fall we debated the flood wall the entire year and we talked about our flooding problem and that we all know that increased lot coverage is going to add to our flooding problem. He said that we are worried about LEED's, building standards and green building, etc. and, if we are really going to take the environmental considerations seriously, we need to talk about the flooding issue and what type of development we are going to allow there that will not impact our flooding *and*, to go further, we all say that the State has standards and we have best practices standards that we follow and a checklist that mitigates the water runoff, but does it really? He asked what we can do to improve that if we are going to build there. He asked if we can we build retention areas larger than required/ necessary so that they have to take some of the water that perhaps they are not responsible for, because we know that the water is coming. He said that the mere fact that they are building there is *definitely* going to impact the people on the lower lying areas neighboring them such as Madison St. and even Warren Ave. further away, because the water will have no where to go but to those properties. He said that there is little bit more than

residential, but he did not think it is difficult. He suggested that Chairman Connor poll the Board members to see where they are with this because he did not think residential is something that the current Board is in favor of.

Mr. Briggs said that one of the three things he had just mentioned was residential use along Valley Rd. (live/work and COAH) and he thought that it should be a relatively quick discussion as to the rationale for live/work. He thought that there were lots along Bay St. and Walnut Ave. where it makes sense and we should discuss why we want to have that. He said that residential along Valley Rd. is a totally different concept/different animal and he felt that that is probably what people focused on when they were talking about no residential. He said that COAH is another issue and we should take those three as part of our discussion and discuss each one.

Mr. Aroneo asked if we are saying that this Master Plan encompasses the Bay St./Poplar Dr./Walnut Ave. area?

Mr. O'Brien replied, "No", and said that the Valley Rd. Business District Element calls for live/work and calls for residential on Valley Rd., but it doesn't specify anything. The specifications were in the Ordinance.

Mr. Arentowicz said that it runs from Main St. to Morristown Rd.

Mr. Aroneo said that it doesn't mention Bay St. or the other areas.

Mr. O'Brien replied that those are in the Ordinances. There are two different documents and two different purposes. The Element lays out what the Ordinances are supposed to say and that is where the vision document comes from. For instance, even though the Element says that they call for lot consolidation and for cross-easements, the Ordinance does not reflect that because the Board did not pass those. So, bonus lot coverage also was not passed by this Board, so it did not become a part of the Ordinances that were written by this Board.

Mr. Arentowicz asked, why have this bonus lot coverage if we never act on it?

Mr. O'Brien replied that the Element was written in 2008 and the Master Plan Elements are visionary statements – they just lay out goals and that the Ordinances buttress what the Element says. If it is not in the Ordinance, it doesn't become law. The Element may *call for it*, but unless it is in the Ordinance, it doesn't happen.

Mr. Arentowicz did not understand why we make the Element so complicated and then we put things in the Element that we are not going to put in the Ordinance. He felt that we should go back in and take it out of the Element.

Going back to what Mr. Briggs said, Mr. Roshto said that there is some confusion. He said that the Valley Rd. Business District Element has the Zoning Maps in it and included in the Zoning Maps are some of the other zones such as Bay St. and others. He could see the confusion of whether or not this Element addresses the other zones on the map and asked if the intent is only to address the BD-Zone, or all of the surrounding zones such as the LWI-Zone and the Bay St. area. He asked for the intent of this Element in terms of the map that is in the document.

Mr. O'Brien replied that the map that is in the document was current as of 2008 and the document itself referred only to Valley Rd. in the study area from Main Ave. to Morristown Rd.

Mr. Connor recalled that it also included Bay St. and said that the Valley Rd. Business District Element included a relatively large district along Valley Rd. (both north and south) with light industry and various other things there and at Morristown Rd. it basically stopped. He said that the Ordinance that was adopted did not take *all* of the Master Plan recommendations and implement them. He said that the Master Plan is supposed to be a long term view or where we want to go over the next 7-10 years. It was his understanding that the Ordinances need to be consistent with the direction of the Master Plan but do not have to include every recommendation within the Master Plan. He said that the Ordinance that was recommended to the Township Committee was one that looked at the total view of where we wanted to go, took into account some of the current considerations and comments, and essentially took a few steps in that direction. One step it did not take is take the property across the street (the Kurz property) and we actually excluded that from the plan (and it normally would have been in the plan), with the understanding that the Township Committee might want to take that property and develop it in such a way that would make the most sense to them. He said that we did that with the understanding that right now it is in an O-Zone and we did not want to recommend rezoning it simply because it could have a significant effect on the price of that land and their negotiations. He said that it was taken out and is very inconsistent with the Master Plan.

Mr. Aroneo said that that is something that the Township Committee would disagree with Mr. Connor on – that we shouldn't exclude that property and treat it any differently.

Mr. Connor said that he didn't say that.

Mr. Aroneo said that he did not think that the Township Committee would think that you *should* exclude that. He said he would think that the Township Committee would say that it should be *included* in the redevelopment plan because we are disadvantaging one property owner over the Township's interests. He said that it may have been well intended but he did not know how the property owner would feel about that if they knew that their property was being left behind.

Mr. Roshto said that he knew that Mr. Connor had mentioned this in the past, but he has never heard anyone else (except for him) on the Planning Board last year or this year make a similar statement, and that he would disagree

with that statement. He felt that when this Planning Board is planning, they are planning for the future, not for something that may or may not happen in the immediate moment. When he listened last year, he said that the decision he heard was that it was going to remain office zoned for the future and it had nothing to do with whether or not you believed that it was because of an individual action that was taking place. He said that the rest of the Board never made a statement other than that.

Mr. Arentowicz referred to Pg. 2 in the last Paragraph before starting the “Board Recommendations” and said it defines what the Valley Rd. Business District Plan covers. He felt that the Board should take a moment and read the 2 or 3 sentences there. It states that “This Master Plan Element shall be known as the **Valley Road Business District** Plan and shall encompass the area of Valley Road between the intersection of Main Avenue and Valley Road in Stirling and the intersection of Morristown Road and Valley Road in Gillette. The study area extends south to the Passaic River and north in an irregular line encompassing the first two properties north of the roadway”.

Mr. Connor said that that is correct.

Mr. Aroneo said that we have our geographical boundaries down and he wanted to go back to what we were talking about before and the discussion faded away.

Mr. O’Brien wished to respond to Mr. Arentowicz first. He said that if you look at the zoning districts on Pg. 8, you will notice that the Valley Rd. Business District does not extend to the River. The Board decided against that and left that in tact. He said that the C and R-4 Zones stop along the River and that is why it was called a “study area” because the Board looked at it and decided not to change it, and so the map on Pg. 8 is accurate in that regard and that it is not to be included in the Valley Rd. Business District.

Mr. Arentowicz replied did not quite understand. If that was the case, he asked why didn’t he go back and change the paragraph that he just read.

Mr. O’Brien replied that the Board studied the area and decided not to include it.

Mr. Arentowicz said he seriously questioned the way things were done here and said, “It’s amazing”.

Mr. Cilino said that he was having a problem and it was like following two different pictures for him and he could just not get his hands around it. On one hand, he understood that the Element is not necessarily acted upon, but when it *is* acted upon, there is an Ordinance that follows. But as Mr. Arentowicz had said, if there are things we are not going to act upon (and he stressed that we are going into the future), he asked why it is in there.

Mr. Roshto said that, when we say it is not going to be acted upon, the current Township Committee may not act upon it, but a Township Committee 6 or 10 years from now *may* act upon what is in the Element and that is why it is important that our future plans are what we want as a Board for this town. He said that Township Committees come and go just like Planning Boards come and go, and just because the current Township Committee isn’t going to approve any Ordinance with residential on Valley Rd. doesn’t mean that a future one might. He said that it is very important that the Element is consistent with whatever Ordinances that the Township Committee may or may not pass because, when they are consistent, then we have more leverage over applicants that come before us.

Mr. Cilino said that we are talking about marshland and a flood area. He said that we also know that the Governor has issued an 11 Point Plan that should be followed to some degree or a full degree. He said that we know that one of the items is that you don’t build in a flood plain and we know that some of this area in question is in a flood plain. He said that we also know that additional building will increase flooding in the area that we are talking about. He said that these are known facts that can’t be changed by a new Board or a new Township Committee. Knowing that, in his mind he said that we disregarding that information and put it in there anyway because it might be acted upon in the future. Unless something changes with just this one example of flooding, he believed that the guidelines will become more and more stringent and this will not be acted upon. He said that it cannot be acted upon and the probabilities of it being acted upon are probably very miniscule. Having said that and we go back and look at the plan, he asked if it is consistent with the guidelines that we are getting and the information that we know? In his opinion, the answer is “No”. He also said that there are other items in here that mirror this particular example and that is what was confusing him. He said that, if we were talking about a flat open ranch here that is above sea level and has 400 acres of wild land that we might want to develop – throw everything in but the kitchen sink, but that is not what we are talking about here. He said that we have to be realistic in what we are putting down here so that it is not left to misinterpretation. He said that, right now, we are the forefathers of the people who are going to come in here in the future. He felt that there should be no misinterpretation of what is a possibility and what is not a possibility. In his opinion, the item that Mr. Arentowicz discussed, is *not* open to interpretation, or if it is, then we are disregarding some very important information.

Mr. Aroneo wished to talk about something that Mr. O’Brien had said in the past and that is, if the Township Committee does not adopt the Ordinances that are consistent with the Master Plan, it may leave us in a position that the Ordinance is not defensible. He asked Mr. O’Brien if he agreed.

Mr. O’Brien replied that he agreed, with the exception he had noted.

Mr. Aroneo asked how that it is different from a developer coming in and saying that we don’t have an Ordinance that supports this, but yet it is in your Master Plan, such as residential or some of the other uses. He said they might

have a better case at the Zoning Board, even if they choose to go that route, if it is consistent with the Master Plan. He felt that would be a good statement to make to a Zoning Board.

Mr. O'Brien replied, barring any other negative restatement of that, as in an Ordinance or in something that the Township Committee would adopt. He said that, if it is un-refuted, it stands alone.

To remove any ambiguity, Mr. Aroneo said that he would be in favor of removing some of those major points of contention from the Board.

In response to Mr. Aroneo, Mr. O'Brien said that the Element is reviewed no less than every 10 years.

Mr. Aroneo said that, if this is a forward looking document and we are looking far out in the future, he would say that in the next 10 years it can be changed. However, he said that if we don't want something now and for the future, there is no point in leaving it in and it should come out.

Mr. Cilino agreed.

Mr. Briggs said that so far, the only thing that has been provided is the residential component and that he would like to go back to that and start making progress on items.

Mr. Aroneo said that he was opposed to any residential use in the geographical area defined in the document.

Mr. Connor said that three different uses were addressed. One was live/work and if you look at Pg. 8 it shows where the overlay area is on Bay St./Walnut Ave. He asked Mr. O'Brien to discuss that area since it contains other activities also and is an already established area.

Mr. O'Brien replied that one of the devices that the Planning Board can use to target a specific area within a larger zone is called an overlay zone and it goes into a narrowly target area so that everything that is in the underlying zone exists, but in this particular area you can have other things that the overlay zone allows. For Bay St./Walnut Ave. last year when the Board was going through the allowed uses, the realization was that many of the somewhat industrial type uses in that area would become nonconforming uses, so the Board decided that they would put this overlay zone on Bay St./Walnut Ave. which would allow the existing uses which are more in tune with the LI-2 Zone, as well as the occasional residences there to exist as conforming uses in that overlay zone.

In response to Mr. Roshto, Mr. O'Brien said this is in the Ordinances (rather than in the Element).

Mr. Roshto said that he would like the Element to drive the Ordinances and not what is in the Ordinances. He felt that that was what Mr. Briggs was asking as well. He said that nowhere in the Element does it discuss what Mr. O'Brien just said and, if that is the intent of this Board, then the Element needs to talk about that, otherwise we have the BD-Zone and his recommendation was to remove all residential from the BD-Zone. He said that, if we want to add into the Element an overlay zone and discuss that, then we should put that on the table.

Mr. Arentowicz had major concerns about Bay St./Walnut Ave. He questioned, with the studies by the EPA and the ongoing wells that have been drilled by the Exxon Station, what we are ever going to be able to do in that area until the environmental issues get resolved, if and when. He said that there are at least 32 wells drilled around the Exxon Station and, if you looked at some of the findings of what comes out of those wells, it is a little scary. He seriously doubted that the NJDEP and the Federal EPA will allow much about nothing in that area until all of this gets resolved – and he said it is major.

Mr. Connor said that this is a long term view and there certainly may be individual actions that will prevent us from getting to a long term view, but again the purpose of this is looking out 10, if not 20, years to develop where you want to get, where you would like this Township to be, and what sort of development you would like to see. He said that a lot of information has been given and at least there was a vision that was put forth on what people would like to see this Township look like which would give the Township a better downtown and definition and it would have at least the potential of bringing in business ratables and ratables that end of modifying and lessening the tax burden on the residential side where currently we are probably next to the last in business development as a Township. He said that we are so focused on getting our tax revenues from the residents that trying to bring in some active business units that are consistent with the future that this town wants to look like would be very, very helpful to the taxpayers and that is certainly one of the visions that we have.

Mr. Roshto said that apartments and townhomes are not good ratables.

Mr. Connor replied that that really depends upon the type of apartments that you have.

Mr. Roshto said that every proposal that this Board has seen in the past years are *not* good ratables.

Mr. Aroneo felt that the ratables that are consistent with this Master Plan that was presented to the Board drew out the residents and we saw how they feel when weighing ratables versus the character of their town. He did not think that the residents want it at all costs.

Mr. Arentowicz said that he attended both of the meetings on Greenhill Development and about 80-90 people attended the first meeting and about 250 people attended the second meeting. He understood where people are coming from and what happened in 2007 and 2008, but if we are talking about a vision here and what the latest results are, and this group asked for direction from the Township Committee and received it, and now we want to debate it – he said he did not understand. He said that we talk about a vision and it has got to go out 20 years and he just came from a training session and learned that we have to revise the Master Plan every 10 years, so if this group has a vision for 20, we can change it. He said that he certainly did not have a vision for 20 years out, but he felt he could work with 10. He felt that the Board has to quit beating their heads against the wall and that the issue on the table is residential. He said that we received the direction from the Township Committee and it hasn't changed, so let's move on with it.

Mr. Roshto said that, out of respect for Mr. Briggs' comment, we touched on two of them, but not the third and that is COAH.

Mr. Briggs said that we had a discussion that it could possibly come back and we are not sure in what form and that Valley Rd. would be a place where we could have seen those mandates put into force. He said that the Board felt that it was better there than in some of the residential areas, or without it. Whether it is apartments above shops or senior housing - whatever COAH would be, he said that we wanted to see it along Valley Rd. as opposed to having it elsewhere. He said that, to his mind he still hasn't gotten the live/work thing, but it seems we are really focused on townhouses and apartments on Valley Rd.

Mr. Roshto thought that the live/work was off the table.

Mr. Aroneo asked if COAH could be discussed first. He felt that the people who were here before us did an excellent job with our COAH obligations. As a matter of fact, he said that we had credits the last time we were counting, although he said he did not know how they count anymore or what the number is. He said that they also did a good job of mixing the COAH obligations throughout the Township, which he felt we *should* do, rather than to create one area for COAH. If we put all of our COAH obligations in one area, he was afraid of what that might look like in 20 years. He said that we all know that the type of development we are talking about here, if COAH comes back in the form that it left us, will create more COAH obligations than we have right now.

Mr. Briggs said that some of the COAH obligations are apartments above commercial and you can drive by them every day and not even know they are there. So, to take COAH obligations and say that you can't have them on Bay St. or next to the bike shop, he felt that is limiting. He felt that the idea is that you want to be incorporating. To that point, he said that we have it all over town and to exclude it from here as an option, he did not feel it is appropriate.

Mr. Aroneo said that, if we find out what our COAH obligation is and we want it in certain areas, we can at some point adopt an ordinance that says that. He said that it doesn't need to be in the vision document - it can be in the legislative document.

Mr. O'Brien said that the reason the Board put it in here was because, in the past, COAH gave very little lead time.

Mr. Cilino felt that you could make a successful case when talking about very little lead time if they are unreasonable in today's environment.

Mr. O'Brien replied that there have been 40 years of COAH lawsuits and, unfortunately giving municipalities more time to respond to COAH has not been successful.

Mr. Cilino replied that response is one thing, but producing the end product is something different.

Mr. O'Brien said that what COAH has done in the past is that they have mandated that municipalities adopt ordinances allowing COAH housing and using the formulas that the State develops.

Mr. Cilino said that we are talking about additional units in a flood plain.

Mr. O'Brien replied that there can be no development in a flood plain.

Mr. Cilino replied that he knew that, but he was looking at the Master Plan Element and it looks like a very encompassing good vision but there are a lot of pieces to it that require a lot of land and we don't have a lot of land, we have 9/10 of a mile on a very narrow strip. He felt that realism needs to play a part in the overall scope of this plan.

Mr. Connor said that there has been a suggestion that residential north of Valley Rd. be addressed in a revision.

Mr. Roshto did not think what he was recommending discussed the north side.

Mr. Smargiassi said that it is only referenced in the Ordinance and not the Element.

Mr. Connor said that the Board needs to decide if it wants to reopen the discussions and the revision of the Valley Rd. Business Element. What he heard was that there is certainly a discussion as to eliminating all of the words

having to do with residence on Valley Rd. , COAH, or live/work. He said that that would be one portion of a revision. He asked the Board if that is where we should start and limit discussion to that revision to the Master Plan.

Mr. Aroneo said that, as he said earlier, he does have 2 or 3 other areas where they mention increasing lot coverage and, to follow through with the direction of the Township Committee, he would support that direction that says no increase in lot coverage or density and no lot consolidation or other changes that could change the character of the town. He said that that may not be increasing lot coverage, but he did not know where it says consolidation, but he would look for that and, of course, the environmental impact. He said that he would seek guidance from Mr. O'Brien and, specifically, the comments that Mr. Cilino made and that he made earlier about flooding being a consideration there and what could possibly be done as far as on-site retention that is greater than the current requirements.

Mr. Connor said that he did not see anyone who did not at least want to discuss the residential aspects of the Element and that he heard enough comments that there is a majority that would like to open that up for consideration. He said that Mr. Aroneo added more and there is a question of whether we will spend significantly long periods of time doing the revision, or are we going to try to address the residential issue and then work through some of the other items later? He felt that there are much different and more complex issues on some of those things. He asked Mr. Lemanowicz to address the question of runoff.

Mr. Smargiassi wished to address the residential/live first and make some type of decision on that first and, then if there are other pieces that we want to discuss, we can discuss them. He said that, as Mr. Aroneo had listed them, there are actually not that many. He could see consolidated parking to actually have a benefit because it could reduce overall lot coverage in the long run for a project, so he said there may be some things that we may want to keep to help further the goal of limiting runoff and lot coverage.

Mr. Cilino said that he had some bullets and asked Mr. Connor if the Board wanted to write them down without discussing them so that it has an idea, or if they wanted to go back and revisit them as they come up.

Mr. Connor said that he would like to resolve the revenue position first and then see what the Board wants to do with the issues in the remainder of the Master Plan, because he saw them as two different discussions. He felt that the residential one is relatively clean and clear and felt that there is a lot of background on why other items are in the Element. He said that, clearly, there is an attempt not to increase but to decrease runoff. He said that connecting parking lots to the rear allow for better greenery and better areas for water retention in the front. He said that there are a lot of activities by which making things more attractive you also may be able to reduce runoff via retention basins or large drywells when changes are made and he felt that that is a much more complex discussion.

Mr. Aroneo agreed that with some of the items, if we state the reason for them they may disappear, but on some of them (like provide bonus lot coverage in exchange for higher landscaping requirements), that might not be such a good thing to have. He could see the intent of the parking and said that, the Board may want to open that up and just talk about a one or two word change so that the intent (to reduce the overall coverage) is more clear.

Mr. Connor said that shared parking can reduce the amount of parking and we currently have individual entrances which are paved and some of those could be turned into green areas. He asked for a motion for the Board to reopen the discussion of the Valley Rd. Business District focusing on residential uses.

Mr. Aroneo moved to reopen the Valley Rd. Business District Element to discuss (only) the topic of residential use permitted in that zone which was seconded by Mr. Briggs.

A roll call vote was taken. Those in favor: Dr. Rae and Mr. Briggs.

Mr. Roshto said that he knew there was a motion on the table, however there were 5 specific lines that he was recommending be cut. He asked if the motion could be made on those 5 lines.

Mr. Connor asked Mr. O'Brien if it was correct that the Board could not change the Master Plan without a noticed hearing.

Mr. O'Brien replied that that is correct. He said that, should the Board wish to change the Element in terms of language, the steps which past Boards have taken have been to say what they want it to say.....

Mr. Aroneo interrupted and said that the Board was in the middle of a roll call vote and asked if this discussion should continue procedurally.

Mr. Roshto apologized.

Mrs. Wolfe continued to call the roll. Those (additional members) in favor: Mr. Butterworth, Mr. Cilino, Mr. Aroneo, Mr. Roshto, Mr. Smargiassi, Mr. Arentowicz and Mr. Connor. Those opposed: None.

In response to Mr. Connor, Mr. O'Brien said that the Board should advise as to what it would like to see changed and it will be changed and revised and come back to the Board to make sure that that is what it wants. At that point, he said that we can notice for a scheduled public hearing on the adoption of a Master Plan Element. He said that it

must be noticed in the newspaper, and notices must be mailed to neighboring Township Clerks and the County Clerk and the process takes about 30 days.

Mr. Cilino asked, if the Board makes recommendations to the changes in the Master Plan and they are implemented, why does it have to come back to the Board to make sure that that is what they want. He said that they have already given the instructions and asked if that could be done via e-mail and returned to Mr. O'Brien in a timely fashion.

Mr. O'Brien replied that he merely stated what the past practice of this Board has been and the Board may change that practice and do whatever it wishes.

Under any circumstances, Mr. Connor said that the Board can take care of that tonight. He said that it could be a specific proposal that could be adopted to direct the Planner to make those changes into the Element and it could be returned to us.

Mr. Roshto said that he would like to make a motion that the five items that he presented to the Board three meetings ago, one being the words "and live" at the top of Pg. 2 and on Pg. 3, the first, second, fourth, and seventh bullets under "Community" be stricken from the Element.

Mr. Aroneo seconded the motion, adding that he also wished to remove all other references to residential usage in the Valley Rd. Business District of the Master Plan.

Mr. Cilino asked if he could add something.

Mr. Connor said that Mr. Aroneo recommended an addition to Mr. Roshto's motion which was to remove all residential usage. He asked Mr. Roshto and Mr. Aroneo if that was agreeable to them and each answered affirmatively. He then stated that the motion was open for discussion.

Mr. Cilino referred to the last two words of the first paragraph on Pg. 2 ("and live") and requested that they be stricken from that sentence. He also said that there are some references in the document which refer to businesses having input to decisions that are being made as to the land use. He referred to the first bullet on Pg. 3 which states "Include business owners in the defining and developing of business friendly practices and appropriate incentives for new construction and remodeling". He said that that was ambiguous to him and he was unsure what it means.

Mr. Connor said that, if we want to go through the entire Valley Rd. Business District Element of the Master Plan....

Mr. Roshto said that he had a motion on for residential right now and would like to stay on that.

Mr. Cilino replied that he misunderstood and thought the Board was expanding it out to other bullets as well.

Mr. Connor said that right now it is restricted to anything related to residential.

Mr. Smargiassi said that in reading the Element, by removing "live", he saw no detriment to the Element whatsoever. He actually felt it makes it stronger, specifically in reference to the part of the Element that Mr. Roshto read at the beginning of this meeting. He said that traffic and flooding have been a major concern to this community and they have only been highlighted of recent events. He did not believe that Valley Rd. is the place for new urbanism within the Township and he felt that there are better locations within the Township for the type of housing that was previously envisioned for Valley Rd. and with regards to COAH. He said that it is hard to plan for something when you have no idea of what the ground rules will be. It was his understanding that we are in compliance as of the last known COAH existence and that, if it comes back, this Board and the Township Committee are free to then look at what those ground rules are and maybe bring COAH back to Valley Rd., or maybe not. He said that once you actually know what you are dealing with, you have the ability to do that and consider it. Overall, he said that he would be in favor of removing and supporting what has been proposed.

Mr. Briggs said that, if we look at one of the other bullet points about no lot consolidation, some of his concerns were that there are smaller buildings down towards Main Ave. such as the dry cleaners on one level with an apartment above. He said that, if you don't have lot consolidation, he worried that you would have a (former) Zizzor's type of environment where we start to go derelict and we don't have people with incentive to do anything down there, noting that there are tiny parcels. Without an incentive to upgrade, or at least have commercial with rentals on top to try to move things along, he said that you are really hamstringing the owners.

In response to Mr. Aroneo, Mr. Briggs said that he was looking at the statement saying there should be no lot consolidation that would change the character and said that consolidating two lots and tearing down two buildings to build one, in his opinion would change the character. On the other hand, he said that you are taking away the economic incentive to maintain or have a building there because who is going to be going to rent above a cleaner on Main Ave.? He felt that the Board needs to consider it as a whole and he felt that the impact from people in apartments or people who live/work is not going to be the fear or threat that multi-units could be. He saw it as taking out an option for somebody and he didn't think it is that prevalent throughout the town.

Mr. Roshto said that the compromise Ordinance that came before the Township Committee didn't have apartments above retail. It was only townhomes on the north side of Valley Road, so he was not sure what Mr. Briggs meant.

Mr. Briggs said that it didn't make it through as far as a discussion, but it has been a concept in his mind as far as what can be done down there. He said that when he saw no lot consolidation, it came back to his mind as being an issue for those ten lots from Main Ave. to Morristown Rd. that would be affected by this.

Mr. Smargiassi said that what is being discussed currently is not lot consolidation.

Mr. Aroneo said that he was talking about live/work – living above the business establishment.

Mr. Briggs agreed that it is a narrow focus and narrow field, but he wanted to give the opening to someone who has a single family dwelling – that they are not going to be able to do anything else if we go that route.

Mr. Smargiassi said that the area Mr. Briggs had cited is troublesome to him because we happen to know that it floods. From a long term perspective, he said that he would actually prefer not to see *any* residents in that specific area. He said that the Bay St./Walnut Ave. area may be a better area that is suited for something like that. He was not sure if there is actually any residential over a home there. He knew that there is at least one single family home there and probably more. He recalled a discussion last year when concern was expressed about having *any* residential in the drycleaner area (which was previously an O Zone) and not allowed. He said that, if the lots were consolidated, the owner always has the ability to come back and say it is an existing non-conforming use to be able to continue it.

Mr. Briggs said that, if you limit the lot size for any lot under “x,y,z” you can have this. He said that the other thing is that you already see what is happening because it is in a flood zone – the corner house is for sale and the former Zizzor's building is a disaster and there is no incentive to do anything there without lot consolidation. He said that the view was that, if you consolidate the small lots, you have a lot more ability to do things that are proactive from a flooding perspective. If you keep these single units, he said that you are hamstringing the whole area. He worried that 10-20 years down the road, you will see the same type but it will be expanded.

Mr. Connor agreed that that the lot consolidation (which isn't necessarily under discussion) has a lot of advantages if you can now develop properties that really have value rather than properties that will remain as they are unless there is some way to get some consolidation or you will get very little vertical two-story buildings that nobody will really build. He said that Berkeley Heights has a version of their individual small buildings on small lots and he has heard people tell him not to make this look like Berkeley Heights. He said that it is true that some of those elements already are live/work and there may be an area where that is appropriate and he felt that Bay St. is certainly one.

Mr. Briggs said that perhaps the matter should be put on hold since we are discussing other parts of the Element and, if it turns out there are other options, we can strike live/work.

Mr. Aroneo said that, so far, we are *only* talking about residential right now.

Mr. Smargiassi said that another option (which doesn't have to go into the Element) is to provide an overlay zone like was considered for Bay St./Walnut Ave. to address the specific issue. He said that the Element can guide and provide the bigger picture that maybe we don't want residential within this area, but we have the ability to come back and say in this very small and very defined area, with set limitations, we believe that we should have work/live, or whatever we decide to do. He said that there are options to us as we move to the Ordinances to address some of those concerns.

Mr. Arentowicz said that at a current residence on Bay St., the EPA just dug down about 18” – 24” at the driveway and removed all the soil on Bay St. from that one home and replaced it.

Mr. Connor said that he wished to clarify that at the hearings that will be further discussed and there could be additional suggested language at that particular time which may deal with overlay zones in a particular area.

Mr. Smargiassi said that he did not want to support or imply that he supported adding overlay zones in the Element.

Mr. Connor asked Mr. O'Brien to read his understanding of the motion since he is the one who will have to carry it out.

Mr. O'Brien replied that Mr. Roshto made a motion that the changes that he suggested in his February, 2012 document be adopted, as well as any other changes required to perfect the removal of residential uses. He said that he suggested a number but, as has been pointed out, this is a document that says a lot of things in a lot different places and just saying “no residential” will affect other areas of the document and more than that will have to be rewritten.

Mr. Connor confirmed that that is the motion before the Board and asked if there was any further discussion. There being none, he called for a vote.

A roll call vote was taken. Those in favor: Dr. Rae, Mr. Briggs, Mr. Cilino, Mr. Aroneo, Mr. Roshto, Mr. Smargiassi and Mr. Arentowicz. Those opposed: Mr. Butterworth and Mr. Connor.

Mr. Connor asked Mr. O'Brien to consider the calendar which sets a date for a public hearing.

Mr. O'Brien said that he would feel a lot more comfortable if the Board were to review the language that would change because there are other sections of the document that must change as a result of the vote that was just taken, but that is up to the Board. He said that the Board did discuss possibly having a public hearing on May 9th for this Master Plan revision. He said that the Board may also wish to consider, since there are other Elements that are up for review by this Board, to consolidate them and do them at the same time, at the same hearing, which would save some time and money, or they may be done individually.

Mr. Connor agreed with consolidation to save money but, in this particular instance, he felt that this is an important enough Element that it should be handled on its own, with its own hearing and that lumping it in with other Elements is probably not a good idea. He said that the idea that Mr. O'Brien provide a marked up revision, however, is a good one.

Mr. O'Brien said that a minimum of 10 days notice is required, however that is governed by the newspaper schedule and the logistics of getting the document out, so it is typically a minimum of over 3 weeks and 3-4 weeks is what works. He said that he would need to prepare a draft revision that would go out with the notice and Mrs. Wolfe would send that out to the County. He said that the Board would review that draft, hopefully, at our next meeting (April 24th) and make whatever additional changes that need to be made to it at that point and then that document would be the one reviewed at the Master Plan hearing on May 8th.

It seemed to Mr. Connor that it would be hard to meet the deadlines for May 8th. Considering the process which Mr. O'Brien outlined, it seemed to him that May 22nd would be a better target date. He believed that the Board must consider what the impact is in the other sections and have that discussion. He asked Mr. O'Brien if that discussion could be held at the next Board meeting.

Mr. O'Brien replied, "Yes".

Mr. Smargiassi asked for clarification of the impact in the other sections.

Mr. O'Brien replied that it was only referring to residential. He said that there may be other areas within the Element that discuss residential other than the sections that Mr. Roshto had highlighted.

Mr. Smargiassi replied that he had not seen any. He said that he may be oversimplifying it, but there are specific areas where either residential or live are noted and you either delete the word or delete the entire bullet. He felt that the rest of it seems to stand pretty much on its own without that. He did not recall specific references that would need to be changed or a dramatic rewrite that might take a significant amount of time.

Mr. O'Brien agreed that it would probably not be a significant amount of time, however he wanted to make sure that the document is looked at carefully. He said that he read it this morning and could remember a couple of minor instances, but he wanted to be sure, particularly given the emphasis that the Board is putting on making this change to make sure that the change is correct.

Mr. Cilino agreed. He said that, to expedite, we have a number of eyes that can really look at it again when it is fed back out to the Board before the next meeting. He did not see a tremendous amount that needs to be changed on that particular item except for as was stated.

In response to Mr. Connor, Mr. O'Brien said that he would have a draft for the next meeting. He said that he would like to get it out next week so that the members have a week to review it. If the hearing is on May 8th, he said that the draft can go out with the notice. If the hearing is May 22nd, the draft to review at the next meeting and to make any changes to, that will be the draft notice. He confirmed that, if changes are made, new notice is not required.

After further discussion, it was agreed that May 8th will be the target date for a public hearing.

In response to Mr. Aroneo, Mr. O'Brien said that he would provide a strike-through copy to the Board.

Mr. Connor asked if there were any other items to come before the Board.

Mr. Roshto noted that he was not here at the last meeting and thanked the Board for tabling this discussion until this evening. Looking at the schedule which Mr. O'Brien had prepared, he said that beyond June and July he was still a little uncomfortable that there would be enough time to get to the "heavy lifting" – the Land Use, Stirling, & Millington Elements. He wondered if it would be practical to form a subcommittee to start them rolling sooner rather than waiting until months down the road.

Mr. Connor said that it depends on two things. One is people willing to serve on a subcommittee (which he assumed we would have) and the second depends upon Mr. O'Brien's time because, obviously, he is a key player and, in those subcommittee meetings, he is the one who normally organizes and we work through.

Mr. O'Brien replied, "Mr. Chairman, I still work for you, whatever your pleasure is".

Mr. Connor replied that he still worked for him at his pleasure and our budget and his time constraints with other clients. He said that the Elements that came to his mind most are Millington and Stirling, which need to be tied up. He said that part of that is dependent upon the study we are currently doing.

Mr. O'Brien replied that the Millington study is slowly moving forward and the major emphasis is going to be what happens with the redevelopment presentation and the Board's reaction to that and the direction we get from that. He said that that will be a major piece of it.

Mr. Roshto asked why we need someone to come before the Board to give a proposal in order to start talking about Millington. He did not understand that concept.

Mr. O'Brien replied that the study is for a transit oriented development around the Millington Train Station. He said that what we have been doing so far is background work. He said that all along this Board has known that there has been a concept for the redevelopment of Millington and it has, so far, been the Board's wish (from past direction) to hear what that application or that concept is going to be and whether or not that dovetails with what the Board has in mind. He said that it was thought when we set this up that it would be easy for the Board to respond to a concrete proposal and then make some decisions as to what they would like or didn't like and then give direction as to which direction as to which way we wanted to go. He said that another way to go is to create a study and a number of different scenarios but, when the Board thought about that, the decision that they made was that that would be time consuming and take money and it was easier to see a concrete plan from somebody and take off from that.

Mr. Roshto asked if we received a grant to do that study.

Mr. O'Brien replied affirmatively and said that we are working on the background study as part of that study.

Mr. Connor said that we should probably set up a 3 member subcommittee to work with not only the background grant and sort of do this in parallel so this particular proposal may be something that is good input to us as an example. He felt that there are probably a lot of other issues to deal with that would be independent of that particular proposal. He asked if there was an agreement to set up a subcommittee to work on the Millington Element of the Master Plan.

Mr. Aroneo said that he would have to know what their task would be and what they would set out to accomplish.

Mr. O'Brien said that, if the Board so wished, they could have the subcommittee narrow down the choices for the Board as to what type of development you would like to see as a part of that study.

Mr. Connor said that, if you wanted to have a charter (which he did not believe would be written tonight), we could write one and have it available in 2 weeks. He suggested that he and Mr. O'Brien put together what they felt a charter would be and asked anyone who is interested in possibly serving on the subcommittee to contact him.

Mr. Roshto and Mr. Cilino volunteered to serve on the subcommittee.

Mr. Connor said that next time we will put together a charter and agree as a Board what that charter is and we'll appoint 3 interested Board members.

Mr. Arentowicz asked if we are done discussing Valley Rd. (other than residential).

Mr. Connor replied that we are done discussing Valley Rd. at this point.

Mr. Cilino said that he was confused about that because it is 9:45 PM and we have an hour and 15 minutes left. To expedite efficiency, he said that he had some items to discuss and he felt that we should get as many on the table as possible so that when we come back we've got a jump on this and those items are incorporated in the change that Mr. O'Brien is going to give us, rather than waiting for the next meeting, which is going to prolong this whole process by at least two weeks or maybe longer.

Mr. Connor said that his concern was that he felt that we could fairly cleanly deal with the residential piece of it. If we try to reopen the entire Element, he felt that rather than being *more* efficient, what that will do is clearly cause us to take longer and have longer discussions and he felt it is actually a *less* efficient way to proceed. He said that it is up to the Board, but his interest was at least to get two things done – the residential piece of it (which he felt is the most important) and then that feeds directly into the ordinances that are being considered. He said that, if the Board wants to expand, there is considerably more work on Mr. O'Brien's part and there will also be much larger discussions on upcoming times. He said that his interest was in trying to get this done in an expedited way.

Mr. Cilino said that that was also his intent and objective. He said that what he has suggested is not necessarily to discuss all of this at this juncture, but at least get it down as a matter of record that it is up for discussion. As far as efficiency goes, he could not see the difference between putting those down on a list and incorporating them to be talked about for the next meeting or waiting until the next meeting and bringing them up and putting them down. He said that he was not looking at rewriting the whole document, but he said that there are some things in it that he felt strongly about that are irrelevant to the document. He said that he assumed that you will hear those oppositions that he had and what he was saying is to position them in the document. He said that others will have a chance to review it and be prepared to at least discuss it, as opposed to trying to discuss it from a surprise standpoint when it is brought up in 2 weeks.

Before continuing the meeting further, Mr. Connor called for a brief recess.

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Mr. Cilino said that he would like to list some things he would like the Board to review over the next couple of weeks which might be some items for removal. He referred the first bullet on Pg. 3 which states “Include business owners in the defining and developing of business friendly practices and appropriate incentives for new construction and remodeling”.

Mr. Smargiassi asked Mr. Cilino to comment on why he would not want that bullet included.

Mr. Cilino replied that he kind of gets shaky when we incorporate business owners, or anybody on the other side of the fence, to start talking which then leads to debating on their issues or points versus ours. He said that it is not to say that people can’t make a suggestion or give a reason which might light a bulb in you head. He just felt to increase the scope of people who are inputting any development of business or friendly practices..... first of all, he said that he did not even know what that means as far as how a business owner would define that or add a definition to what. Secondly, as to appropriate incentives, he said that he was totally at a loss as to what that means. He said that, if he was to read this from a third party, it sounded to him like maybe there is some collusion in there and that we will give you “x” if you will do this for us. It did not sound right to him.

Mr. Smargiassi said that his “two cents” was, why just include business owners. He felt that it should be all inclusive and, if that is the case, you just eliminate the point. He said that he would tend to agree with that.

Mr. Aroneo said that anyone is free to make comments at any point, whether you are a resident or a business owner.

Mr. Connor said that he thought it was included because there has been a long term complaint from businesses, the Chamber of Commerce being one, that they aren’t included and that businesses are, in fact, excluded from giving their advice and being listened to. He said that he knew that we have a history of being “unfriendly” to business and it was specifically included to indicate that really want to develop Valley Rd. and take everybody’s best ideas, including business, and so this was a positive statement for more inclusion rather than preference.

Mr. Aroneo felt that Mr. Connor said it in a much clearer way than it was written in the document.

Mr. Cilino said that another item on his list was under the “Community” section and he felt that it was pretty much discussed. Referring to Pg. 3 under “Environmental Best Practices”, he said that we talked about the words “best practices” before and said that we should look at it again and make it coincide with the document that we changed. He did not mean to rewrite the whole section, but asked if it really parallels the document that was changed under the reference manual.

Mr. Lemanowicz said that the reference manual was limited to stormwater and this is environmental and gets into recycling. He said that the one we did was a small piece of what he would expect under No. 3.

Mr. O’Brien added that “best practices” is a common term on both the engineering and planning sides.

Mr. Cilino replied that this is for all business. He said that the last bullet on that page states “Provide bonus lot coverage in exchange for higher landscaping requirements for new buildings”.

Mr. Aroneo said that he brought that up before and concurred.

Referring to No 4 on Pg. 4, Mr. Cilino asked if the intent is to slow down traffic on Valley Rd. He said that, for the most part on Valley Rd., the speed is pretty much consistent and set at 35 mph. He asked if we want to go down to 25 mph or something like that. He noted that, during rush hour, you can’t go 35 mph. He felt that this is something that we might want to reposition. He said that he read it as we want to do something to intentionally take the 35 mph speed limit and reduce it.

Referring to the 7th bullet under No. 4 on the Pg. 4, Mr. Cilino said that it states “Restore Valley Road to a 2-lane road with appropriate turning lanes and designated parking areas”. He said that, unless he was misreading this, he thought that Valley Rd. is a 2-lane road and it does have turn-offs.

Mr. Aroneo said that it does have a middle turning lane and his interpretation was that they were saying to get rid of it.

Mr. Cilino said that that was the way he interpreted it at first and then he was not sure because it says “with appropriate turning lanes”, so appropriate turning lanes is in there.

Mr. Aroneo said that the turning lanes would be limited to certain areas, as he understood it.

Mr. Briggs felt that part of the concept was to have a median, green, a median, green, and by having back connecting parking lots, you would have less people coming in or trying to get in to access, so you would have primary intersections as the means to get in and out of residences, which would have a natural calming effect instead of having the asphalt that is there now.

Mr. Cilino said that he was trying to envision a green median that is going down Valley Rd. for 200'-400' and, if he wanted to get into Shop-Rite Liquors, there has got to be an opening. He said that, if he wanted to get into the cleaners, he would have to go down and make a u-turn and come back.

Mr. Briggs disagreed and said that the idea is that if you have the Plainfield Rd. light – if a development goes there that connects some of the businesses behind, you wouldn't have the entrance and exit from between the median, you would actually use that light at the intersection to get to the businesses through the back – to have the connecting parking lots behind the businesses.

Mr. Cilino said that he would have to see a drawing of it.

Mr. Aroneo said that it may have been officially adopted by this Board in 2010 and that the Shade Tree Commission actually put together a tree lined Valley Rd. concept plan which may be helpful to take a look at. He suggested contacting Walter Carell as the resource for it.

Mr. O'Brien said that it was also adopted by the Township Committee in 2010 and was recommended to Morris County.

Mr. Aroneo said that he did not think that the plan was saying "build this plan", it was more of what *could* happen on Valley Rd.

Mr. Connor said that it was certainly consistent with this bullet point.

Mr. Cilino felt that it definitely would add beauty and he was trying to envision it with all of the turn-offs there.

Mr. Arentowicz said that we had trees on Main St. that we have taken down and put up smaller trees which will grow for the future, but he also lives in a development where trees were required on both sides of the street and he estimated that 15-20 trees have died and 1 blew over 2 days ago. He said that they haven't had a tree replaced in his development since the developer was around to place them in, so he was very cautious when we hear things like "we are going to have tree lined streets on Main St. and Valley Rd." on who is going to maintain them. He said that we don't maintain what we have now because of costs, so he seriously questioned that. As to the comment on the traffic, he said that he drove here tonight and hit 2 out of the 4 traffic lights and he reminded the Board that the one at the Exxon Station has an arrow and the one at Luk Oil has an arrow and now they want a left hand turn arrow. He said that his two children live in New York City and he can go 70 blocks without stopping. He asked if someone on the Board in the past could prepare a response of how we are going to calm the traffic given the fact that we had people study this and made the turning lane as more convenient. He has said he has seen the center islands in Warren and Watchung and spoke with a police officer when they paved Watchung and told him that there are more weeds there now than there ever was and the road is more bumpier than it ever was and, if that is what is calming, "God Bless Us".

Mr. Smargiassi said that it is too detail oriented for the Element. He did not think anyone would disagree that we want calming and how you do it and how you get there is a whole other discussion that we don't need to have now. He said that the Element is supposed to be the big picture and while we should pay attention and be cognizant of what the words are here and what they say, just because it says "calming" doesn't mean we need to decide what that means today and we don't need to define what that is in the Element. He said that we are getting very detail oriented here in the discussion.

Mr. Arentowicz said that he read it and it talks about pocket parks and he could provide a history of pocket parks in this town. He said that there was a proposal at one time that we would have 20 pocket parks and the residents got up in arms over the pocket parks and no pocket park got added. He was not so sure if we would get the same reaction if we put a pocket park somewhere on Valley Rd., so he felt that we need to consider that at the next discussion as well.

Mr. Cilino referred to Pg. 6, Sec. VI and said that he is a proponent of giving a pat on the back to people who participate, however he questioned if it should be part of the Master Plan or should it be a separate letter that goes out. Also, he said that we should review from Pg. 9 to Pg. 15 for information as to whether it should be a part of this Master Plan. Again, he said that we are looking at community involvement in the Master Plan (on Pg. 12); the ANJEC grant on Pg. 10; the Rutgers Study on Pg. 9 (which he said was a sore spot with him); and specifically the last bullet under Item No. 5 on Pg. 14 which states "Support the Army corps of Engineers Passaic River flood wall project", which he felt is outdated.

Mr. Arentowicz agreed.

Mr. O'Brien said that this community, dating back to 1984-1985, has included the background studies as part of the Master Plan. He said that about half of the 1995 Master Plan is background study and that the Board may change that practice at its discretion.

In response to Mr. Connor, Mr. O'Brien said that in his experience with other Boards they are commonly included.

Mr. Connor said that he saw a reason for background studies but we are not going to have a discussion on it. He said that at least it lets you know where to look if you want to find more information.

Mr. O'Brien said that what some other communities have done is to separate the Master Plan into two volumes. One would be the Plan itself and the second would be the background studies, so they are not all included in one.

Mr. Cilino said that that might be an objective.

Mr. Arentowicz said that on one page it talks about parking garages below ground or above ground a flight. He had major concerns with that given people's safety and security and the water table. He said that he was directly familiar with a couple of major universities that shied away from any lower or upper parking decks because of security reasons, especially at night. Given our flooding problem, he said that he seriously think that we need to consider whether we go below ground for parking or above ground a flight for parking. He said that when he also read some of this, it seemed redundant if we have statutory regulations that we need to either repeat them or include them if there are State laws that we need to abide by. He asked Mr. O'Brien to clarify that for him. Referring to Pg. 14, Item No. 4, which states "Enhance a 'green' appearance – more trees, plant buffers and natural areas". He said that some of that is mandated if you are within a flood zone or a wet area. He wondered why we need to repeat that if that is a regulatory requirement.

Mr. O'Brien replied that this was the Future Search policy findings for Valley Rd. (that is a background study) and those were the conclusions that were presented to this Board and adopted by this Board.

Mr. Arentowicz asked, if we still have the State regulations on what is permitted by the NJDEP, do we still need to repeat that?

Mr. O'Brien replied that you don't need to. In this particular case, he said that that is what the Board did back at the time that they wrote this, but you don't need to.

Mr. Lemanowicz guessed the point is that, if it is important enough that you want to make sure it is understood, you leave it in. You are basically reiterating something and you are showing the reader that, even though it is required, this town takes particular interest in it.

Mr. Roshto referred to the map on Pg. 8. He said that he mentioned it back in February that the map is inconsistent with the Ordinance that was proposed and he wanted to bring it to everyone's attention. He said that the map is showing that the property furthest east is part of the BD-Zone, but we know that that is not the case, it is zoned Office. He had mentioned to Mr. O'Brien that there is an error on the north west side, there is one lot and he was going to go back and look at it.

Mr. O'Brien said that there are several lots, part of which are in the Zone and part of which are out of the Zone and that is a common situation for most of the lots on the north side of Valley Rd. He and Mr. Pidgeon discussed it and it will be taken care of in the Ordinance. He said that, if the Ordinance is changed to include these particular lots in that Zone, the language that we currently have is appropriate, but there should be additional language to ensure that there is a double zone on each particular lot.

Mr. Roshto said that then it is just the one on the east side that we have to address.

Mr. O'Brien replied that that is up to you whether you want it in the Element or whether you let the Ordinance dictate the Element, and the Ordinance has not been adopted. He said that it is a policy matter for the Board to decide.

Mr. Roshto said that he is raising awareness to the Board that this map is different from what the Board proposed in the Ordinance.

Mr. Aroneo referred to Pg. 3 under Sec. 3 – "Environmental Best Practices" which states "Provide bonus lot coverage in exchange for higher landscaping requirements for new buildings". He said that he would like to remove that bullet, or discuss it for removal. Referring to the first bullet on Pg. 5 under Sec. 6 – "Building Standards" which states "Connect parking lots and allow bonus development and/or reduced parking requirements for linked parking lots", he said that he felt that it needs to be clarified because there is a reason for it and it is a valid reason where there is an overall net lot coverage reduction as a result of those joint parking lots and it should be stated there that when we do achieve that overall net reduction, that some bonus can be granted. He also referred to the sixth bullet point down which states "Encourage in-fill development" and said that he was not sure what that means.

Mr. O'Brien replied that in-fill development is in an existing neighborhood of a developed area where there may be a vacant piece of property within that development or there may be a substandard or underutilized property and it would be redeveloped becoming in-fill development because the neighborhood has already been developed.

Mr. Aroneo said that those two points are points that he would like to discuss for possible changes.

Mr. Cilino said that he did not think he was clear enough on the Army Corps of Engineers when he was suggesting to remove it because it was already voted upon last year. He just said that it was outdated, but that is ambiguous.

Mr. Smargiassi believed that that section is in the Twenty-Twenty, so that would be the background piece which is either included or it is not.

Mr. O'Brien replied that it was their conclusion at the time.

Mr. Cilino repeated his suggestion to remove it.

Mr. Smargiassi replied that, if you do that, he thought that you then have to remove the full background study then. He did not think that the Board can just edit what their findings were and not include it. He said that the Future Search/Twenty-Twenty presented their findings and that was one of their findings. He said that we are referencing it as a background study to what helped guide the development of the Element. He said that he wouldn't be comfortable having the Board edit it, whether the Board agrees with it or not, it has been voted on or voted down by the Township Committee and is something that was one of the findings of Future Search and it either is or isn't one of their findings.

Mr. Cilino asked if there could be a footnote so that it is very clear.

Mr. Connor said that what we have here are a bunch of background studies that were used in coming up with the Master Plan. He said that this is essentially data and is not data that we necessarily have to agree with, it is just data that was presented to us as background studies. He agreed with Mr. Smargiassi and did not think the Board should touch the input. He said that the result of the input is the Master Plan and what role these background studies took and where there is agreement or disagreement, they were items of discussion over 16 meetings. He said that he had a problem revising people's work. He said that, if we go into a piece where there is the Master Plan and then there is backup, all of Pgs. 9-15 would just disappear and would be part of the background studies.

Mr. Smargiassi referred to Item 3 on Pg. 3 – "Environmental Best Practices" and said that, if you wanted to do this, you could potentially add a bullet which would make a specific comment about flooding in this area and the need to mitigate. He felt that you could add a stronger point to this section which may help address the flood wall and the flooding in this area and make the overall document stronger.

Mr. Connor asked the Board members if they had any other items they wished to bring before the Board.

Mr. Arentowicz asked where we stand on the Tifa sidewalk matter.

Mr. Aroneo replied that this Board actually asked him to bring this to the attention of the Township Committee and the Township Committee is reviewing it right now and it has not reached a conclusion yet. He said that it will be discussed possibly as early as tomorrow night.

Mr. Cilino said that he would like to make a motion that limits input from the audience to 3 minutes. He said that we have a lot of things to cover and, not that we don't want people to be heard, but he felt that things could be said very succinctly in 3 minutes.

Mr. Connor said that it has been the tradition of the Planning Board that we allow people to have their say. Obviously, if they run long, he said that it is up to the Chair to get them to conclude, however he hasn't seen it as a problem. He noted that there have been some meetings with longer input, but certainly if the Board thinks there needs to be limits, or if we get to a point where there needs to be limits, that needs to be considered and, obviously, the Board can decide.

Mr. Briggs said that he has seen cases where we have tons of people here to speak on something and that might be prudent, but as you can see in the past couple of meetings if we have one or two souls here, that is a lot.

Mr. Cilino said that he still wished to make the motion.

Mr. Aroneo said that he has seen one person talk for 20 minutes on something that has already been said over and over again. In some instances, he said that he is definitely in favor of that, but he is not in favor of it all the time, even on the Township Committee. He said that when people come to talk at Town Hall, whatever their issue is, he likes to give them a lot of time. He felt that it is one of the only touch points you have with your government and whether it is the Planning Board or the Township Committee, he likes to try to give the people as much time as they need to express themselves, however he acknowledged that sometimes we see it where it is definitely in excess of what we need to get the point across and some people might want to lend themselves a Board seat. He felt that it is the job of the Chair to deal with that. He asked how you can limit it sometimes and not other times and did not feel that you really can and you have to take the bad with the good.

Mr. Cilino replied that from his perspective with what Mr. Aroneo said, he totally agreed. But, if it is on file that there is a 3 minute limit, you certainly have the option of allowing it to go further knowing that it has already been put out there that there is a 3 minute limit which has been exceeded. So, if it is now 10 minutes you are able to say with ease, you have exceeded the 3 minute limit by 7 minutes which gives you a tremendous amount of flexibility and still gives us the control necessary to be efficient.

Mr. Aroneo said that he has seen Mayor Mazzucco doing it this year (allowing 3 minutes) and said that it does seem to move things along and have that effect on the meeting instead of getting bogged down with one speaker or issue.

Mr. Connor felt it is a case by case basis and, if you've got a large number of people, you certainly don't want one or two people monopolizing the time. He said that it would be possible, if you felt that there was an issue that was

going to have a number of people to have a Resolution at that meeting limiting speeches to 3 minutes. He said that he was not in favor of a general rule that way because sometimes people come up and they have more than 3 minutes worth of information to share and, particularly if there is only a very limited audience, there is good feedback in allowing people to perhaps speak longer on a particular subject.

Mr. Cilino asked Mr. Connor if he was in favor of controlling it.

Mr. Connor replied that he felt that it is the Chair's responsibility to control.

Mr. Cilino said that all he was suggesting was that, if you put it out there, then the audience has been put on notice and then you can control it. He was not saying that everybody has to be finished in 3 minutes.

Mr. Connor said that he would rather do it the other way around. He felt that when you say you have 3 minutes and then let people talk for 10, to him is sort of violating the rules you have already adopted. He felt that being flexible is difficult.

Mr. Cilino said that the individual that was already spoken about (Dennis) has come up and spoke on a number of occasions in the last 3 months and has taken an inordinate amount of time with information, some of which was good but "overkill" and being repetitive and it has gone on and on and on and we have had to stay late because of that. He felt that we have probably lost several hours, if not more.

Mr. Aroneo concurred and said that some people go on past what he felt is a reasonable time to speak to a committee and it *does* cost money. He said that sometimes those same individuals come up with some good useful information but it is actually at cost because we have professionals here and, if the information isn't relative to the Board at that time or at any other time, to hear that information is costing us money in the form of our professionals sitting here getting paid for their time, and sometimes it is a half hour or more. He said that he has noticed it too.

Mr. Roshto said that tomorrow night the Township Committee will be discussing for the first time the building height ordinance and the Meyersville Ordinance which is a couple of years old. He imagined that it would be a short discussion with follow on discussions from that.

Mr. O'Brien said that the building height ordinance changes the way that we measure buildings. Right now we go from the lowest point to the highest point and, given the slopes in a number of areas in this community, we had a number of residential applicants having to go for use variances from the Zoning Board because the height of their home violated the standards and, when you violate a height standard, a use variance is triggered if the height exceeds what is allowed by either 10' or 10% of what is allowed, whichever is lesser. He said that the suggested ordinance goes to an average which certainly is better in terms of those steep slope places.

Mr. Lemanowicz said that the way we are proposing it now is more common than the way the current ordinance is from the ultimate lowest to the ultimate highest. He recalled an application where one of the changes to the house was to add an exterior entrance to the basement, so there was a stairway down to a pad to the basement entrance. The building did not go up but because he now had an at-grade entrance, we had to count the bottom of that staircase as grade because it was the lowest point next to the house. So, even though the house did not go up, he needed a variance.

Mr. Connor said that this is obviously the south side of Long Hill Rd. and that it would prevent a few unnecessary Zoning Board cases by taking the average.

Mr. O'Brien said that, in terms of Meyersville, after extension discussion with the Meyersville community, this Board made some very minor changes to the ordinance for Meyersville and, in fact, carved out their own zone (the Meyersville Hamlet Zone) which was a B-1-20 Zone and took away drive-up uses and added live/work which doesn't change anything since residential is allowed already on the second floor of all of those buildings.

Mr. Connor believed that there is very much of a consistency between the Ordinance and the Master Plan and did not think that you will see any deviations from the adopted Master Plan.

In terms of proceeding, Mr. O'Brien said that a number of members have made a number of suggestions in the Master Plan. He asked Mr. Connor how he wished to proceed with those suggestions.

Mr. Connor replied that he would like to have him mark up the suggestions on residential that were adopted. He said that he could highlight the other areas for discussion but the discussion will be in two pieces. The first piece will be to discuss and approve the residential. If we have time, he said that we will discuss the second piece and the Board could decide to incorporate one or more of those changes at an upcoming meeting in which case that entire piece would be put forward or, at minimum, the residential piece would be put forward and we would decide what would be added at the next meeting.

Mr. O'Brien said that any changes that the Board wishes to consider at the noticed Master Plan public hearing would need to be in whatever that revised document was at the time we pass it.

Mr. Connor said that an example would be the suggestion that Mr. Smargiassi gave putting an additional bullet to ensure that there is emphasis on the flood prone flood problems. He said that that is one that he suspected that most

of the Board will agree needs to be in there, so we could add some of those and there may be some others where the discussion is going to be more detailed which we may or may not add. He said that he certainly wanted to have a document to send out for notice at the end of the next meeting.

Mr. O'Brien asked if the Board would like to see two versions of the Master Plan, one with all of the residential and one with all of these other suggestions highlighted, or would they like it all in one document.

Mr. Connor replied that it was up to Mr. O'Brien, but to him it was easier to have it all in one document.

Mr. Aroneo made a suggestion to have the residential discussion that we already had and motion to have those as strikethrough's and maybe underline the other items.

Mr. Connor said that that was fine.

There being no further business, the meeting adjourned at 10:45 P.M.

DAWN V. WOLFE
Planning & Zoning Administrator