

MINUTES

**PLANNING BOARD**

**APRIL 24, 2012**

**LONG HILL TOWNSHIP**

**CALL TO ORDER AND STATEMENT OF COMPLIANCE**

The Chairman, Mr. Connor, called the meeting to order at 8:00 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**

**ANNOUNCEMENT**

Mrs. Wolfe announced that this week she had received the resignations of Planning Board members Mead Briggs and Kevin Dempsey.

**ROLL CALL**

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

Christopher Connor, Chairman	Sandi Raimer, 1 <sup>st</sup> Alt.	<b><u>Excused:</u></b> Joseph Cilino, Member
Brendan Rae, Vice-Chairman	Charles Arentowicz, 2 <sup>nd</sup> Alt.	Jerry Aroneo, Mayor's Designee
Donald Butterworth, Member		
Guy Roshto, Member	Kevin O'Brien, Twp. Planner	Barry Hoffman, Bd. Attorney
Michael Smargiassi, Member	Thomas Lemanowicz, Bd. Engineer	
	Dawn Wolfe, Planning & Zoning Administrator	

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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.

Ms. Sally Rubin, Executive Director at the Great Swamp Watershed Association, said that she was present this evening along with Mr. Rob Allen, Contaminants Biologist for the Great Swamp National Wildlife Refuge (GSNWR), and Emile DeVito, Ph.D., Mgr. of Science & Stewardship for the N.J. Conservation Foundation (NJCF). She asked Dr. DeVito to comment on a proposed zone change in the Township.

Dr. DeVito said that it came to the attention of the NJCF and the Great Swamp Watershed Association (GSWA) that there is a proposal for a very tiny zone change on the edge of the Great Swamp near the Copper Springs swimming facility in Meyersville. He said that the NJCF will be sending a letter to the N.J. Department of Environmental Protection (NJDEP) and will be copying the town, the GSNWR, and a number of other parties. He said that the NJCF has seen a preliminary development plan regarding several proposed new structures and recreational facilities in the location of the existing pond. He said that they have been looking at aerial photographs from 1957 (before the swim club was developed) and it clearly shows a freshwater stream and what appears to be a spring emanating from the southeast corner of the existing pond. He said that that stream is still hydrologically connected to the stream that is right on the border of the GSNWR. He said that they are labeled as ditches on the preliminary site plan but they are *not* ditches. He said that the waterways in the Great Swamp are actual C-1 Streams. Not only that, he said that the ditch that connects the pond to those streams has got clean-out structures and flowing water in it all the time (with the exception of extreme droughts). Because they think there is a hydrologic connection between the pond and the Great Swamp C-1 waters, they are going to ask the NJDEP to ask the landowner, if they are going to be changing the use there, that they should be turning off pumps or drains and removing barriers and ditch valves and things like that so that they can establish where the hydrology is, where the wetlands are, and where the C-1 waters are connected to the Great Swamp because they think that much of what is proposed here would be greatly impacted by the Flood Hazard rules and Freshwater Wetlands rules, especially since the Flood Hazard rules require a 300' buffer to any C-1 waters. He said that they wanted to let the Board know that they feel this is a very significant concern regarding what is being proposed at the site and urge the Board not to move ahead with any zoning change, given that it is just one tiny zoning change for one lot since, if the use of the property is changed all depends upon what the real hydrology is there and the status of the waters of the State of New Jersey. He said that they hoped that the NJDEP will fully investigate the situation and enforce its C-1 rules and Flood Hazard rules.

Mr. Roshto asked Dr. DeVito where he got his information that they are C-1 waters.

Dr. DeVito replied that he obtained a map from the NJDEP that shows that the streams within the Great Swamp are *all* C-1 waters and offered to show the map to the Board. He said that it is all done by aerial photography and contain colored lines. He said that when a piece of land is actually proposed for development, the site must be investigated to find out exactly where those streams are located.

Mr. Roshto replied that the reason he asked is just coincidence because he was looking at the NJDEP C-1 waters Geographic Information Survey (GIS) data just today and it seemed to be that the C-1 waters were to the *north* in the Great Swamp and not to the south side.

Dr. DeVito replied that he did not know if he looked at the same source Mr. Roshto did, however he said that he specifically sat down with one of the experts at the NJDEP and they looked on the computer and actually printed out the map he had which contains pink lines being C-1 waters.

In response to Mr. Roshto, Ms. Rubin said that she would make a copy of the map for him.

Mr. Roshto replied that that is actually good news and that he would actually like them as C-1 waters.

Dr. DeVito showed Mr. Roshto his copy of the map. Pointing to other areas of the map, he said that if it was determined that they were also streams continuing in other directions, they would also be C-1 waters and pointed out where the required buffer would be.

Dr. Rae asked how long the determination of the NJDEP would take.

Dr. DeVito replied that they don't even know if they would make the applicant do it. It is just a matter of the public asking for the NJDEP to take a closer look at something based on its rules and then it would be up to the NJDEP if they require the landowner to actually monitor hydrology. He felt that it is very important that you can't tell what the hydrology is at that site until the barriers are removed and the physical drains and those kinds of things are taken out of commission so that you can see where the water table goes up and down in the absence of pumps running and a spillway for the pond wherever the water leaves the pond and goes into the Swamp. He said that sometimes they require these kinds of studies on abandoned farmland when there are lots of ditches, drains, farm tiles, and all sorts of things that are draining wetlands and then when they actually want to find out where the wetlands really are, they often require studies that span 6 months or sometimes a year in order to see where the high water table actually is because it doesn't usually occur until sometime between December and April. He said that usually when the NJDEP asks for somebody to monitor hydrology it takes a number of months.

Mr. Arentowicz believed that the proposal is eventually going to come forward and is going to recommend that they fill the pond in. He asked Dr. DeVito if he was suggesting that they just remove the dams and the pumps and see what happens and *don't* fill it in.

Dr. DeVito replied that what they are going to ask the NJDEP to do, if a change in use is proposed and they propose to fill it all in, is to require them to remove everything and see where the water equilibrates to in order to determine what is wetlands and C-1 waters and what the buffers are because right now you can't tell because it is all artificial. He said that, 40-50 years ago, it was just a forest with a stream in it and somebody went in and dug a big hole and put in pumps and did all sorts of things, but there still is a drain that connects what appears to be the original stream corridor to the pond and under the wetlands laws if things are hydrologically connected, they are supposed to be regulated. He said that they do not believe that that is an isolated man-made pond that is set apart from the wetlands hydrology. If it *is* still connected, then it has to be regulated.

Mr. Lemanowicz said that that project was here for a concept review several months ago and we haven't heard from that entity since. He said that rezoning the property does *not* infer any opinion on that concept plan. If the property is rezoned, he said that they still have to come before this Board because such applications come to the Planning Board rather than the Zoning Board. He said that they have to go through the site plan process which would include a Letter of Interpretation and all that information once they have a plan. He appreciated that sometimes getting there a little bit ahead might be helpful.

Dr. DeVito replied that that was their intention – to get ahead of it.

Mr. Lemanowicz said that, until they actually have a development plan, he was not sure what the NJDEP will tell you because there is no plan for them to deny that has all of the information and that the plans that the Board saw did not have grading on it – it was *very* conceptual. Even if the rezoning was approved, he said that it means nothing as far as that concept plan and that they still have to come in and go through all of the State and local approval processes.

Dr. DeVito said that his organization started more than 50 years ago and they were the ones who saved the Great Swamp in the first place, so they are *very* concerned about it. He said that they want to get a head start on anything that has to do with possible impacts to the Swamp. He appreciated what Mr. Lemanowicz was saying and said that the earlier they can make their concerns known to the NJDEP, that way they don't end up going head long down some process and then all of a sudden at the end somebody says wait a minute – it might be C-1 waters after somebody has all sorts of investment into something.

Ms. Rubin said that, on the zone change, one of the requests for changes was an increase in lot coverage from 15% to 40%. She said that their concerns regarding the C-1 waters and the hydrologic connection clearly relate to how much lot coverage and development would occur on the property, whether or not the pond is filled in, and whether or not there is an actual application. She said that the zone change impacts that hydrological connection as well.

Mr. Lemanowicz replied that he was concerned that it was thought that once the Board in some way approved a zone change, what you saw was going to be built which is not the case.

Dr. DeVito replied that they understand that they need all their NJDEP permits, but the coverage is also something that they would be concerned about regarding the zone change.

Mr. O'Brien said that the end result of the process is unknown to us at this point. He said that a concept plan was delivered several months back and the applicants have not followed through with a presentation to this Board concerning the two properties that they had in mind for rezoning which they felt were directly impacted by the current zone and what they considered to be a possible rezoning for a different use. He said that it is something that those folks had been presenting to us and that it was not a Township initiative.

Dr. DeVito replied that he understood and thanked the Board for its time.

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

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**APPOINTMENT**

**MILLINGTON VILLAGE MASTER PLAN SUBCOMMITTEE**

Mr. Connor said that the Board had talked about appointing a Millington Village Master Plan Subcommittee and three volunteers came forward. They are Mr. Roshto, Mr. Cilino and Mr. Butterworth, therefore he appointed them as the subcommittee.

Mr. Roshto asked Mr. Connor if they could ask for other Board member volunteers as well. He said that he would like to ask if Dr. Rae and/or Mrs. Raimer could also serve.

Mr. Conner said that either one would be fine. He said that the only thing we can't do is go above 4 members (so that there is not a quorum).

Mrs. Raimer addressed Dr. Rae and said that if that is something that suited him, she was perfectly happy to defer the opportunity to him.

Dr. Rae replied that he would love to serve on the subcommittee.

Mr. Connor said that Dr. Rae will be the fourth member of the subcommittee. He said that he may want to talk to the subcommittee himself at some time but will figure out how to do that. He also said that he would like to talk (off line 0 about a member of the public serving as well.

Mr. Roshto said that he would welcome *anyone* to participate and said that they are absolutely welcome.

Mr. Connor said he would like to get at least of couple of Millington residents to participate.

Mr. O'Brien said that the next event for Millington would be the concept presentation which he believed was scheduled for June 12<sup>th</sup>, so perhaps at our last meeting in May the subcommittee could be gathered to go over what we have. He said that if the subcommittee is amenable, they will meet prior to the Board meeting.

**APPOINTMENT**

**APPLICATION REVIEW COMMITTEE**

Mr. Connor said that, with the resignations of Mr. Briggs and Mr. Dempsey, replacements are needed to serve on the Application Review Committee. Since Mr. Cilino is an alternate, he said that he would like to make him a regular member. He asked for Board member volunteer to serve on the Committee which he said is one that meets prior to a regularly scheduled Planning Board meeting, normally no earlier than 7:00 P.M. He said that they review various proposals and concepts. He said that he would like to leave one seat open because there will be a couple of new Board members and he would like to ask a new member to serve, if possible, because it is a very good learning experience. He said that he did not need an answer this evening and asked any interested member to let him know.

Mr. Smargiassi volunteered to serve as alternate member, noting that sometimes it would be hard for him to arrive by 7:00 PM.

Mr. Connor accepted Mr. Smargiassi's offer to serve as alternate and said that he will then need one additional member to serve.

**DISCUSSION**

**OFF SITE SIGNAGE ORDINANCE**

Mr. O'Brien said that the issue of off site signage has been one that the Board has discussed for some time. He said that going back to at least 2007, the Chamber of Commerce and other business owners in the Township have asked the Board to consider allowing off site signage and the Board discussed how it could be done and laid out some general guidelines which were contained in a report to the Board dated December 22, 2011. He said that the Promotion & Enhancement Committee (PEC) met over the last few months to review that document and made a number of suggestions to it which were circulated to the Board. After his review of their revisions, he said that last week he suggested some further clarifications to it, so the Board has the background information on what is going on and the various proposals. He said that he invited Mr. Sandow, of the Chamber of Commerce and the PEC, to discuss the matter with the Board and also, via e-mail, invited the current President of the Chamber of Commerce, Ms. Mary Mayer, but he did not hear anything back from her, so he was not sure if Mr. Sandow wished to discuss this with the Board or not.

Mr. Sandow said that he was present this evening specifically at the request of the Chairman of the PEC to represent that committee. He said that Ms. Mayer is present this evening and, should the Chamber have any comments, she will make them or the individual business owners who are in the audience. He said that he was sure that the Board members have read the response that the PEC sent to Mr. O'Brien at the beginning of last week.

He then held up a sign that had been placed off site on Valley Rd. by Daniel Murphy (owner of Murphy Landscaping) approximately 6 years ago and said that he was promptly told to remove it. At that point, he said that we began a fairly long and tortuous process of establishing a way that he could get *some* signage at Valley Rd. pointing to his business. He said that they have reduced the content now to the point where, if you look at the report that was sent, we are talking about signs that are 36" x 9", more or less. He said that if there were any questions about their report, he would take them now, otherwise he wished to get into addressing the points that Mr. O'Brien brought up after he read this.

Mr. Roshto had some questions. First, he said that the response of the PEC is an excellent document and is complete. He said that it was interesting that the two pictures contained in the document (of the Hillview Farms and Grange signs) wouldn't even qualify for what is being recommended because they are on a main road already. He asked if he was correct?

Mr. Sandow replied, "No". He said that the last time this was discussed (late last year), the recommendation was to permit the businesses on Meyersville Rd. to have signage at the Circle.

Mr. Roshto asked Mr. Sandow if he had an estimate of how many businesses in town would take advantage of an off-site signage ordinance.

Mr. Sandow replied that, by his count, as it is currently laid out there might be between 6 and 10, noting the businesses on Poplar Dr. and Magnolia Ave. He said that there are 5 or 6 businesses on Bay St. but all of them wouldn't qualify because they are industrial in nature and these signs are only intended for retail/restaurant, i.e. walk in, consumer based, businesses. He said that there are a couple on Stonehouse Rd. such as Bldg. 4 on the Tifa site which faces on Stonehouse Rd. - one is a gym and the other is a custom door shop and both of them are retail oriented. He also noted Dr. Garafolo on Warren Ave. would qualify. He said that there are 2 businesses south on Plainfield Rd., if you include Barton's Pub, and there are 3 or 4 businesses south on Mountain Ave. that are retail oriented, and also the businesses that hope to go into Copper Springs. He was not sure that all of them would opt to take the signs.

Mr. Roshto noted that the recommendation is for businesses to share the same sign periodically. He asked who would be responsible for changing the sign when a business goes out of business.

Mr. Sandow replied that the answer has to be that the *property owner* would be billed to replace the sign to remove the vacant tenant. He said that you certainly can't tax the tenant to replace the sign if he is not going to be there, but the owner of the property is always liable for things like this and we could write language like this into the application for the sign at the initial time when the sign is first applied for that says that the property owner agrees to remove the sign if the tenant business goes out. He said that the property owner will always be there and will always be paying taxes or getting charged with tax liens. However, he said that Mr. O'Brien has proposed that we keep it simple and do one sign per business and that one time that was proposed near the early beginning of this process and there was a feeling on the Board that consolidation would be less of a visual clutter than having multiple signs all pointing in the same direction, which is why they moved in the direction of multiple tenants/businesses on one sign. He said that Mr. O'Brien is now proposing that that is too cumbersome. Because of that and the remark that was made about clean up, he said that he would leave it up to the Board. He said that the PEC has discussed this and is prepared to go either way, whatever the Board feels.

Mr. Roshto asked, if we do go that direction, would or could you recommend a slightly smaller sign?

Mr. Sandow replied that, in the case of the examples that you have seen, these are 15" deep because they have 2 names on them. He said that the normal one off sign would be 9" deep and, essentially, that amounts to 4" letters with 1/2" border all around, an arrow, and just a little bit of spacing between them. He said that they can't reduce it any more than that because they are obligated to have 4" letters and good design calls for a 1/2" border all around, so that leaves precious little space (1/2") between the border and the lettering and there is just not enough room to add an arrow, so the standard would be 36" x 9".

Mr. Arentowicz asked Mr. Sandow to comment on Mr. O'Brien's comment about 6".

Mr. O'Brien replied that it is a recent standard that has come out through the Federal Government, in particular with street signs for local usage. He said that a 6" minimum has been recommended for any roads under a 40 mph speed, which affects Long Hill. He said that it does increase the visibility of the sign and noted that 6" is a standard street sign letter size. He said that, if we go with 6", you could still do a 9" high sign with an arrow on the side.

Mr. Sandow said that the difficulty with scaling the lettering up to 6" is that that is a 50% increase in the height, but that also implies a 50% increase in the length, which means a 36" sign would now be 54" long. He said that you can't scale up the lettering without scaling it up in both directions. He said that the examples he gave are already the Arial Narrow font which is already condensed. He said that he appreciated Mr. O'Brien's statement that this is the

standard for 40 mph zones, but we have precious few 40 mph zones in town and, in most of the places where these signs would apply, we are talking 25 mph or 35 mph speed limits. The only place he could think of where you might want to put a sign that is in a 40 mph zone, would be at the intersection of Valley Rd. and Mountain Ave., but there is a traffic light there, so people are going to come to a stop from their 40 mph from Berkeley Heights and will have to stop at the traffic light anyway to see that sign and he felt that a 6" sign would be overwhelming. He said that, if you look at the picture on Pg. 2 of the document he sent out which was taken of the Meyersville Circle, there are a couple of things to note. The County directional signs (in green) are 4" lettering and that sign is 36" x 18", which is twice the height of the signage they are proposing. Beneath it is the Refuge sign and that is also 36" x 18", with 4" letters. He believed that anybody who has driven through the Meyersville Circle recognizes that those signs are pretty readable in their present state because you will be slowing down to make the circle. He said that he measured the signs out front and there is a library sign with 4" letters, a Riverside Recreational Field sign with 4" letters, and a left turn must turn left sign with 4" letters. He said that that seems to work very well in this town and he was hesitant to recommend (and would *not* recommend) that certain selected businesses get 6" letters when all of the other directional signage and instructional signage in town is 4" or less. He felt that 6" is out of scale and out of proportion for the rest of the signs in town and probably not necessary.

Mr. O'Brien replied that those signs were made in accordance with the old standard and that standard has been changed and that applies to all roads that are under 40 mph.

In response to Mr. Arentowicz, Mr. O'Brien said that the change was made probably within the last 6 months.

Mr. Arentowicz asked if that meant that if we went with 6" in this new proposal that we would have to go back and change all those signs.

Mr. O'Brien replied that, whenever the signs are changed or redone, they would be made to the current standard, but you don't go out and change every sign – only as they get replaced. He said that it is up to the Board and if the Board is pleased at keeping it at 4" that is certainly its prerogative as well, if it feels that that is doing an adequate job as well. He said that in his work in other towns they are changing to 6" slowly as the opportunity comes up. He said that nobody is changing signs "wholesale".

Mr. Lemanowicz said that, initially, they tried to link it with State Aid and everybody went crazy because it was just way to expensive to do. He said that he has seen a couple of these signs and they are big.

Mr. Arentowicz asked Mr. Sandow if the PEC and the Chamber of Commerce are comfortable with 4".

Mr. Sandow replied that the PEC is certainly comfortable with 4" and he assumed that the members of the Chamber would be comfortable with anything that gave them visibility.

Mr. Connor asked if there was any downside, regulatory or legally, in not having them at 6".

Mr. Lemanowicz replied that they are not regulatory signs, speed limits signs, or safety signs, so he did not believe that there will be an issue with this – they are *elective* signs. He did not foresee that there will be an issue with someone saying that they are not the correct standard signs.

Mrs. Raimer asked what studies have been done to help us to know at what point does it become too many signs in one location so that it becomes a traffic distraction. She asked if there are any guidelines to avoid creating traffic distractions. She said that, here we are trying to weigh the benefits to the public trying to navigate their way in locations where they may not be able to find something that is off a main street, but at the same time we want to be cognizant of the fact that there could be an excess of signage.

Mr. Sandow replied that South Bound Brook has as many as 6 signs stacked up on a lamp post for every business that is in that lamp post's field of view and they have a very dense downtown area. He said that the next lamp post has another 6 signs for the next 6 businesses and it is terrible clutter and the fact is, if you are driving, you can't stop to read any of them. He said that we have opted to propose a strategy that *only* the businesses which are off the main roads would qualify and *only* the businesses that have a retail/restaurant/walk-in/medical presence and the most dense of those that he could come up with would be by the Shop-Rite where you are pointing to Murphy's, the barber shop, and the medical supply business, which is a total of 3. Adding Little League to that would give you a total of 4. He questioned if that is too much. He said that it is constrained so that it would not include industrial type applications, warehousing, etc. He did not know if there was a study or not.

Mrs. Raimer asked Mr. Sandow if he felt that there comes a point (for example a situation that can be as extreme as 6 signs) that it is no longer advisory, it is now just clutter, where we can establish some guidelines such as we will not exceed a certain number of signs or, if there are too many businesses competing for a place to put their signage, a priority by which they might get their name up there if there should ever come a point where it becomes more than 4 or 6.

Mr. Sandow did not feel that we will have that much development on those side streets because the side streets aren't zoned for business by and large.

Mr. O'Brien said that there are 3 levels of review. The first is the PEC which recommends the signage to the Township. The second is the Zoning Officer who has to approve any signage permit. The third would be this Board

or the Zoning Board, should a site plan review be necessary. He said that all of those levels have the ability to reject a sign.

In response to Mrs. Raimer, Mr. Sandow said that he supposed that we would not want to discriminate against a new business because the new business would be the one that needs the signage the most, but there are solutions that would include planting a second sign post 100' back from the intersection, for example, and that is a decision that the Township Engineer and DPW Superintendent can make, presumably at the suggestion of the Zoning Officer who is issuing the permit.

Mrs. Raimer replied that she definitely didn't want to discriminate against newer businesses, she just wanted to be sure that we are very careful in balancing the need for signs to be advisory and not distracting.

Mr. Sandow replied that they are directional – they are not advertising, promotional, or wayfinding. He said that it has been constrained very much in order to avoid the clutter which is the reason they went to multiple names on one sign, which he was willing to concede is not up for debate amongst the Board.

Mr. Smargiassi asked if it made sense from the start to limit the number of signs to 6 or fewer on each post. If we are successful enough and we have a 7<sup>th</sup>, then the 7<sup>th</sup> comes, otherwise he said that you could end up with 10 signs and there is nothing to stop that unless someone says it is too much.

Mr. Sandow said that he did not mind doing that but he was thinking that this is a discretionary item for the officials because he said that we have tones of other signage around town. He said that there are some intersections where this might be clutter when viewed in the context of other signs and in other places it wouldn't be clutter. For example, he said that there actually is no other signage at the intersection in front of Shop Rite. There is a traffic light and that's it, so 3 or 4 pointing down Poplar wouldn't be clutter. He said that there are other intersections in town, like in front of this building, where you have already got 4 signposts and, if you had to put a sign there, it might be considered clutter. It will depend upon the circumstances and on the enforcement officials. He said that he would be hesitant to include a hard limit because that is for the officials to decide. Furthermore, he said that you've got the problem of all the other clutter signs. He asked how many "no littering" or "pooper scooper" signs there are in town, how are they regulated, and where they are. He said that the Ordinance essentially exercises no control over other signage and the sum total of all of the signage leads to the impression of clutter, but to regulate one component of that and have no regulation at all of the other components struck him as being over-regulation.

Mr. Connor asked Mr. Sandow if there was a recommended minimum and maximum height of signs.

Mr. Sandow replied that he would leave that to the judgment of those who are schooled in safety assuming that these would go underneath stop signs. He was not sure they couldn't go above a "no littering" sign.

Mr. Lemanowicz replied that there are regulations and he did not believe that you can put advisory signs on a stop or yield sign - they have to be by themselves. Also, if the sign is in a sidewalk, there are certain regulations under the A.D.A. that they have to be a certain height so a person does not walk into them. In fact, he said that it is something that is fairly new now that they are actually going to start requiring a base around signs so that a blind person's cane will hit the base before their head hits the sign, so that the base has to be 4" inside of the sign. He said that it gets very intense with signs, but again there are not a lot of sidewalks where they will be an issue, but there are issues with sign heights.

Mr. Sandow said that the Board is also reminded that at various places in the town such as churches, the Shrine, the American Legion, and the Great Swamp Refuge have signs, all much larger than the one he had shown at Meyersville Circle. He noted that the Great Swamp sign is unregulated because it is Federal. The churches and the like who have installed their own signs are currently, to the best of his knowledge, unregulated – they are just there, which also adds to the clutter. He said that, if you go up Central Ave. to the top and look to the left, there is all kinds of clutter at that intersection. He said that there is no easy answer to the clutter problem, but he said that he would hate to approach it at this one point, although if you wanted to have a limit of 4, you could just put up another post although he felt that is a discretionary item for the Engineer and DPW Superintendent.

Mrs. Raimer asked if there has been any discussion on incentive to remove the signs within a designated period of time if a business no longer occupies the space. For example, referring to Mr. Sandow's draft on Pg. 7, she said that there is precedence for this under Sec. 155.3k where he asked that certain signs be removed within 48 hours of the conclusion of the event. She realized that that is *existing* language and asked if there has been any discussion on when there is some signage, having that signage removed or amended when a business leaves a location.

Mr. Sandow replied that, to the extent that the actual installation of the sign is done by Township employees on a pole which is owned by the Township, the owner of the sign itself (the businessman who owns the sign) would never actually physically touch that sign. He believed, however, that if a business disappears, then the DPW would (on its own initiative) remove the sign, if the signs were one off and that is the discussion that is open tonight as to whether or not we want multiple signs or have separate signs for each business. He said that, clearly, it is a responsibility of the DPW to remove a sign that is now obsolete.

Mrs. Raimer felt that is fair but added that she could not expect the DPW to know which businesses are operational at what times. She asked if some language could be considered that imposes an obligation within a mandatory period

to notify the appropriate official (whether it be the DPW or some construction official) so that there is a trigger to remove the outdated signs.

Mr. Sandow felt that the Zoning Official would be well aware of the in and out movements. He noted that there is no regulatory provision for a business moving out and so it would be hard for us to be able to enforce a regulation that says he *must* notify us if he is leaving.

Mrs. Raimer said that, perhaps the property *owner*, within 30 days of the vacancy of those premises could notify the DPW so that the appropriate action can be taken to amend the sign so that there are not outdated signs in locations where they don't need to be.

Mr. Sandow felt that either the Zoning Officer or he himself would probably call that to the attention of the DPW a lot sooner than 30 days. He said that he wouldn't mind putting the language in if it was felt to be important. Again, he felt that there would be such a limited number of businesses involved here that he did not think we will lose track of them. If the Board feels that it is an important provision, it would also give us the opportunity to have the ability to have the property owner rebuild the sign if we had multiple signs. He referred to Item #1 of Mr. O'Brien's memo dated 4/17/12 which states "I suggest that rather than limit the signage to business zones, allow the signage in all zones as permitted businesses may be closest to an access road that may be in a non-business zone" and said that, as a practical matter, all the intersections that would be appropriate places for signs for the businesses he had enumerated earlier are all in business zones. He could not think of an instance in the town where a sign would go in a residential zone pointing towards a business in a business zone, however more to the point, he said that what we want to avoid is people applying for signs who are operating home businesses. By his count, there are 201 home businesses operating in the Township right now, some of which are fairly substantial. Unless the business has a specific variance from the Zoning Board to erect a directional sign in a residential neighborhood pointing to a residential business, he said that we want to confine this to businesses which are operating in the business zone.

In response to Mr. Sandow, Mr. O'Brien said that he could not give a specific example where a residential zone might be a qualifying location.

Mr. Sandow said that the proposed language says that the street intersection has to be in a business zone. He said that that raises the question of does a residential property owner have the right to block a sign which is placed in the Township R.O.W. of the road, and the answer to that is "No". He said that every stop sign in town, for example, is in that situation. He felt that it would be splitting hairs uselessly to talk about whether or not the sign itself is in a residential zone because they are all going to be in the public R.O.W. anyway. He said that Mr. O'Brien's second point was a 6" minimum letter size and the PEC is quite content that 4" does the job. Referring to Mr. O'Brien's comment regarding one sign – one business policy, he said that that is open for the Board's discussion. He said that Mr. O'Brien's last comment states "The Committee has suggested a brown background to the sign. This color is assigned by the Manual on Uniform Traffic Control Devices (MUTCD) to recreational, scenic or cultural interest locations. I suggest that blue be used for information signs in accordance with the MUTCD". He said that he drew this up as a brown background only because that is the way the Great Swamp sign is at the Meyersville Circle and it seems to be readable and workable and the definition of brown for information or blue for services is sort of ambiguous. He said that it doesn't matter and if the Board wants to regulate that - fine. That was the extent of his comments on Mr. O'Brien's comments. He said that there is one late starter and that is, a few days ago, several of the businesses in town which are on streets which ordinarily would not qualify, they have asked to have signage at the nearest major intersection pointing to their neighborhood businesses. He said that, specifically, these would be the shops on Main Ave. which would like to put a sign at Valley Rd. and up at the top of the hill which says "Stirling Shops" pointing towards them and, similarly, at Millington with a sign on Valley Rd. and one at the blinker light that points to "Millington Shops". He said that the PEC is okay with that and the question of who is to pay for that is easily resolved because the PEC would pay for it as part of the general promotional responsibility that that committee has and so the PEC would be okay with those additional signs and they would *not* be business specific, they would just lead you in the direction of the shopping neighborhood. He said that you could put it in the same category as the signage for Little League, Stirling Lake, and the Meyersville Ballfield. They are signs that the Township feels would be important to wayfinding and the PEC would be glad to support that for the Main Ave. and downtown Millington shopping areas.

The meet was opened to the public questions or comments.

Ms. Karen Murphy-Barber, of Murphy Garden Center and Murphy Landscaping, said that this has been going on since 2007 and she did not understand why anything hasn't been resolved sooner than this. She said that they had put up a sign and were told that they would be fined if it was not taken down immediately. She said that their business is still off the main drag and they would like some kind of recognition that people know that they are there other than that they are following a truck through town and call their phone number asking where they are.

Mr. Connor asked Ms. Murphy Barber for her opinion on what she had heard so far.

Ms. Murphy-Barber replied that 4" or 6" didn't make much difference to her, noting that she has seen 4" lettering and is able to read it. She also felt that multiple signs on one post were fine and said that she did not want to see a lot of clutter either and yet she knew that there are a lot of businesses out there that want to be recognized.

Dr. Robert Garafalo, a dentist who practices on Warren Ave., said that he felt that Mr. Sandow had said everything that needed to be said. He said that he would appreciate some name on the side of the road so that people know he is

down there. He said that he was not trying to draw new business, he just wanted his old business patients who know him to know where he is. He said that when new people come to him they comment that they never knew anyone was down his road (Warren Ave.).

Ms. Phyllis Fast, Gillette, questioned ground signs on private property when, for example, someone is working on a property and they bring a sign and place it in front of your house. She has seen these signs for landscapers, tree services, etc. and they are on people's front lawns and wanted to know what the rules are regarding them.

Mrs. Wolfe said that she did not believe that such signage is addressed in the Ordinance.

Mr. O'Brien said that they are addressed in Sec. 155.3c which states that "Signs are permitted on construction sites for the duration of the construction period. They shall not exceed eight (8) feet in height nor thirty-two (32) square feet in area. They shall be removed within seven (7) days after the completion of the construction work, or upon request for a certificate of occupancy. Not more than one (1) sign shall be located on each street frontage".

Mrs. Wolfe did not believe that those were the types of signs that Ms. Fast was referring to. She was thinking more of the signs that say "Spring Clean-ups", etc.

Ms. Fast agreed and said that those were the signs she was talking about. She said that they have been springing up in town on private properties and she has seen no work being done on these properties. It seemed to her that front lawns are becoming advertising opportunities. She said that she has talked to other business owners who told her that they are against the Sign Ordinance and they will not do that, but then they are losing business to people who are violating the Sign Ordinance.

Mrs. Wolfe said that some towns, such as Summit, do not allow such signs - period - even, you are having a roof put on, for example. She added that they are very time consuming to monitor.

Ms. Fast felt that a call from the Zoning Officer to the business who has left the sign behind to tell them that if they don't come and remove it they will be fined would take care of that.

Mrs. Wolfe agreed that there could be some revisiting and tightening of the whole Sign Ordinance. She noted that sandwich board signs, for example, have been a problem in the Township and she attended a recent class on signage and another attendee from Madison said that they will not allow them unless the business owner provides insurance for the sidewalk area so that if someone trips or falls into one of those signs and gets hurt, the business owner's insurance will cover it.

Ms. Fast said that she had no objection to signage pointing to businesses, she just felt that private properties are getting cluttered and it has come up as a topic of conversation that she wanted the Board to know.

Mr. Sandow said that the signs that Ms. Fast is talking about are permitted to be 32 S.F. which is a 4' x 8' sheet of plywood on a front lawn and is entirely lawful under the paragraph Mr. O'Brien had read.

Mr. Smargiassi referred to Point g of the discussion points of the Chamber proposal contained in Mr. O'Brien's memo of 12/8/11 which notes that a small logo or trademark may be optional. His initial thought was maybe we would not want to do that, but he wanted to hear Mr. Sandow's thoughts on it and why it was added. His thought was to keep it uniform and clean with a similar look noting that some people have logos and doctor's offices generally don't. He also thought it would be problematic if we went to a singular sign with multiple businesses on it because then you have to go back and reproduce that sign with the logo and there has to be artwork for that. His thought was "no logo" and keep it to standard letters, words, and the name of the business. He liked the idea of the flag pole type of one sign, one business, where you kind of run the sign up and down the flag pole and take one down when the business is no longer in business.

Ms. Murphy-Barber said that her preference is to have the sign up and if it becomes a logo war, she would forego the logo to get the sign up. In response to Mr. Connor, she said that she felt the advantage to having a logo is that it identifies their business, noting that Murphy's has a shamrock logo which identifies them.

Dr. Rae felt that we may run into a First Amendment issue to prohibit logos and it is something we should give thought to.

Mr. O'Brien said that that wouldn't apply to a municipally sponsored sign and that it would apply to a private sign that an individual puts out.

Mr. Roshto said, however, that the recommendation of the PEC is that the business would own the sign and asked Mr. O'Brien if that changed what he had just said.

Mr. O'Brien replied, "No". He said that it is in the R.O.W. and Mr. Lemanowicz at some point is going to make some suggestions about that.

Mr. Lemanowicz said that he read about an issue that if the owner of the sign is a private entity that owns a sign within a public R.O.W., there may be liability issues and Mrs. Wolfe touched upon it in another town. He said that, if someone goes off the road and wipes out a stop sign and wants to claim that, had the stop sign not been there, there



would have been less damage, the Township is protected under laws that protect municipalities from such things. However, he said that private property owners don't have that kind of coverage. He was a little concerned that if something happens, the owner of the sign (which is the property owner) is going to get an unwelcome surprise because when litigation goes, it is applied with a shotgun effect. He was not sure if you want privately owned items in the public R.O.W.

Mr. Roshto asked Mr. Sandow what his thinking was on the PEC as to why he felt that businesses should own the signs.

Mr. Sandow replied that that was a logistical decision because the DPW does not really want to be in the business of ordering the sign, paying for it with town funds, getting reimbursed by the business owner, going through the voucher and check writing process, etc. He said that the sign only costs about \$60.00 and the administrative overhead to involve the DPW each an every time a sign is requested sounded pretty onerous and far more costly administratively than the \$60.00 price tag on the sign. He said that we are already suggesting that the permit itself should cost about \$100.00 and that would cover the cost of installation. He said that there is an alternative and that is that the owner could provide the sign and deed it or donate it to the town so that once the sign is in the hands of the DPW, it becomes town property. He said that that is a subtlety that he supposed could be worked out with the attorney. He said that it doesn't really matter that the sponsor of the sign own it in perpetuity, it is just that the DPW doesn't want to be in the business of purchasing the sign, designing it, and whatever – they want the owner to go through that burden.

Given what Mr. Lemanowicz had said, Mr. Roshto felt that we would be protecting the businesses from liability by us taking ownership of it in some way. He did think that maybe by donating it, or whatever the correct legal wording is.....

Mr. Lemanowicz agreed that the attorney can come up with a word, but he liked "sponsor".

Mr. Sandow felt that the issue is that it only takes the DPW a half hour to hang one of these signs on a pole and that a \$100.00 installation charge is rather generous of the Township to ask. He said that the PEC, which includes Tom Sweeney, thinks that that is a reasonable amount of money and covers contingencies and the fact that possibly a new pole would have to be set in the ground if an existing pole didn't exist, etc. He said that, as long as the sign meets the standards that are set down in the Ordinance and are from one of his preferred vendors (and the list of vendors will be on the application form that is filed with the Zoning Officer), there isn't any reason why the ownership couldn't convey to the Township.

It seemed to Mr. Connor that the owners of the properties that want signs could meet and do all the work and essentially present it done and the only thing the DPW has to do is then take it and put it into the ground.

In response to Mr. Lemanowicz, Mr. Sandow said that Mr. Sweeney gave him the figure of \$60.00 for the sign.

Mr. Lemanowicz said that he did not know how he does his signs, but as a municipality in Morris County, the town is probably a member of the Morris County Cooperative Pricing Council which means that, if the town buys something they get a special price and that, if an individual business owner goes and buys a sign, he did not think he would get the same price.

Mr. Sandow agreed.

Mr. Lemanowicz said that they sell the sheets by the square foot and they basically just smack them together.

Mr. Sandow said that Mr. Lemanowicz is probably correct and he would stand corrected in that it is likely to be more. He said that the problem with the town is that he has got to fill out a purchase order, send it, receive it back, get a bill, send a payment voucher to the vender, the vender has to send the payment voucher back, and then we have to print it through the accounting office, cut a check, have the check scrutinized by the Township Committee, sign the check, put it in the mail, and then invoice the business owner for the costs and then get that money back. He said that the DPW feels that if the business owner wants a sign bad enough, he will order it himself.

Mr. Connor said that the other requirement is that we know what the sign is going to cost and they pay a fee and prepay the cost of the sign.

Mr. Sandow replied that the town still has to pay the vendor and go through that whole paperwork process, as well as the fact that it would flow through the books of the Township unless you set up a separate escrow account to keep this money off the budget.

Mr. Connor replied that then you would have offsetting revenues and....

Mr. Sandow interrupted and said that you can't exceed the budget. He said let's just arrange it in such a way that the sign is donated and becomes a town property at the moment that it is posted.

Mr. Connor agreed that that would be an advantage to everybody.

Mrs. Raimer said that Mr. Sandow had presented the reference of So. Bound Brook and the 6 signs per pole being distracting, but to the other extreme, she said that there are also village shopping centers like Chester that have multiple signs per pole and that is not as distracting. She asked if there was any comparison that Mr. Sandow could provide so that if you look at a village like Chester's shopping Center you might see 6 signs, but properly spaced and sized, and it doesn't become something that is a distraction.

Mr. Sandow replied that, in Chester, all of the businesses are on the main street and we are not proposing to sign for the businesses that are on the main avenues.

Mrs. Raimer said that there are actually businesses that are behind businesses, for example, and not able to be seen from the main street and, so for their purposes, they do have these small signs that she had not given consideration to in the context of this Ordinance, but never found them to be distracting. She found them to be advisory in every way. She thought that, for a point of reference, maybe that is something we should bear in mind – that there are ways to do this that can be informative and instructive and not distracting or looking like clutter.

Mr. Sandow agreed. He said that that is one of the reasons they have always taken the minimalist view here is that only those businesses that are off the main streets would qualify. The question of multiple signs versus multiple names on one sign, he felt is the only issue that is open and that is, again, strictly a matter of perception of clutter. He said that it may be easier to administer and to pull off the dead signs, if there are any, but he felt it is a little more cluttered than having 3 names on one sign. He said that they could go either way.

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

Mr. Connor said that it looked like there is general agreement that what is being proposed should work with some clear questions about ownership and multiple versus one off signs. He felt that something that transfers ownership to the Township is appropriate and said that, unless he heard from someone who disagrees, he would give that direction as one revision. As far as multiple versus individual, he had no strong feelings either way. He poll the Board as to single signs or multiple signs. The consensus was in favor of one sign, one business.

In response to Mr. Connor, Mr. Butterworth did not see a reason to impose a maximum because he did not feel that enough businesses will qualify.

Mr. Connor said that he would like to poll the Board as to its preference of 4" or 6" letters.

Mrs. Raimer said that she wanted a sign that conforms to every legal standard that is appropriate, so if Mr. O'Brien is advising the Board that the legal standards is 6", whether she liked it or not, she asked if we are obligated then to conform to that standard.

Mr. Connor thought that it was more advisory than legal and that there appeared to be no long term consequences from not taking the advice.

Mr. O'Brien replied that that was his understanding at this time.

Mr. Lemanowicz said that he could verify it but he believed that that was simply for municipal street signs and they are required to be reflective. He said that there are signs out there such as "Keep Right" signs and they don't necessarily have 6" lettering.

In response to Mrs. Raimer, Mr. Sandow said that both of the signs in the island at the Meyersville Circle are 4" letters.

In that case, Mrs. Raimer said that she was fine with 4" if 4" is legally permissible or an acceptable standard by New Jersey standards.

Mr. Sandow replied that it was at one time. He said that the County sign looks a little bit bigger because it is all in caps, but the letters measure at 4" and the capital letters on the Great Swamp Refuge sign measure at 4".

On a poll of the Board, all members present were in favor of 4" letters.

Discussion of colors followed. It was the consensus of the Board to have the signs white on blue.

Discussion of logos followed. Dr. Rae felt that it is something that the Board should look into because he felt that a prohibition on logos could be held to be in violation of the First Amendment.

Mr. O'Brien said that he would check, but he did not think that there is any First Amendment issue on a municipal sign itself.

Mr. Sandow said that it is not a matter of prohibiting the logo, it is a matter of creating a standard that is lettering only and that is the sponsor of the sign (the applicant) is creating a sign which meet the Township's standard and which will be turned over to the Township for its ownership. He felt that the combination of those two makes the question of logo easy to resolve – it is simply not a part of the standard.

Mr. Lemanowicz felt that, if the Board is going to pick its fight, he felt that it should allow *nobody's* logo rather than say that we don't allow *your* logo.

Mr. O'Brien said that this will be akin to the blue informational signs on the sides of roadways and they typically do not allow logos.

Mrs. Raimer replied that they have standard symbols that they use, but if we limit our signs to just lettering rather than saying that we are prohibiting logos, she did not know that we are violating anything, we are just creating a standard.

Dr. Rae felt that that is a better way to go, as long as we are not mentioning that we are prohibiting logos.

Mrs. Raimer asked if we would be considering some language making it mandatory for a property owner to request that the sign be removed within a set period of time once the business is changed to avoid the situation where we have outdated signage rather than placing that burden on the DPW or the Zoning Officer to monitor which businesses are coming in and out.

Mr. Sandow replied, for what it is worth, it is now a town owned sign.

Mrs. Raimer agreed but added that there is still some responsibility that is to be borne by the owner even though they may be deeding or donating it to the town, for example if something should happen to the sign or if they want to amend the sign in any way.

Mr. Connor said that it may be administrative and you get to the question of remove or replace. He said that he could see somebody moving and it is a single sign on a sign post, but somebody else may move in, pulling up the whole thing and then putting it back in may be an issue.

Mrs. Raimer thought that that was part of the incentive for doing a single sign for each business, rather than putting multiple names on one sign. She was concerned that we will run the risk of some businesses changing and we have existing poles outdated business names on them.

Dr. Rae asked if the Board could make it a Chamber of Commerce responsibility to inform the Township that a business is no longer in business and that their sign should be removed.

From a precision point of view, Mr. Sandow felt that it would be the Township's PEC that would have that responsibility, although they could certainly communicate with the Chamber and between all the eyes that are watching somebody should know. He said that, in their discussions and in Mr. O'Brien's language, they always talked about the PEC monitoring this whole program and reviewing it, etc., and so that is where he felt it would lie. He said that they can certainly stay in touch with the Zoning Official and the DPW Superintendent about prompt removal because they know where those businesses are.

Mr. Connor felt that that makes sense because the PEC is a committee of the Township and they could quite easily say that part of their charter is to not only recommend enhancement, but to make sure that any signage that is out of date is removed.

Mr. Smargiassi still liked Mrs. Raimer's recommendation. He said that the property owner, either as the business owner or as the person who has tenants, will have some incentive to have the old sign taken down and a new sign replaced for his tenant. It is a selling point to lease his property. He felt that the responsibility should fall on them. He did not see any harm in adding that the property owner would have 30 days to notify the Township that the tenant has moved or that there is a new tenant coming in and the sign should be taken down. He said that, as we know, Township Committees and PEC's come and go and may not be here in 5 years.

In response to Dr. Rae, Mr. Smargiassi said that if a property owner didn't want that responsibility they shouldn't put up a sign.

Mr. Connor said that it says that the property owner has 30 days and, if not, clearly still the P & E Committee should review it.

Mrs. Raimer asked if a fine could be instituted if it is not done within the 30 day period the same way there are fines if signs are not removed from the designated areas, otherwise there is no teeth in this.

Mr. Sandow replied that if the Zoning Officer is aware that the tenant has moved out and the landlord has not notified us, rather than citing him and dragging him into court, the Zoning Officer could just as easily call the DPW Superintendent and advise that the tenant has moved out and request that the sign be removed. He said that it is nice to have that ultimate fallback but, at the point when you know that you have to enforce the 30 days against the owner, you already know that the tenant is gone and the sign should come down.

Dr. Rae agreed with Mr. Sandow that we are overcomplicating the issue. He said that, if it becomes a burden on the property owner, then the property owner can turn around and say that he is not taking any responsibility for signs and then you don't have signs up, which we all agreed is a very good thing. Based on the discussion, he felt that the way we had it – to be the responsibility of the PEC to notify the Township really takes care of it.

Mr. Connor said that you might add that, if not removed within 30 days, the Township has the right to remove it and charge the property owner for the removal.

Mrs. Raimer replied that that suited her and was a very good suggestion.

Mr. Butterworth said that the property owner *can't* remove the sign because it is owned by the Township.

Dr. Rae felt that it is becoming way to complex.

Mr. Connor said that, since the Township owns the sign, it can remove it any time it wants.

Mr. Butterworth agreed.

Mr. Connor added that if the property owner doesn't care, that is what will most likely happen.

Mr. Roshto asked if we were talking about the trigger process to know when a business has left the premises.

Mr. Butterworth replied, "Basically".

Mr. Roshto asked if that is a permitting kind of process.

Mr. Connor replied, "Not when then leave – they just leave".

Mr. Roshto said that we have a similar process for dog licenses, for example, and there is the same problem. He said that residents leave and move out of town but were issued a permit and that permit doesn't carry over into the next year. So, if you have a yearly permit process you will know within that year.

Mr. Connor did not think this was a yearly permit process. He said that there has to be words that make sure the signs are kept up within some standards, but it seemed to him that you get the sign, pay for it, then forget about it until you leave.

Mr. Butterworth said that, if a business moves out, the owner of the property is going to try to get someone else in as fast as possible and they will probably want to have signage.

Mr. Connor said that the problem is that it is likely to take more than one month.

Mr. Butterworth replied, "Who cares?"

Mr. Sandow said that the annual permitting does not do you any good if the business moves out in February after they have already gotten a permit for the rest of the year. He said that permitting, like the alarm permit, becomes a terrible nuisance because you charge somebody \$50 to put their name into a computer and that just about covers the cost of receiving it, depositing the check, and putting their name into a computer every year, when nothing changes. He said that you certainly couldn't charge more than \$50 for a sign permit anymore than you charge \$50 for the alarm permit. He said that that is just an exorbitant way of paying for spinning your wheels. He felt that, once it is there, we just have to be on the lookout for the opportunity.

Mr. Roshto agreed with Mr. Sandow but said he was just looking for a trigger to solve this problem and he didn't know what it is. He said that we also have another problem.

Mr. O'Brien asked if there was consensus on the matter before we move on.

Mr. Butterworth said that he was pretty sure it was resolved. He said that this is discussion on removing signage is so trivial, why hold up completing it and letting people get signage up over the fact that someone is concerned that we don't have a mechanism for automatically being notified that a business is leaving town.

Mr. Roshto did not know if he would characterize it as "trivial". He said that he has seen signs up for years that don't need to be up and that can happen here. He did not feel that we want to be in that situation where we have signs on the road that point to a business that has been gone for 10 years.

Mr. Butterworth replied that there are so few signs involved he did not think it will really be a problem, although he would agree if it were a couple of hundred signs.

In response to a Board member, Mr. Connor said that we could authorize the Zoning Officer to enforce removal or we can charge the PEC that made the recommendation to do that. If by some chance that Committee doesn't exist anymore you have a problem and if it does you've got somebody responsible. If you want to make sure you have somebody responsible, you use the Zoning Officer. He said that it should be fairly simple. Even if the Zoning Officer is used, he did not feel that he would be loaded up with any specific additional responsibility, he felt that you are talking about ½ hour a year.

Mr. Roshto replied that our employees are *very overworked* and to add more onto it....

Mr. Connor said that he was in favor of using the PEC, but added that there are options.

Mr. Roshto said that he was not saying that we shouldn't use the Zoning Officer, he was just pointing out that we can't just trivialize it to an hour or two.

Mr. Connor said that most people in town know when a business is leaving and we are probably talking about a minor expense, but he felt it was trivial work.

Mrs. Raimer asked, if we don't have some strong language, could we put in some advisory language to the effect that property owners are encouraged to advise the Zoning Officer (or whatever appropriate official) when a business is no longer operating so that the sign can be removed. She said that it is not creating the teeth that she was looking for, but at least a diligent property owner may be accommodating.

Dr. Rae asked if the business owner and/or the property owner could make the appropriate notification.

Mr. Sandow said that there will be an application for the sign in the normal course of events and that application will include the standards/examples and offer the qualified vendors that the DPW Superintendent deals with. He said that it could also include a specific language about notification of removal and we could require that it be signed, not only by the applicant and business, but by the landlord also and give him a copy of it. He said that we don't necessarily put it in the Ordinance in order to put that sort of an agreement into the application.

Mr. Roshto felt that was a good point.

Mr. Connor agreed and asked Mr. O'Brien, given the direction he had, if he could put something together and present a draft Ordinance to the Board.

Summing up the discussion, Mr. O'Brien said that the PEC and the Zoning Officer will be asked to monitor the signage and the business owner and property owner will be encouraged to report any cessation of business activity.

Mr. Connor preferred the word "required" over "encouraged" because it is stronger. If not required, he said that there is no penalty.

Mr. Roshto asked who should be liable to replace signs if destroyed by a vehicle.

Mr. O'Brien replied that it is a Township sign on a Township pole and is Township property.

Mrs. Raimer said that maybe there is a way for the liability of the Township to be severed in the event of "x, y, or z". She said that we don't want to be in the business of having to do this on a regular basis and, hopefully that wouldn't happen, but if it did it could get costly if a number of signs are damaged. She questioned if we want to consult with Mr. Pidgeon for some language regarding severing our liability in those circumstances.

Mr. Connor said that the last question is one of maintenance. If the signs have been up for a number of years and they need to be maintained or replaced, even though the ownership remains the same, who is responsible for that?

Mr. O'Brien agreed that that is an issue. He questioned at what point do you say that this sign is unreadable or has faded in such a way that you need a new sign. He said that somebody has got to go back to the business owner and say that you need a new sign and must fill out a new application.

Mr. Connor said that it was his feeling that it is up to the business owner to keep the sign up to date at their own expense (maybe not requiring a new application fee but with *some* charge).

Mr. O'Brien said that that is why, originally, the Board was considering a time limit in order to keep in mind what would happen to a sign over years and the PEC came back and said that they don't want a time limit, they want a perpetual sign.

Mr. Sandow said that we have language all over the Sign Ordinance about the fact that the Zoning Officer can require a crappy looking sign to be replaced within 30 days and there is no reason why that language wouldn't apply here. With regard to the damage issue, he said that he would tell the driver's insurance carrier to replace it because that is going to be covered by the driver's liability insurance.

Mr. Arentowicz said that it would be under comprehensive coverage. He said that it is like if you hit a telephone pole. You are going to get billed for the telephone pole.

Mr. Roshto said that a sign can get destroyed in many ways such as vandalism, weather, or a tree falling on it. He said that he wanted to find out if we can have something in there that says that, if the sign is removed or damaged, the business owner is responsible for its replacement (and *not* the Township).

Mr. Connor suggested tying it into the Ordinance language that talks about the Zoning Officer having the right to recommend maintaining or replacing to see if that would take care of the problem. If not, he said that a few words could be added.

Dr. Rae said that the way he saw it, there is no responsibility on the part of the Township to keep the sign up and, if it gets damaged in some way, then the whole process is to start all over again.

In response to Mr. O'Brien, Mr. Connor said that the Board would like to see the language on the revisions as soon as possible.

Mr. Connor called for a recess.

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**DISCUSSION**

**CONSERVATION ELEMENT**

Mr. Connor asked Mr. O'Brien to provide a short background on the Conservation Element. He said that if it will take ½ hour to discuss we will probably not get to it. He said that what he did not want to do is keep pushing off the Elements because that is typically what has happened in the past and later ends up being never.

Mr. O'Brien said that starting with an effort from the Environmental Commission in 2008-2009, this Board revised the Conservation Element of the Master Plan in 2009-2010 to reflect the emphasis on stormwater management and other measures concerning the environment in one Master Plan Element and this document is the result of those conversations and that thrust. He said that the document was actually completed by both the Environmental Commission and this Board in 2010. Changes were made and it was put in the queue for later approval.

Mr. Connor said that he noticed that there were lots of references to Best Management Practices which appears to be standard language. He asked if this in any way starts to get in conflict with changing the name on some of these things, noting that BMP's is, in fact, the standard language.

Mr. O'Brien said that the phrase Best Management Practices flows down from the State of New Jersey's Best Management Practices Manual which was written for major projects with stormwater issues. He said that that is where we got the original language from for the citizen's guide that was recently approved by the Board.

Mrs. Raimer asked if the citizen's guide should be referenced as well.

Mr. O'Brien replied that, originally the BMP's referenced all of those manuals. Now that the Township's has been changed...

Mr. Lemanowicz interrupted and said that we changed the name, so if it is going to be referenced we should call it by what it is called.

Mr. Connor said that we don't have the only one and the problem he had was that ours is named differently but we are also under the control of those that are BMP's. He asked if we will now have a string of names that we use.

Mrs. Raimer replied, "No", and said that you just add one word.

Mr. Smargiassi referred to Item 2, No. 2 and said that it basically makes the definition of what we are referring to. He said that his understanding when he read it is that it only referred to the State Manual and not to our citizen's guide. Based on the discussion the Board had the last time on the citizen's guide, he said that he was not sure he really wanted to specifically reference it. He said that he would almost rather just reference the State BMP Manual.

Mr. Roshto said that he would question why we need to mention it 10 times in 4 pages though. He said that there are also references where it doesn't sound like they are actually referencing the Manual itself – it sounds like they are just generically talking about Best Practices and that concerned him in the sense that we are using the same language which means multiple things.

Mr. Smargiassi said that it should be lower case. He said that every place it is mentioned it is upper case and, to him, that means we are referring back to the State Manual. To Mr. Roshto's point, he said that there are instances where that is not really accurate based on how he read it.

Mr. Connor said that, rather than take this as an item at this point, he would like each Board member to provide Mr. O'Brien with any suggestions that they might have prior to the next meeting and come up with a revision that can be reviewed. He felt that the rest of the meeting should focus on the review of the Valley Road Revised Master Plan Element.

Mr. O'Brien requested the Board members to provide him with their comments by next Tuesday, then within a day or two after that, he will put all of the comments together and provide them to the Board members so that they will have several days to review them.

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**DISCUSSION (CONT'D)**

**VALLEY ROAD REVISED MASTER PLAN ELEMENT REVIEW**

Mr. Connor said that the first copy is the Master Plan that reflects all of the changes that eliminate or in some way or another impact upon residential and he said that he would like to go through that one first to see if agreement can be reached as to the place of residential in the Master Plan. He requested that Mr. O'Brien review the changes that were made, line by line.

Mr. O'Brien apologized for the fact that there are two documents. He said that the initial charge was to take out all residential and then late last week the Chair and Vice-Chair asked him to put together the comments from the last meeting that were non-residential, so that resulted in a second document.

Mr. Arentowicz said that he reviewed the tape of the meeting and we had a discussion at the last meeting that we would document the residential changes and we would also identify where changes were discussed that were non-residential and then there was a discussion on whether or not it was one or two documents that we were going to receive and the decision was to leave it up to Mr. O'Brien.

Mr. Connor said that two documents were prepared because he had indicated that the Board would address the residential document first, followed by (if there is time) addressing the other issues. He said that his intent is to at least get agreement as to the residential piece initially and then follow it by any other agreements that may be had.

Mr. O'Brien replied that the first changes are on Pg. 2

Mr. Connor said that what was deleted initially was "and live".

Mr. Smargissi said that he was not sure that the next paragraph has to be deleted. As to the words "economically sustainable" which were deleted, he asked if we would want "economically unsustainable"? He felt that it was a silly word, so he said he was fine with that deletion. As to the second deletion, he did not see any reason why we would want to have that as a goal (to reduce the number of resident trips outside of the downtown area). He did not know what the thought process was behind that.

Mr. Connor did not know why either of those were deleted.

Mr. O'Brien replied that the very first one, "economically sustainable", actually refers to a planning phrase which is sustainable development or economically sustainable development and it refers to a compact downtown area in which people live, work, and play and are both customers and residents and that is a specific planning term that refers to a specific downtown development. He said that it was removed because it did refer to something that we are removing from the document. He said that the next one, to reduce the number of resident trips outside of the downtown, refers to the resident who would live in the downtown, not having to make trips outside of the downtown. Without residents in the downtown, he said that you are not eliminating resident trips, so that is why that phrase was eliminated.

Mr. Smargiassi said that he read that as his trips to downtown Long Hill and he wouldn't have to take trips outside of Long Hill.

Mr. O'Brien replied that you would still have to make a trip to downtown. He said that this referred to people who would live next to a shopping area and would not have to make *any* trip.

Mr. Roshto felt that the Board could make it refer to whatever it would like it to. He felt that reducing the number of trips is a positive thing and said that he would like to see it stay.

Mr. Connor said that he read it as Township too, so that we want people to go out of the Township to buy product and we are not encouraging them to stay within the Township. Secondly, he read it that we are not interested in making downtown Valley Rd. economically sustainable. It made absolutely no sense to him.

Mr. O'Brien replied that, by removing that phrase, you are also not saying that we don't want it to be economically sustainable.

Mr. Connor said that the minutes will show that we removed it and anybody that comes later will look at the minutes and feel that we must have been in some sort of daze.

Mr. O'Brien replied that it is up to the Board and all he could do is advise the Board that that is a particular term.

Mr. Smargiassi questioned if somebody came in and brought a planner in they could point to that word and say that that means that you should have residents downtown.

Mr. O'Brien replied that that would indicate a residential component to a development.

Mr. Roshto did not see that. He said that he has read a lot of these documents and a lot of economic sustainability documents that weren't referring to residential. He asked Mr. O'Brien if he had some standard document that says to use this only when it refers to residential.

Mr. O'Brien replied that there is plenty in the literature that would do that, "Yes".

Mr. Roshto asked Mr. O'Brien to forward it to the members so that they could review it.

Mr. O'Brien replied that he could do that.

Mr. Smargiassi suggested "a thriving, sustainable commercial center".

Mr. O'Brien replied that "sustainable" is the key word there. He suggested perhaps "economically viable".

Dr. Rae replied affirmatively.

Mr. Conner said that if it said "economically viable", that's fine, but taking the whole thing out is something he would not do.

Mr. Roshto agreed.

Mr. Connor suggested changing the word from "sustainable" to "viable". As to the deleting of the words "to reduce the number of residential trips outside of the downtown", to him was keeping people within the town.

Mr. O'Brien replied that the key there was reducing trips and we are not reducing trips. He said that people are still going downtown or they are going out of town.

Mr. Smargiassi replied, but if we develop the downtown and this area is developed, the opportunity would be that you could come here, park, do more things, and then not have to go out of town. He read it as Mr. Connor and Mr. Roshto read it.

Mr. O'Brien replied, because it referred to the resident trips generated from that particular area.

Mr. Connor said that he thought that was only a subset of the trips that we see. He said that the more and better stores we have the more likely our residents of the entire town don't have to go anywhere else.

Dr. Rae asked if it wasn't redundant whenever you are actually providing many of the goods and services that Township residents need on a daily basis. He said that by definition they would need to travel outside the downtown, so he felt it was redundant.

Mr. Smargiassi agreed.

Mr. Connor asked for a recommendation from the Board. He said that his own recommendation would be to leave it in, but if there was another option that would be fine with him.

Mr. Roshto agreed and asked why take it out. He felt that it strengthens it.

Mr. Connor then suggested leaving it in. He noted that towards the bottom of Pg. 2 the word "sustainable" was deleted.

A Board member recommended that the word instead be changed to "viable".

Mr. Roshto said that sustainability is a whole program all by itself. He said that removing a word that is up and coming, to him was backwards. He felt that we need to be looking at all kinds of sustainable options for our Township and the fact that some of us may or may not agree or disagree that residential is or is not sustainable doesn't mean that there are other ways to make our Township sustainable.

Mr. O'Brien said that it could certainly apply in a number of ways, including ecologically. He said that the Board asked him to remove any residential reference and he saw it as a residential reference which is why he removed it. He said that it is up to the Board.

Mr. Connor asked if there was agreement to leave in the word "sustainable".

(Several Board members nodded their heads in agreement).

Dr. Rae said that he would defer to Mr. O'Brien given that it has a special meaning. He said that he would just as soon go with the word "viable" because he felt that what Mr. O'Brien had said could come back to haunt the Board.

Mr. Connor polled the Board as to whether it preferred the word "viable" or "sustainable".

Dr. Rae preferred "viable".

Mr. Arentowicz, Mr. Roshto, Mr. Connor, Mr. Butterworth, Mr. Smargiassi and Mrs. Raimer preferred to keep the word "sustainable" (in both instances).



Mr. Connor referred to Pg. 3 under Item 2 – “Community”. He said that “Allow small scale residential uses on Valley Road above the first floor” and “Allow small scale senior housing along Valley Road to take advantage of the proximity of existing retail and services” were deleted. He felt that the intent was clear.

Mr. Smargiassi said that he knew what “discourage” means, but by referencing it he questioned what that legally meant from a planning perspective.

Mr. O’Brien replied that by putting that type of language in the Master Plan, any applicant who comes in with an application for residential development has to meet a burden of proof. One of the burdens is that the application can be reconciled with the Master Plan and the Zoning Ordinance. If the Master Plan specifically says that we don’t want this and it is a bad thing, an applicant has a tremendous hurdle to meet.

In that case, Mr. Smargiassi asked if “discouraged” is a strong enough word. To him, it leaves some “wiggle room”.

Mr. O’Brien said that we could repeat the language that we have above and just say “do not allow any residential uses”.

Dr. Rae felt that was good because, to him, “discourage” means that we could be persuaded.

Mr. Roshto agreed.

Mr. O’Brien confirmed that it should then read, “Do not allow any residential uses”. In response to Mr. Connor, he agreed that anybody there could remain as long as they wish, as long as any change they propose does not trigger a zoning issue.

Mr. Connor said that he was basically not in favor of this, however he said that it appears that the majority of the Board is. He felt that it makes development more difficult in places that should be redeveloped. In response to Mr. Roshto, he said that he was referring to buildings that are currently mixed residential business that are not in the best of shape. He said that there is no incentive for them to do anything except to keep the building the way it is because they can’t convert that building to an upgraded one that also would now include, perhaps, residential upstairs and so they would essentially just keep it. He said that this would now say “not allow”, whereas “discourage” *might* say that there could be an instance when they could make a case before the Zoning or Planning Board that this was an upgrade and to the benefit of the Township. He said that by not allowing it, he felt that that decision and discussion becomes much more difficult. He asked Mr. O’Brien if that was true.

Mr. O’Brien said that it would require a use variance which is the most difficult variance to obtain.

Mr. Connor asked if the difference between “discourage” and “not allow” make it more difficult, or is it really semantics.

Mr. O’Brien replied that “not allow” is certainly stronger than “discourage”.

Mr. Connor said that he still felt that “discourage” ought to be used in instead of “not allow”.

Mr. Roshto asked Mr. O’Brien if there are any other tools that could be used to assist existing property owners that are using it as residential today to encourage them to improve their property *without* going through a use variance.

Mr. O’Brien replied that they can improve it as in *renovate*, but they can’t add on.

Mr. Connor said that doing something to the property that would be more than painting it and doing something on the inside, for example, the Mason property on Main Ave. It is keeping the same footprint and there is going to be a new very nice looking building replacing the one that used to be there. Whether or not you could do that with a couple of the residences and commercial properties here is possible. He said that he didn’t know, but certainly this would make it much more difficult.

Mr. O’Brien said that they would currently require a use variance and, in the future, they would require a use variance. But they could maintain and keep their properties as they are and they can improve them as they wish, but any kind of an expansion would require a use variance.

Mr. Smargiassi said that some of the properties he was thinking about are on the western side of this area on very small lots, so even if they were to do any type of expansion, he could not imagine they would meet the lot coverage. He noted that some of the lots are covered 100% as far as he could tell. He said that he understood Mr. Connor’s point, and he said that Mr. Briggs made this point at the last meeting, about some of those properties and trying to have logical ways for them to be redeveloped. He said that he was hard pressed to find an easy way for anyone to redevelop some of those properties down there just based on their lot size and it is a fact that they flood. He said that they are significantly challenged.

Mr. Connor said that he saw a majority of the Board say “not allowed” and so we will go with that.

Mrs. Raimer asked if the Board should be this dismissive of a real issue. She said that the majority agreed to “not allow”, but then you raise an important point and might continue to emphasize that this is a real issue for the

Township. She questioned if there was some balance. She said that she was not comfortable if there are truly existing properties that need to be redeveloped in some way and we are prohibiting them and that maybe this is our opportunity to provide some latitude for them.

Mr. Connor said that he knew that there were at least two in the north side of Valley Rd. at the western part and there may be a couple of others. He said that one of them came in for some recommendations to do a particular upgrade and decided not to do it.

Mrs. Raimer said, so now we are making it even more of a struggle.

Mr. Connor said that they came to the A.R.C. and took all the comments under concern and learned that a use variance would be necessary and decided it was not worth it and this would make it even more difficult.

Mr. O'Brien said that you have a "for instance" with Valley Sports which improved their property which they are allowed to do because they took what they had and rebuilt to the same specifications.

Mr. Connor agreed and said that they appeared before the Planning Board and the Board had to make sure it was the right floor space for commercial versus what was upstairs and make sure there was a separate entrance and we went through a relatively thorough process to make sure that everything was done and, at the same time, we had control over what the exterior of the building looked like and it needed to be made more consistent with the Township. He said that we essentially got a new structure on an old foundation that, if we didn't have residence, he did not know if anybody would have done it. He said that it would probably still be sitting there empty.

Mr. O'Brien added that that application required site plan approval from this Board as almost any other property.

Mr. Connor said that by letting it come to either the Planning Board or Board of Adjustment, it then gets in our hands, if they want to have this variance or site plan approval, they have to then upgrade the property to the requirements of the Township. He said that that is the only time that we can actually require them to make changes to the property and actually make the building more economically viable and from a tax standpoint where we would get additional revenue. He repeated that he was obviously in favor of allowing it, subject to the review of the Zoning or Planning Board.

Mr. O'Brien replied that that has not changed.

Mr. O'Connor said that it is making it even harder than "discourage". He said that, if an applicant goes to the Zoning Board, they have to show that the benefit outweighs any detriment and certainly you could make that case with Valley Sports. He said that, even if that property was consolidated (which would be ideal) and continued to have the second floor for residential, you would give them the chance to consolidate two buildings into a building that is much more in tune with the way we want to see the Township and it doesn't really change anything because it already has residential above one of them. He said that he wanted to encourage the place to look better and somehow it seemed to him that this is discouraging people from improving their properties when we want them to and we are giving them the wrong signal.

Mr. O'Brien said that this primarily applies to new development. He said that whatever is can stay.

Mr. Smargiassi said that he hasn't been on the Board of Adjustment for a long time, but having spent a couple of years there he felt that that Board gave a lot of weight to what you may consider non-conforming pre-existing uses, which is maybe what this would be and that they would have a strong case no matter if language is "discourage" or "do not allow", to basically keep doing what those properties have been doing for at least the last 15 years. He felt that they would still have a very strong argument and his understanding is that they would still have to come to one of the Boards regardless of what it says, but that would be the case that they would make – that basically it has been there for "x" number of years and they are not going to change it, they are just going to improve the building. He felt that that would be a very compelling argument to make. He asked Mr. O'Brien if the Master Plan has more impact on new development.

Mr. O'Brien replied affirmatively. He said that all pre-existing uses are protected under the M.L.U.L. and supersede anything we say.

Mr. Roshto did not want anyone to misconstrue what he had to say as support of it, but he would just like to explore it a little bit. He said that he was in favor of *less* residential than there is now and if there is a way to reduce residential through something that we might say – some language that says you can build new if that new property results in less residential in that area. In other words, it might not be necessarily a bad thing to have an apartment or something on the second floor of an *existing* residential non-conforming use if that is less than the residential space that is there today. He asked the Board what it would think about a statement like that.

Mr. O'Brien replied that you don't have any control over that. He said that, if they are willing to stay exactly where they are, they have the right to renovate and maintain their property as long as they wish. He said that you would not be able to put some type of a reducing mechanism on them such as, if you want to improve your commercial part, you've got to reduce your residential by 5%-15%, or whatever (if that is the thrust of what Mr. Roshto was getting at).

Mr. Roshto asked if there was any language that could say, if you want to have a mixed-use (residential and business uses) in that purely residential property, is that possible (to reduce the burden of a variance).

Mr. O'Brien replied, "No".

Mr. Smargiassi asked what if said "do not allow new residential uses".

Mrs. Raimer said that, in her opinion, that was the qualifier (new) with distinguishing what you were trying to help us with which is that this applies to things that are forthcoming – prospective development as opposed to existing.

Mr. O'Brien said that he understood what you would like to do, but what is going to happen is that following this there is going to be a set of ordinances and the ordinances are not going to allow *any* residential use in this area. So, it is preferable not to wiggle here when the ordinances will say "no residential" because then you still have to go down the path we have been describing, that a residence will require a use variance or some other type of approval. He said that we still can't do anything to any existing property if it remains as it is.

Mr. Connor cited two examples that he was concerned about. He said that we have 3 properties next to Thermoplastics on the south side and right now they contain a convenience store and 2 small things and another piece of property and then a residential property. He said that we have an abandoned house, the (former) Zizzor's hair salon that is abandoned, and a strip mall. In his mind, the only way to upgrade would be to consolidate those three lots and allow someone to build an economically viable business there which already has a residence that would include residential on the second floor and a slightly expanded retail on the bottom, and maybe a couple of residences. He said that that would be a viable use of that property, otherwise the entrance to the Township on the right is going to be an abandoned house, abandoned building, and a little convenience area. On the left hand side, we have a house with an apartment on top that is in need of repair and next to it is a drycleaners. He said that those two properties could be combined into a single property which, if allowed to have residential on the second floor, would now become not so much of an eyesore. He said that the next things coming up would be the two properties north and south of Thermoplastics, which will ultimately be developed into something else. He said that we have already said that you can't have residences in the flood plain/flood hazard area, so that would take care of that. He said then something else will be developed there, but you come into residences anyway and giving at least some promotional incentive to get these properties consolidated so that you could have viable, attractive, houses and businesses there is something he would like to see. He said that that he saw what we are doing as discouraging and we will have the abandoned house and Zizzor's long after he was gone. He said that he really had problems with this.

Mr. Roshto did not think we can lose sight of the fact that is one of the most, if not *the* most, flood prone area in our Township. He said that even to hint that this Board would promote residential, just from a safety perspective, he felt is a mistake. He said that Mr. Connor's example is an area that we should actually be writing *stronger* language *not* to have residential in that area.

Mr. Connor asked how we upgrade that. He asked if we will forever have that as the entrance to our town.

Mr. Smargiassi replied that the bike shop went in. He said that he brought up the flood plain map and all those streets/properties are dark. He believed that the (former) Zizzor's property and the mini-mart, and maybe even the house, are already owned by the same owner so they are, in essence, consolidated already. He said that, if the bicycle shop can make it, or even the child care facility, those are the types of businesses that you would want there. He said that they can leave before it floods and we don't have to worry about rescuing residents. He said that we don't have flash flooding here, we know when it is coming, and we have plenty of advance warning. He said that this is a bit of the discussion that we had last year about not putting residences in those areas and discouraging them specifically, which he recalled we agreed to in December. He said that it is a challenging area, is not an easy area, and will never be an easy area to develop, however he sees somebody like the bike shop (which has a flow-thru foundation) who has done things that prove you can have a nice looking building, a sustainable business, and things that can work and he felt that those are the things that we would want in that area and should be encouraging. He said that Mr. Roshto's comments reminded him of the discussion that we had previously about not wanting to put residential in there. The more he thought about it, the more he would like to see "do not allow residential". He said that there are very few places in the Valley Rd. Business District that are dry – it is basically an island if you look at the Flood Hazard Map and it is literally surrounded by dark green. He said that it will change when the property owner decides that his property is probably not worth two million dollars and, instead, it is worth five hundred thousand because it is in a flood plain and it is challenged. He said that there may be an asbestos dump at the rear of the property or a million different reasons why that property is challenged, but once the price gets cheap enough, somebody will buy it.

Mr. Arentowicz said that, if you look at Thermoplastics down to Main St., including the restaurant, this is causing so much of a problem in a flood plain of our Township and we are concerned on safety here. He said that he brought it up meetings ago about Governor Christie's 15 Point Plan and maybe these properties are a candidate to buy out and you don't build on them. He said that you don't want to hear that but we've got a major problem here and we've got to address it. He said that we are responsible for the safety of the public and that intersection, which he described as "horrendous". He said that he has talked to Regal Cleaners and it floods all the time and he is replacing the carpet all the time and everything is covered with asphalt. He said that it is going to keep happening and people are going to be there in canoes unless we do something. He said that if you want that to be our entrance to the Township and you keep doing what you are doing, it is going to be by canoe. He said that you talk about traffic flow and what

happened in the past and he sits there and watches these tractor trailers block the roads at Thermoplastic and they've got 5 truck ramps to come in there and bring trucks in. He said to take a look the next time you drive by Thermoplastics of all the pallets and the material that is sitting outside. He said that he drove to the intersection of where the Delta gas station is and Jaeger Lumber had pallets stacked 6'-8' in the air. He said that he talked to the Zoning Officer and they were removed. He said that we have to, as a committee, realize that that intersection is a major, major problem.

Mr. Connor said that he wanted to see where the Board is as to "not allow" or "discourage" and go on. He felt that there was probably a majority for "not allow". If that was not the case, he asked Board members to speak up.

Mr. Butterworth was in favor of "discourage" rather than "not allow".

Mr. Connor said that the majority agreed with "not allow".

Mr. Connor said that the next deletion was "Allow live and work residential units". He asked if there was any discussion on that item. There being none, he said that it will be deleted.

He said that "large scale" was next to be deleted and had to do with residential, so it will be deleted.

Mr. O'Brien said that that was revised to read "do not allow any residential uses", per one of our last discussions.

Mr. Connor said that the next deletion read "complexes in order to provide the desired balance of mixed uses. The size and number of residential uses shall be balanced with commercial uses so that the commercial uses are predominant". There being no discussion on that item, he said that it will be deleted.

He said that the next item to be deleted is "Use the Valley Road business District to assist in addressing Township COAH obligations where feasible and appropriate". He said that he assumed that there is no more word on what is going to go on with COAH.

Mr. O'Brien confirmed that there has been no new news.

Mr. Connor asked, *if* COAH is reinstated in some form as it is currently being proposed, what would be the impact of deleting this piece.

Mr. O'Brien replied that the Township would have to address COAH elsewhere in the Township.

Mr. Connor asked, since we don't currently address it elsewhere in the Township, what would be the impact of someone coming in and finding that we had COAH obligations (although he understand that right now we may not).

Mr. O'Brien replied that it would depend upon whether or not new standards were enunciated and whether we took action on those new standards. If we failed to take action on new State standards within a reasonable amount of time (which he could not define but noted that in 2008 they gave us about 6 months to do it) then we could have a problem if somebody came in.

Mr. Connor asked how this relates to the new time of application/time of decision rule.

Mr. O'Brien replied that there it would have no impact on that that he could see. He said that anybody can apply for anything and once they put that application in, the standards by which that application is judged are the standards that are enforced at the time that the matter is deemed complete. If it is not allowed and somebody came in to propose a residential affordable housing segment, they would require a use variance and appear before the Board of Adjustment, under the current regulations.

Mr. Connor said that they would then have a case that they didn't have any place to go within the Township and therefore, for whatever reason, they selected this particular point.

Mr. O'Brien replied that that would be the case if we did not take any action after we were given an opportunity to do so.

Mr. Connor said that it seemed to him that if we delete this, then we need to make sure that as soon as some COAH decision is made, we address whether or not that affects our ordinances and, if it does, we need to post haste adopt ordinances before anybody can come in and override our decision.

Mr. Roshto asked if there was a conflict here. He said that we just said no residential use in the business zone but now we are talking about COAH and COAH is residential. He asked why we are discussing COAH here.

Mr. Connor replied that it was initially put in because it was felt that we didn't want to see COAH housing spread throughout the town or selected by an applicant. He said that we wanted to be able to pick the place that *we* want it and at least the discussions we had over the two or three years that we did this as if that was the case, Valley Rd. would be the best place to put it, noting that there are sidewalks there and we already have the senior housing at the

end of Valley Rd. He said that you would put such housing in the most appropriate place, such as near stores, rather than picking some other location. He said that that was the rationale for putting it in.

Mr. Smargiassi said that he would think that it would be prudent that, whether it is in or not, he would be for *not* having it in. He said that, regardless of whether it is in or not, if COAH is reinstated in any form, we should look at our COAH obligation and see what changes we need to make. He said that we would do that at that time when we would actually know what obligations we would have, if any, how soon we may be required to have more obligations and, at that time, we could pick the most appropriate place to potentially make changes or edits and put in COAH housing. He was sold on the argument that it is almost impossible to plan for this when we have no idea what it is going to look like. He said that the more information we have, the better decision we can make.

Mr. Connor said that his concern was that we just said “not allow residential” and now we say, when it comes in we will make a decision on where to put it through ordinance, but the only area that so far says “do not allow residential” is the Valley Rd. Business District, so you see a conflict there versus other areas where we don’t have that wording.

Mr. Smargiassi replied that he was talking about anywhere. He said that it could be Stirling, Millington, or Gillette. He did not know where it is or what the requirements will be. He said that we don’t have to wait 10 years to change what the Master Plan says or do any of those things. He was not prepared to make any type of call on where it should go today.

Mr. Roshto added for arguments sake, let’s say that we *do* have a COAH obligation (which he did not think we do and instead felt that we have credits). He still would not like to see it on Valley Rd. He believed that this Element should *not* have COAH in it and felt that we should be looking at more appropriate places to fulfill our COAH obligation.

Mr. Connor said that the question of whether or not they would carry over credits was never resolved because it never got to implementation, but there was certainly a threat that our credits would not carry over. He said that it sounded like the consensus was to delete the COAH and address it when it becomes an issue. He said that we should just make sure that we address it quickly.

Referring to Pg. 3, Mr. O’Brien said that he eliminated the “Provide bonus lot coverage in exchange for higher landscaping requirements for new buildings” because it also referred to residential buildings and properties, although it was not specified. He said that he removed it because it affected any residential property and also because the Board didn’t seem to like that idea in several past discussions. Since he thought that it had some residential component to it, he included it in this version.

Mr. Connor said that the whole issue of bonuses and lot coverage is something that we clearly need to address, noting that we have some lot coverage problems now. He said that he would prefer to leave it for the non-residential discussion. He then referred to the last two deletions on Pg. 3 (deleting “balance and” and “will support each other and”). He said that it doesn’t have anything to do with residential.

Mr. O’Brien replied that the balance *did* refer to residential that supported each other – that was the initial impetus behind it.

Mr. Smargiassi said that we use terms like “balance” or whatever it is and he did not see a specific reference to that. He said that when he thinks of “balance” it is multiple things and multiple things to do and might be something that keeps you here for an hour or maybe something you come for 5 minutes, so it is a mix of uses. He said that businesses all support each other and that supermarkets support all of the other stores in the complex. In “park and stay”, he said that he did not take “stay” to mean overnight or a year or two. He took it to mean stay “a while”.

Mr. O’Brien did not disagree.

Mr. Connor noted that it was 11:00 PM and called for a motion to extend the meeting for an additional 15 minutes.

Mr. Arentowicz asked if the Board will get through this in 15 minutes.

Mr. Butterworth doubted it.

Mr. Connor said that the Board is near the end and, if not, it will have to be continued at the next meeting.

Mr. Roshto replied, “So moved”, which was seconded by Mr. Smargiassi and it was agreed to extend the meeting until 11:15 PM.

Mr. Connor agreed that that it was not an issue of residential and needs to be discussed at the next section.

Mr. O’Brien said that it is up to the Board and that he took it out because he understood it, from when it was written, that it *did* include a residential component, however as Mr. Smargiassi had pointed out, he said that you could eliminate the residential component and it could still stand.

Mr. Connor replied that we have eliminated residential every place else, so it seemed to him that there is no longer a residential to balance.

In that case, Mr. O'Brien said that the consensus was to leave it in.

Mr. Connor agreed and said that we will look through the second portion when we don't talk about residential and we may have more discussion then. He said that the same applies on Pg. 4 where "bonus development and/or" was deleted, which he said is a whole different discussion. He said that we may or may not do that, but it is not a function of residential, it is a function of cover and the various other aspects.

Mr. O'Brien agreed and said that it was not solely residential.

Mr. Connor did not believe that there were any other changes.

Mr. Arentowicz said that we talked the last time that we wanted to have a recap of the history and historically this Board and other groups included the history when Elements were prepared. His recommendation was that, if we are going to do that, we add two bullets in the history portion of the Element. First, he said that we had two meetings in 2011 where a concept design was presented by Greenhill Developers and we had a residential outcry of 250 people who did *not* want residential uses on Valley Rd. The second is that this Board requested direction from the Township Committee and on February 12, 2012 received that direction on what to do with residential on Valley Rd.. He said that he wanted that information included so that when we are gone, people will have a history of why these changes were made about residential.

Mr. Connor said that one of the issues that is going to be discussed is how this Element will be put together. He said that there have been some recommendations that the Element and the history be filed separately and he felt that that is probably a good idea. He said that what the history ought to include certainly is here and may be updated depending on the Board. He said that he would rather have that discussion and get agreement as to the actual changes within the Element itself that at least can be adopted at a public hearing rather than continuing to make more changes preventing us from having a public hearing judiciously. He called for a motion recommending that Mr. O'Brien reflect the recommended changes that were discussed in the necessary documentation for a public hearing and that Mrs. Wolfe start that process.

Mr. O'Brien said that the only thing to consider would be that, if you are going to change additional language, that language has got to be in a final document that would be used for the noticed public hearing. He said that, if you want to set a date now that is fine, but that also tells you that whatever the document is on that date, that is the document you are reviewing.

Mr. Connor felt that the residential changes have been agreed to. He asked if anyone disagreed to please let him know. He said that that should be put in language that can be published for a public hearing. He said that if we are going to change other language, we now are going to do another discussion and push out the date. He said that the choice is do we now want to go through with the additional language (not at this meeting) and get that done. He said that we already have the next agenda pretty well packed up. He said that he would like to see the residential piece resolved because that seemed to be the major concern at the time and there are certainly other items that might be changed, however they seemed to him to be of a lower priority.

Dr. Rae said that there are a finite number of additional changes and that he would like to go through all of them so that we have a final document containing all of our changes.

Mr. Connor said that he looked at the other document. He said that this had a few that we were going to discuss later and the others will not get discussed unless we decide to be here at least until midnight.

Dr. Rae suggested polling the Board to see if everybody feels the same way. He said that, if we don't do it now and we move forward with the public discussion on May 8th, then the chances are that they are never going to get addressed.

Mr. Connor replied that we want to get some ordinance through. He said that, if we remove the residential, that may allow us to get the ordinances through and we can get that done. He wanted to get this process to work quicker rather than slower.

Dr. Rae agreed. He said that it is up to the Board as to whether it wanted to stay a little bit longer and really finalize the Element. He felt that it could be done this evening. He was in favor of getting the ordinances in short order but said that, if we don't do it today with this additional language and move forward with a public hearing, he did not think we will ever get to it. He said that a lot of the changes he saw were discussed at the last meeting and he thought there was kind of general unanimity.

Mr. Connor asked Mr. Roshto if he was willing to wait.

Mr. Roshto replied that he could answer that question. He felt that we have to do what the right thing is and agreed that we need to just ask the Board if they want to stay longer and work on this or push it out to another meeting. He agreed that there are a finite number of issues and said that we might just want to start and see how far we get. When he read them, he did not see too many controversial things, but said he is always surprised.

Mr. Connor said that this is the result of a number of years and so there is logic behind a lot of it.

Mr. Butterworth did not believe that it could be done in another 45 minutes.

Mr. Roshto saw the recommended changes that are black lined as not very consequential.

Mr. Connor did not agree with most of them. He said that we tried to reposition the town as being not just business friendly but applicant friendly and yet we are removing the phrases that support that we want to be applicant friendly. His take on the rest of them is almost to do none of them and he said he would make strong arguments on why that should be the case.

Mr. Roshto said that, at the last meeting, this Board sounded like they had some differing opinions on that and he did not think that the Board should be rushing through for the sake of getting it done. However, having said that, he believed that residential is, by far, the most important thing.

Mr. Connor said that the prime developer of the alternative, or recommendations that they be deleted, is not here to actually argue his case in favor of them.

Dr. Rae had another suggestion. He said that he felt that, at the last meeting, the Board hashed out a lot of the things that we have here. He suggested that as we move along we could have a couple minutes of discussion but limit it to that, or maybe do a straight up or down on each one of them and that is how we move forward.

Mr. Roshto felt that it is doable.

Mr. Butterworth suggested finishing the Element on the next agenda and then go out to the public.

Mr. Arentowicz recommended that, before going for any public hearing, we get this Element resolved in its *entirety*. He said that we came here tonight and discussed signage not realizing that we have been working on signage since 2007. He said that this Conservation Element has gone two years plus a couple of months. He said that some of this is inconceivable to him that it takes this long.

Mr. Connor noted that the Meyersville Element was passed 2 ½ years ago and is now getting a public hearing for the first time in front of the Township Committee. He agreed that those things should not have happened. He said that there were 4 or 5 things referred to the Township Committee over the last 2 years and the Township Committee has not acted on them. He said that the problem is that we sent things up and they just piled up and it does back things up.

Mr. Arentowicz said that there will be a big turn out tomorrow night (at the Township Committee meeting) and there will be some surprises.

Mr. Smargiassi asked if this could be put first on the agenda at the next meeting. He said that he was probably somewhere in the middle in that he agreed with some of them and did not agree with some of the other changes that are proposed in this section or the deletions that were made. He suggested taking care of this first and having the public hearing immediately after that. He felt that things are moving in the right direction and that the Board has made a lot of progress this year and in the last couple of months.

Mr. Connor asked the Board if it was agreeable to have it scheduled first on the next agenda and have a target of being done by 9:00 P.M. He said that that will delay the hearing by 2 weeks, which he did not feel would be a major issue.

Mr. Smargiassi felt it was totally doable by 9:00 P.M.

Mr. O'Brien said that to be clear at this point, we do not have a noticed public hearing date for Valley Rd. and we will wait for the completion of the Element and that 30 days will be needed in order to hold the public hearing.

Mr. Connor agreed.

Due to the lateness of the hour, the meeting adjourned at 11:17 P.M.

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DAWN V. WOLFE  
Planning & Zoning Administrator

