

**MINUTES**

**PLANNING BOARD**

June 26, 2012

**LONG HILL TOWNSHIP**

**CALL TO ORDER AND STATEMENT OF COMPLIANCE**

The Chairman, Mr. Connor, called the meeting to order at 8:02 PM 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 the Echoes Sentinel and by filing a copy with the Municipal Clerk, all in January, 2012.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

Christopher Connor, Chairman  
Brendan Rae, Vice-Chairman  
Charles Arentowicz, Member  
Joseph Cilino. Member  
Sandi Raimer. Member  
Guy Roshto, Member  
Jerry Aroneo, Mayor’s Designee  
Ashish Moholkar, 1<sup>st</sup> Alternate

**Excused:**  
Donald Butterworth. Member  
Michael Smargiassi, Member  
Barry Hoffman, Bd. Attorney

Kevin O’Brien, Twp. Planner  
Thomas Lemanowicz, Bd. Engineer  
Dawn Wolfe, Planning & Zoning Administrator

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**OATH OF OFFICE**

Mrs. Wolfe administered The Oath of Office to 1<sup>st</sup> Alternate Ashish Moholkar.

**EXECUTIVE SESSION:** None Held

**APPROVAL OF MINUTES**

The Planning Board approved the minutes of February 28, 2012, as written, on motion by Mr. Aroneo and seconded by Dr. Rae.

Mr. Connor said that he wished to address the matter of a subcommittee for the fee and escrow accounts, noting that Mrs. Wolfe has information available with background information. He said that he had discussed the matter with Dr. Behr and they both agreed that this should be a joint committee noting that fees and escrows are probably a greater problem for the Zoning Board than this Board. He said that he asked him (or Mrs. Raimer) to appoint two members at the next Board of Adjustment meeting. He said that he would appoint two members at this meeting and had talked with Dr. Rae who has agreed to be a member. Mr. Aroneo volunteered to be the second member.

Ms. Raimer clarified that although it sounds like a large commitment, a lot of the work has been done. She estimated that two or three meetings will be held during the summer months with the conclusion of the group to be rendered before Labor Day.

**PUBLIC QUESTION OR COMMENTS**

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

Mr. Cilino asked to be updated on Mr. Hoffman’s status adding that he felt it would have been helpful to have legal counsel during the recent Tifa hearing.

Mrs. Wolfe said she had spoken with him recently and he indicated that he was currently doing some work for the Board of Adjustment and is looking forward to his return to both Boards.

Mr. Raimer said it was this Board’s decision to excuse Mr. Hoffman from the meetings as a cost cutting measure. She said that if there are meetings that the Board would like him attend we just have to let him know, otherwise he will step back to accommodate the budget.

Mr. Connor added that Mrs. Wolfe always asks if Mr. Hoffman is needed and he was the one who thought it was alright if he was not present for TIFA as it was more of a preliminary matter with no action to be taken.

**DISCUSSION ITEMS:**

**POTENTIAL REDEVELOPMENT OF TIFA SITE – 50 DIVISION AVENUE**

Mr. Connor said he had watched the recent meeting on TV and it was his conclusion that this may be something that can be resolved tonight. He said that the Board has also received more information from Mr. O'Brien on what the requirements are for redevelopment and asked him bring the Board up to date. He felt the issue that we had to decide was whether or not the Planning Board wants to recommend to the Township Committee that they form a Redevelopment Committee and then forward their findings to the Planning Board.

Mr. O'Brien said that there are 3 questions.

The first question is the process, which the Board discussed with the representatives of A.R. @ Millington. He said that he provided an excerpt from the redevelopment plan laying out the process which starts with:

- The Governing Body asks the Planning Board to conduct a study.
- The Planning Board conducts a study and concludes whether or not the area is in need of redevelopment.
- The conclusion of the study at a public hearing is sent to the Governing Body who will take whatever action they deem necessary.

The second question is whether or not a redevelopment agency is needed and, if so, at what point.

- A redevelopment agency is needed at the end of that process should the Governing Body decide to enter into contractual discussions for a redevelopment plan.
- Only the redevelopment agency, which could be the Governing Body, can enter into a redevelopment contract for the redevelopment entity.
- He said that the Board can go through the Governing Body and request a study; the Planning Board can do the study; the Planning Board then reports the study back to the Governing Body; the Governing Body then discusses it and decides whether or not to declare the area in need of redevelopment prior to any contractual negotiations

The third question concerns the benefits and the monies that are involved. Should a redevelopment agency be designated or should some other means of redevelopment, such as rezoning, be conducted?

- In the case of rezoning, there are no financial benefits.
- In the case of a redevelopment agency finding an area to be in the area of redevelopment, it enters into a contract with a redevelopment entity. Then the redevelopment agency and the redevelopment entity can negotiate payment in lieu of taxes which would be a payment directly to the municipality as well as, depending upon the contract, the Board of Education.
- The redevelopment agency can also issue redevelopment bonds which can finance the building of infrastructure. Those bonds are exempt from the municipal debt limits so they don't count toward municipal capital. Those appear to be the major benefits in terms of finances.
- In addition to that, from a unique situation dealing with the TIFA property, he said that this area is also under study by the Highlands Council as a receiving area for TDR. The Transfer of Development Rights Study found this was an area that could receive development from sending areas in the Highlands. The municipality would be eligible for up to a \$15,000 payment per unit from the Highlands factor, in addition to the side of the actual redevelopment.

Mr. Connor noted that we have some funds already available to do the study.

Mr. O'Brien agreed. He said that AR @ Millington has also made it clear that they would be willing to support a redevelopment study should the Board wish to do so.

Mr. Connor said the Millington Element of the Master Plan is planned to be completed by the end of the year which is the other activity that we have and would be included in our budget which gives us multiple funding sources.

Mr. Aroneo asked if it was necessary to have a redevelopment study for it to be eligible for the Highland money?

Mr. O'Brien said that there is a study from the Highlands and you can do them both, one or none. The redevelopment is independent of the \$15,000 per unit. It is a TDR study all by itself.

Mr. Connor said that obviously this issue was something the Township Committee is going to be involved in and the Planning Board is going to act as a mechanism providing the information back to them. The real questions are does the Planning Board believe that we should do this redevelopment study and send it to the Township Committee and would they be open to looking at putting together some sort of redevelopment entity?

Mr. Roshto thought the first step would be that the Township Committee has to request a resolution from this Board. He said that we may be discussing something right now that the Township Committee hasn't asked to be discussed.

Mr. Connor said that, since we had the presentation, he would then ask if a recommendation from this Board would be useful or would the Township Committee just basically say they would decide on their own?

Mr. Aroneo said that, as a Township Committee member, he would always welcome the input of this Board and would be interested to see what they say, although he was not in favor of a study right now. He felt that what was presented was out of character for the Township as we don't have the infrastructure for what is proposed. He said he would rather it go back to the developer and ask them to scale it back, present the smallest project in terms of residential units that can economically built there with the smallest square footage for the mixed use and with the most amount of green space. He also felt that it may still be toxic and not usable for active recreation.

Mr. Connor pointed out that there was a solar bill passed on Friday which has words saying that you can use properly closed landfills and those five acres could become a solar part and in about six months that land will be developable.

Mr. Roshto thought the Township Committee would value any input from this Board. He said that the input he would like to see would be some of the facts that Mr. O'Brien discussed tonight. He suggested that perhaps he could do a little more research for and answer some of the questions Mr. Aroneo brought up. He said that we should give our opinion on what we think of the concept and that is what will drive it.

Mr. O'Brien felt it might be difficult to put an opinion on the record and that it would have to be carefully thought out.

Mr. Cilino commented that this presentation has been made twice and he felt that the Board is not looking to judge. He could not see any detrimental effect to voicing an opinion based on the facts presented and upon the Planning Board or Township Committees thoughts. He said that we are not changing or striking ordinances down.

Mr. O'Brien felt it might be appropriate for the Board to ask questions of what the development entails from the developer's point of view and perhaps express general concerns that they would like to see addressed in future presentations. He said that general kinds of ideas might be that this Board had concerns about density and how it may or may not fit in this Township. He said that stating concerns rather than opinions might be better and you *don't* want to make statements.

Mr. Cilino noted that the application has not formally been presented, however it has been presented as a concept and as such, not to be argumentative, he felt that the Board can speak to its concerns and observations given the information that we have and what needs to be looked at by the applicants in order to move forward with the project.

Mr. Connor asked a procedural question. He asked, when you have a redevelopment zone, what are the impacts of the ordinances that govern those zones? He felt that what has been proposed does not appear to be consistent with some of the zones.

Mr. O'Brien said the developer's agreement supersedes the Zoning Ordinance. He said that the Planning Board actually reviews the developer's agreement and negotiates it and that it is a contract between the redevelopment agency and whatever entity is chosen by contract. He said that you can say high density on setback, parking, etc. and you can draw from the Ordinance or from whatever the ideas are in a particular area or if there are unique situations that apply. The Planning Board does review all of those things.

Mr. Cilino felt that there are three things that stand out. He said that by the Millington Train Station there is a huge storm drain which goes back toward Building #4 and the topography of the land is such that it is higher towards the train station and dips down toward the back and the river. He said that he was thinking about 2 stories vs. 3 stories and if there could be a combination of the two. He questioned if they propose to fill that area so it would be flat adding that he did not think you could put soil into a flood plain area.

Mr. Aroneo thought they were putting the taller buildings on the downside of the slope to give the appearance of less height.

Mr. Cilino noted that there are some very nice two story condos on Cooper Lane and that would be something he would envision going back in this area. He questioned where the runoff from the proposal was going. He felt he needed answers to those questions before he could give an opinion.

Mr. Connor said he had walked the site and noticed a lot of asphalt and that the dirt is fully compacted. He thought that anything that dug up some of that and replaced it with lawn and trees will reduce the runoff. The other obvious thing was when looking across the street at Barrett, he found it to be in just as bad shape. When looking at what TIFA has proposed, he said you will find that you have to do something across the street and it may be a place for additional types of townhouse development. He saw it, in the long term, as a potential way to go which would make Millington have a small town center with residential possibly support thing the stores and retail. He felt that this is something the Board might consider.

Mr. Cilino saw this as a lower income situation where people could live at a lower cost but was unable to visualize 100 younger people coming to live there since there is nothing to draw that age group.

Mr. Aroneo agreed and said that the people that do live in that area move here because of the environment. He, too, was not sure that this is where young people would want to be.

Mr. Connor said there is a similar project in Berkeley Heights that does very well, although he was not sure it was something we needed to concern ourselves with.

Mr. Cilino said that, from what he has seen, most of the commuters are business men.

Mr. Connor said there were some issues raised and felt they could be passed onto the Township Committee. He said that the Board will not take any formal action on this and the Township Committee can do what they think is appropriate via a memo.

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**DISCUSSION/ADOPTION OF AMENDED VALLEY ROAD BUSINESS DISTRICT MASTER PLAN ELEMENT**

Mr. O'Connor reopened the hearings on the Amended Valley Road Business District Element Master Plan Element and asked that Mr. O'Brien remind the Board of where it left off.

Mr. O'Brien noted that several questions were raised at the last hearing concerning designations made by previous Planning Boards of areas that were within the Valley Road study area. As indicated in 2007-2008, he said that that Planning Board designated the area between Morristown Road and Main Avenue along Valley Road as a study area and came up with a Master Plan map which was adopted in 2008. Subsequent to the adoption of that (in 2010-2011) the Planning Board wrote ordinances in support of that Master Plan. In the writing process, the Planning Board designated certain parts of the study area differently than in 2008 and said that he provided the Board members with a map showing the various designations made by the prior Planning Board. He said that it was suggested that the area on Plainfield Rd. and Metzler Pl. be designated as part of the R-4 Zone which is the smallest lot area residential zone. He said that they suggested that both the Valley Mall and Shop-Rite Plaza be included in the Valley Road Business District Zone. They also suggested that the properties west of Morristown Rd. (almost to the intersection of Plainfield Rd.) be kept in the O-Zone, which is the current zone for that area. Also suggested through the proposed ordinance was a Live/Work/Industrial Zone on Walnut St. and Poplar Dr. which would allow the existing light industrial uses to remain as conforming uses and allowed for a live/work residential aspect so that craftsman, artists etc. could live on the upper floor of a shop at ground level. He said that those are the basic changes through the 2011 review of the ordinances which have been reflected on the distributed map.

Mr. Roshto asked Mr. O'Brien if he was suggesting that the Board had recommended the change to the BD-Zone. He asked him to give the circumstances behind that as he didn't recall it.

Mr. O'Brien replied that it was in the draft Valley Road Ordinance dated 12/2011 on Pages 7-9 as the result of a two year conversation.

Mr. Connor said that there was clear thought that the Shop-Rite could move and that area could potentially redevelop into something different than a shopping center. By putting it into the BD-Zone, he said that Shop Rite wouldn't be excluded, however if they chose to develop that property differently, it would be possible. During that time Shop-Rite had looked at moving across the street at the property owned by the Elks. He said that there was consideration that they would take that property over and build a Super Shop-Rite there, abandoning the B-3 Zone. If that happened, he said that we could intergrate that area with the BD-Zone at some future date.

Mr. Roshto expressed concern with what is on the map from a previous Planning Board and felt that this is an eleventh hour change that this Board has not discussed and we are about ready to pass this Element. He asked if anyone had given an opinion on this or done a background study to understand the impact. He said that the other item that seemed to fall into a similar category is the L/W/I Zone which seemed to make sense, however it is the same issue - no discussion. He said that the L/W/I Zone isn't mentioned in the Element and questioned how are we putting in on a map and never discussing it.

Mr. O'Brien said that he had provided the information that was requested and that there were a lot of changes made over several years that have not been discussed.

Mr. Roshto felt the direction at the last meeting was that we had specific things that we had asked to be put on the map, specifically the O-Zone, and what he got back is a map that he had never seen before.

Mr. O'Brien noted that Mr. Sandow had raised a number of questions concerning how various properties have been designated through the last several years.

Mr. Connor said that Mr. Sandow was in the process of making comments when we ran out of time. At some point we need to continue the open comments from the public. He said that there clearly was an objective of getting this done tonight, and asked the Board members if they had any other pertinent comments and, if so, to please tell him now.

Mr. Aroneo had a question for the L/W/I area. He said that at one point all references to residential were removed from this Element and asked how we reconcile that?

Mr. O'Brien replied this map was just for informational purposes and is not part of any proposal.

Mr. Aroneo asked if these areas could still exist as long as the Ordinance addresses them?

Mr. O'Brien agreed that they could.

Mr. Roshto asked, based on this Element, if some of the areas we talked about contain existing residential uses, could the ordinances be drafted in such a way as to allow for their continuation?

Mr. O'Brien replied they could.

Based on this, Mr. Aroneo asked if we could we have separate overlay zones?

Mr. O'Brien said you could have a separate overlay zone, but if you leave everything in just the BD-Zone (as it is currently written), we are not allowing for residential, therefore they would be a non-conforming use presuming that the Ordinance that was adopted supported that. He said that ordinances can be somewhat different from the Master Plan and that it would be best to keep the Master Plan as consistent as possible with the Ordinance.

Mr. Connor wanted to be clear. If we agree to a Master Plan with a revised zoning map what would we agree to for the LI area if it also has residential there? Would we establish that as a separate zone or could we do it through recommending the overlay. That area is what it is and is not going to change.

Mr. O'Brien said that this Board has made it clear that it doesn't want residential uses on Valley Road. One of the tactics the Board could take would be to just leave it as industrial overlay which would allow all of the existing light industrial uses to continue as conforming uses. If you leave them in the Valley Road Business District, he said that they become non-conforming, meaning they will have to go before the Zoning Board for any changes. The same applies to any of residences. Those two areas today are non-conforming.

Mr. Connor addressed a second question regarding the current O-Zone across the street. He said that there is some information available that O-Zones are going to be non-starters for a significant amount of time. He said that Morris County just came out with a 22.3% vacancy rate in offices. He said that his question is, what is appropriate *other than* the O-Zone? What do we do with that area - do we leave it O-Zone, or do we put it in some other zone?

Mr. Aroneo questioned what we wanted to see in 20-30 years. He felt that, presently, we have the best zoning we can.

In response to Mr. Cilino, Mr. O'Brien said that in the current Valley Road Business District Zone the Shop-Rite and Valley Mall would remain in B-3 Zones.

There were no further comments from the Board and the meeting was opened to the public.

Mr. Sandow said that he had an antidote about office buildings and cited the old AT&T building from 1985 which has been empty for 27 years. He said he took no position on the retention of the B-3 Zone as opposed to rolling the two malls into the BD-Zone. For the sake of uniformity, he said that it might be pleasant to have the whole street in one zone but he thought that the uses there and the rules that apply in those zones aren't going to change in the Master Plan cycle. He also took no position on the L/W/I Zone as long as the discussion on that doesn't hold up the creation in the Master Plan and of that overlay zone in order to safely continue the existing industrial uses. He said that there are only three lots in that overlay zone which are ripe for redevelopment and two of them are existing residences which are not in good shape in the B-2 Zone and, therefore, are not permitted uses. He said that there is also the Golden lot which is currently a construction yard in the back with a Little League parking lot donated by the owner in the front which might be ripe for development.

Mr. O'Brien said there is no overlay currently proposed in the Master Plan..

Mr. Sandow said he had previously commented on that, that the industrial overlay seems to have gone away which would make all the buildings on Bay St., Poplar Dr. and Magnolia Ave. non-conforming. He said that we spent many hours discussing the need for that overlay zone and even came up with a comprehensive list of permitted uses and agreed that we would not allow slaughter houses but, in general, we would allow just about anything else that is permitted in the industrial zone to also function in that overlay zone. He said that, historically, those three streets were included in the B2-Zone simply as a matter of convenience and drawing a line on the map and those streets have not developed as businesses such as retail or office space, but have developed as industrial and are likely to remain that way. In line with the overarching goal of making it easier for the applicants to get through the process without having to get variances for everything, he said it would seem like the overlay zone should be reinstated. He said that there is room for that in the proposed Master Plan. He said that the final bullet in 4-1 says "insure that the Land Use Ordinance shows permitted uses in the Valley Road Business District that are substantially similar to the uses currently allowed. He interpreted that as permitting an overlay zone to be built into the final ordinance which is similar to the existing uses. He said that it might be more clear if we specify the overlay zone. He said that we had a lot of discussion regarding Plainfield Rd. and Metzler Pl. and the fundamental question before the Board is what we want to have happen to Plainfield Rd. He said that the east side has a vacant lot, Barton's Pub, and the entrance driveway to the Valley Mall. The west side is all residential as is Metzler Pl. Again, he said that it appears as if that two block strip was included in the B-2 Zone simply for the convenience of drawing a line on the map. He said that it may have been the intention of earlier Boards that Plainfield Rd. also be developed as a business district, but obviously that has not happened - a large house was recently built which appears to be residential and there is no inclination to take those eight lots and convert them into commercial use without a large buy out of the existing residences. He said that the prior direction which was to convert all those lots to an R-Zone is consistent with the existing uses and would make it easier for the existing property owners without improving a residence within the BD-Zone which is non-conforming. He said that the intent of the effort was to make life a little bit easier for the applicants by streamlining the zoning. He said that the two houses south of the driveway to the Valley Mall are both residential, one of which is on the historic list. He said that the other house is clearly a residence and there is no point in leaving them in the old B-2 Zone or the new BD-Zone because their use is not likely to change unless it is the intention of this Board to force the development of additional businesses on Plainfield Rd., which he was sure is not the Board's intention. He felt that the Board should reinstate the discussion of two years ago and make Plainfield Rd. and Metzler Pl. a part of the R-4 Zone and forget the business zone. He was not quite sure as to how far we had gotten through his list of mapping. He did know we got as far as Dr. Garafallo's office and the Recorder Publishing Co. He said that that building is empty right now and is mapped in the LI-2 Zone which means that it is a non-conforming lot as it does not contain two acres and anything that happens to that building will have to come before the Zoning Board. If the building was to be included in the BD-Zone, then there would be more flexibility with development.

Mr. Lemanowicz said the LI-2 Zone is a 2 acre minimum area. If you don't have that, it would be a bulk variance not a d variance. The Planning Board could hear a site plan with a c variance and it would not have to go to the Board of Adjustment.

Discussion followed regarding the lot between the Recorder Publishing Co. and the Police Dept.

Mr. Sandow said the question of the O-Zone lots across the street from this building remained unclear to him. As far as the vacant lots are concerned, he concurred with Mr. Connor that, if we leave them office, not much will happen. He said that the Valley Memorial Funeral Home and the IMA building are both non-conforming in the O-Zone and should be brought into the BD-Zone - the problem being the way the lots are configured. He said that there is a 200' wide strip which comes around the back to the funeral home and then comes back to Valley Road between the funeral home and Spiro's property where Walgreen's has just been approved. The driveway that will be built for Walgreen's has nothing on the right because of the strip which is currently in the O-Zone. He said that he has raised the question before as to whether we would like to take that strip and rezone it as part of the Business District in order to facilitate at least some small business development. In any event, he said that we have to decide what to do with the O-Zone or, more specifically, what to do with the funeral parlor and IMA which are currently mapped as going into the BD-Zone. He asked the Board if it wanted to leave the O-Zone intact and if you also leave those two buildings intact outside of the BD-Zone?

Mr. Connor asked for comments from the Board and/or its Professionals.

Mr. Sandow said he had some word changes but because of the press of time there was little discussion and offered to go through them again.

Mr. Connor said he had heard them and they seemed to be editing changes. He asked if some were *more than* editing.

Mr. O'Brien said that the Board had made comments regarding Mr. Sandow's presentation and at some point directed him to make changes in the document and in other points gave no direction.

Mr. Connor asked where we stood on the bulk of the changes recommended.

Mr. O'Brien felt that we would have to go through each one of them.

Mr. Sandow gave a specific example. He said that in one place it says *require* street furniture and in a different place it says *encourage* street furniture. He asked which is it?

Mr. Connor said he went through it and he had heard *encourage* rather than *require*. His take was that, in some of the areas where we require parking to be beyond the building, it was changed to *encourage*. He thought that the change was better and said that these are the sort of issues that we should resolve tonight, noting that the map may be a little more of a challenge.

Mr. Arentowicz asked if the Board did not decide approaching Morristown Road what lots would be in the BD-Zone.

Mr. O'Brien said there was a correction.

Mr. Arentowicz asked if the BD-Zone went all the way to Morristown Road.

Mr. O'Brien concurred.

Mr. Roshto took exception as he thought the Board agreed to move the O-Zone back. He said that we had a lengthy discussion on where it would go and agreed it was the lot just to the east of Plainfield Rd. which is consistent with the maps that were presented to this Board.

Mr. Aroneo said that was his understanding as well.

Mr. Connor addressed the issues and said that the Map decisions we need to make are:

- Do we change the O-Zone and, if so, what do we change it to?
- Do we keep Metzler Pl. and the house across as R-4?.
- Do we provide a light industry overlay for the Popular Dr./Walnut St. overlay?

He was concerned with all of the other comments that were made that seem to be reasonable and should be incorporated into the approved Master Plan. He wanted to know how to get this done tonight.

Mr. O'Brien addressed Mr. Roshto's comment. He said that at a previous meeting there was a discussion about the O-Zone and exactly where it was going to be. He said that what he did was to show where it is proposed to be as of last year. He added that, at the last meeting we did not have a discussion or resolution on exactly where it was going. He said that we can leave it where the previous discussion had left it as reflected in the map dated 6/27, but it is not finalized unless the Board says we are done.

Mr. Roshto asked if Mr. O'Brien would agree that we had a discussion on the O-Zone and what he had heard from the Board was two things - we seemed to have an agreement on leaving the O-Zone as it is today and we had an open question as to whether Metzler Pl. would be residential. He said that that was the only map related question that was still open.

Mr. Connor said that they had not addressed the LI overlay zone on Walnut St.

Mr. Roshto said that in February he had asked that we reopen this Element for the express reason to address the residential - the L/W/I and we did that successfully. To him the goal was to get it done and move on. He said that the lesson learned here is that, anytime you start these discussions, you open the door for many other things. He said that it was never his intention to go to this level of detail, noting that we have a 2008 Element which we were tweaking and now we are

discussing something that a previous Board had suggested and never came to conclusion on. He felt there was no way that we can vote tonight and put those kinds of things into this Element.

Mr. Connor said a subsequent Board had significant discussions and that it wasn't discussed in 2008 but in 2010-2011.

Mr. Roshto understood but said that this Board has not discussed those things. To carry them over and have this Board make a decision on what a previous Board had discussed, to decide whether B-3 Zone should be changed to a BD- Zone, and to decide whether Metzler Pl. should be residential - those are all new additions that this Board has never discussed. He said that it looks like we are talking about the potential of putting those into this Element and there is no way that we could pass this tonight.

Mr. Connor thought that if we pass this in the old form and we now redo the ordinances and have the discussion on the ordinances. that there was a reasonable chance that the ordinances that we recommend will be very similar to what is being shown on this plan and it may not be inconsistent with the Master Plan. He asked, if we come up with a map that is like the old map and we now redo the ordinances and have a chance to re-discuss a few of the issues in the ordinances, is that inconsistency with the Master Plan a problem?

Mr. O'Brien replied, "Not necessarily" and added that that is how it has been done before.

Mrs. Raimer asked how it could *not* be an inconsistency just to break it out. She said that Mr. Sandow was good enough to recognize the language he found that was questionable which would negate the need for the overlay. She said that we are open to the possibility of doing some tweaking through an ordinance. She questioned, when it comes to changing a zone, can you do that through an ordinance and not through the Master Plan?

Mr. O'Brien explained the process that previous Boards used to come up with a study area and look at the entire area. He said that they wrote a Master Plan and then subsequent to that they discovered that certain changes needed to be made that resulted in ordinances that reflected those changes. The logical next step would have been, had those ordinances been approved, to revise the Master Plan through reflective ordinances. In this particular case, the question is can you by ordinance make changes that are not consistent with the Map that is front of you right now, and the answer is "Yes". It would be best if there is a change from the tenor of the Master Plan to revise it subsequent to passage of the ordinances if this Board does find that there is a difference.

Mr. Aroneo said this had been discussed in 2010 and it was inclusive at that point. He said that one of the things we talked about was overlays and asked if that be something that we could do tonight. He suggested polling the Board to find out if it is interested in doing that. If we are not, he said that we can proceed and go ahead with adoption. If we have to keep it open for further discussion, then he said we can see if we can continue tonight or another time.

Mr. Connor said his concern was the point that Mr. Roshto had brought up that he didn't feel that we have had enough discussion or information, so polling the Board and making a decision on a Board call is making a decision without information. He stated that there were three issues:

- The O-Zone will remain as it is and we will not revise it in anyway. We will not include the 200' strip which is currently in the O-Zone next to BD-Zone
- We will not include any properties owned by the Funeral Home and IMA., but we will keep that an O-Zone.
- The BD-Zone will start where Walgreen's is located.

The Board was polled. Those in favor : Mr. Arentowicz; Mr. Roshto; Mr. Cilino; Ms. Raimer; Mr. Aroneo; Dr. Rae  
Those opposed: Mr. Connor

Regarding the map of 6/22, Mr. O'Brien said that the very first two lots from Morristown Road and a flag lot are the lots that will remain in the O-Zone and the next three lots to the left of that will be in the BD-Zone. Regarding the third and fourth lots from Morristown Road, he said that the third lot is IMA, the fourth lot is the Funeral home and they will be existing nonconforming uses in the O-Zone. This includes all five lots from Morristown facing Valley Road.

Mr. Sandow said they were both nonconforming and the IMA building is essentially an industrial use today. He said that you may have noticed that it has been for sale for two years and went on to discuss the condition of the building. He felt that leaving it in the O-Zone could be problematic and that putting it into the BD-Zone would give the owner a little more flexibility for his lot. Leaving the funeral home in the O-Zone essentially means that the funeral home is stuck there as a non-conforming use unless someone wanted to redevelop it as office space. He said that those are considerations and leaving them as existing non-conforming uses in the O-Zone pretty much ties their hands in terms of redevelopment.

Mr. Conner tended to agree that, if IMA remains in an O-Zone, we are stuck with the building there forever. He said there was also some concern that the funeral home would move to a different location and if that happens we now have two more lots that probably will not be worked on.

Ms. Raimer asked what were the detriments are to giving flexibility to making them an O-Zone or BD-Zone.

Mr. Aroneo said the detriment was the residential on the other side of Morristown Rd. and the thought was to create a buffer of lower impact uses which would be office. Looking at the uses that are permitted in the BD-Zone, he said that some of them were higher impact. He said that, if you're a resident on Morristown Road, you probably would not want to live across from that. He said that the thought was to leave that as office where it would be empty at night.

Mr. Roshto said the other concern was the length of the BD-Zone and said that we wanted to focus the energy in one area.

Mr. Connor felt that, if you left the large property bordering on Morristown Road and the flag lot, you will have more than enough buffer to the residents.

Mr. Roshto addressed Mr. Connor and noted that the Board had voted on this.

Mr. Connor said the next issue was overlay zones for light industrial where it is currently marked and asked the Board if it felt we have enough information to act on that?

Mr. Roshto said his first comment was that he did not think there was any discussion related to L/W/I for that area. He repeated that he felt the Board should consider heavily any decision they make to change things at the eleventh hour. He said that if we are about to add L/W or LI with nothing in our Element, then our next question should be should do we delay this so that we can study this more.

Mr. Connor asked for the thoughts of the Board Members.

- Mrs. Raimer was not interested in delaying anything but said she could not in good conscience make a decision without understanding both sides.
- Mr. Cilino agreed with Mrs. Raimer
- Mr. Aroneo concurred
- Mr. Arentowicz said he needed more information
- Mr. Roshto agreed with Mr. Arentowicz

In that case, Mr. Connor said that the question is, do we extend this meeting to the next session for further discussion?

Mr. Roshto said he had asked in February that the Board consider making smaller changes. He said that right now he felt we are being held hostage. He said that the current Element of the Master Plan does not have these changes in it and, if we are going to make the changes at any point in the future, then we are making changes against an Element and that was never his goal. He was very concerned that we are going to continue to have discussions about this when in 2008 they did a fine job in putting this Element together as well as the map and now again we are going to make changes to it when we are running out of time to finish all of our other Elements. He felt that we have a good map and we do not need to add any changes and the Board should pass the Element tonight as it had previously agreed.

Mr. Connor asked Mr. Roshto if he had the same opinion of Metzler Place and across from Metzler Place.

Mr. Roshto replied affirmatively.

Mr. Aroneo said when we did open it again we were specific on the changes and said we were removing all residential use references and did not consider the entire impact at the time, such as the stand alone residential uses that are pre-existing. He asked, if there is an easy way to do it, he would like to bring those properties along to make them conforming.

Mr. Connor said the last issue was whether the malls were in a B-3 Zone or a BD-Zone, noting that the old map shows them in a B-3 Zone, adding that the Board talked about having them in the BD-Zone and expanding it. He asked the Board members if they wanted to adopt any changes to the Master Plan Map that is contained in the 2008 Master Plan.

Mr. Cilino asked if the changes could be implemented with a tweaking of the Master Plan.

Mr. O'Brien said the Board may re-examine the Master Plan at any time it wishes.

Mr. Connor suggested that we could keep this Map and we would still have to go through the Ordinances again so we could make some of the change during the ordinance discussion and retroactively change the Master Plan.

Mr. O'Brien said that was correct.

Mr. Arentowicz thought the new map showed the two malls in the BD-Zone and the last material he had had them in a B-3 Zone.

Mr. Connor polled the Board as to whether it wished to keep the 2008 Master Plan. All were in favor. He then referred to Mr. Sandow's suggestions and asked the members what changes they felt to be substantive.

Mr. Arentowicz said they did go over the grammatical changes.

Mr. Connor asked to go through the things that the Board would like Mr. O'Brien to do.

Mr. Sandow reviewed his suggestions. He said that the Shop-Rite had lots behind it facing Walnut Street which are part of that property. He had proposed that the B-3 Zone should be extended to include them because the back end of Shop-Rite overlaps on adjacent lots that they own.

Mr. Connor felt this will be reviewed again in the next 18 months, so we can address it next time. He asked for any other comments. There being none, he asked for a motion to approve the Valley Road Business District Element of the Master Plan, as amended.

Mr. Roshto made a motion to adopt the amended Valley Road Business District Element of the Master Plan in accordance with the Resolution dated the 26<sup>th</sup> of June, 2012 as signed by Dawn Wolfe., Planning Zoning Administrator. Mr. Aroneo seconded the motion.



A roll call was taken. Those in favor: Dr. Rae, Mr. Arentowicz, Mr. Aroneo, Mr. Cilino, Mrs. Raimer, Mr. Roshto, Mr. Moholkar, and Mr. Connor. Those opposed: None.

**DISCUSSION**

**CONSIDERATION OF PART TIME HELP FOR THE PLANNING & ZONING ADMINISTRATOR**

Mr. Cilino suggested that there should be a better way to keep tract of the Board’s discussions, bullet points and to do lists. It seemed to him that the Board was a bit confused as to what was or was not said over the last few meetings. He said he was not sure how to do that given that we are financial straits.

Mr. Connor said he could recommend a budgetary item, noting that the Board adopted a 28 page set of minutes in February. He said that, if we could get minutes back in a week, we would have that. He said he was not blaming anyone but we need the necessary resources to get those minutes. Although he felt they should be less detailed, in fairness, if we need to have the level of information that we require, they *need* to be relatively detailed.

Ms. Raimer said we have found that our Planning and Zoning Administrator has been burdened with paths well beyond that which we have assigned her to do. She said she is pulled in many different directions to accommodate all that is going on, adding that it is not necessarily *just* budgetary.

Mr. Roshto felt we are entering something that should be discussed in executive session.

Mr. Connor said the Township Committee has a 2% cap on expenses and they need to balance their budget.

Mr. Roshto asked Mrs. Wolfe, if she were to close the door of her office to do minutes without interruption, how long did she feel it would take?

Mrs. Wolfe estimated at least a full day, but added that she has never been able to do that.

Discussion ensued regarding part time help and the budget. .

Mr. O’Connor said he would entertain a motion where we could discuss this issue.

Mrs. Raimer moved to request the Township Committee for available funds to allow bringing on a part time assistant to the Planning & Zoning Administrator to perform tasks for the Boards as delegated by her.

Mr. Cilino seconded the motion.

A roll call vote was taken. Those in favor: Dr. Rae, Mr. Arentowicz, Mr. Aroneo, Mr. Cilino, Mrs. Raimer, Mr. Roshto, Mr. Moholkar, and Mr. Connor. Those opposed: None.

Mr. O’Brien requested clarification.

Mrs. Wolfe was been directed to send a letter to the Township Committee on behalf of the Board stating the motion that was just been passed.

Mr. Connor said that information should be sent to the Zoning Board as well.

**DISCUSSION**

**DRAFT CONSERVATION ELEMENT**

Mr. Connor asked Mr. O’Brien to address changes that were recommended.

Mr. O’Brien said on May 22<sup>nd</sup> this Board reviewed the first two chapters of the Conservation Element. Edits were suggested by three of the Board members. He said that we would be on the addition marked at the bottom of page 1 Conservation Plan Draft **MSCAS** see edits 050312. He said we would commence at the very top of page 3 which is Chapter 3 Titled Storm Water Management Goals. He asked for any other comments.

		Comments on changes
First Paragraph	Proper Management of Stormwater	No objections/changes
Paragraph 1	Flood Damage through Land Use Mgmt.	No objections/changes
Paragraph 2	Increased Drinking Water during Drought	No objections/changes
Paragraph 3	Reduction of Water Treatment Costs	No objections/changes
Paragraph 4	Protection of Natural Resources	No objections/changes
Paragraph 5	Protection of Recreational Income	No objections/changes
Paragraph 6	Enhanced Property Values	Mr. Arenotwitz asked where % came from To support it. No idea.
		Mr. Lemanowicz said he would look in the Original BMP manual. It may have been a fact in the original BMP manual that the Environmental Commission created. There were references in there.

Mr. O’Brien said if Mr. Lemanowicz finds a citation with a number, whatever he finds will be helpful. He can review and revise that if necessary. No further comments of Paragraph 6.

Chapter 4 Education of Public Outreach No objections/changes

Paragraph 1 Township Planning Board Mr. Lemanowicz assumed the annual Programs, the primary objectives are? And what you want to accomplish?. Additional language needed. Needs some revision. High Level Same for two and three

Paragraph 2

Mr. Connor asked if the Board was satisfied with the comments and discussion and was the Board satisfied with the wording of items 1, 2 and 3 with minor deletions of best management practices.

Mr. Roshto - yes Mr. Aroneo - yes, Mrs. Raimer - yes-, Mr. Moholkar not sure how this would get done Explanations given.

Mr. O'Brien asked what the Board's decision was on 1,2,3. Mr. Connor said we would leave 1, 2, 3 as is at this point in time.

Mr. Connor said Chapter 5 had no changes but there are additional comments. There are some very specific things that are not addressed in the Conservation Element. His question was, do they belong in the Conservation Element or should they be addressed somewhere else?

Mr. Lemanowicz said he would take another look to see if they should go somewhere else.

Mr. Connor said we would not finish tonight because the next set is Mr. Roshto's comments.

Mr. O'Brien thought a couple of bullet points regarding these items could be placed in the Introduction on Page 2. He asked for the topics of the bullet points.

Mr. Connor suggested we make the changes that the Board has agreed to in this document and the next time we see how we can incorporate Mr. Roshto's comments.

Mr. Roshto said he would create new comments from the draft.

Mr. O'Brien said that, given the number of comments, he would do a clean copy of the one in front of the Board now and incorporate all the changes and distribute that. He said that he and Mr. Roshto will discuss the reference material, fixing errors, etc.

Mr. Roshto made a motion at 11 PM to extend the meeting another 10 minutes. The motion was seconded by Mr. Cilino All were in favor.

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

The meeting adjourned at 11:10 P.M.

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DAWN V. WOLFE  
Planning & Zoning Administrator