

**ORGANIZATIONAL MEETING MINUTES**

**Tuesday, January 15, 2013**

**PLANNING BOARD**

**LONG HILL TOWNSHIP**

**CALL TO ORDER AND STATEMENT OF COMPLIANCE**

Mrs. Dawn Wolfe, Planning & Zoning Administrator, called the meeting to order at 8:00 P.M. She stated that adequate notice of this meeting had been made by e-mail to the Echoes-Sentinel and Courier News and was posted at Town Hall and filed with the Municipal Clerk on December 12, 2012.

**PLEDGE OF ALLEGIANCE**

**OATH OF OFFICE**

Mrs. Wolfe administered the Oath of Office to the Mayor's Designee Dr. Brendan Rae, newly appointed members Ashish Moholkar and J. Alan Pfeil, and newly appointed Second Alternate Timothy Wallisch.

**ROLL CALL**

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

Brendan Rae, Mayor's Designee  
Charles Arentowicz, Member  
Donald Butterworth, Member  
Christopher Connor, Member  
Ashish Moholkar, Member  
J. Alan Pfeil, Member

Gregory Aroneo, 1<sup>st</sup> Alternate (arrived a 8:10 PM)  
Timothy Wallisch, 2<sup>nd</sup> Alternate

Barry Hoffman, Bd. Attorney  
Kevin O'Brien, Twp. Planner  
Thomas Lemanowicz, Bd. Engineer  
Dawn Wolfe, Planning & Zoning Administrator

Excused:           Guy Roshto, Member  
                          Sandi Raimer, Member

**ELECTION OF CHAIRMAN**

Nominations were opened by Mrs. Wolfe for Planning Board Chairman for the year 2013.

Mr. Butterworth nominated Mr. Connor. Dr. Rae seconded the nomination. There were no further nominations. The Board unanimously reappointed Mr. Connor to the Chairmanship.

**ELECTION OF VICE CHAIRMAN**

The Chairman, Mr. Connor, requested nominations for Vice Chairman for the year 2013.

Dr. Rae nominated Mr. Arentowicz. Mr. Moholkar seconded the nomination. There were no further nominations. The Board unanimously appointed Mr. Arentowicz to the Vice-Chairmanship.

**APPLICATION REVIEW COMMITTEE APPOINTMENTS**

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

**ADMINISTRATIVE SITE PLAN WAIVER SUBCOMMITTEE**

Mr. Connor appointed the Administrative Site Plan Waiver Subcommittee (ASPWS) consisting of Mr. Butterworth and Mr. Pfeil. He also appointed Mr. Arentowicz as alternate member. The Planning and Zoning Administrator or designee and the Construction Official or designee will serve as non-voting members in an advisory capacity when needed. The ASPWS shall review all site plan waiver applications for a change in use or occupancy.

**OATH OF OFFICE**

Mrs. Wolfe administered the Oath of Office to First Alternate Gregory Aroneo who arrived at 8:10 PM.

**ORDINANCE REVIEW SUBCOMMITTEE**

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

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

A roll call vote was taken. Those in favor: Mr. Arentowicz, Mr. Butterworth, Mr. Moholkar, Mr. Pfeil, Dr. Rae, Mr. Aroneo, Mr. Wallisch and Mr. Connor. Those opposed: None.

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**PLANNING & ZONING ADMINISTRATOR'S APPOINTMENT**

**BE IT RESOLVED** by the Planning Board of Long Hill Township that Dawn V. Wolfe is reappointed Planning & Zoning Administrator of the Planning Board until the Organizational Meeting of January 2014. The Planning & Zoning Administrator will hold office hours at Town Hall, 915 Valley Road, Gillette, N.J., Mondays, Tuesdays and Thursdays 8:30 A.M. to 4:30 P.M., Wednesdays 8:30 A.M. to 6:30 P.M. and Fridays 8:30 A.M. to 2:30 P.M.

**ATTORNEY'S APPOINTMENT**

**WHEREAS**, the Long Hill Township Planning Board requires professional legal services which shall include but not be limited to attendance at meetings, preparation of administrative documents and correspondence, legal research, consultation with the Board Members, Administrator, and other municipal personnel, as well as with legal representatives of applicants, and miscellaneous legal services (except for litigation and certain other types of services such as (a) Any litigation handled for the Board; (b) Any extensive or major redrafting of Township ordinances; (c) Drafting of resolutions; (d) Review of easements, deeds, agreements or documentation pertaining to formation of a planned development, condominium, homeowners' association, or the like; (e) Other matters requiring attendance at conferences, work sessions, etc., out of the office; and providing advice as a non-fair open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5); and

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

**WHEREAS**, the Law Firm of Bernstein & Hoffman has submitted a proposal dated December 4, 2012 indicating that it provide the legal services at a rate of Five Hundred and Fifty (\$550.00) Dollars per meeting (or \$183.33 per hour) for attendance at meetings, and an hourly rate of \$158.00 for other types of legal services including those embraced hereinabove and those set forth above in Items (a) – (e); and

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

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

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

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

1. A professional services contract with Bernstein & Hoffman, Attorneys at Law, 2253 South Avenue, Suite 7A, Scotch Plains, N.J. 07076 is hereby authorized.
2. The Board Chairman and Planning & Zoning Administrator are authorized to sign a professional service contract with Bernstein & Hoffman, in accordance with the following terms and conditions:
  - A. Term: A period not to exceed 12 months
  - B. Rate: \$550.00 (or \$183.33 per hour) per meeting and \$158.00 per hour for other legal services as stated in Items (a) – (e) above.

- C. Services: The firm shall provide professional legal services.
3. The Planning & Zoning Administrator, in accordance with the provisions of N.J.S.A. 40:11-5(1)(a)(i), is directed to publish a notice once in the Echoes-Sentinel stating the nature, duration, service and amount of this contract.
  4. The Planning & Zoning Administrator shall make copies of this resolution available for public inspection at the Municipal Building, 915 Valley Road, Gillette, New Jersey, during regular business hours.
  5. This contract shall be charged to 13-01-21-180-180-236. The certification of available funds by the Township Chief Financial Officer shall be attached to the original resolution and shall be maintained in the files of the Planning & Zoning Administrator.
  6. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.

Mr. Hoffman said that it was his pleasure to serve the Board for 2013.

### **PLANNING CONSULTANT'S APPOINTMENT**

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

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

**WHEREAS**, the firm of Shamrock Enterprises, Ltd. has submitted a proposal dated December 7, 2012 indicating they will provide the planning services at a rate of Five Hundred and fifty (\$550.00) Dollars per meeting; and an hourly rate of \$125.00 for all other planning services, including field work, research and writing; and any other task assigned by the Board; and

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

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

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

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

1. A professional services contract with Shamrock Enterprises, Ltd., Madison House, 866 Madison Ave., Rahway, N.J. 07065 is hereby authorized.
2. The Board Chairman and Planning & Zoning Administrator are authorized to sign a professional service contract with Shamrock Enterprises, Ltd., in accordance with the following terms and conditions:
  - A. Term: A period not to exceed 12 months
  - B. Rate: \$550.00 per Board meeting; and \$125.00 per hour for all other work including field work, research and writing and any other task assigned by the Board.
  - C. Services: The firm shall provide professional planning services.
3. The Planning & Zoning Administrator, in accordance with the provisions of N.J.S.A. 40A:11-5(1)(a)(i), is directed to publish a notice once in the Echoes-Sentinel stating the nature, duration, service and amount of this contract.
4. The Planning & Zoning Administrator shall make copies of this resolution available for

public inspection at the Municipal Building, 915 Valley Road, Gillette, New Jersey, during regular business hours.

5. This contract shall be charged to 13-01-21-180-180-221. This certification of available funds by the Chief Financial Officer shall be attached to the original resolution and shall be maintained in the files of the Planning & Zoning Administrator.

Mr. O'Brien expressed appreciation for his reappointment and said that he is looking forward to working with the Board in 2013.

#### **ENGINEER'S APPOINTMENT**

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

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

**WHEREAS**, Remington, Vernick & Arango Engineers has submitted a proposal dated December 18, 2012 indicating they will provide engineering services at a rate of One Hundred Eighty Three Dollars and Thirty Three Cents (\$183.33) per hour to attend night meetings. An hourly rate of One hundred and Twenty Five Dollars (\$125.00) will be billed for engineering services for all other work including field work, research writing, and any other task assigned by the Board; and

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

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

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

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

1. A professional services contract with Remington, Vernick & Arango Engineers, 300 Penhorn Avenue, 3<sup>rd</sup> Floor, Secaucus, NJ 07094 is hereby authorized.
2. The Board Chairman and Planning & Zoning Administrator are authorized to sign a professional service contract with Remington, Vernick & Arango Engineers, in accordance with the following terms and conditions:
  - A. Term: A period not to exceed 12 months.
  - B. Rate: \$183.33 per hour to attend night meetings; and \$125.00 per hour for other engineering services as stated above.
  - C. Services: The Firm shall provide professional engineering services.
3. The Planning & Zoning Administrator in accordance with the provisions of N.J.S.A. 40A:11-5(1)(a)(i), is directed to publish a notice once in the Echoes-Sentinel stating the nature, duration, service and amount of this contract.
4. The Planning & Zoning Administrator shall make copies of this Resolution available for public inspection at the Municipal Building, 915 Valley Road, Gillette, New Jersey during regular business hours.
4. This contract shall be charged to 13-01-21-180-180-237. The certification of available funds by the Township Chief Financial Officer shall be attached to the original Resolution and shall be maintained in the files of the Planning & Zoning Administrator.
5. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.

Mr. Lemanowicz expressed his appreciation for the support of the Board and also said that he looked forward to working with everyone in 2013.

Mr. Butterworth made a motion to approve the following items up to an including Membership which was seconded by Mr. Pfeil. All were in favor.

**MEETINGS**

**BE IT RESOLVED** by the Planning Board of Long Hill Township that meetings, in general, will be held on the second and fourth Tuesdays of each month with the following exceptions: in January, the Board will meet on the 3<sup>rd</sup> and 5<sup>th</sup> Tuesdays, and in July, August and December, the Board will only meet on the second Tuesdays. Unless otherwise scheduled, all regular meetings will begin at 8:00 P.M. (or immediately following an executive session if deemed necessary) in Town Hall, 915 Valley Rd., Gillette, N.J. Following is the Regular Meeting Schedule. If deemed necessary, Executive Session meetings of the Planning Board will be held in Town Hall, 915 Valley Rd., Gillette, N.J. on the same dates as listed below at 8:00 P.M. *prior* to the regular meeting.

**2013 PLANNING BOARD CALENDAR**

January 15, 2013 – Organizational Meeting – 8:00 P.M.

January 29

February 12

February 26

March 12

March 26

April 9

April 23

May 14

May 28

June 11

June 25

July 9

August 13

September 3

September 17

October 1

October 15

November 12

November 26

December 10

**ROBERT’S RULES OF ORDER**

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

**CALENDAR ORDER OF BUSINESS**

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

**NOTICE OF PUBLICATION**

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

- 1) Courier News
- 2) Echoes-Sentinel

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

**NOTICES OF MEETINGS**

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

**MINUTES**

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

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

**MEMBERSHIP**

**BE IT RESOLVED** by the Planning Board of Long Hill Township that the Board approves the application for membership for 2013 in the New Jersey Planning Officials at the established annual fee for 2013.

**2013 BUDGET**

Mr. Connor said that the following 2013 Budget was prepared by Mrs. Wolfe with his input based upon analysis of previous expenses and the expenses projected for 2013.

The proposed 2013 Planning Board Budget is as follows:

<b><u>ACCT. NO.</u></b>	<b><u>ITEM</u></b>	<b><u>BUDGETED 2012</u></b>	<b><u>BUDGETED 2013</u></b>
21-180-180-201	Miscellaneous	\$ 100.00	\$ 100.00
21-180-180-203	Office Supplies	900.00	1,000.00
21-180-180-206	Printing	200.00	200.00
21-180-180-209	Conventions/Conferences	150.00	150.00
21-180-180-211	Equip./Service Agreements	400.00	400.00
21-180-180-213	Legal Advertising	150.00	150.00
21-180-180-214	Publications	150.00	150.00
21-180-180-219	Dues & Membership	250.00	250.00
21-180-180-221	Planning Consultant	18,000.00	18,000.00
21-180-180-236	Legal	2,000.00	2,000.00
21-180-180-237	Engineering	11,000.00	11,000.00
21-180-180-260	Preparation of Minutes	- 0 -	2,000.00
21-180-180-271	Education/Training	<u>700.00</u>	<u>700.00</u>
	TOTALS	\$ 34,000.00	\$ 36,100.00
21-180-180-101	Salary & Wages	\$35,589.00	\$ 36,300.78

Mr. Butterworth made a motion to adopt the proposed 2013 Planning Board Budget which was seconded by Mr. Pfeil. All were in favor.

**MEETING CUT-OFF**

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

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

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**APPROVAL OF MINUTES**

The minutes of June 12, 2012 were approved as written on motion by Mr. Arentowicz and seconded by Mr. Butterworth. Mr. Connor and Mr. Moholkar abstained as they were not present at that meeting. Mr. Pfeil, Mr. Aroneo and Mr. Wallisch abstained as they were not members of the Board at that time.

The minutes of October 9, 2012 were approved as written on motion by Dr. Rae and seconded by Mr. Moholkar. Mr. Pfeil, Mr. Aroneo and Mr. Wallisch abstained as they were not members of the Board at that time.

The minutes of October 23, 2012 were approved as written on motion by Dr. Rae and seconded by Mr. Moholkar. Mr. Connor abstained as he was not present at that meeting. Mr. Pfeil, Mr. Aroneo and Mr. Wallisch abstained as they were not members of the Board at that time.

**PUBLIC QUESTIONS OR COMMENTS**

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

**PRESENTATION - ARCHITECTURAL STANDARDS**

Mr. Connor explained that the topic of architectural standards has been in front of the Board for while and some members have seen a presentation in the past. He said that he would like to have all of the new Board members on the same page after hearing tonight's presentation which will serve as an introduction and noted that no action on the matter will be taken this evening. He said that he expected to have architectural standards as an issue in a more formal way within the next 6 weeks or so. He then turned the program over to Dr. Behr.

Dr. Behr thanked Mr. Connor and said that it was a pleasure for Patrick Jones, R.A. and former Board of Adjustment Chairman and member of the Planning Board, Don Farnell, longstanding member of the Shade Tree Commission, and himself to be present this evening. He said that the architectural design standards project was started about 4 years ago and, at the request of the Planning Board Chairman, he and Mr. Jones continued the work over the last year. He noted that an applicant's design guide is in the process of being developed which takes the language of the design standards and puts them into a form so that applicant's can actually understand what the town is looking for and also allows Board members to have a better idea of what the standards actually mean in terms of buildings and designs that are acceptable and unacceptable. He said that the design standards that exist in Sec. 152 are in and of themselves solid and so their intent was not to change them but to make them tighter and clearer in defining what the town is really looking for and what it is *not* looking for. He noted that they were created 6 or 7 years ago by Mr. Jones.

He then proceeded to give a slide presentation of the draft Long Hill Township Design Standards Manual dated January 2013 (prepared 1/15/13) of which he said after the presentation he would distribute written copies as well as copies of draft architectural design standards for Long Hill Township dated 12/5/12 to everyone to study. At a later date, when the matter is placed on a future Planning Board calendar, he said that they would return to the Board for further discussion and to answer any questions.

**DISCUSSION**  
**STATUS REVIEW**

Mr. O'Brien said that last week he had distributed two versions of his Planning Initiatives Status Report #1 – 2013. In accordance with Board policy, he explained that the Board has requested that when any documents are changed the Board receive a track changes document that shows the changes that were made. He said that the track changes document is a bit confusing because he removed items that were addressed in 2012 and the Board has said that they really don't want to go back too far and reflect things that were already decided and that it no longer has to deal with. He said that some other things were consolidated and some things were placed in different categories to try to make it easier to manage and read and that he would be working off of the clean copy that was distributed.

He said that the first item of the Board's duties in the coming year includes the Master Plan which is a document that is adopted by the Planning Board and only the Planning Board has authority over it. It is a document that lays out a vision for the community and states what the community should look like, how it should operate, and how our zoning standards should apply to different areas of the Township. He said that there is another document that is called the Zoning Ordinance and it contains the rules that enact the policy statements of the Master Plan. The Zoning Ordinance is adopted by the Township Committee after referral through the Planning Board for its advice on any land use ordinance. He said that the last Master Plan Re-examination is dated November, 2003 and according to New Jersey State Statute it has to be updated by November, 2013. He said that it has been the stated goal of the Board to update the Master Plan by the end of this year. Describing the Master Plan, he said to think of a book with a number of chapters. The Statute allows the Board to have as many chapters as they want in accordance with the Statute and there are about a dozen elements or so that you can have as part of your Master Plan. He said that the only chapters that are *required* by New Jersey Statute are a Land Use Element of the Master Plan, as well as a Housing Element (which is not required in all circumstances) but it *is* required here. He said that the most recent *full* Master Plan was adopted in 1996 and had a number of elements in it such as Circulation, Utilities, Community Facilities, Recreation and Open Space because the community wanted to address those areas and incorporate visionary statements and goals in the Master Plan.

Mr. Arentowicz asked if stormwater is also required to be in the Master Plan.

Mr. Lemanowicz replied that he knew that you must have an overall utility plan but did not think that it is broken up any more than that where you would have stormwater or sanitary in one area.

Mr. O'Brien replied that we have to have a Stormwater Ordinance but whether it must be an element, he did not know but said he will find out and report back to the Board rather than to hold things up at this moment.

Mr. Lemanowicz said that it might be in the environmental section rather than having its own.

Mr. Hoffman agreed.

Referring back to his Status Report #1, Mr. O'Brien said that there is an update as to what has happened with the Ten Year Reexamination and on Pgs. 2, 3, & the top of 4, the status of various elements that the Board has been working on over the last few years are described. He said that some progress has been made in all of those areas but

those elements are not finalized at this time. On Pg. 4, he said that one of the other major initiatives of the Board has been to conduct a study under the Highlands Council. The Highlands Council is the regional authority for development in the Highlands area including Morris County and extending to the New York border and west down to Hunterdon and Warren Counties. They have a program in which the areas of the Highlands that cannot be developed can assign that development to other areas and we have been given a grant to study whether or not we can accept development in and around the Millington Train Station and it is called a Transfer of Development Rights (T.D.R.) and the Township is currently studying whether or not it is a good idea for us to accept development using Highlands credits as well as payments to the municipality that would allow for higher density housing in that area. He said that we are also piggy-backing that study with a Master Plan Element so that both the T.D.R. Study and the Master Plan Element will be completed at the same time. He said that another Millington activity that has been before the Board as of late (at the top of Pg. 6) is the sidewalk in front of Tifa that the Board has been concerned about for some time and right now that is on hold pending a concept plan for redevelopment that Tifa has been discussing with the Board.

Dr. Rae thought he had heard that Tifa was purchased by a new entity and, therefore, the idea of having a sidewalk was back on the table.

Mr. O'Brien replied that the last information he had was that Mr. Henry (the Township Administrator) had informed him that he had received a call from someone who identified themselves as a prospective purchaser of the Tifa property and that prospective purchaser wanted to meet with Mr. Henry and himself to discuss the background to the Tifa property from a Township planning point of view. Therefore, he said that he did not know if it has changed hands and had no information in that regard. He asked Mrs. Wolfe if she had any further information.

Mrs. Wolfe agreed with Mr. O'Brien's comments and said that she had received a call from the prospective purchaser and she was the one who suggested that he speak to both Mr. Henry and Mr. O'Brien. She said that he had inquired as to what the Township is looking for for the site, however she was not sure what happened after that.

Mr. O'Brien said that he offered his availability for a meeting and has been waiting to hear further from Mr. Henry on the matter. He explained that Dr. Rae was referring to the history of this particular item because the original site plan application that the sidewalk was attached to was from 1986. He said that this Board has site plan approval powers and it can place reasonable conditions on those approvals. He said that the Tifa site plan from the 1980's called for a sidewalk along Division Ave. and landscaping but they never put it in and over the years the County and the Township have worked with Tifa to try to get it going and the latest development was that the Township actually halted enforcement on the requirement for the sidewalk because of Tifa coming into the Board with a concept plan for redevelopment.

Mr. Connor added that at one point in time the County wanted to change Division Ave. to a very wide rapid access road which makes no sense when it starts almost nowhere and ends up nowhere. He said that they were trying to convert all of the County roads to these rapid access roads and, in that case, there wouldn't have been a sidewalk or trees and it would have been a disaster.

Mr. O'Brien said that changes in land use planning happen on a slow basis and are done property by property. He said that when you look at Division Ave. you see that some properties have a wider R.O.W. or roadway in front of them and others have narrow ones. The wider ones are the ones that came to the Board or the County for an approval and they were forced to give up land in order to widen the R.O.W. Now that the policy has changed to allow Division Ave. to remain as it is, that will no longer be happening.

Continuing on Pgs. 6 & 7, he said that one of the other responsibilities of the Board is to discuss ordinances that have been referred to it by the Township Committee with regard to land use and it has been the past practice of this Board and of the Township in our procedures that this Board actively recommends ordinance changes to the Township Committee. He said that ordinances can appear before the Township Committee in a number of different ways. A committee person can suggest them or one of the many organizations and committees in the Township can suggest them to a committee person but in land use, a Planning Board typically takes the initiative and suggests a change to the Township Committee and the Township Committee has to introduce that ordinance and then, by law, the ordinance is referred back to the Planning Board for an official review and finding as to whether or not the proposed ordinance is in conformance with the Master Plan. He said that a number of ordinances have gone through that process and are in front of the Township Committee for their review. One is Off Site Signage (at the bottom of Pg. 6) which would allow signs in the R.O.W. to be erected for properties that were off the main roadways. He said that Building Height had been looked at as the result of a suggestion by the Board of Adjustment and the Planning Board looked at it and came up with several suggestions which were sent to the Township Committee. Another is the Development Fee Ordinance required by COAH which is front of the Township Committee. He said that the Planning Board also adopted a new Meyersville Element to the Master Plan back in 2009 as the result of public input and last year they went through the ordinance process coming up with the ordinances that would support the vision and goals of that Master Plan element. He said that that is also in front of the Township Committee. He said that a Sample Stormwater Management Practices Manual was developed by the Planning Board and was also sent to the Township Committee last year. He said that it is a manual that shows the homeowners how to deal with stormwater issues on their property. He said that commercial applications typically have consultants who work with them and show them how to get through the process and they come into the Board with well prepared site plans and applications. He said that what we have found is that a good many of the applications, particularly before the Board of Adjustment, are by homeowners who are looking for additions, expansions, or who have some issue with a setback and, when they do add lot coverage or building or pave something, it has been the Township policy for those



applicants to alleviate any increase in stormwater. He said that any time you pave or build something you are increasing the amount of stormwater that comes down and now runs out into the storm drains and into a stream as opposed to having grassed or natural areas where the water is absorbed and put back into the aquifer and eventually into the Great Swamp. He said that this Board came up with a manual which shows homeowners how to deal with those issues without having to bring in the services of an engineer, planner or architect to try to make it much more friendly. He said there have been a number of items which have been under discussion by this Board and they continue to be open and are depicted on Pgs. 8 & 9.

Referring to Pgs. 8 & 9, he said that there is a committee that has been working on ordinance fees and escrows as the result of conversations with the Board of Adjustment where it was felt that certain adjustments needed to be made. He said that there is an Environmental Ordinance that is in front of the Planning Board with some staff work going on right now and we are waiting back for a report on that in order to move it forward. He said that there is a Tree Ordinance in front of the Planning Board and also the Valley Road Ordinances. He said that the Valley Road Element was adopted in 2012 which set new policies for the Valley Rd. corridor between Main Ave. and up to Morristown Rd. and, as a result, ordinances to support that element were written by the Planning Board last year and were referred at the end of last year to the Ordinance Review Subcommittee. He said that, as the Chairman assigns tasks, amongst them will be the Valley Rd. Ordinances to see what we need to do in order to complete that task and move it on to the Township Committee.

On Pgs. 9-12, he said that there are other open issues, one of which is COAH (NJ Council on Affordable Housing). He said that it is a state agency that is in charge of expanding affordable housing throughout the state. In past years, he said that the procedures that they used involved mandatory assignment of various quantities of housing to each municipality. Currently that procedure and process is on hold because of court action and COAH itself is fairly inactive and we are in limbo at this time. He said that it is an open issue because it affects us and will affect us at some point and when it does, it will pop up to a hot item again. With regard to Building Design/Architectural Standards, he said Dr. Behr gave an overview this evening as to what those standards are, where they came from, and what they could look like and he understood that they will be coming back to the Board for a discussion of what was distributed this evening at the end of February. Another open item that the Board has been working on this year is Morristown Road. He said that there is a section of Morristown Road that runs from the first cross street on the right (Madison Ave.) up to the railroad tracks on the right (east) side of Morristown Rd. He said that we have received a request from residents there to rezone that and the Board has been looking at exactly how to handle that and has had some presentations before them. He said that another area was horse farms and the Board received a request regarding them from a horse farm owner on Meyersville Rd. to consider allowing horse farms as an allowed use and doing some type of accommodation in our Ordinance to either allow them in one of several ways that is within the our power to do and to consider that request. He said that those open items are things that can be worked on through this coming year and can be incorporated into the Land Use Re-examination that is due at the end of the year. He said that recommendations can be made in all those areas if the Board so wishes as part of that element or, if the Board wishes to proceed and address these elements individually and come up with a vision statement and/or ordinances to support them, that is within this Board's purview as well. He said that Pgs. 12 & 13 contain a recap of the various items, where we are, and what their individual particular status is. He then asked the Board members if they had any questions.

Referring to the Master Plan Elements, Mr. Arentowicz said that if you looked at the items to be done in the future, are those all required, or "nice to have's"?

Mr. O'Brien replied that none of the open Master Plan Elements in Item E (on Pgs. 12 & 13) are *required* by the MLUL with the exception of the Land Use Element. He said that all of the other Elements are existing ones that have been in our previous Master Plans, in particular the 1996 Master Plan, and it has been the request of this Board to update those Elements.

Mr. Connor asked Mr. O'Brien for confirmation that if the Board does not update them, they do not go away – they remain part of the Master Plan.

Mr. O'Brien replied that that was correct. He said that there are a couple of things to consider in that regard. Since they date back to 1996, he said that if an applicant shows up and states that he would like to do something that the Master Plan does not want to occur and, because the Master Plan is outdated and the ordinances are not "in synch" with the Master Plan, this Township has lost what is called in legal terms a "presumption of validity" which puts us at risk of being overturned in a court because we do not have our documents properly made. He said that that is probably the biggest tension in front of us, however, *if* the Ordinances and the Master Plan (from whenever it was written and however it exists currently) are "in synch" and supporting each other, that presumption of validity does continue provided they work together.

Mr. Hoffman said that the Board should attribute great importance to the mandatory obligation that towns have to update or, more specifically, to study their Master Plan at least every 10 years. He said that if what is required (and the *only* thing that is required) is called a General Reexamination Report studying the policies that underlie the previous Master Plan and the recommendations of the Planning Board as to whether the document (Master Plan) should or should not be updated, you can well come to the conclusion that for reasons that are set forth we feel confident that this Master Plan still will well serve the needs and goals of planning of Long Hill Township for another 20 years or so and take your chances in the event of challenge in a forum of law. However, he said that there is no obligation to change for change's sake. He said that what *is* obligated is a comprehensive study with explanatory findings as to why it does or may not need to be updated.

Mr. Wallisch asked for the specific process map between what we have right now and come 11/25/13.

Mr. O'Brien replied that he believed that the intention of the Planning Board is to assign the Land Use Element that is in effect now to a committee of this body and to review the studies that were done and decide what studies, if any, need to be updated; decide what language, if any, needs to be updated; decide what part of the vision needs to be changed; and decide what ordinances, if any, need to be changed and that is a process a committee would go through and report back to the full body on a regular basis.

In response to Mr. Connor, Mr. O'Brien said that part of the Master Plan is to suggest changes to the ordinances but the actual changes and the actual ordinances are a separate step and a separate process that involves both the Planning Board and the Township Committee. He said that the Master Plan itself has a subchapter in it that gives recommended changes to the Ordinances.

Mr. Connor clarified that the Board is responsible for the final Master Plan – that is *not* a Township Committee decision but any ordinances that come out of the Master Plan ultimately are adopted by the Township Committee.

Mr. Hoffman added that the Township Committee has under the MLUL an obligation to justify any differences between the finally adopted ordinances and what the Master Plan recommends. He said that it is a majority of the fully authorized membership (as distinguished from a simple majority) if it is a vote on the text of the ordinance that *is* consistent with the Master Plan.

Mr. Arentowicz said that he was very concerned that the Planning Board get the Master Plan done by 11/25/13. He asked Mr. O'Brien where our exposure is between now and 11/25/13.

Mr. O'Brien replied that he did not see any risk. He said that, in fact, even if you went beyond November, very frankly so long as the process was moving and completion was in sight, the 25<sup>th</sup> of November is not a hard and fast date. In terms of the Master Plan, it is just no longer valid. He said that it is not like a statute that was passed that expires on a certain date. He said that the Master Plan continues to exist until a new one is adopted. The risk is when it is not in synch with the Zoning Ordinance. He said that that is the major exposure that the Board has before it here, but right now the Board does not have that problem.

In response to Mr. Arentowicz, Mr. O'Brien agreed that we are currently in synch with the Zoning Ordinance. He said that even if the Board ran *a little* late with its Master Plan and we were working on it, none of us will wake up in a cold sweat on 11/26. He said that the sky will not fall and the only risk would be if somebody came before the Board and was denied and application based on something that was in the Master Plan that was in violation of what our Ordinance said or what some other part of the Master Plan said.

Mr. Arentowicz said that although he heard what Mr. O'Brien said, he would recommend to the Board that the members make an attempt to get the Master Plan done by 11/25.

Mr. Connor replied that that was certainly the intent.

Mr. O'Brien said that he was not trying to discourage the Board from doing that but one of his jobs working for the Board is to give all the alternatives and try to make it so that everybody understands everything.

Mr. Connor said that one of the agenda items for the next meeting is to specifically talk about some of the Master Plan work, the Millington Development Plan, and the Stirling Development Plan. He said that they are integral part of that and a proposal on what that schedule is going to look like. He said that we will also talk about some more non-standing committees that will be appointed for a period of a year to accomplish that.

Addressing Mr. Arentowicz, Mr. O'Brien said that it was his desire to get the Master Plan done on time and noted that it would be best for all.

## **DISCUSSION**

### **PROPOSED WORK CALENDAR**

Mr. O'Brien said that he laid out a few ideas with the Chair's input for the next few meetings to get the Board going. He said that for the next meeting the Board could talk about Morristown Rd. and the horse farms because they both need recap memos sent to the memos with whatever background material we have. He said that for the February 12<sup>th</sup> meeting, if the Board wishes to start the Millington Committee again, or perhaps it would rather go on to the Land Use Element.

Mr. Connor said that we have two items and might be able to do some discussion of the Land Use Committee and at least set up the committees. He suggested seeing where we are when the date is a little closer.

Mr. Arentowicz recommended that initial discussions of the establishment of a Land Use Committee be held at the next meeting.

Mr. Connor agreed that that would be fine.

Mr. O'Brien said that one of the purposes of putting out a work calendar is to allow the Board's staff to get preparatory material to the members and it has been their goal in the past to try to provide the members with as

much information as possible a week before the hearing. However, if they are being assigned things late in the game, that will of course push that back. He said that the more time they have to get the material, the more time the members will have to review it and that is the way they would like it to work.

Dr. Rae said that the one thing he would like to see is a clear statement of the crucial goals and objectives for this year, preferably at the next meeting because there are certain things that are so important that we need to do that. He also felt that it will help Mr. Roshto and himself as they are preparing the Township Committee for what is coming and needs to be acted upon.

Mr. O'Brien replied that you may wish to take a look at his recap on Pgs. 12 & 13 with all of the open items and start prioritizing how you would like to do it and which way you would like to go.

Dr. Rae felt that it is a discussion for the whole Board and suggested that the members all give it some thought between now and the next meeting as to their top priorities.

Mr. Connor said that we should also check to see who is ready to proceed. He said that the horse farm and Morristown Rd. may or may not be ready to come before the Board.

Mr. O'Brien replied that that is a matter of telling us you want it and we will prepare the memos and get them out. He said that at least a 2 week lead is needed to do that. He said that we are not quite sure where the Fee & Escrow Committee stood.

Mr. Arentowicz felt that the only issue was that of a new proposal that Mrs. Raimer was adding in with the help of Mrs. Wolfe and then it will be ready to go.

Mr. Connor said that that may be able to be discussed at the meeting after next because it is based on fact and we'll just have to deal with the facts of certain changes that we need to make.

Mr. O'Brien suggested that an update be given at the next meeting with advice on when it will be ready for the Board to schedule.

Dr. Rae recalled that Mr. Roshto looked at it from the Ordinance Subcommittee level and we should be ready to move on it.

Mr. Arentowicz said that Mrs. Raimer's input will be needed at the meeting.

Dr. Rae did not feel that it was essential for Mrs. Raimer to attend the meeting and felt that her input beforehand would be sufficient.

Mr. O'Brien said that perhaps the Fee & Escrow Subcommittee can work it out and make a recommendation for the next meeting. He said that at the next meeting the Board will talk about Morristown Rd. and horse farms and try to get some consensus as to which way we are headed and we will also set the schedule for the next couple of months.

Mr. Connor agreed and said that the Board will also talk about the schedule for the Master Plan Elements.

Mr. O'Brien also said that the Board will decide whether it wishes to appoint a subcommittee to do the Land Use Element.

Mr. Connor replied that there are certain things that the Board is going to do and that is one of them. He noted that considerable work has been done on the Land Use Element by previous Board members that did not occur last year but occurred most of the year before and then the requirements changed and so it was dropped. He said that it is not something that will be started up new.

Mr. Arentowicz asked if there was a draft document.

Mr. Connor said that he was putting together some of the basic information and was not sure how much farther they got outside of organizing information.

Mr. O'Brien replied that it is a lot of notes at this point and they can and will have to be put together for the next review. He said that the work that had been done primarily focused on the residential districts of the Township and the bulk requirements in terms of size of lots because there are a number of zoning districts that have large areas of non-conforming lots and, many times when those residents would like to do something, that can trigger a variance. He said that the Ordinance Review Subcommittee was looking at that area as well as renaming the various residential districts and giving consideration as to whether or not we needed new districts that reflected the reality of the existing lot sizes in areas. Going back to the 1987 and 1996 Master Plans, he said that the authors of those plans wanted larger lot sizes to reflect their vision of a primarily residential Long Hill that was a very low density, so they thought that a number of the smaller lots would consolidate. He cited Stirling as an example where there are blocks on either side of Main Ave. which contain very small lot sizes and small houses and the vision of that Master Plan said that these residents would consolidate these lots and put up bigger homes but it hasn't happened. Because that has not happened for a number of years, he said that the Board should consider whether or not they wish to have that as a policy.

There being no further questions from the Board, the meeting was opened to the public.

Mr. Dennis Sandow, Millington, said that he was present with his annual ritual speech on land use. He said that 41% of the residential properties in this town are unlawfully undersized according to the Zoning Ordinance which means that any time those residents want to do anything substantial they must come to a Board for approval. He said that the number is rather staggering and the complication is when you look at these 41% of the lots which are undersized, the housing on them tends to be between 40-100 years old. He said that, essentially, what that says is that nothing is being done to improve these lots and it is not that the potential isn't there or you couldn't do something to improve even an undersized lot, but the hoops you have to jump through in terms of getting variances are probably a disincentive. He said that he gave this speech a year ago and it was much lengthier and suggested that the new Board members review the minutes of this meeting last year starting on Pg. 13 until the end. He said that Mrs. Wolfe has a very nice synopsis of the remarks and comments by both Mr. O'Brien and Mr. Hoffman, some of which supported the points that he was making and others which clarified it in a negative way. He said that he respected all of the judgments by the Board professionals but the fact is that, somewhere lurking down inside, we have managed to pull the rug out from under 41% of our residences by changing the zoning to the half acre minimum zoning that we have in this town. He said that we have lots in this town which are 1/18 of an acre sitting in a 1/2 acre zoning area. He asked if that was right and if we have done the right thing by up-zoning the size of the lots and felt that that is the major issue that he sees for the Land Use Element – to try to bring the Zoning Ordinance in line with reality. He said that, as Mr. O'Brien pointed out, 20 years ago we had a dream that larger lots would be marvelous for this town and it hasn't happened.

He said that Mr. Connor had spoken about the Land Use Element Subcommittee that was formed 2 years ago and Judge Batista and Dr. Behr comprised that subcommittee and they are both gone. He said that it would be nice if there really was some productive output from them, but he suspected since nobody was on the Subcommittee last year that we are essentially starting over. He invited those who are new to the Planning Board and would like to see his 41% study sliced and diced a lot of different ways as to the age of houses, the value of the properties, and the values of the houses on the properties to get in touch with him to receive a copy. He said that, if we are going to talk about the Land Use Element at the next meeting, you probably ought to be familiar with this because he believed that it is the "elephant in the room". He asked if there were any questions and no one responded.

Mr. Connor thanked Mr. Sandow. There being no further comments from the public, the meeting was closed to the public.

To answer Mr. Arentowicz's previous question concerning stormwater, Mr. O'Brien said that stormwater is provided as part of a green buildings and environmental sustainability plan element which is *optional* according to the MLUL. He said that it is in Sec. 40:55D:28-16 of the MLUL.

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

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DAWN V. WOLFE  
Planning & Zoning Administrator