

**MINUTES**

**FEBRUARY 26, 2013**

**PLANNING BOARD**

**LONG HILL TOWNSHIP**

**CALL TO ORDER AND STATEMENT OF COMPLIANCE**

The Chairman, Mr. Connor, called the meeting to order at 8:04 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, 2013.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

Christopher Connor, Chairman  
Charles Arentowicz, Member  
Ashish Moholkar, Member  
Brendan Rae, Member  
Guy Roshto, member  
Gregory Aroneo, 1<sup>st</sup> Alternate  
Gregory Wallisch, 2<sup>nd</sup> Alternate

**Excused:**

J. Alan Pfeil, Member  
Barry Hoffman, Bd. Attorney  
Dawn Wolfe, Planning & Zoning Administrator

Mr. Kevin O'Brien, Twp. Planner  
Mr. Thomas Lemanowicz, Bd. Engineer

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**EXECUTIVE SESSION:** It was determined that there was no need to hold an executive session.

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**APPROVAL OF MINUTES**

The minutes of November 27, 2012 were approved as written on motion by Mr. Arentowicz and seconded by Mr. Roshto. Dr. Rae and Mr. Moholkar abstained as they were not present at that meeting. Mr. Aroneo and Mr. Wallisch abstained as they were not members of the Board at that time.

The minutes of January 15, 2013 were approved as written on motion by Mr. Arentowicz and seconded by Mr. Moholkar. Mr. Roshto abstained as he was not present at that meeting.

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**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.

**BOARD COMMENTS**

Mr. Connor announced that architecture standards would not be discussed tonight.

Mr. Roshto said, after reading through the draft, his only comment related to the last sections of the additions which are related to standards for historic properties. He said that we haven't yet passed the Historic Preservation Element so he thought it was premature to introduce ordinances or standards of this kind without first having that element reviewed and discussed by this Board. He also did not believe that the Historic Preservation Advisory Committee (HPAC) has seen either the architectural standards presentation or the proposed ordinances. He said that he would like to see them all moved once we finalize it and get their review on it. He said that he was the liaison to the HPAC and was said that it had not come up at any of their meetings and, therefore, he was quite confident that it has not been review by them.

Mr. Connor asked at Mr. Roshto if he felt that the HPAC should be looking at the draft ordinances before being submitted to the Board.

Mr. Roshto said he was not sure of the timing but thought it should all coincide with the review of the Historic Element which has not yet been discussed. If it were to be approved by this Board, he said that it is probably in conflict with some of the recommendations in that ordinance standard. He felt it was important that this Board have some discussion about where we want to go as a town for historic properties and historic preservation in general.

Mr. Connor asked if it would be better to break the document up into two because he thought the general elements have been pretty well looked at. He said that over the past few years, no one has ever mentioned the historical side of it and there has been nothing before this Board that addressed specifically historical areas.

Mr. Roshto thought that was an excellent proposal and felt that it makes a lot of sense because the other ordinances that are in there for the most part are cleanup or changes to existing ordinances. He said that they added on the historical preservation standards but there are no ordinances in our town - those are brand new. He felt that it will be tougher for us to have those discussions than the first half.

Mr. Connor referred to an earlier discussion with the Ordinance Subcommittee and felt that this is a good example of where, if the historical comes to the ordinance Subcommittee, we can then look at it and simultaneously share it with the HPAC and both of us can come to some sort of conclusion and then bring it before the Planning Board. As to the discussion of architectural standards, he said that it will be rescheduled with Dr. Behr as soon as possible. He said that we should also recommend that it be put into two places and the Board will consider at it's meeting the review of the architectural standards and the historical piece will be presented to us to take to the Ordinance Subcommittee. He asked Mr. O'Brien to handle the matter.

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## **DISCUSSION**

### **DRAFT FEE & ESCROW ORDINANCE**

Mr. Arentowicz provided some background on the Fee & Escrow Subcommittee (which consisted of members of the Planning Board and the Board of Adjustment) and its work. He said that the fees and escrows have not been adjusted since 2000. The Subcommittee reviewed the fees and escrows from: Berkeley Heights; New Providence; Warren Township; Watchung; and Bernards Township. He said that they reviewed the cost for the closed applicant files prepared by Mrs. Wolfe over a three year period (which included 18 applications) ranging from bulk variances of fees and escrows of \$3,500 to demolition and reconstruction for a mixed use that included fees and escrows of \$14,500. Included in the 18 applications were two pools for approval before the Boards. One was for \$5,900 and a second for \$7,400. The Subcommittee met in July and August and several times in November. He said that they created a model for costs for the application and looked at it from a professional consultant basis for the lawyer, planner, and engineer where they were involved with site visits, preparations, meetings, establishing conditions and resolutions.

He said that the Subcommittee estimated and quantified a residential variance application, assuming one meeting to adjudicate as follows:

- Meeting attendance was estimated for all 3 professionals at \$1,650.
- Site visits were \$125.
- Preparation time of 7.5 hours based on an average of \$104 per hour came to \$1,050.
- Establishing conditions at 2 hours for \$125 per hour equals \$250.
- Resolution prep time of about \$420 for 3 professionals.
- They estimated that for the prep and hearing time it would be about \$3,500.
- They assumed, with publication fees and a court reporter that an average hearing cost would be about \$4,000 which would include site visits, and preparation of resolutions (including establishing conditions) for all three professionals.

He said that what the Board received this morning were fees that were indexed by the Consumer Price Index provided by the US Department of Labor and Bureau of Statistics from 2000 to 2012. He said that the Board has before it a draft of the legislative intent of the ordinance and the revised proposed ordinance including the new fees and what the escrows would be. He said that they put in a clause that the Board of Adjustment and the Planning Board will review these costs every year in September and recommend to the Township Committee any changes in fees/escrows on an annual basis rather than leaving it for 12 years without any adjustments. He said that when they looked at the towns he had mentioned, it was difficult to determine when they established those fees/escrows and ordinances.

Mr. Wallisch asked what the comparable rates were from the other towns.

Mr. Arentowicz replied that, compared to our 2000 fees, most of them were higher from an application fee prospective. From an escrow prospective, he said that when you look at what was in our ordinance, in most cases were a little lower. He said that, when you look at the study that Mrs. Wolfe prepared on the 18 closed applications compared to the ordinances, we were way out of line. In other words, he said that the actual costs were higher than what was in the ordinance.

Mr. Connor asked Mr. Arentowicz if he had gotten a chance to see the actual cost of the neighboring towns vs. their escrow fees.

Mr. Arentowicz replied that they did not have that information.

Mr. Roshto asked if it was possible to get such data for the reviews from these other towns.

Mr. Arentowicz replied that Mrs. Wolfe had provided that to them electronically. He said that, for the five towns that they looked at, they have their application and escrow fees, and they could provide that.

Mr. Connor said we have escrow fees but Mr. Arentowicz had mentioned that the total escrow amounts were significantly above that and we would like the escrow deposit to cover the average application. He said that asking for additional funds has been a problem for the Planning Board and probably more so for the Board of Adjustment.

Mr. O'Brien said that he and Mrs. Wolfe have discussed the matter he knew that she occasionally has problems getting additional escrow when the initial escrow is depleted. He said that she has also had trouble getting initial escrow when she knows that a particular hearing is going to cost much more than the required deposit and people don't have to give more than the required deposit (which doesn't even cover a meeting).

Mr. Arentowicz said they had discussed the fact that when the applicants look at the ordinance and have an escrow fee of \$1,500 and it ends up being \$3,500, it is very difficult for the applicant to understand. He also noted that the Application Fee that is identified in the proposed ordinance is non-refundable and the purpose of that fee is to cover some of the Township costs in processing that application. The Escrow Fee is an initial deposit of what the fees of our professional services will be to look at that application. He said that that is on a cost basis and if the applicant funds an escrow amount and the actual costs are less, they will get a refund. If not, they will be requested to apply other funds to the town to cover the costs.

Mr. Roshto asked if any analysis was done on whether or not the Application Fees are covering the costs today.

Mr. Arentowicz replied that they had looked at that and if you take some of the compensation that is attributable to the cost of the town it is *not* covering the cost either in the prior year of 2000 or, even with the new proposed fees and the number of applications, it will not cover all of our costs. So the answer is that we looked at it and we wanted to bring the Application Fee more in line with what the cost should be but we are still not covering the true cost to the Township.

Mr. Roshto asked, even if we were to pass these ordinances we still wouldn't be covering the cost?

Mr. Arentowicz replied that in the Application Fee we are not covering the cost of the town to process that application.

Mr. Connor asked what was included in the town's cost.

Mr. Arentowicz said what they had looked at was basically the Planning and Zoning Administrator's compensation. If you took anywhere from 20-30% of her compensation, it's not getting covered with the fees.

Dr. Rae asked if our Application Fees in line with the surrounding towns.

Mr. Arentowicz said they weren't before but they are now.

Dr. Rae said the calculations as to whether we are covering the town's costs can be made either way but we have to look at the neighboring towns to get a set point.

Mr. Wallisch said he did not want to go to each line to say what the backups were and asked if we had looked at the processes to see if we can streamline some of them so that it doesn't take so much time and expense.

Mr. Arentowicz said there were certain things that had been done on the Board of Adjustment and the Planning Board with the checklist. He said that we have an Application Review Committee in place so that we do a pre-review of an application. He said that that is an attempt to try to streamline the process and reduce the costs to the applicant and/or taxpayer. But what we haven't done is look in detail at the process it takes by the applicant to get reviewed and approved by both Boards.

Mr. Connor said that we had established a new process a year ago so obviously some of the data comes from a time when the process wasn't in place. He asked Mr. O'Brien or Mr. Lemanowicz to provide some background.

Mr. Lemanowicz said in the past in doing a completeness review process with other municipalities, they would invite the applicant to that meeting so that they would hear why certain things were incomplete, needed, or not needed, and that helped because when you do the completion review in a vacuum (without the applicant) it has been found that if they don't understand *why* it's incomplete, they ignore it and then it comes back incomplete again and it is reviewed again. Plus, after we do the review, we now have been looking for the completeness items on the plans, so that when we are done with that, we can advise them of various inadequacies. So, while they are fixing the completeness item, they also eliminate several comments that he and Mr. O'Brien would make in a report form. He said that we have done several and some of the Board of Adjustment members have sat in on them. He said that they have noticed that the applicants come out of it with a better attitude because, in the past, when it was just the professionals doing completeness reviews, the applicant just got a letter and were advised of what they might have done wrong and it is relatively cold. But when they are in the environment where they can see what we need, then they come out realizing that we are working *with* them and *helping* them work through the ordinance. It goes faster because during our discussions, we are advising them *here* rather than having them appear before a Board unprepared. He said that they feel that it will cut down dramatically on the review time and hearing time for the application if the applicants cooperate. He said that there are some times when they will not do anything unless the Board says it.

Mr. Roshto addressed Mr. Arentowicz and asked about the review done on this. He believed it included 2009 thru 2011.

Mr. Arentowicz said that was correct. He said that Mrs. Wolfe had pulled together completed applications in 2009, 2010 & 2011, and there were 18 of them.

Mr. Roshto asked if it was possible for the Board to do the review. What he was hearing was that last year we put a process in place to streamline the costs. He said that it would be very interesting to know if that process actually *did* streamline the cost. He said that, if he knew in 2012 how it compared to 2009-2011.....

Mr. O'Brien said that it would only be this year, not last year.

Mr. Roshto replied that we don't know then if any of the processes to improve the process and reduce the costs are effective yet.

Mr. O'Brien explained it was because we haven't had an actual application before either of the Boards that has gone through the full process. He said that our belief and intention is that, particularly on the Zoning Board side, what we were finding over there is that we would get what appeared to be very simple homeowner applications that would come in with insufficient information. They came before the Board because they had met the completeness requirements required by statute. The Board would listen to them for a few hours and send them away to do it again. If they got it right they would come back the second time. The Board would review it and, if there was enough information, they would move on the application. If they did not do the things the Board asked them to do, then they would have to come a third time. He said that we had lengthy applications for really no good reason other than people not handing in the required information. Now what we are saying is when you hand it in we will look at it and make sure it is good first.

Mr. Roshto said his concern is that we are talking about raising our escrow deposits based on numbers that, what he thought he had heard, were higher than what you believe they are going to

be. You believe you have improved the process so therefore the amount the applicant puts into escrow should go down but we are raising the rates to the unimproved process.

Dr. Rae thought the problem was that the escrow fees that we have been charging are woefully inadequate and have not been changed in 12 years. So we are looking at other towns and the best assessments so we can possibly make and this is what we have come up with. Based on the proposed ordinance he said that we will have a review on an annual basis so they can certainly, if the data coming in is that the escrows are too high, we will know about that and the process will hopefully make improvements and then we can certainly scale them back. He said that there was a lot of thought put into these figures and to protect the town and he felt that they seem the most reasonable until we have better data.

Mr. Roshto agreed that the numbers are reasonable for 2007-2009 data. He was more interested in what is it today. Is it 10%, or 20% lower than 2009?

Dr. Rae said what has been done is a great step forward to try and make the process more efficient but he thought there is still a large part of this process which sits with the applicant and the applicant can be, in many ways, unprepared and that all adds to this.

Mr. Connor said that a problem which has been occurring is that in some cases the escrow fee is not enough to even handle the meeting. So, if you have a meeting with a full professional staff plus a court reporter and you have an escrow fee of \$1,500, that blows all of the money. By logic, if you figure they do 10 hours of work it will be double that. He said that the Planning Board needs to assume that it will be a full meeting and at least get enough money for that *at minimum* and some of that doesn't cover the professional meetings that we have, so there needs to be those changes because they are so obvious. He said that, in the past, Mrs. Wolfe has advised applicants that a required escrow is \$1,500 but has requested \$3,000 because she knows there is no way that it will be *under* \$3,000. and in some cases the applicant has said \$1500 is all they will give. Then what happens is they come in and spend \$1300 leaving a balance of \$200. She now has to go back and say unless you post an additional \$1500 in escrow we can't continue the hearing and then they get all upset. It is at a point where we need to make some of those changes quickly because these are problems that I knew have happened on the Zoning Board and it also happened on the Planning Board in another instance which went back and forth and he was unsure if we ever did collect the money owed.

Mr. Roshto asked that the Board not to misunderstand him. He said that he believed that the rates have to go up and he was very well aware of the troubles that Mrs. Wolfe has to go through in re-requesting more escrow to be deposited by applicants. He said he was not questioning the fact that it has to go up but questioned by how much. What he thought he heard was that the estimates in here of how much it goes up is based on 2009-2011 rates. Then he also heard – “but” we lowered those because we improved our process so we believe that the cost should go down for the applicant. If that is the case, if we could find a way to say it will go down by 10-20% then you can cut these numbers down by that amount. He agreed that we could always go back next year and do it again except what we are talking about here is an ordinance and ordinances are not as easy to change as just saying we are going to do it. He said that it takes multiple meetings at this level and the Township Committee level and reviews. It is not just a sign off and it's done and that is for a reason. It is because we want to understand that we are doing the right thing at the right time. Again, he said that he was not opposed to raising the rates, he just wanted to know that we are actually studying or analyzing the data that makes the most sense for us.

Mr. Arentowicz said the dilemma we have is that we don't have completed applicant information with the new processes in place. With that said, he said that we still have the problem that our application fees from 2000 have not been adjusted for 12 years. He said that, if everyone agrees with the Subcommittee about the consumer pricing index on the application fees and if we look at and say, based on our new process in place for the Boards, that is going to save our applicants 20-30%, so lets adjust the proposed ordinance by 30% on the escrow fees.

Dr. Rae felt that what Mr. Roshto says cuts both ways. He said that, if the processes aren't as effective as we think they are, then the town is suffering here and we haven't really solved the

problem. Whereas, if this was money that applicants were giving over and were never getting back, he would have some sympathy with that line of argument but if we don't use the money we are giving it back. He said that whenever we have is a year's worth of data with the new processes then we have to go back and, if we have to decrease these figures, then let's do it then.

Mr. Roshto agreed and also did not like putting the town or residents in jeopardy. He said that when we look at our applications he thought the striking thing Mr. Arentowicz said was in regard to getting two pools in with fees of \$6,000-\$7,000. He said that he struggled when a resident comes up to him and says the costs they pay are outrageous and he can't answer why in a reasonable way. He felt our costs are high and then referred to the Chairman's question which he said he would like to have an answer for – what are the actual costs and application fees for the surrounding towns? He said it is easy to go into surrounding town ordinances and find out what their application fees are and try to match them up as much as possible as each town is a little bit different. You can do that analysis, but it doesn't really tell the story of what it really costs the resident in Berkeley Heights to put a pool in and he would like to know that. If it's \$3,000 in Berkeley Heights, Warren and Watchung, he asked why is it \$7,000 in our town?

Dr. Rae said he could go to Berkeley Heights and say he wanted to put in a pool and it's rubber stamped and it cost him \$1,000 and meanwhile he is ripping down trees and all kinds of stuff that we would find abhorrent here. He felt that that kind of analysis doesn't really bring you any closer to it. He said that you have to make a decision and that we have looked at our historicals and put systems in place to try and decrease the costs, but based on the figures in front of us, these are the costs to the town and let's move ahead and in however long it takes, we'll have data that we can actually use to adjust these up or down. He felt we were going through a number of analyses here and said that eventually you are in danger of paralyzing yourself by all the analysis that you would be doing. He said that this was done over the summer and was supposed to be taken care of by the end of last year and here we are at the end of February still talking about it and it sounds like we are almost saying let's go back to the drawing board. He said that we can be here this time next year having this exact same conversation.

Mr. Roshto said he was not suggesting going back to the drawing board. He was asking if the Subcommittee that worked on this did the analysis and has the data, he was asking for us to see it. He also asked if they could also go and ask the different towns if they data for what it costs to put pools in.

Dr. Rae said that the data that the Subcommittee used can certainly be made freely available but he felt that whenever you start to really dig deep as to how other towns are doing things, the costs, the processes, and the way that the various committees handle it could be completely different. He said that there are too many factors there that you have to put together and actually have comparisons that are meaningful. He thought that the Board should look at the data we have and move forward based on those considerations.

Mr. Roshto commented that there was no data in front of him.

Dr. Rae replied that it could be made available to him and said that that is not what he was talking about. It was more going into other towns and getting data and then doing an analysis. He said that we are adding months onto this process which has already taken a great deal of time and we have an ordinance in place right now which we know is inadequate.

Mr. Moholkar said he was in agreement with Mr. Roshto because he is a data guy but, at the same time, analyzing a new process because we may not get enough applicants this year to make an adequate analysis anyway. He said that it is possible to get 5 and it all happens in July or August so you wouldn't be able to get real data that you could go back and see that we saved 5% or 10%. But, if we do get it, we can review it in September assuming we are in line with the other towns. He felt if we just got a sample of a few things, we don't have to do a deep dive process to see if we are in the ball park or way under or over. He said that, if we are plus or minus a couple, then we are good. If we are way off from all the towns, then there might be something wrong with what we are doing. He said that we need to look at the set of data once and then the next meeting we decide these are the details we have and we make a decision. If we are in line we move ahead and not wait until we have enough data to analyze the new process because realistically that could be any time between a month and up to two years.

Mr. Arentowicz didn't know if we could get the true costs from the other towns. He said he has provided two examples about the pools. On the pool which was approved and ended up costing \$5,900., the requested escrow was \$2,500. On the \$7,400. pool the requested escrow was \$2,400. He said let's just say that with the new processes we reduced the whole thing by 30%. We are still way out of line on the amount of escrow. What it is and how relative it is, he did not know, but it is 2-3 times out of line.

Mr. Wallisch asked Mr. Arentowicz if he had said that the other town's escrows were generally lower?

Mr. Arentowicz replied that some are lower and some are higher. He said that it is hard to compare apples to oranges.

Mr. Wallisch asked if they generally predicted that their costs would be lower.

Mr. Molholkar said that perhaps they have less requirements altogether.

Dr. Rae said that taking one town's cost and comparing it to ours is not about a comparison because you don't know what was going on in that town and we in Long Hill know we have historical data that tells us how much things cost and it could be that we are way out of line. He said that perhaps another town is super-efficient and have checklists and a lot more and are half our cost.

Mr. Aroneo asked why you would you make any comparisons to other towns in the first place.

Dr. Rae replied that these things haven't been changed in 12 years and we looked at the ordinances and said lets ballpark our application fees and escrow fees based on the other towns because that is kind of the market value. He said that, if you want to roll the dice and have escrows that are actually lower than actual costs then, if that is what the majority wants to do, then let's do it. What he was saying was to go with these figures and at the end of the year when we have data then look at it and make the adjustments, either up or down.

Mr. Roshto feel that the analogy of rolling the dice fits right here. He said that what he thought he had heard was that you really cannot trust any data from other towns so what we really have is 3 years of data and we know that data works but here is the data from the other towns and we can only use so much data and Mrs. Wolfe's time is 20-30%, roughly, but we don't really know how many hours she spends on applications and it goes on and on that way. He agreed we are rolling the dice and picking a number and he also agreed that our current ordinance fees are too low. He felt that was the basis we should be working from. The fees are too low and they need to go up. He said he was asking for a reasonable number for meeting the goals of reducing the cost to our applicants. He felt that using 2009-2010 numbers and making it a higher number and the applicant puts more money into escrow making it easier to access their money to do professional work, is *not* the direction of trying to control the cost. He asked how we control costs.

Dr. Rae felt that they were on two different things. He said that we are all on a crusade to control costs and he was with Mr. Roshto on that, however, he said that we are putting processes in place but we don't know the true effect of those processes on the cost. He felt that we have to go with the data we have here and protect the town. He said we are not taking the money from the applicant, we are just saying for at least the first year until we start looking at the actual costs. He said that we are protecting the town by saying here is what we *think* it will cost and at the end of the year we can start looking at these things again and if we have pitched these too high then we can bring them back, but right now we know what the costs are but we don't know what the savings will be until the processes are in place and he felt we have to go with what we have here.

Mr. Roshto asked Dr. Rae what he meant by "protect the town".

Dr. Rae said that right now there is a problem with escrow fees that are too low and we are trying to get money from applicants and they are asking why you didn't tell us this in the beginning.

Mr. Connor noted that about 6 years ago the town was involved in doing a large estimate of comparing our actual costs, budget costs, etc. using 5 other towns near us. He said that the purpose of that was to find out where were unusually low or high. There are variations of 10-20%,but in some areas there is a variation of 50%. Then the process was to look at where the variations were and try to explain why. Sometimes the explanations were logical such as accounting for things differently; putting money in one pot that we put in another, but he said that ultimately we found some areas that were abnormally high based on anything and that study took a full year. He said that what he does hear is if there is a couple that may be high and then look at 3 or 4 where we really seem to be abnormal. He questioned if we can find data from the surrounding towns just on those and what is the average approval cost in Warren or Berkeley Heights? If it is \$3,000 and we are \$7,000, that seems to be a problem. He said that maybe we

can do that bit of information quickly and then get on with it and work on what seems to be exceptions but not work on everything.

Mr. Roshto agreed. The two on his mind were pools or decks. He said that if we spent a day working on that we could come back to the next meeting with something that could be workable.

Mr. Connor said you would have to get the professionals involved.

Mr. Moholkar felt that any data received would have to be looked at as soon as possible so it can get on the next agenda. He said that we do not want it to stretch out over several months.

Dr. Rae asked if the new data needed to be sliced and diced by the size of the pool and the size of the deck. He felt these are all things to be considered.

Mr. O'Brien commented that every pool and deck is different and unique. For instance, in the two pools referenced, one pool required 2 meetings and landscaping and they only had a few variances such as lot coverage and set backs that need work and tweaking and just having two meetings was over half of that escrow.

Mr. Lemanowicz added, in reviewing that application, there were grading issues which took *several* reports to get them to understand how to make water go downhill and it was an effort to get that done and that was simply a matter of care of the applicant's engineer and that is one thing that you cannot factor in. You can't factor in what the applicant is going to do or what the applicant's engineer is going to do. He said that the applicant may not want to do what has been suggested which results in more meetings. He said that there are a lot of variables.

Mr. Arentowicz asked how we get there.

Mr. O'Brien replied that that was the problem. He said that you have heard the first example and the second example took 3 meetings and it was a pool but then it wasn't a pool because there were buildings that were constructed illegally without permits which made the lot cover astronomical and the setbacks "zero". Every time they came back to us it involved new plans and new reports which really ratchets the cost up which is why every application is different and unique. He said that, if you take the \$7,400. pool and go to Berkeley Heights and they say a pool application costs \$2,500., we should ask how many variances were required, how many meetings were held, how many engineering & plan reports were required, and what were the other significant issues that went on?

Mr. Moholkar asked if there is a very specific thing we can look at that might be similar as opposed to a pool which realistically can be anything or a deck can be as obscene as you want or a regular 8 x 8. He asked if it makes sense to gather data points for something that is more common.

Mr. Roshto added, like the number of variances require per application?

Mr. Moholkar replied something that is more of a common data point that makes more sense to ask that will provide a number as opposed to something that makes no sense.

Mr. O'Brien referenced additions that have raised lot coverage, have violated setbacks, and which have caused storm water problems and said that we have had also had additions that only required one or two minor variances with minor review. He again stressed that every application is unique.

Dr. Rae asked Mr. O'Brien if there was any piece of data that he could think of that he would recommend that the Board look at that would enable the members to re-examine the escrow amounts that are in the ordinance and come up with something that is more realistic than we have at the moment.

Mr. O'Brien said that some members have asked for more data and he asked what kind of data you are looking for.

Dr. Rae felt that pools and decks may not be the appropriate data to gather. He felt that the members are at a loss so he asked if there is anything they can do in order to ascertain whether these escrow costs are realistic or not.



Mr. Lemanowicz felt that what might work is to take the application that Mr. Arentowicz had compiled and allow him, Mrs. Wolfe, and Mr. O'Brien to sit down and discuss it.

Mr. Arentowicz said that might get you closer, but you have to take into account our new Checklist, pre-review, etc.

Dr. Rae said not to forget to throw into the mix how prepared the applicant is. He said that we've put a lot of thought into it and we have come up with something that is realistic. He suggested letting the data speak for itself as we are moving forward and the next time we look at the ordinance, we will have good data that we can adjust.

To Mr. O'Brien's point, Mr. Roshto said that we could come back a year from now and see a pool for \$9,000, because every pool is different, so we really don't have any data.

Mr. Connor said that, if you are talking about those 3 years, Mr. Lemanowicz and Mr. O'Brien are familiar with all the cases. It may be that they can look at certain ones and put them out as outliers. They could then point out the more common ones suggesting that if we had used this procedure we have now and it worked properly maybe we could have saved 20% on these and not deal with the outliers. Maybe by sharing that data might be away to answer some of the questions. He asked what are the more normal one - are they 20% or 50% over even with the new procedure? He suggested letting them make that estimate to get us closer to where we need to be.

Dr. Rae thought that was fine, but said to remember that we only have 18.

Mr. Moholkar said at least it is tangible data and it is our data dealing with our town as opposed to more variables.

Further discussion followed.

Dr. Rae said with our process if you get more data points we can trim it down to what would be the median or obvious cost. He said that we are really looking at gathering data and he would rather have an amount that we think is good enough for all concerned. He said that it is good for the applicant because they will get a realistic view of how much it is actually going to cost. He said that, at the moment, they look at something and assume it is just a \$3,000. escrow, an application fee of \$1,000. and they can have their pool and then we go back to them and say, guess what it will cost you \$10,000. If we have raise it to something that we think is realistic, they may question if they really want to spend that amount of money for a pool, or not?

Mr. Roshto thought it sounded like two separate things. He said that if an applicant comes in and we have 18 data points to say to that applicant the pool is going to cost you about \$8,000. and we are asking for \$2,500. in your escrow account now but you will be coming back later to pay the rest. That to him is just as fair as saying give me \$8,000. right now and we promise to use it as best we can.

Dr. Rae said he based his statement on Mrs. Wolfe's discussion with the Subcommittee and she is the person who is in the front line and she told us that people are not very happy when they come in and there is a certain figure and it turns out to be 2-3 times more than expected. That is why he felt it is better for the applicant....

Mr. Roshto interrupted and questioned as to whether that was a communication issue with the applicant and what does it mean to have an escrow account.

Dr. Rae replied that we know how much it costs just from a historical perspective and it has come under discussion, but the applicant only needs to pay us exactly what is written in the Ordinance. If we say it's \$3,000. and there is \$1,500. in there, that is all they need to give us and then it is a fight to get the rest.

Mr. Connor said Mrs. Wolfe knows approximately what the right number is. For example: someone comes in and the fee is \$1,500. Mrs. Wolfe tells them that will not really cover the hearing and requests \$3,000. Then they say no, I am paying you the required \$1,500. (only). It then turns out to be \$3,000. and then Mrs. Wolfe has to go back and ask for the additional monies. They may be into a hearing by then and now you are not supposed to have the hearing unless there is enough money in escrow. There is not enough, so she now has to decide that she will tell these people that they can't have their hearing. You finally have to wheedle the money out of the applicant and they think they are being played with. It is sort of like a used car salesman saying "I'm going to give you this car for "X" and when you get there

you are paying a lot more. That's the way they think they are being treated. It is too low and once you have it and they are half way through, they have no choice and they are "hooked".

Mr. O'Brien said, or they could refuse and the Township gets stuck with the bill.

Mr. Connor said there were times when the professional staff has not been paid because they completed their job and Mrs. Wolfe was unable to recover the outstanding money.

Mr. Roshto asked if we did work before the money was in escrow?

Mr. Connor said they had partial payments. You get to the position where you have to make a decision to move forward and those problems have been resolved to *some* extent.

Mr. O'Brien said that the flaw is still there because of the Ordinance.

Mr. Connor agreed and said that the rest of it has been fairly well taken care of because there used to be two different people and Mrs. Wolfe didn't manage the escrow funds, someone else did and that communication has been clarified.

Mr. Moholkar asked if there was language that could be put in the Ordinance so if they came in and said they only had to pay \$1,500., we would say that once that money is used up no additional work will continue?

Mr. Connor said the Ordinance actually says that once you are at 80 percent of your fee, the town needs to go back and request additional funds to cover the estimated rest of the expenditures. He said that that could be in negotiations and it could hang things up for a while and you would get into multiple negotiations.

Mr. Lemanowicz said that the issue where you wind up in the red is that you are into an application and they are resubmitting to him and Mr. O'Brien, based upon the last review letter, and they are spending time and sending invoices and whoever is maintaining the escrow realizes that they need to get more money not knowing that there is another invoice coming. He said that Mrs. Wolfe takes care of him, Mr. O'Brien, Mr. Hoffman, and the court reporter. She has to manage all of these incoming invoices and keep comparing it to the escrow, plus every application because of where the escrows are now, she has to write three letters per application to get more escrow just to get it through the process, so that is time she is spending and it gets very cumbersome.

Mr. O'Brien said that Mrs. Wolfe's estimate of what she *thinks* it will be comes in very handy because of her longevity with the Board. She will go to an applicant and say that we would like you to post an escrow of "x" amount because this is what we have seen in the past. But right now, according to the current Ordinance, an applicant can say "no" and post only what the Ordinance says and we have no choice but to accept it and then the Township gets into the hole.

Mr. Lemanowicz said there is also a process that when you reach a certain point, Mrs. Wolfe has to get recommendations from us about how much more time we need and then she communicates back to the applicant and they get the money and that whole thing can take another two weeks.

Dr. Rae said that that is why he kept saying to protect the town. He said that with too little of an escrow amount, the Township can be stuck with the bill and the second part of it is that we have rightfully disgruntled residents who are led down the garden path as a classic "bait and switch".

Mr. Roshto said that made sense to him. He said that he started this conversation from the point of saying I think our current fees are too low. What he was struggling with was convincing himself that these are the right numbers and, so far, he hadn't been convinced of that. He said that the application fees are a small percentage of this whole thing compared to the escrow. He was not that concerned about application fees. From a resident's prospective, he said that we are raising our fees on them but if that is the recommendation he understood it. But when talking about escrow deposits, he said we are talking about a very psychological thing to a resident who we is expecting one thing and getting another. He said that what he would hope that we are *not* doing is going so far to the right where now all Mrs. Wolfe has to do is issue a refund.

Dr. Rae thought that there weren't any data points that you could really choose from that would be realistic to set the escrow funds.

Mr. O'Brien replied, not unless you made a list of all the relief necessary per application and went to an adjoining town and asked what their escrows are for a particular type of relief.

Dr. Rae said that what was being said is that the Subcommittee can set these escrow amounts a certain way where they are not that out of whack and will provide you with the minutes and all the data that was used, but what we need to do for the reasons just discussed, is protect the town and the residents by making these as realistic as possible. He said that when we have hard data then we will change them, up or down.

Mr. Roshto said he thought he was convinced that any data we have isn't going to be good data. He felt it would be anecdotal for us and good information to find out what our neighboring towns are doing with decks and pools. But given what he has heard from Mr. O'Brien, he did not know if it will really make or break him. The one thing he said he did hear that would be valuable is to give all this information to our professionals and see if they can give us some advice on changing some of the numbers. Based on what they know for application reviews, checklist and all the things that we have improved, he said he would be interested to hear their opinions.

Mr. Wallisch said that it might be that they feel that these numbers all make sense. Whatever the case, he felt it will strengthen which way the numbers, if at all....

Mr. Roshto said he would only be interested if they were lowering the escrow numbers and not raising them.

Mr. Wallisch said that he was interested in *any* opinion.

Mr. Connor asked if Mr. Arentowicz if he had sat down and discussed these recommendations with Mrs. Wolfe.

Mr. Arentowicz replied that she was in on the first meeting and knew where we were going.

Dr. Rae said that Mrs. Raimer was in constant communication with Mrs. Wolfe.

Mr. Arentowicz said that he knew that Mrs. Raimer and Mrs. Wolfe had spent time going over things.

Mr. Connor asked that the two professionals look at the data and provide any feedback. He said that he would like to bring it back to the Board as quickly as possible.

Mr. O'Brien suggested that they meet with Mrs. Wolfe and Mr. Arentowicz and take a look at the data. He said that they have not been privy to any of the data that was reviewed. As an initial comment, he said that there are two separate things, one being the application fees which are administrative fees that go to the Township costs and the other are the escrows. So far, he said that it seems as though the Board is saying that the application fees seem to be reasonable based upon what we have heard so far.

Mr. Connor said in the interest of time and, depending on the availability of Mrs. Wolfe, you might want to deal directly with Mr. Arentowicz on this.

Mr. Roshto believed the goal is to get these to the Township Committee as quickly as possible so we can start the process. He felt it was important that we set this up to succeed with the Township Committee and if there is anything he could do to help, please feel free to ask.

Mr. O'Brien replied that whatever they do will hopefully be done by your next meeting.

Mr. Connor suggested we plan to have it on the agenda for the next meeting. He then asked Mr. O'Brien if there were any new items to be brought onto the agenda.

Mr. O'Brien said he tried to assist the agenda by reaching out and trying to make sure that all of the agenda items would be covered this evening but, given the circumstances, it didn't work out. He said that what he *did* do this afternoon, unknowing that we were even going to consider discussing it, was send out his status report as well as the current draft calendar.

Mr. Roshto asked Mr. O'Brien to say a few words about the recent Township Committee meeting.

Mr. O'Brien replied that, on the 13<sup>th</sup> of February, he and Vice Chairman Arentowicz appeared on behalf of the Board at the Township Committee meeting to discuss the Meyersville Ordinances. He said that they discussed their background, where they came from, and the process the Planning Board went through in reviewing them. He said that they compared the changes that were made to the draft ordinances as opposed to what currently exists in the Zone. They also answered questions from the Township Committee members concerning the draft ordinances.

Mr. Arentowicz said there were a couple of minor changes that they had to get back to the Township Committee on, but overall he thought they were supportive of what they presented.

Mr. Roshto asked if the changes requested by the Township Committee were given back to them.

Mr. O'Brien replied, "Not as yet".

Mr. Roshto asked if the Planning Board needed to be aware of those or were they not substantive.

Mr. O'Brien replied that they *should* be aware of them as it is their document and after tonight's meeting, he said that he could have them prepared and sent to them for the next meeting.

Dr. Rae recalled that they were significant.

Neither Mr. O'Brien nor Mr. Arentowicz had them in front of them because they did not know that the Board would be getting to them tonight.

Dr. Rae said that, in all seriousness, they were not *that* significant and were just basically a repetition of the types of people who would be allowed to stay in the upper parts of the houses so that it was uniform throughout the ordinance.

Mr. Roshto agreed that it was minor and he thought that, to make it go quickly, if we allow Mr. O'Brien to continue on with that and get it back to the Township Committee.....

Mr. Connor felt that, if it was minor, then let the Township Committee continue their process and when we get it back, as long as there nothing major, we can take care of it. He felt it best to move it as quickly as possible through first reading and then we can start one of these processes and get it finished.

Mr. Roshto asked Mr. O'Brien to have Ms. Reese put it on the Township Committee when he has completed it.

Mr. O'Brien said that, as well as sending it to the Township Committee, he will copy the Board.

Mr. Connor said that that should be a normal procedure.

Mr. Roshto said to be clear on the process, the Township Committee will discuss it as a discussion item (not as an ordinance or first reading) so the next time it comes in front of us it will be a first reading and it will be official. He said that last year our Mayor would open it up for discussion and a first reading and it may not be opened for discussion (depending upon if residents show up). He said that last year during the Meyersville discussion residents *did* show up and they were allowed to discuss it again. He said that final reading will occur some time after that, so it will be a month more.

Mr. Connor said that, after the first reading, the Planning Board will have 45 days to respond to the Township Committee. If it's not done in 45 days, the Township Committee can do what they want.

Mr. Connor then suggested going through the next Planning Board agenda.

Mr. O'Brien said he had tentatively put Open Space and Recreation Elements on the agenda and we will also be adding Fees and Escrows.

Mr. Connor asked Mr. O'Brien what feedback he had from the two committees on going ahead on that?

Mr. O'Brien replied, "None". He said that those drafts will go out early next week so that the Board will have them a week before the meeting.

Mr. Connor asked if the two organizations, the two committees, will be here to present?

Mr. O'Brien replied that they *would be* if the Board would like that.

Mr. Connor said that in the past we have had them come and present their proposals. He said that he wouldn't want to discuss their proposals without them being present and able to respond to any questions.

Mr. O'Brien said messages had been sent today but he had not received any replies. He said that he would do the same again tomorrow and ask them if they would like to be heard by the Board at the next meeting or the following meeting.

Mr. Connor said he was thinking that as long as both organizations are ready to participate and attend then he had no problem with going ahead. What he didn't want to happen is to postpone the architectural standards discussion and then find out later that one of the other groups isn't ready to participate.

Mr. O'Brien said that he wouldn't reach out to the other groups until he heard back about the architectural standards. He said that, depending on what they tell him, he will then move forward with the other groups.

Mr. Connor asked if there were any other new items.

Mr. Roshto had an update on the Ordinance Subcommittee. He advised that they had met on February 12<sup>th</sup> and took a tour of Willow Pond Farms which is the Meyersville horse farm. He said that there are 14 horses stabled there and the property is generally clean and well kept. The primary uses are for riding lessons which, in most cases, are one on one. Roughly half the students are special needs and come from this general area. He said that it is setback off of Meyersville Road adjoining to the Meyersville Grange property. The rear of the property is used as horse riding trails. There is a horse riding area to the front of the principal building setback. There is a covered riding area with the cover being approximately 4' above the maximum height limit, however this area is some distance from the road and hardly noticeable. He said that private single family homes are situated immediately cross the road. He said that the second thing the Subcommittee discussed upon their return to Town Hall was that the horse farm ordinances in general. He said that they reviewed those ordinances and asked Mr. O'Brien to look at the Harding Township ordinances and come back to us with a complete ordinance that we could work from to make it more suitable for Long Hill Township with the horse farms that we are aware of in town. He said that that is in the works and they hope to bring it to the Planning Board sometime in March. He said that the second thing they discussed was the Meyersville Hamlet in preparation for the Township Committee meeting. The final thing the Ordinance Subcommittee discussed was the 2012 draft Business District Ordinances. He said that essentially they tried to go through the ordinances during the meeting but there was too much on the agenda already and so it was tabled for tonight and then we did not get to it tonight.

Regarding the horse farm site visit, Mr. Arentowicz asked if the other potential owners were there for that discussion.

Mr. Roshto replied that they were invited but no one was there.

Mr. Connor said there appears to be 4 horse farms, one of which probably is an acre and a half which would be excluded from any horse farm zone because it is way too small and, whether or not it is a horse farm or not is even question. He said that two others are larger and may well be covered but they did not attend. He said that we will have to ask Mr. O'Brien to take a look at how we can get their input on this because at least one of them is significantly different than the horse farm they visited.

Mr. O'Brien said that, at the direction of the Subcommittee, he was going to work with the Mrs. Wolfe and Mr. Delia on getting a letter out to the other two farms and letting them know what we are doing and asking for their input.

Mr. Arentowicz asked Mr. Lemanowicz if there were any environmental concerns that he could see .

Mr. Lemanowicz replied that the dome (which was the largest structure that was built without permits) was built on the edge of a wetland. He said that he did speak to the enforcement division of the DEP some months ago and they said that they were working out permits with them to deal with that issue because it was built in a transition area and there were some potential issues where they filled the wetlands to get the building in there, but the DEP is the ultimate authority there. With respect to runoff, he said that there is issue from horse farms and such because of the nitrates and such going into the water. He said that the area was sandy which helps the ground be more absorbent rather than having it run off. He noted that there was a lot of snow cover at the time so it was a little difficult to assess that, but these are some of the things that if we are going to do a horse farm ordinance we need to put in for water quality.

Mr. Connor had one issue which was the Morristown rezoning and its funding. He said that there appears to be some opposition to spending any additional money on that rezoning and he wondered what the latest status is on that matter. He said that, obviously, if we are going to finish we will need some additional money.

Mr. Roshto provided some background. He said that the Planning & Zoning Administrator had sent an e-mail asking the Township Committee what they wanted to do because there wasn't enough money in escrow to continue. He said that the question really became should the Township pay the cost that was originally agreed by the two property owners on Morristown Road. He said that one property owner

didn't put money into escrow and so it's kind of a different issue than what we were discussing earlier. He said that the project continued on and bills were piling up on the money that *was* available and now we are in a situation where who pays for professional services to continue on? He said that the Township Committee's general consensus was that the Township should *not* pay that amount of money and it should go back to the property owners if they want to continue the project.

Dr. Rae asked if it is a fact that the study can't be completed given the money that has been put up so far?

Mr. O'Brien replied they were over budget by \$400 or so right now and the shame is that we are very close to completion depending on how many meetings and discussions occur. But to finalize the ordinance based upon the direction that we have been given so far, he said is just a matter of finalizing it. He said that the variable in the equation is what meetings it will take to do that. He said that Township Committee had come up with a number that they felt it would cost and between the two property owners that brought it to the Township Committee, one put up their half and one did not.

Mr. Connor said this was a special case where the Township Committee actually recommended this and told the applicant to go to the Planning Board and have them look at rezoning. Since there isn't an established fee for rezoning, the Township Committee made one up. He said that, in this case, it may well have been right but it still didn't work out.

Dr. Rae asked if the homeowner who put the money up had been approached to say that there will be extra fees and asked if they would they be willing to make up the shortfall.

Mr. O'Brien replied that he did not know the answer to that. He said that the shame is that if either of those homeowners have to come for other variance relief, or go before the court because they are non-conforming, the expenses would be considerably more than the matter than what has been requested of them.

To clarify, Mr. Roshto said that he thought he said that the Township Committee said that the town wouldn't pay the cost and he misspoke and apologized. He said that the Township Committee said that, if the Planning Board, out of their budget, wishes to continue on with the project they can do so.

Mr. Connor said that there is more to it in that originally they went to the Zoning Board and he thought that that is where they got referred back to the Township Committee. He thought the money originally went in as a Zoning Board application.

Mr. O'Brien said there were two Zoning Board applications, one from each of the two property owners in question, but he did not know what the status is of them.

Mr. Connor said what happened there is that the fee initially went into the Zoning Board and was applied and all agreed to say okay as they were not going before the Zoning Board but before the Planning Board.

Dr. Rae noted that the zoning was changed sometime in the late 1990's. He asked if the homeowner's came forward and complained that it shouldn't be rezoned.

Mr. O'Brien replied that any change in the Ordinance or the Master Plan can only occur at a noticed public hearing with newspaper/local notice and property owners must be notified that there is a change in the zoning to their property.

Dr. Rae then asked if the homeowners had been notified back in 1996 or made aware of the ramifications of the rezoning.

Mr. O'Brien replied there would have been public notice.

Mr. Connor replied that they were surely notified. Whether or not they came before the Planning Board with any recommendations or protests, we would have to check.

Mr. O'Brien clarified that they may not have received an individual notice directly to them personally. He said that the MLUL has changed concerning zoning changes to individual properties but it still would have been done at a noticed public hearing.

Dr. Rae thought that looking at it from a fairness prospective, there may have been some notice but it could have been in a newspaper rather than directly to them. He wondered if it *was* given to them and the ramifications of that zoning change probably wasn't explained either. He said that they then suddenly realized to their detriment just what had occurred. He questioned why we made that a Conservation Zone in the first place when we had so much going on there which had been going on there for many

years. He said that he was caught between the two things. One, he did not think the town should necessarily pay for the shortfall, but at the same time he said that he could really feel for the property owners because things happen and they don't necessarily realize what is happening and now here they are.

Mr. O'Brien felt that Dr. Rae had a good point in that planning and zoning is probably the last possible thing that is on any property owner's mind. He said that when any of us personally bought our homes did we know what zone we were in? Did any of us know the allowed uses were in that zone? Did any of us know what could go next door to you? He said that none of us really knew any of these things until getting involved in something like this. He said that an individual's largest investment in their entire life is their home and people don't follow these things or worry about them because it is just not something that they worry about.

Mr. Roshto said he was a bit confused on one part. He said that this Board routinely reviews areas at our cost. He asked what is special about this area that this Planning Board wouldn't be doing the same thing? He asked if the Board could make the choice right now to continue on with this project as we would any project?

Mr. Connor said the answer is "yes" and the "but" is that we put in estimates of what we thought we were going to spend on various projects, a lot of which are reviewing the various Master Plan elements and some other ordinances that the Board might have to do. However, when we have applicants come before us, our professionals get paid by the applicant. This is like picking up the expenses for an applicant which is not something that is included in the budget. He said that the question is, let's suppose we need to get another \$1,500. It would have to come out of the consultant fees we get from our professionals. He questioned if that will then put us over budget? He said that last year we were fine. However, in the two previous years, he said that he had to go in in October and move some money around to get additional monies into the planning and engineering line items. He said that \$1,500. doesn't sound like much but we don't have a great budget. He said that we could do that, but it was not in our budget projection and, if we miss, it will be a squeeze at the end of the year noting that we cut so close on the professional fees that he would prefer not to take out an additional \$1,500. However, if the Board agrees that we should allow up to \$3,000. and that we will put in the other \$1,500, he said that we could do that. He said that if the Board wants to decide and move forward, we could do that.

Dr. Rae asked if perhaps there could be some precedent for doing something like that. In fairness to homeowners, he said that there doesn't seem to be any compelling reason why it was ever changed in the first place. It seemed very strange to him that out of all the places we would choose as a Conservation Zone ....

Mr. O'Brien said they wanted it to go to a particular direction at that time.

Dr. Rae said that, as to the detriment of the home owners as Mr. Roshto said, if there was some kind of precedent for helping them in this way, he would certainly be in favor of doing so by spending the \$1,500. out of the Planning Board budget.

Mr. Connor said if we are going to do the Land Use Element, then we are going have to do that anyway, and are we going to be recommending any rezoning?

Mr. O'Brien replied, only if you wish to not rezone now and put that in Land Use which will be out by the end of the year and then the ordinances would follow that. He said that you can make it a recommendation.

Mr. Connor said the Land Use Element is one where there are some studies. He said that we put in significant money for the Land Use Element which will include various studies. He said that, perhaps if we consider that part of the Land Use Element funds, maybe it won't cost \$1,500., we will have to look at it anyway to some extent because that is going to be an issue on Land Use - why is that a Conservation zone?

Mr. Roshto thought that might be a good way to go. He said that we are in year 10 of the maximum 10 years to deliver our Master Plan, so this is the last year. We have to either do a re-examination report to complete the Master Plan or we have to complete the Master Plan of which a major part is Land Use and that has to happen soon. He said he is troubled when in year 10 we haven't even started the Land Use Element discussions and we are about to write ordinances. He said that when Dr. Rae made the remark about it being zoned Conservation and he was not sure why it was done, that is the conversation that comes out of the discussion of the Land Use Element. If this Planning Board feels that that should be Light Industrial/Economic Development and that is the direction we want to go, then we put it in our

Element, we write the ordinance and it agrees and that is what our goal should be anyway – to get our ordinances to agree with our Element.

Mr. Connor said that we actually had a Land Use Element Subcommittee 2 years ago and they met and started to develop recommendations consistent with the old Master Plan but we didn't continue that when it became clear that some of the things in the new Master Plan were problems. He added that there are committee notes from then but it didn't make any sense to continue to do a Master Plan of the elements when one of the major elements (being the Valley Rd. Business District) - ordinances were under revision. He said that we ended up going backwards and revising the Master Plan and that was one of the reasons we didn't go forward on the elements. He said that the other reason is that the requirement went from 6 to 10 years. It seemed to him that we ought to do the necessary amount of work to at least look at where that will be and work on that under the auspices of the Master Plan dealing with the Land Use Element and at the next meeting, when we have a full Board, he would like to reappoint organizations to work on this that will include the new Board members.

Mr. O'Brien said one of the parts of the Master Plan Reexamination or full blown Master Plan is to take a look at the changes in assumptions that the Board has made since the last writing of the Master Plan, as well as a discussion of changes to the ordinances that the Planning Board suggests. He said that the Reexamination is looking at what you wrote and how it changes. What we are writing now could be what those changes are. Why do you think those changes are necessary? What do we need to do to affect those changes? That is one of the exercises you will go through as part of the Reexamination. He said that some of the things you are working on now are changes and if you chose to leave those for that Land Use Element Reexamination, you could certainly do it as part of that and examine the change and assumptions and the changes in ordinances that you wish to make, or you could also proceed as you are doing and have these distinct items, such as Morristown Rd., and take care of that. It is up to the Board.

Mr. Connor said it seemed to him that one segment is Morristown Road in a Conservation Element.

Mr. O'Brien replied that, if you do it as part of the Reexamination, remember that that process is going to take until the end of the year and then any subsequent ordinances would occur *after* that.

Mr. Connor said the answer is "yes" given the time it has taken already. He said that once we are at the point of having a new element, we don't have to do a full number of ordinances. In other words, he said let's suppose the recommendation is approved on what the Land Use Element is and part of that is making a change into Morristown. He said that we don't have to have a full blown change in *every* ordinance. We could say Morristown because it has been there so long that we are just going to change that now and not have the whole long discussion. So, if we are approved in November, maybe by January or February we can at least have that one done and it will be consistent. He said that it will also depend on what the recommendation is. The recommendation could say we shouldn't change it. He suggested proceeding that way which gives us some flexibility in moving forward. He said that we won't say there will be a change in the next 6 months, but hopefully by the end of the year we will have a direction.

Dr. Rae asked if that means that the homeowners are not in any violation until a decision is made.

Mr. Connor replied that right now if they wanted to make changes they would have to go through the Board of Adjustment. If there are violations, he said that we can ask that those citations be withheld until the end of our discussions.

Mr. O'Brien thought that the court action for *one* of those was staid while they pursued an application before this Board. By putting it into the Land Use Element, he said that that is a different situation which he was sure we could communicate with the court.

Mr. Connor said to see if that approach is reasonable and that any enforcement can be delayed until the Board has come to a conclusion.

Mr. Roshto added that if the property owner(s) wished to pay the rest of the money, they could continue on.

Mr. Connor said that would be option one and the other being we will work on it but it will not be resolved until the end of the year.

Mr. Wallisch noted that it had been mentioned that it was close to completion. He asked if that translates to \$1,000-\$1,500.



Mr. O'Brien felt that his work and presenting it would be accomplished within the original \$3,000. Should there be additional meetings or revisions beyond that, then "no". He noted that we have already had 2-3 meetings on this matter on half of the budget.

Mr. Roshto asked if we remembered the original agreement that if it goes over the \$3,000 that the Township Committee requested that we would ask them for more or that the Township was agreeing to pay that?

Mr. O'Brien replied that he assumed that that was the cap at the time.

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

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DAWN V. WOLFE  
Planning & Zoning Administrator