

MINUTES

PLANNING BOARD

MARCH 26, 2013

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Chairman, Mr. Connor, called the meeting to order at 8:00 P.M. He then read the following statement:
Adequate notice of this meeting has been provided by posting a copy of the public meeting dates on the municipal bulletin board, by sending a copy to the Courier News and Echoes Sentinel and by filing a copy with the Municipal Clerk, all in January, 2012.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

- Christopher Connor, Chairman
- Charles Arentowicz, Vice-Chairman
- Brendan Rae, Mayor’s Designee
- Ashish Moholkar, Member
- J. Alan Pfeil, Member
- Guy Roshto, Member

- Gregory Aroneo, 1st Alternate
- Timothy Wallisch, 2nd Alternate

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

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

PUBLIC QUESTION OR COMMENT PERIOD

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

DISCUSSION

HORSE FARM REZONING

Mr. O’Brien said that a set of ordinances was developed based upon the advice of the Ordinance Subcommittee who primarily relied upon the Harding Ordinance which everyone was familiar and comfortable with and also a bit on the Tewksbury Ordinance. Copies were distributed to the Board members for their review. He said that Mr. Michael Bonner, attorney for Willow Pond Farms, also weighed in and the most recent version the Board received contains Mr. Bonner’s suggestions. He said that he had no objection to including them should the Board be so favorably disposed. He offered to answer any questions the Board may have and noted that Mr. Bonner and Ms. Annis were present.

Mr. Connor agreed that the Ordinance Subcommittee discussed the matter and said that they also visited the site to see what is exists and provide some additional background.

Mr. O’Brien said that the first change was to add a definition for equine related activities to Sec. 111 which is a use because we are defining it as a use in the Conservation Zone. Referring to Sec. 122.1 (Conservation Zone requirements) he said that another permitted primary use would be added to Sec. 122.2(a) as No. 6 – Equine related activities. It would go on to say that those activities which are in accordance with existing Sec. 124.10 (the one that deals with horses and livestock) and the new Sec. 124.14 (which is the one that has the new ordinance language relating to the equine related activities or more commonly known as a horse farm). He said that Sec. 124.14 are all of the actual requirements that would relate entirely to the equine related activities and they include the various setbacks that the Ordinance Subcommittee discussed utilizing the Harding example, as well as suggestions that the Ordinance Subcommittee made, as well as some of the things we learned when we were at the farm itself and the uses were relayed to us. He said that they are all listed under accessory structures as well as in the main language.

In response to Dr. Rae, Mr. O’Brien said that all together there are 4 horse farms, one of which is on less than 3 acres and so it is nonconforming in the Conservation Zone. Nonetheless, he said that letters were sent to all 3 of the other horse farms on March 11, 2013 per the Planning Board and Ordinance Subcommittee’s request advising that the Planning Board was considering making changes in horse farms and the Ordinance, requesting their input and advising that the matter would be discussed before the Board. As of today, he said that they received no response at all. He added that the letter included Mr. Delia’s phone number and his own phone number.

Dr. Rae asked how big the 3 farms are that would be affected by this ordinance.

Mr. Bonner replied that he believed that the smallest is just under 5 acres.

Mr. Roshto asked how many horses there are on each of the farms.

Mr. Bonner replied that he did not know about the others but there are 12 at Willow Pond Farm.

In response to Dr. Rae, Mr. O'Brien replied that the current Ordinance requires 45,000 S.F. for each horse and he believed that that requirement has been effect since the mid-1980's. He said that that seems to be the standard that was learned in talking with other towns.

Mr. Arentowicz asked if we are aware of any issues in the proposed ordinance that the 3 horse farms would have an issue with.

Mr. O'Brien replied that they have failed to respond to our direct request for participation. From memory, he noted that none of those farms have had an enforcement issue before the Zoning Officer.

Mr. Arentowicz asked if it was safe to assume that Mr. Bonner's input that was distributed addresses all of their issues.

Mr. Bonner replied that there were two that they came to agreement on. He said that there was some concern about whether two primary uses were permitted on a lot and Mr. O'Brien verified before the meeting that that is not prohibited in the Township, so that is no longer an issue. He said that he was also concerned about the use of the word "eliminated" in the intro paragraph of Sec. 124.14 where it states that "provided the noise, odor or contamination problems which might arise are eliminated or minimized". He said that he made a point to Mr. O'Brien that we are talking about horse manure and, no matter what you do, you can't *eliminate* that odor. He said that the way that it is written (eliminated or minimized, to the extent possible) is livable. His concern was that if a future compliance officer or engineer "hangs his hat" on the word *eliminated*. He noted that horses make noise, without a doubt, and can smell and you can minimize those things to the extent possible but you can't eliminate them. He said that he would rather see the word "eliminated" out of there, but he could live with it the way it is.

Mr. Connor said that when they visited Willow Pond Farm, the other horse farm owners were invited to join in on the discussion but none of them arrived. At the end of the session, he said that they asked that a letter be sent to each of the horse farms advising that the matter is under discussion and, again, inviting them to participate but they received no response. He said that he *assumed* that they don't care.

Mr. Roshto asked Mr. O'Brien if he knew if, of the 3 farms, there were any non-businesses that have horses that are just for recreational use.

Mr. O'Brien replied that we are not aware of any horses on any property beyond the 4 that we have identified. Of the 4, he said that Mr. Delia informed him that the thought that the one on White Bridge Rd. that is owned by the Sinagra's, is used for personal use only, although that has not been confirmed.

Mr. Roshto asked Mr. O'Brien if it was his opinion that Sec. 124.14 "Equine Related Activities" are related to businesses or would this also relate to personal use.

Mr. O'Brien replied that personal use would be covered under Sec. 124.10 which is in existence now and is not proposed to be changed at all.

Mr. Roshto said that the reason he asked the question is that, as he read it, he saw nothing that says "for business purposes". For example, he said that if one of the farms were not to be running a business of some sort, it still reads as if it would be acceptable. He said that they might have horse shows on their property and claim Sec. 124.14 but they are not really a business. He asked if there was something we need to do here, or do we need to do anything.

Mr. O'Brien replied that it doesn't matter whether it is for commercial or personal use because all of those activities could all possibly occur for personal use but he felt that primarily most of them would be a commercial activity.

Mr. Roshto replied that it might matter when we get a little bit deeper into some of his other questions.

Dr. Rae felt that there should be something in there to tighten it up a bit.

With regard to the other two farms, Mr. Arentowicz asked if we have an issue with the one horse per acre, or don't we know that?

Mr. O'Brien replied that we don't know that, however that is the standard that exists today, has existed for 20+ years and, is the standard they should be meeting. If they are in violation of that standard, he said that they are nonconforming in accordance with the Ordinance and we are not changing that in any way. He said that we stayed with the 45,000 S.F. instead of going with one per acre.

Mr. Arentowicz said that, if one of them is in violation because they have 13 acres and 30 horses, how do we know that?

Dr. Rae said that the Zoning Officer could visually see the excess number of horses.

Mr. O'Brien replied that enforcement is primarily a complaint driven business and, if nobody makes a call or complains, then we presume that everybody is operating to the letter of the law.

In response to Mr. Arentowicz, Mr. O'Brien said that our Ordinance requires that off-street parking spaces be paved. Because there are horses here, he said that you would not want to pave those areas so that horses can walk through them.

Dr. Rae said that, presumably there are residences around the farms, and he saw the mention of manure piles. He said that currently there must be 150' in all directions from existing dwellings or abutting neighboring lots. He said that he did not know if he would want to be within 150' from a manure pile of 32-34 horses. He asked if consideration was given to any kind of restrictions as to water sources (such as wells, wetlands, drainage pipes, the water table, etc.).

Mr. O'Brien replied that the wetlands strictures apply throughout the Township for all uses, including this one, so they do not have to be spelled out.

Mr. Lemanowicz said that it depends on the wetland and noted that there are various types of wetlands. He said that some have no transition area and wetlands transition areas can be as much as 150' depending upon the resource value of the wetland. He said that one concern he had is that, if the manure pile is 150' from a neighbor's house and the neighbor's pool is 125' from the house, that means that the manure pile is 25' from the pool which might get difficult during summer entertaining. He questioned if the Board would prefer to do a property line there or stick with the dwelling.

Mr. Connor felt that the other part of it is some words about eliminating or minimizing to the extent possible odor and contamination.

Mr. Bonner said that a manure pile is not just a big pile of manure. It is a contained cinder blocked area. In the case of Willow Pond Farm, he said that it is taken out once a week. He said that Rutgers has a website with guidelines on how to do this and Willow Pond Farm follows those recommendations. He said that you can look at those guidelines as reasonable and he did not know that you need to go to the extent of adopting them. He noted that Sec. 124.14(c) states that manure piles, barns and/or stables shall not encroach upon a stream conservation easement. He said that the State has already made a determination on how close any type of structure, cartway or walkway can be if they are going to affect a stream or other wetlands.

Dr. Rae said that that is all well and good for Willow Pond Farm but questioned what happens years down the road if it changes hands and somebody else doesn't treat their manure as well as Willow Pond Farm does. He said that he would like to see some uniformity and standards so that we don't have a problem with enforcement.

Mr. Bonner replied that he would defer to the Board Engineer.

Mr. Lemanowicz said that the issue with wetlands is that the maximum buffer you will get on a wetland is 150'. When it comes to water courses, he said that you will have a riparian buffer of up to 300' which might take up a majority of the property.

Mr. Roshto said that what he liked is that there are some standards and best practices and asked if we could add something to our ordinances that says to follow Rutgers best practices or the State of New Jersey's best practices to give some teeth to our enforcement.

Mr. Bonner replied that that might be a building code issue. He said that, if you think about it, that is something that you could take up at that level rather than micromanaging it.

Mr. Roshto said that it sounded to him like a well run farm contains their manure. As opposed to saying "a distance away", he asked if we could write something that says you shall contain your manure and empty it once a week, or whatever is reasonable.

Dr. Rae said that distance is one way of dealing with it but he was open to any other way because the last thing you want is a neighbor having a problem and then having to jump through hoops in order to address the problem.

Mr. Bonner said that the properties containing the Annis house and the Willow Pond Farm are two very long narrow pieces of property and the buildings are in the geographic center. He felt that they would have a hard time allowing for much more than 150' from the property line.

Mr. Connor read the introductory paragraph of Sec. 124.14 and said that, in the case of Willow Pond Farm, they are doing that and if somebody takes over and doesn't do it, they are in violation of the Ordinance. He said that you might have in this definition a reference to Rutgers or some other particular set of standards. He felt that, if it isn't well managed and, to the extent possible, they are not minimizing or eliminating the adverse effects, they are in violation of the Ordinance and that is up to the Zoning Officer to bring those violations into compliance. He said that the ordinances are meant to provide guidance and direction and there are specifics that can change, but you don't want to make a 20 page ordinance out of this.

Mr. Roshto did not feel that anyone is suggesting that and said that we are simply saying to add a sentence that says "shall be contained and shall be removed once weekly" or something to that effect.

Dr. Rae said that it sounded to him like the way Willow Pond Farm is handling it right now would be the standard we would want everybody to follow. He felt that with having words “to the extent possible”, you could basically drive a truck through that. He said that that is cold comfort to somebody who is coming in and complaining about the smell of manure.

Mr. Bonner said that the only reason he felt it to be necessary to add something like that was because the word “eliminated” is in there, because it is *impossible* to eliminate the smell of horse manure or the noise from galloping horses. He said that he was open to any suggestion that allows some type of discretion.

Mr. Roshto asked Mr. Bonner if he would say it is reasonable or not reasonable to have a statement included that essentially describes the way Willow Pond Farm is operating today.

Mr. Bonner replied, maybe not as specific as that, but in a container with a lid to keep it from touching the ground and walls to keep it from spilling over. Without getting too specific, he said that he wouldn't want it to say that every horse farm has to build a cement bottomed box.

Mr. Moholkar asked Mr. O'Brien if this still falls under our regular farm rules.

Mr. O'Brien replied, “Correct”.

Mr. Moholkar asked if there is standard waste management by the State in terms of animal waste management for a farm that already exists that they have to follow.

Mr. O'Brien replied that he suspected there is but he did not know that off hand.

Mr. Moholkar asked if equine counts as livestock.

Mr. O'Brien replied that it would depend upon the definition of livestock and that sometimes horses are not included.

Mr. Bonner pointed out that the State Plan and the County Plan had to add equine related activities in order to include horses. They were not considered as livestock.

Mr. Moholkar said that there is some animal management information that points to State regulations. He said that maybe we can look at that and simply reference it because it does point out exactly what Mr. Bonner was talking about with the concrete cinder blocks around the storage area.

Mr. O'Brien said that we will have to confirm if that is there and, if so, how it is applicable and, no matter what our Ordinance says, they still have to follow those rules.

Mr. Lemanowicz said that he had looked at those items but was unsure how far the Board wanted to go with it. He suggested looking through them and picking out the ones that apply. He said that the Board is trying to make this reasonable and he was not sure if those other regulations might go farther than what he was hearing the Board really wants to go. He said that the enclosure for the manure sounded like a very good idea because the way you clean them out is with a front end loader of some kind and, if it doesn't have a concrete bottom, you will end up digging a hole deeper and deeper and you will not be emptying it out all the way. He said that having an enclosure prompts the person to empty it because if you are caught with the manure outside of the enclosure, that can be a violation. If you say that that is where your manure pile is and there is no limit as to its size, no you've got an issue. Having it in a container limits how long it will be there.

Mr. O'Brien asked Mr. Bonner if he was aware if Willow Pond Farm has any kind of a license or relationship with the State Dept. of Agriculture or any other authority over the horses. He asked if Ms. Annis has to file reports with anybody or if she has any required inspections.

Mr. Bonner replied, “No”. He said that she does not have any licenses or required inspections.

Mr. Connor asked what the Harding Twp. Ordinance had in the way of manure.

Mr. O'Brien replied that they require a 150' setback and Tewksbury requires the same thing.

Mr. Bonner felt that the language in Sec. 124.14(c) and the introduction are fairly close to being parallel to the Harding Twp. Ordinance.

Mr. Lemanowicz said recommended that the definition be changed to a farm that is primarily used for the breeding, boarding, *or* riding of horses. He said that the word “primarily” is a little bit of a point of argument. For instance, if Copper Springs decided that, in addition to tennis and swimming, they wanted to have a little horse riding stable in the back, is that “primarily” used?

Mr. Connor felt that the answer would be, “No”.

Mr. Lemanowicz asked if you would still want this to apply.

Mr. Connor replied that the answer is, “Yes”, if it has 4 or 5 ponies. He asked, if someone had a reasonable sized piece of property who wanted to have 4 or 5 horses just for their personal use (which is possible), do you want this to guide them? He did not think it made a big difference in commercial cases.

Mr. Roshto felt that Mr. Lemanowicz’s point is well taken that simply removing “primarily” would cover that situation, which he felt is a good thing.

Mr. Moholkar suggested changing the “and” to an “or”.

Mr. Arentowicz had a question regarding Sec. 124.14. He said that the proposed ordinance says that you can have 1 horse per acre, so how many trailers can you have?

Mr. O’Brien replied that we are not saying.

Mr. Arentowicz replied, “Should we?”

Mr. O’Brien replied, if the Board thinks that that could be a problem.

Mr. Arentowicz said that his fear is that we have someone that has 10 horses and we have 6 or 7 tractor trailer trucks for transporting horses. He felt that maybe we need to correlate it to the size of the property and number of horses.

Mr. O’Brien felt that our experience has been that you don’t see the number of trailers correlate to the number of horses.

Mr. Roshto said that there is nothing that talks about how to screen those trailers. He questioned if something should be included that says if you have trailers for your horse business activity, should we screen those trailers.

Mr. O’Brien replied that you could place a limitation on the location which would act as a screen.

Mr. Wallisch asked Mr. O’Brien if we could say reasonable in proportion to the number of horses.

Mr. O’Brien replied that it would be depending upon how you define the term.

Mr. Connor said that the owners may own 2 or 3 horse trailers but there could be temporarily 7, 8, or many more than that. He said that you could define the maximum number of permanent horse trailers that are there, but he did not think it would be realistic to try to control the total.

In response to Mr. Connor, Mr. O’Brien said that neither the ordinances in Harding Twp. nor Tewksbury discussed the trailers. He added that you could make a percentage and say that if you’ve got “x” number of horses, you will have 25% of those in horse trailers.

Mr. Roshto said that he did not know if he was that concerned about the number of trailers. He said that business owners are not going to store trailers all over the property when they are running a business. To him, it was more like the permanent trailers and are they screened so that the neighbors don’t have to look at them.

Mr. O’Brien said that we don’t allow RV’s in front or side yards and believed that they are allowed in the rear yards.

Mr. Arentowicz said that they cannot be larger than 35’ and must be stored in the rear yard.

Mr. O’Brien referred to Sec. 16-1.7g of the Property Maintenance Code and said that it states that one recreational vehicle not exceeding 35’ in length and one boat not exceeding 35’ in length shall be permitted on a lot and none shall be stored in a front yard or within 10’ of a property line, so it can be in a side or rear yard. He said that tractor trailers are considered outdoor storage of a commercial vehicle and is not allowed. He said that a horse trailer is registered as a trailer and not necessarily a commercial vehicle. In terms of screening, he said that if you wanted to come up with a front line such as nothing forward of the front of the house or nothing forward of the front of a barn or some other structure, that might be one way to screen them.

Mr. Roshto asked if Sec. 124.14e was saying that any structure on a property could go up to 35’.

Mr. O’Brien replied, if it is used for keeping, boarding or riding horses.

Mr. Roshto said that it says “or used exclusively for agricultural purposes and/or”. To him, agricultural purposes is saying that he could store 50 lb. bags of grass seed in it.

Mr. O’Brien said that you could have a silo or something like that. He said that that can currently exceed the accessory limit and that we have a carve out for that, but we don’t have a specific one for horses and the reason that was put in there is, once somebody gets on top of a horse and ride around inside, you need that 35’ of clearance.

Mr. Roshto said that he was not sure that he wanted to open it up so that anyone who meets the qualifications of Sec. 124.14 can suddenly build up to 35’ by simply saying that they are going to use it for storage of grass seed.

Mr. Moholkar said that this section is just for equine related activities anyway and there is no reason to put the agricultural in.

Mr. Connor noted that regular farms have barns and the barns can be reasonably as high as silos. He said that by changing this we will not be affecting the regular farms that we have.

Mr. O'Brien replied that they have their own rules and agreed with Mr. Connor. He said that we could remove that phrase "for agricultural purposes and/or" if you wish so that it would read "that is used exclusively for keeping, boarding/riding horses".

Mr. Connor asked Mr. O'Brien where we are with the areas that need additional work.

Mr. O'Brien asked if we want to refer back to a best practices such as Rutgers Extension or Rutgers College for farm management practices or horse management practices in general (including manure) rather than *just* manure, unless you want just wanted to carve out that particular area, should that exist. He said that it might be more worthwhile to say that farms should adhere to best management practices as suggested in Rutgers University (this type of publication)...

He said that the next item would be screening of trailers and setting a number of trailer if the Board so wishes. For screening, he suggested to put them behind a particular line of some type such as the front of a residential building or barn. He noted that all of the farms are configured differently.

Mr. Connor said that we do not want to make it too restrictive because sometimes the house is fairly far back. He said that having the front of the house line probably in many areas would be sufficient.

Mr. Wallisch suggested making it the same as the RV restrictions.

After further discussion, it was agreed that horse trailers owner or leased for farm purposed by the owner/operator of the farm are permitted on a lot where horses are kept or boarded, provided none are stored in a front yard or within 10' of any property line.

Mr. O'Brien said that the other open item concerned the introductory paragraph of Sec. 124.14 and the phrase "to the extent possible".

After further discussion, Mr. Connor said that it was agreed to leave it the way it is with new reference to State rules and regulations. He asked Mr. O'Brien to make it into a couple of sentences and use the words "and in compliance with" and the Board will have another chance to review it again at the end. He said that, if there are some alternate words that would go into a-f, we can figure those out later but not this evening.

In response to Mr. O'Brien, Mr. Connor said that he was saying to eliminate "by" and put the words "and in compliance with the following requirements" and add the reference to State rules and regulations which needs to be another sentence.

In response to Mr. Roshto, Mr. O'Brien said that the C-Zone stands and these items are stricter than what is in the C-Zone.

After further discussion, it was agreed that any newly constructed barn and/or stable shall be built at least 150' away from all existing dwellings including adjacent or neighboring lots.

Mr. Roshto referred to Item 10 under "Permitted accessory structures" which states "living quarters for farm manager". He said that he did not want this to turn into people living in what we are planning for equine business.

Mr. O'Brien replied that it seems to be standard and is contained in other ordinances. In addition, he said that the C-Zone already allows roomers and boarders (as is allowed in every residential zone). He said that a family and another person could live in a permitted primary residence or accessory....

Mr. Roshto said that what we are talking about here is living quarters for her farm manager. To him, it is an accessory structure permitted use as opposed to what we have today which is the primary structure where you can have a person living there and they are very different.

Mr. O'Brien agreed that this is adding another family unit or person to the two that are already allowed in the Zone. He said that we have seen it in the Tewksbury and Harding ordinances.

Mr. Connor said that it is not that unusual to have farms to have separate living quarters for the farm manager and the owner have a principal residence. He said that this is very specific and says for the farm manager which could include the farm manager and his family but it would allow a second set of living quarters for that purpose which he felt is appropriate for certain size farms.

Mr. Roshto said that we started out here to try to solve an existing problem for Ms. Annis' property and now we are adding additional things. He said that he personally was opposed to adding an additional residential "headcount" .

Mr. Connor felt that it is an issue that the Board needs to discuss again. He said that there are 2 or 3 other horse farms which may or may not be in compliance but it is also for how the future might be developed. He said that applying for a residence manager is common and he felt it is something that we wouldn't expect unless there was a reasonable size operation. He said that he would like to reserve the matter for an additional discussion at a future meeting.

Mr. Roshto said that he would like to hear what other Board members have to say about it.

Mr. Wallisch did not have any problems with it as long as the individual is related to the operation of the farm.

Dr. Rae agreed with Mr. Roshto. He felt that if any operation is going to require something like this it would be Willow Pond Farm since it is the largest horse farm. He asked Mr. Bonner if it would be a problem for his client if it was eliminated.

Mr. Bonner replied, "Yes". He said that Ms. Annis is contemplating hiring a farm manager and having a small apartment within the barn structure.

Mr. Moholkar said that he was in agreement with allowing it because we took the verbiage right out of Harding Twp. and that was our direction to begin with (looking at what neighboring towns do with regard to horse farms). However, he said that he did not like the idea of adding it when we were trying to address an existing issue (to Mr. Roshto's point) and then adding a little more to it. He said that he was conflicted on the matter but in agreement in general solely because that was what our general direction was – do what the other towns do and make sure we put in the appropriate waste management.

Mr. Aroneo said that he was in the middle as well and was inclined to agree with Mr. Roshto's point of view. He said that if he had to go one way, he would probably say that because he felt that it might open it up to more than just the farm manager, or are we talking about limiting it to an apartment in a barn? He felt that it needs more contemplation.

Mr. Arentowicz said that we had some issues like this in some of the other zones and we didn't allow it, so he wasn't sure we should allow it here.

Mr. Pfeil said that it was his impression that Item #4 "barns and farm outbuildings" would include living quarters for farm employees already.

Mr. Connor said that the Board will decide this at a future meeting and that any additional input will be appreciated from the staff. He asked Mr. O'Brien or Mrs. Wolfe (if she is here) to let the other horse farm owners know that we are doing this so that they have one more chance to make their comments. He said that we really don't know what the effect will be on the other couple of farms that are here.

Mr. Roshto said that he had a different view on that. He felt that we have gone out of our way to ask them *and* they are going to have another opportunity when this goes to the Township Committee. He questioned why we would expend more resources doing that adding that he did not feel it would be beneficial.

Mr. Connor said that he felt we should try once more to get their input, however he added that it didn't matter that greatly to him. He asked the Board members for their feeling.

Dr. Rae agreed with Mr. Roshto.

Mr. O'Brien said that letters were sent and no legal notice is required at this stage. He asked Mr. Connor when he wanted to see the horse farm matter discussed again and noted that he would have the suggested changes made put into the revised ordinances by the end of the week.

Mr. Connor said that, depending upon the agenda for the next meeting, it could be continued at that time.

Mr. O'Brien noted that the Ordinance Subcommittee is meeting next Tuesday night in place of the Zoning Board meeting.

Mr. Connor said that most of what they will be looking at concerns the Valley Rd. Business District. He said that they could have a *brief* review but he did not want to spend an hour talking on it.

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DISCUSSION
FEES & ESCROWS

Mr. Arentowicz said that a subcommittee was formed with 2 members of the Board of Adjustment and 2 members of the Planning Board which was initially chaired by Mrs. Raimer and Dr. Behr from the Board of Adjustment. He said they presented a draft proposal of fees and escrows at the last meeting and the feeling was that maybe our escrow fees were too high in the draft proposal. He said that it was agreed to have Mr. O'Brien and Mr. Lemanowicz look at the draft document and based upon the efficiencies and effectiveness that they have seen get in place by the Board of Adjustment and the ones that are being put in place by the Planning Board, to look at those fees and escrows. He

said that Mr. O'Brien and Mr. Lemanowicz agreed to look at the residential version of those and come back with recommendations to this Board for its review. Because of some timing considerations, he said that the Planning Board members should have received those comments some time today. He said that he would like to spend some time on the recommendations and suggestions from Mr. O'Brien and Mr. Lemanowicz for the Board's consideration on the proposed fees and escrows.

Mr. Lemanowicz said that he and Mr. O'Brien took the information and went through some old applications just to see how things laid. He said that the information that was presented by the subcommittee was very helpful and he felt that one thing that was telling was that if you looked at the number of meetings that took place for some of these applications and could relate back and see that there were 2 meetings for an application which was only for a deck, you could start to see that every application is different and the level of information and detail provided with every application is different depending upon the preparer of the plans, what the preparer is being told to do by the applicant (who may not be familiar), etc. He said that they had a discussion and made some adjustments which are currently before the Board. He said that they did not get into the application fee because the professionals really have nothing to do with application fees, therefore they did not feel it was their place to talk about those. He said that that is something that Mrs. Wolfe would have a much better handle on because she is the one who basically expends the application fee on her end of what she does.

Mr. O'Brien said that they also assumed that when the subcommittee looked at the application fees that they took into consideration the costs to the Township. He said that they were not privy to that and so they felt that they were probably in the best position to make a suggestion along those lines.

Mr. Arentowicz noted that the fees and escrows had not been adjusted since the year 2000.

Mr. Lemanowicz said that the first comment they had was that they suggested that they change the fee for a preliminary major subdivision because it is kind of a strange number.

Mr. Arentowicz said that it could be changed to \$2,500.00.

Mr. Lemanowicz said to realize that the minimum fee, if you make it \$2,500.00 will actually be \$4,000.00 because it is \$2,680.00 plus \$500.00 per lot and as a major subdivision you need 4 lots and so right off the bat you are at \$4,680.00. He said that their next comment concerned Sec. 181.1a(3) under "Residential". He said that there seems to be an extra "zero" there and it should read 26-100 (and not 26-1,000). He also said that to determine the escrow by building size doesn't speak to a subdivision, it speaks to a site plan. He said that, theoretically, you could have a subdivision that doesn't have any buildings on it and your intent could be to sell the vacant lots. He suggested that a lot count be put to those fees instead of a building area.

Mr. Arentowicz said that they looked at Warren's fee ordinance and they basically had the same framework we did on building square footage and we adjusted our escrow fees comparable to theirs and they had the same split as we did in the prior version of square footage. He said that he would have a hard time recommending that we change it.

Mr. Lemanowicz repeated that you could theoretically have a subdivision with no buildings involved. If you don't have any buildings involved, the applicant could say that he doesn't have any buildings, therefore, he doesn't owe anything. However, he said that it does say less than 10,000 S.F., so if he had a 10 lot industrial subdivision with no buildings, zero is less than 10, so he would have \$6,000.00 in escrow. He said that you can always ask for more escrow and this is a starting point. He said that, personally, he would rather stick to the lot number when dealing with a subdivision than mess with are their buildings or not. He said that, if you have a site plan associated with that subdivision, you are going to pick up the site plan fees and escrows anyway. He said that he was going to suggest 1-10, 10-15, and 15+.

In response to Mr. Moholkar, Mr. O'Brien said that residential may need a higher level of review because there may be 10 lots instead of 2 or 3 and each one has got to be engineered to certain specifications.

Mr. Lemanowicz said that if the Board wants to eliminate nonresidential and cross out residential and make them all the same – it's a starting point.

Mr. Connor said that he understood residential being based upon lots. He said that nonresidential normally come in with very few lots but a lot of building construction which is probably covered somewhere else.

Mr. Lemanowicz said that the building construction would be covered in the site plan application.

Mr. Roshto said that he was not seeing anything that is compelling him to change any of this.

Mr. Moholkar felt that if you leave the square footage, the only advantage is that it doesn't look exactly the same as residential.

Mr. Connor felt it could be left as is.

Dr. Rae and Mr. Arentowicz agreed.

Mr. Lemanowicz said that the next suggestion was under “Site Plan Approvals”, No. 2. He said that Mr. O’Brien was asking if a waived site plan approval is the same as an administrative site plan waiver.

Mr. Arentowicz *believed* that a site plan waiver is considered by the Planning Board, whereas an administrative site plan waiver is one considered the Administrative Site Plan Waiver Subcommittee.

Dr. Rae believed that Mr. Arentowicz is right.

Mr. Lemanowicz referred to Sec. 181.1(b) 3 and said that a minor site plan shows an application fee of \$650 and an escrow of \$3,000, which he felt seemed to be reasonable. He said that then it says “(a) Additional fees/escrow for Minor site plans for: All nonconforming ground signs”. He said that a nonconforming ground sign would be a bulk variance which is another item on Pg. 4. So, in a situation where you have a business wanting to put up a new ground sign that is nonconforming, the total application fee *at a minimum* is \$2,015 and the escrow is \$10,000. He said that you would have the minor site plan fees and escrows, the ground sign fees and escrows, plus the variance fees and escrows. He said that he would recommend removing Sec. 181.1(b)3(a) because it is already covered in the sign application and in the variance application.

Dr. Rae and Mr. Arentowicz felt that was reasonable.

Referring to Sec. 181.1(c) “Development Permits” , he said that Mr. O’Brien noted an odd number there.

Mr. Arentowicz said that it could be changed to \$500.

Referring to Sec. 181.1(d) “Variances”, Mr. Lemanowicz said that they were suggesting an escrow of \$4,000 instead of \$5,000, partially due to the feeling they are getting from the new completeness process. He said that they believe that they are saving applicants meetings.

Dr. Rae felt that the suggestion was reasonable.

Dr. Behr said that we have actually been able to track it and have seen over the course of a year now that going from an average of 2 meetings for a homeowner to an average of 1 meeting saves them money and the proposed change reflects that.

Mr. O’Brien added that the \$4,000 number came from Mr. Lemanowicz and himself adding up the expenses that would get an applicant from application through the conclusion of one hearing, including a Resolution, presuming an approval and there would be money left over. How much would be up to an applicant. If, however, they get to the Board and the plans are not to the liking of the Board, or changes have to be made and they would have to go back and do them again, then there would be additional escrow but that would be correlated completely to the need for the applicant to return to the Board.

Dr. Rae said that he was in favor of accepting that if everyone else is in order to move on.

Referring to Sec. 181.d(2), Mr. Lemanowicz said that single-family residences or a two-family residences are not subject to site plan approval so we grouped them better. He said that they also suggested for single-family or two-family dwellings to reduce the required escrow to \$5,000.00. He said that, basically, if you have a single-family or two-family, it is probably a height or a F.A.R. and they did not think that \$10,000.00 was a reasonable number. For the purpose of subdivisions, he said that it indicates “Major” there but he felt that it needs to also include “Minor”. In the case of a subdivision, he said that he thought we will make that one category on its own and leave the numbers and then have another one for 3 (or more) family residences. He said that you will then have single and two-family, subdivision, site plan, and 3 or more family.

In response to Mr. Arentowicz, Mr. Lemanowicz said that the escrow on single and two-family residential would drop from \$10,000.00 to \$5,000.00 and everything else would stay the same.

Dr. Rae said that he could live with that.

In response to Mr. Wallisch, Mr. Arentowicz said that the fee for a subdivision would be \$2,500.00.

Under Sec. 181.1(e)5 “Certification of nonconforming use”, Mr. Lemanowicz said that for a nonresidential, the \$4,000.00 was supported but for residential they were thinking of splitting that so that it is \$3,000.00 because there is less history with residential. When you have a nonresidential, he said that you are trying to prove what businesses were in there, not that it was business but *which* business and how long?

Dr. Rae felt that the suggestion sounded reasonable.

Mr. O’Brien said that they would split the two so that 5a would be residential and 5b would be nonresidential.

Under Sec. 182.2 “Special Meeting Fees”, Mr. Lemanowicz said that the figure of \$2,680.00 is included.

Mr. Arentowicz replied that \$2,500.00 would be fine.

Mr. Connor said that he knew that there have been some appeals and requests for interpretation and asked if the proposed fees are sufficient.

Mr. O'Brien replied that those are very unusual occurrences and are very specific to the matter in front of the Board and could be something that is fairly simple or something that is fairly complex. He said that an escrow of \$2,500.00 should at least get us into a meeting.

Mr. Lemanowicz added that most of that is presentation by the person appealing as opposed to the consultants doing a detailed review. He said that it depends on what happens when we get here. If the applicant is looking for the Board to interpret an ordinance, he said that the consultants are not going to write a whole lot about it. He said that it could get more complicated and if it does we will ask for more escrow. Under Sec. 182.9 "Canceled Meeting Fee", he said that the issue is that with a d-variance you need 5 affirmative votes out of 7, not 4 out of 7. He said that a lot of times if the applicant arrives and there are only 5 Board members present, he must bat 1,000 and a lot of applicants or their attorneys will choose not to proceed with those odds. He said that the fact that they are not appearing is not their fault and the fact is that some Board members were not able to be there.

Dr. Rae felt that that is reasonable because the Board should know beforehand if they are going to have 7 members present.

Mr. Lemanowicz suggested that it read that an applicant for a use variance may be permitted to withdraw their application at a hearing and he was going to change that to after the referenced deadline. He said that if we know ahead of time that we are not going to have a quorum, why have an applicant stand at a meeting and say that he does not want to be here. He suggested that it read that "An applicant for a use variance may be permitted to withdraw their application after the referenced deadline should less than seven Board of Adjustment members be available to hear the application and not be subject to the cancelled meeting fee." He said that he had no further comments.

Mr. O'Brien said that the next process would be for the Planning Board to approve of the revisions discussed this evening. He said that a motion would be made to recommend this ordinance to the Township Committee with the finding that this ordinance is in conformity with the Township Master Plan.

Mr. Roshto referred to Sec. 182.11 – "Annual Review" and felt that this paragraph is the thing that is going to hopefully prevent us in the future from waiting 10 years or longer to review our fees. He said that essentially this is saying that the Planning Board and the Board of Adjustment will review the ordinance every year and then go through the regular process of any ordinance change. He questioned if there was a way to streamline this to achieve the goal. He said that he was afraid that it is not going to get us to review the fees in a reasonable way. He felt that the Board needed legal advice.

Dr. Behr said that it is the intention of the Board of Adjustment to continue to look for ways to lower our escrow fees. He said that he was imagining that by September of next year that we will be able to say that, based on our experience, we think we can drop the fees by about \$100.00 (or whatever that number might be). He said that that information is going to be available and it will be a simple report that is given to the Planning Board.

Mr. Roshto said that that part is all straight forward and very easy to do. He said that what is hard is what we all suffer through – the process of getting and ordinance passed.

In response to Dr. Behr, Mr. O'Brien said that the Planning Board heard only about 2 or 3 cases last year.

Dr. Behr said that the Planning Board does not have enough data that would allow it one way or the other to know, but its findings will be its findings. Once the numbers go to the Township Committee, he said that it is up to them to act on it an expeditious way. He did not see how either the Planning Board or Board of Adjustment can do anything about that.

Mr. Moholkar asked if it could be an expedited process where the Planning Board simply agrees to the fee changes and it gets done.

Mr. Roshto agreed.

Dr. Behr said that he would be happy with any tightening of the language that anyone could come up with.

Mr. Moholkar asked if there was something that could be done legally that just says we are going to do it.

Mr. O'Brien replied, "Sure", but asked who would enforce it. He said that you are the enforcement.

Mr. Connor said that we could say that, if the analysis is done by the Zoning Board by the end of September, we would have recommendations by the end of November (or something like that). Ideally, he said that that also would be consistent with the budget cycle and that would be another consideration.

Dr. Behr said that the only group that can actually make a recommendation for an ordinance change is the Planning Board. He suggested language that says it will be reviewed every September and the Planning Board will recommend any appropriate change in the ordinance to the Township Committee by a certain date.

Mr. Roshto said that that might help focusing the work on the Planning Board. He felt that the second part that might help is, instead of saying changes in this ordinance, that we say changes in the fees (and only the fees). He said that then you are setting yourself up for success.

Dr. Behr felt that the recommendation should be for *both* fees and escrows (and not just fees).

Mr. Roshto agreed.

Mr. O'Brien said that doing this on an annual basis is something the Board may want to consider if it is necessary or not for a couple of reasons. First, as to the number of applications that this Board processes, those applications are very wide ranging so that you aren't getting like with the Zoning Board a spade of homeowners coming in for various bulk variances. Instead you've got subdivisions, site plans, and a very wide range of experiences before you which means that it could be very, very difficult to get a feel as to a particular application because you may have only heard on of those types of applications in the past year, or even none, and you've got a dozen categories of applications that can come before you. He said that the Zoning Board of Adjustment is more routine in that they hear more of the same types of applications such as bulk variances and use variances. Beyond that, he said that the other situations are unusual and are not typical. He said that over the course of this past year, he said that we moved 5 or 6 applications through completion at the Zoning Board which is not a large number to use as a point of reference although we have all used it in all the studies that have been done as well as the numbers from years past. He said that you might want to consider extending that and doing it every second or third year that might give you more information.

Dr. Behr said that the Board of Adjustment is going to look at these numbers every single year.

Mr. Connor said that the Planning Board will review and make recommendations annually as appropriate. He said that it may come that we look at it and decide not to change any of it. He felt that it should include the words "review and recommend as appropriate".

Mr. Roshto said that he also felt that it helps with continuity with the Board changes. He said that, if you do it every year, than everyone always hears about this and you never forget about it.

Mr. Connor agreed and said that it doesn't force you to make the changes, you just have to look at it each year and either say that it is right or these changes need to be made.

Mr. O'Brien questioned whether this process is necessary *in addition to* the annual reporting process that is already being done.

Mr. Connor replied, "Yes". He said that, although the Planning Board receives the Annual Report on Variances Heard by the Zoning Board of Adjustment, there is not an analysis or recommendation. In addition to what they already report, he felt that they should come in recommend that the following fees be adjusted based upon that.

Mr. O'Brien replied that that could be a part of their annual report if you all so wish and that could be the trigger instead of picking another arbitrary time period.

Mr. Roshto felt that this is a Planning Board role and you are talking about the Board of Adjustment.

Mr. O'Brien replied that it is both, actually.

Dr. Behr said that the Board of Adjustment will investigate and look at this every single year even if nothing is found. He said that they will recommend to the Planning Board whatever they come up with.

Mr. Roshto made one further recommendation. He said that perhaps this is better if we make a responsibility of our Zoning Administrator to do this – that every September the Zoning Administrator starts the process and will always report to the Planning Board. He felt that it might be more successful if an employee is responsible for it.

Dr. Rae agreed.

Dr. Behr said that his only concern was that if you saying that the Planning & Zoning Administrator has to do the work.....

Mr. Roshto replied that "it is the trigger".

Dr. Rae agreed that it was to make the Planning Board do the work.

Mr. Moholkar said that it would the Planning & Zoning Administrator would be accountable to get it going but it is someone else's responsibility to actually do the work.

In response to Mr. Connor, Dr. Behr said that the Board of Adjustment's annual report is usually done some time in January.

Mr. Connor asked if there would be in problem in having the year ending in September.

Dr. Behr felt that they were talking about two different things. He said that he was very comfortable with what this language says as amended following Mr. Roshto's suggestions. He said that that summarizes what the Board of Adjustment is going to do.

Mr. Roshto felt that if the words could be finalized tonight it could be passed to get it moving.

Dr. Behr said that he would love to see it passed tonight because the part of it that affects the Board of Adjustment has been a "huge headache" for years.

Mr. Connor polled the Board to see if there were any disagreements with any of the numbers and asked, if not, if there was general agreement that the Planning Board needs to adopt what is being proposed as modified by Mr. Roshto. Hearing no response, he said that the only thing that remains is to put together the necessary words regarding the annual review.

Mr. O'Brien said that there seemed to be two clauses. The first is something along the lines that the Planning & Zoning Administrator shall examine the fee and escrow history of the past year. The second clause is to the effect that the Planning Board shall review that report each September and recommend any appropriate changes in the fee and escrow ordinance to the Township Committee for adoption in the coming year.

Mr. Roshto said that he would change the wording to indicate that the Planning & Zoning Administrator is to *seek* and not to actually do the work. He said that it sounded to him like he was saying that the Planning & Zoning Administrator would do all of the work and then give it to the Planning Board and what the Planning Board had indicated was that the Planning & Zoning Administrator is the *trigger*.

Mr. Arentowicz agreed that the Planning & Zoning Administrator would initiate the process for the Boards to start looking at this.

Mr. O'Brien said then that a reminder should be put on the agenda in September.

Mr. Connor said that this particular ordinance will direct the Planning & Zoning Administrator to provide that information to the Planning Board by the end of September.

Mr. Roshto said that he felt that is pretty close. He said that the Planning & Zoning Administrator will work with us regardless.

Dr. Behr asked if it would work to leave the sentence that the Planning Board and Board of Adjustment shall examine both application fees and escrow charges in this ordinance on a yearly basis each September and then the Planning & Zoning Administrator will report....

Mr. Roshto felt that Dr. Behr's wording was close. He said suggested that the first sentence read that the Planning Board shall examine both the application and escrow charges in this ordinance on a yearly basis each September.

Dr. Behr questioned why the Board of Adjustment should be stricken out since the Board of Adjustment is going to be doing that? He said that it is their job and responsibility to examine the application fees and escrows and that is the Board that has the bulk of them.

Mr. Roshto said that what he heard Dr. Behr say was that the Board of Adjustment is going to do this regardless. He said that the Planning Board's responsibility is to develop the ordinances that are recommended and sent to the Township Committee.

Dr. Behr said that the Board of Adjustment is going to evaluate and give the Planning Board this information.

Mr. Roshto agreed and said that the Board of Adjustment is welcome to do that, he was simply saying in the ordinance how it is actually going to be.

Dr. Behr said that he would have left the first sentence exactly as it is because that is what is going to really happen. Then when the Planning Board gets the information, it will recommend changes to the Township Committee as it see fit.

Mr. Roshto said that was fine with him.

Dr. Rae said that he felt that the Planning Board is the Board that is actually doing it. They will look at the information that is provided by the Board of Adjustment, so he agreed with the first sentence as Mr. Roshto had suggested.

Mr. O'Brien said that you could leave it as it is through September and then add a phrase that the Planning Board shall recommend any appropriate changes in the fee and escrow ordinance to the Township Committee.

Mr. Roshto said that *both* Boards have to examine the fees. He said that it doesn't even have to be stated in the ordinance. He said that the ordinance simply has to say that that examination, whenever it occurs, needs to be given to the Township Committee on a certain date. Regardless of who is doing what, he said that the ordinance simply

should state that updated fees, if any, will be provided to the Township Committee for review. He felt that who examines and when it is examined is irrelevant. He said that the Planning Board, Board of Adjustment and the Planning & Zoning Administrator is going to figure that out. He asked why get into process when all we really need to state is the requirement. He suggested that it read that the Planning Board, on a yearly basis in September, shall submit to the Township Committee, their recommended fee and escrow charges.

Mr. Arentowicz asked if the Planning & Zoning Administrator should be mentioned in there or not.

Mr. Roshto replied, “No, just leave it out” – it is too contentious. He asked Mr. O’Brien to provide new wording.

Mr. O’Brien suggested “In September, the Planning Board shall submit on an annual basis any recommended changes to the fee and escrow ordinance to the Township Committee”.

Mr. Moholkar asked him to change the words to “fees and escrows in the ordinance as opposed to the fee and escrow ordinance”, that way everyone knows it is just the fees and escrows and not the ordinance.

Mr. O’Brien agreed.

Dr. Rae made a motion to approve the recommended ordinance as modified which was seconded by Mr. Arentowicz.

There being no further discussion, a roll call vote was taken. Those in favor: Mr. Connor, Mr. Arentowicz, Mr. Roshto, Dr. Rae, Mr. Wallisch, Mr. Moholkar, Mr. Aroneo, and Mr. Pfeil. Those opposed: None.

Mr. O’Brien reread the suggested wording as follows: “Each September, the Planning Board shall submit a report with recommended changes to the fee and escrow section of the ordinance to the Township Committee”.

Mr. Connor said that it sounded fine to him. He asked Mr. O’Brien to prepare the document into final copy and circulate it to the Planning Board members prior to submitting it to the Township Committee.

Dr. Behr and Mr. Arentowicz thanked the members of the Fee & Escrow Subcommittee for their participation in the Fee & Escrow Subcommittee.

Mr. Rohto asked Mr. O’Brien to include whatever background material was used when he sends the proposed ordinance to the Township Committee.

Mr. O’Brien replied that that would be up to Mr. Arentowicz’s subcommittee and what he wants to provide. He also said, in an advisory fashion, that anything that is provided along those lines is a public document. So, if you are reviewing specific applications with names and numbers, you just may want to consider whether or not you want that to be a part of that discussion.

Mr. Roshto said that he was not sure that is exactly correct on the Township Committee. He said that they want to have all of the documentation that Mrs. Wolfe provided (her report) in case any of the members of the Township Committee want to review it.

Mr. Arentowicz agreed that there might be items in there that you might want to redact.

Mr. Roshto replied that that is a Township Committee decision. He said that it should be sent to the Township Committee un-redacted and the Township Committee will decide what they need to do with it. He said that that is what their legal team is for.

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DISCUSSIONS
NEW BUSINESS

Mr. Connor asked the Board members if they had any new business to discuss.

Mr. Roshto replied, “Yes”. He said that tomorrow night the Township Committee is going to be reviewing the number of members on the Planning Board. He said that the discussion they are going to have is to reduce the number of members on the Planning Board from 9 members to 7 members and, in fact, they have an ordinance ready to go. He said that he would like to open the matter up for discussion in order to let the Planning Board know that is going to happen and to receive input. He said that he believed that what has really worked well for this Planning Board over the past year is when it was smaller they seemed to be more agile and ended meetings at a reasonable time. He said that any time the Board got a little larger, it didn’t necessarily improve its quality of results or productivity and all it really did was extend the conversations longer. He said that they felt that they take this opportunity while we are currently a 7 member Board that the number be reduced to make ourselves a little bit stronger.

Mr. Connor said that right now the Board lacks representation noting that it does not have a cross-over member from the Board of Adjustment or a member representing the Environmental Commission. He said that those inputs have been useful in the past and, for the Planning Board, he felt that it needs to get that representation back. He said that

we are fortunate that we have a former member of the Board of Education here but we do not have anyone who has been a member of the Environmental Commission or who is on the Board of Adjustment. He said that if you limit it to 7 and you have the regular members, that is 3 members that we ought to have and do not have. He said that when you consider the Mayor or his designee and a Township Committee representative, now we have 5 members on the Board that are representative of various organizations but only 2 spaces for representatives from the general public, which he felt is probably a problem. He said that he would rather have more representation from the general public as regular Class IV members than all of the special interest having their seats. He said that, if we added the 3 he had mentioned, it would be back up to 11 members. He said that if we make it 9, all of sudden there is no way to get those other crossover members here.

Mr. Roshto agreed that having a Board of Adjustment crossover would be very valuable. He felt that we are missing that and it would be good to have that back, however he did not believe that we would lose that going down to 7 members and could still have a Board of Adjustment crossover. He said that, to him, our ordinances today require the Planning Board and the Environmental Commission to work together. In fact, he said that the Planning Board has some discretion over requests to the Environmental Commission as a whole group. He felt that we should be leveraging our commissions a lot more than we do today. He said that the same goes for the Historic Preservation Advisory Committee saying that we do not leverage their expertise and yet that is part of their charter and resolution that was passed – to support the Planning Board. He said that those things aren't happening and he felt that, as a smaller group, we are going to have to rely on those committees and commissions even more heavily. To him, he said that it gives us *more* voices than *fewer*.

Mr. Connor said that, in the past, the Environmental Commission was well represented and was instrumental in setting up the various environmental regulations, some of which have *not* been adopted. He felt that the Board of Education can be of interest, particularly if we are looking at issues that have to do with expansion. He said that, in his view, it is a lot easier to have that person on the Board than to bring them in on an ad hoc basis. He asked Dr. Rae for his input regarding *not* having a Board of Education member on the Planning Board.

Dr. Rae said that he thought he was all right in not having a Board of Education crossover member. He said that during the 2-3 years that he served in that capacity there were not very many issues for a Board of Education member to opine on. He felt that there was a lot to what Mr. Roshto indicated about a smaller group. He said that the Board of Education could be requested to be a part of the conversation for any issues that may involve them.

At Mr. Connor's request, Mr. Roshto made a motion to extend the meeting for another 15 minutes which was seconded by Dr. Rae.

Mr. Arentowicz asked if the proposal was that there will be 7 members plus 2 alternates and there would only be 1 crossover and that would be a Board of Adjustment person.

Mr. Roshto replied, "No" and said that there would be 7 members and no alternates. He said that one of the reasons for not having alternates is the whole topic of continuity. He felt that having alternates on the Planning Board is more disruptive than it is helpful. He said that if someone comes in and misses 2, 3 or 4 meetings and sit on the Board and have equal say with the rest of the Board, all it does it delays us from making informed decisions. He said to keep in mind that the Township Committee has 5 members and it does *a lot* of work with 5 people, so 7 members on a Planning Board whose job it is to deliver the Master Plan, he felt is a nice number to make that happen. He said that it is 7 people who are going to have to be here and have to stay involved. He said that if you add more people, all you are really doing is saying that there is another voice here that is going to cause us to go to 11:00 PM.

Mr. Arentowicz asked if there will be a Board of Adjustment crossover member.

Mr. Roshto replied, "That would be the proposal, that is correct".

Mr. Arentowicz said that he clearly thought that that crossover member is *definitely* needed.

Mr. Roshto replied, "Yes".

In response to Mr. O'Brien, Mr. Roshto and Dr. Rae confirmed that they had checked with counsel. Mr. Roshto added that a Class II member can be the crossover member, per Cox, even though the MLUL doesn't specifically state that.

Mr. Connor said that, if we only have 7 members, there are times when we will have a difficult time getting a quorum or we will have a quorum of 4 people. He said that the alternate members are always here and participate in the discussions, so they have the necessary background. He predicted that we will find ourselves at meetings where 5 members in attendance will not be an unusual thing. He said that we have people here who work and have other responsibilities and when you join the Planning Board you make a commitment but you don't make the level of commitment that you do when you decide to run for the Township Committee. He felt that the workload and the responsibilities are more on the Township Committee and the same level is not expected of the Planning Board members. Secondly, he said that right now we have 8, so it would be a case of who do you subtract rather than who do you add.

Mr. Wallisch agreed that there are 8 members now and asked how it would be reduced to 7. He said that he is an alternate and he would personally feel affected.

Mr. Roshto said that there is no plan and that this is just a discussion. He said that it may be that the alternates stay.

Mr. Pfeil said that, since we don't have a crossover now from the Board of Adjustment, if you include that it would take it back up to 9.

Mr. Roshto replied that all he said was that we could have a crossover.

Mr. Connor asked Mr. Roshto if he was saying that it would be 8 with a crossover.

Mr. Roshto replied that in January the Township Committee constantly reviews this Board for changes every year. He said that that *will* come out of this and he believed strongly that we are going to need a crossover from the Board of Adjustment and that will occur with the normal process that we already have in place. He said that he was not suggesting that we take someone and say they are out and someone else is in this year, nor did he think that is necessary. He said that he felt that the people we have are working very well together and are doing a good job, but he believed that next year when people are leaving, that is something that should be looked at.

Mr. Connor said that he had a particular problem on subcommittees. He said that some of them require that they be in town and we often have a Board whose majority of members work in New York and aren't available during the working day. He said that we need a subcommittee of at least 3 and we could get into a position where all of the subcommittees that operate during the day will be the same people.

Mr. Roshto asked why we need a subcommittee of 3.

Mr. Connor replied that it seemed to be a nice number and we could do it with 2, but he felt comfortable with subcommittees of 3 because subcommittees of 2 did not really make a lot of sense to him.

Dr. Rae asked if the Administrative Site Plan Waiver Subcommittee is the only subcommittee that operates during the daytime.

Mr. Connor replied that that is one subcommittee for sure but, for example, the Ordinance Review Subcommittee usually meets at 5:30 PM or 6:00 PM and sometimes that is hard for people who are coming in from New York. He said that you could work around it but he felt you would have less subcommittees and you could dispute whether that will make the process quicker or shorter.

Mr. Roshto said that he would actually like to see this Planning Board engage our residents more. He felt that there is no reason why we can't bring in some of the people in our Township who have been on the Planning Board in the past who understand how we work.

Mr. Connor replied that he did not have a problem with that but it just hasn't been the tradition.

Mr. Roshto said that the 5 Township Committee members are on *a number* of committees and they each have a liaison role to play.

Mr. Connor said that he understood but knew of a lot of people who will not run for a seat on the Township Committee simply because there is that level of participation required.

Dr. Rae said that this discussion was born out of our expedience of the last couple of months where we have operated as a committee very well and we have moved things along. He said that they feel that a smaller committee would be in order at this point, especially with what we have on our plate for this coming year, noting that we have to finish the Master Plan.

Mr. Connor said that that is one matter that could require some people that are here during the day and if, in fact, this Board feels comfortable with having subcommittees that include non-Board members, that would take care of that problem. He said that that is certainly a solution if the Board is agreeable to that, he just did not want to be restricted if we have a much smaller pool that is restricted to just Planning Board members.

Dr. Rae replied that that is something that we would certainly welcome as there is a vast wealth of talent in the Township of those who could be on committees who are not currently active but would still want to maintain some level of activity and engagement. Given what we need to do this year, he felt that we need to start thinking of doing that and the other aspect of it is to have a smaller Planning Board so that we can quickly discuss and make decisions and be more agile and nimble as things come up.

Mr. Connor asked Mr. O'Brien and Mr. Lemanowicz if they had experience with Planning Board memberships of 7 with no alternates.

Mr. O'Brien replied, "No, I do not".

Mr. Lemanowicz also replied that he had not come across that.

Also in response to Mr. Connor, Mr. O'Brien said that he has appeared before over 200 Boards in the State of New Jersey and he could not recall any Boards that had less than 9 members.

Mr. Lemanowicz replied that he has appeared before 60 Boards and could not recall any Planning Boards that had 7 members.

Mr. Arentowicz said that from his experience last year when we had 7 members and 2 alternates and everyone had an opportunity to speak, it is unwieldy and is a lot.

Dr. Rae said that it has been a breath of fresh air this year because for most of the meetings we have had a smaller group and things have moved along quicker and the discussions have been that much crisper.

In response to Mr. Connor, Mr. Pfeil said that the only Board he has served on was the Planning Board on another municipality and it was a full 9 member Board plus 2 alternates. He felt that it depends upon the management style of the Board and the amount of committee work that is done up front and rather than go line by line or word by word, just have a subcommittee do it and advise as to what it recommends as a group. He felt that the process is the issue and not the number of people.

Mr. Roshto agreed that the process is a key component, but the number of people helps facilitate that process. He said that he has been on many different kinds of Boards in towns and in the corporate world and the ones that always work well, in his opinion without exception, are the smaller boards and committees.

Mr. Moholkar said that he was in agreement with the committee part. He said that a lot of times we have gone line by lines solely because we don't have the information provided by a subcommittee so we do end up almost doing some of the work a subcommittee could be doing for us which is what takes longer and not necessarily the number of people.

Mr. Connor said that in his experience a subcommittee sometimes comes up with recommendations and then we redo the work that the subcommittee has already done and that is an issue, but he was not sure that reducing the number will change that.

Mr. Moholkar said that he was just agreeing with the previous point that we need to make better use of subcommittees so that whatever comes up for our discussion on the Planning Board is already fairly tangible as opposed to being a little more cloudy when we get it which he felt is why we end up debating a lot more.

Mr. Connor felt that Mr. Arentowicz's presentation worked out reasonably well and said that it was well thought out and, with a very few modifications, we got it adopted.

Mr. Roshto said that it sounded to him like what he was hearing was the Board is generally in favor of reducing the membership to 7 and possibly leaving the alternates.

Mr. Arentowicz said that, in the 7 he would put more criticality to the Board of Adjustment crossover member, as opposed to an alternate.

Dr. Rae said that he felt that we could deal with the Board of Adjustment crossover membership next year.

Mr. Connor asked for each Board member to give a couple of words as to what they think is reasonable.

Mr. Wallisch said that he would defer to everyone else who has a whole lot more experience on this than he does, noting that he is an alternate member with only 3 months of experience. He said that he did not have strong emotions one way or the other.

Mr. Moholkar said that as long as we can get some more subcommittee of non-members involved, regardless of how many people you have on the Board you will make a quicker decision. He did not think it makes a difference one way or the other provided the subcommittees are made up of the audience and public and they provide something tangible that the Board can work with as opposed to the Board figuring it out every time.

Mr. Aroneo said he, like Mr. Wallisch, does not have a lot of experience and has heard a lot of good points each way. He said that he would have to give it some more thought and did not have a strong opinion either way.

Mr. Arentowicz felt that having 9 members and 2 alternates is unwieldy from his experience. He felt that 7 members will work and he would give priority to a crossover Board of Adjustment member ahead of 2 alternates.

For clarification, Mr. Roshto said that with 7 and 2 alternates you would get the Board of Adjustment crossover because there is a vacancy now.

Mr. Arentowicz clarified that of the 7 members, 1 would be the Board of Adjustment crossover and we do not need the 2 alternates. He said that that would be his recommendation.

Mr. Pfeil said he didn't see any reason why not to give it a shot. He said that you could always go back and add more if you are not getting anything done or there are not enough people showing up for meetings.

Mr. Connor felt that the real question is the process and not the number. He felt that 2 alternates are useful for a number of reasons. Also, as Board members change it allows you to bring in new members and give them some

background as alternates and they can automatically proceed as a member which he felt is important. He said that when you get a lot of new members every time, there is a learning cycle and he would much prefer to see 2 alternates who then become members and have that capability. He felt that 7 is possible with 2 alternates. He felt that the more important thing in making it efficient is process and some of the things discussed as process need to be implemented, including the expansion of subcommittees to include non-members.

Mr. Roshto thanked the Board members for their input and said that he would share everything he heard this evening with the Township Committee.

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MASTER PLAN PROGRESS

Dr. Rae said that a subject that concerned him greatly is where we are in the year and the fact that we haven't made very much progress on the Master Plan – in fact, he did not think we made *any* since January (and it was a priority) and now April is upon us. He suggested that the Board table everything that is non-Master Plan related as much as we can and starting with the next meeting we start the planning for how we are actually going to do it.

Mr. Connor said that his preference is that this is a perfect area to bring in a subcommittee, including people with past experience. He said that he would think that no matter what is done at the Township Committee level, at the next meeting he would put together a recommendation that we put together a subcommittee and look to find participation from some community members at the same time.

Dr. Rae said that we could do that right now and have something in place by the next meeting and start to think about how we are actually going to start using them.

Mr. Connor said that that also gives us people who may be here during the day and some of that work needs to be done during the day.

To confirm what Dr. Rae was saying, Mr. Roshto said that we are agreeing as a Board that our agenda going forward until the end of the year is going to be largely about elements.

Mr. Connor disagreed and said that we are agreeing that we will set up, as soon as possible, a subcommittee to develop those elements. He said that that work will be done, at least initially, with a subcommittee that will include non-Planning Board members.

Mr. Roshto replied that he thought we need both. He said that if we are going to deliver on our goal by the end of November to have the complete Master Plan done, we need both. In his opinion, he said that we cannot be talking for hours and hours about ordinances.

Dr. Rae said that he would like to see everything that is not required tabled with everything from this point being devoted to the Master Plan.

Mr. Connor said that the discussion will continue at the next meeting. He said that the Land Use Element is the only requirement and the other portions of it are recommended.

Mr. Roshto asked if the Board could agree that at the next meeting there will be something on the agenda related to elements.

Mr. Connor replied, "Absolutely".

Dr. Rae said that by that time we should have the subcommittee in place.

Mr. Connor said that there will be a recommendation at the next meeting for a subcommittee for the Land Use Element and also a general discussion as to priorities for the rest of the year in other aspects of the Master Plan as needed. For example, he said that the Valley Road Business District Ordinance is an important thing to do.

Mr. Roshto replied that he felt that is for the Planning Board to make the decision as to whether that is more important. He said that we are at 10 years now for not having a Master Plan. He said that what he saw clear as day is if we don't take this seriously, in November or the month prior we are going to be saying, "Let's do the re-examination – a one page deal and we'll then extend it for another 10 years". He said that we should prioritize it higher than ordinances and we are not doing that.

Mr. Connor felt that they could be done simultaneously.

Mr. Roshto replied that he did not see how that could be done.

Mr. Connor suggested having that discussion at the next meeting.

Mr. Roshto said that would be fine and asked the rest of the Planning Board members to be thinking about it because it is important that we all come to an agreement about what we are going to be working on next.

Mr. Connor agreed.

Due to the lateness of the hour, the meeting adjourned at 11:27 PM.

DAWN V. WOLFE
Planning & Zoning Administrator