

MINUTES

SEPTEMBER 24, 2013

PLANNING BOARD

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

Chairman 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.

MEETING CUT-OFF

Chairman Connor read the following statement: Announcement is made that as a matter of procedure, it is the intention of the Planning Board not to continue any matter past 11:00 P.M. at any Regular or Special Meeting of the Board unless a motion is passed by the members present to extend the meeting to a later specified cut-off time.

CELL PHONES AND PAGERS

Chairman Connor read the following statement: All in attendance are requested to turn off cell phones and pagers as they interfere with the court room taping mechanism.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Christopher Connor, Chairman
Charles Arentowicz, Vice-Chairman
Suzanne Dapkins, Member
J. Alan Pfeil, Member
Ashish Moholkar, Member
Guy Roshto, Member

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

Excused:

Guy Piserchia, Mayor
Brendan Rae, Mayor's Designee
Gregory Aroneo, 1st Alternate
Timothy Wallisch, 2nd Alternate
Dawn Wolfe, Planning and Zoning
Administrator
Barry Hoffman, Bd. Attorney

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

PUBLIC QUESTION OR COMMENT

Chairman Connor opened the meeting to the public for questions or comments on any item not on the agenda. Seeing none, he closed the meeting.

Chairman Connor made an announcement that the Restore Meyersville LLC application would not be heard that evening. Mr. O'Brien added that notice would be published if the applicant decided to go forward at the next meeting.

DISCUSSION

Chairman Connor asked Mr. O'Brien to talk about Discussion Item #9, "Master Plan Review-Criteria C".

Mr. O'Brien noted that during the last meeting, the Board discussed the issues in Criteria C for the Master Plan Reexamination and those suggestions were incorporated in his memo of the previous week. He stated that the next step would be to take those items and make them into action items which would be part of Criteria D.

Mr. Arentowicz asked a question about the last item under the topic of Flooding and Stormwater, "Continue river desnagging maintenance." He wanted assurance that the State, the County, and the local government would participate in the responsibilities of that item. He suggested the following rewording, "Continue river desnagging and maintenance through the support of the State, the County, and local resources."

Mr. O'Brien said that that would be more of an action statement which was the next step. Criteria C simply identified the issues that were at stake.

Mr. Arentowicz reiterated that he wanted to ensure that the State, the County, and local government would be involved.

Mr. O'Brien suggested that the issue read, "Continue river desnagging and maintenance with other governmental partners."

Mr. Arentowicz stated that that wording was acceptable.

Mr. O'Brien stated that the next memo pertained to Criteria D which listed the specific changes that were recommended for the Master Plan and/or the Development Regulations also known as the Land Use Ordinance. Under Criteria D, the issues identified in Criteria C must be made into action items. He cited Mr. Arentowicz's language in reference to desnagging as an example. That wording would be placed in Criteria D as an action item.

Mr. Arentowicz suggested that the action item include the following, "...the State, the County, and local resources..."

Mr. O'Brien read the entire item as follows, "Continue river desnagging and maintenance with local, county, and State resources." That wording was acceptable to Mr. Arentowicz.

There were no further comments on the topic of Flooding and Stormwater.

Mr. O'Brien asked if there were any comments on the topic of Sewer.

Mrs. Dapkins asked if the Board was interested in stating anything concerning a self-imposed sewer ban.

Mr. O'Brien noted that the self-imposed sewer ban would be mentioned elsewhere in the Master Plan.

Mrs. Dapkins asked if the Board was interested in recommending that something be done about it. A discussion between board members ensued as to whether to remove that ban.

Mr. O'Brien asked if the Board wanted to put the sewer ban in as an issue item under Criteria C.

Committeeman Roshto felt that the ban was created to solve the problem of capacity. It was not a problem, in and of itself. If the issue of capacity was being addressed elsewhere, he did not feel it needed to be addressed here.

Board members discussed who instituted the ban. Chairman Connor said initially it was the State and then the township went into a voluntary sewer ban to avoid being under the State's jurisdiction.

Mrs. Dapkins stated that it was state imposed many years ago.

Committeeman Roshto stated that entities such as the Department of Environmental Protection (D.E.P.) looked favorably on the township's efforts. He could not imagine that they would impose anything since the township had been so proactive in addressing the situation. He added that the township was doing the three (3) things being described as action items so there would be no need to add anything further.

Mr. Arentowicz asked if the sewer ban could prevent certain construction that would otherwise be permissible within the town, would that pose any sort of legal problem.

Mr. O'Brien stated that that would only be an issue if somebody went through the process and he was not aware of any individual being denied the right to hook up under the particular circumstances that are required. In addition, that would apply only in the sewer service area.

Mr. Lemanowicz said that if there is a property within the sewer service area, there is a system to work with the ban. The property owner would still be able to get a connection. If it was simply no, there could be negative consequences.

After some discussion, the Board decided not to change the language.

Committeeman Roshto asked to return to an item in the Flooding and Stormwater section. It stated, "Do not allow any building in the flood plain." He asked if that was legal.

Mr. Moholkar said that was meant to deny any *new* construction.

Committeeman Roshto felt that even denying any new construction was legally questionable.

Mr. Lemanowicz noted that that was under the D.E.P.'s jurisdiction. He said the Board could say it was in support of the State regulations with respect to building in the flood plain. There would be potential problems only if the township prohibited something that the D.E.P. allowed.

Mr. O'Brien said that these items were not an ordinances, but policy guidelines meant to aid the Board in viewing any potential development in the manner that the Master Plan instructed them.

After some discussion, Mr. O'Brien suggested that the issue statement read, "...discourage any new construction in the flood plain. "

Committeeman Roshto reiterated that he wasn't asking to change the language. He just wanted to know if the statement had any negative legal ramifications. The words "new construction" could be added to clarify the statement.

Mr. Arentowicz stated that because of the intense flood issues in the township, he did not want **any** new development in the flood plain.

Mr. Pfeil felt that because in certain cases the township does not have jurisdiction, it would be a moot point to attempt to ban all development in the flood plain.

Committeeman Roshto asked about buildings in disrepair located in the flood way or the flood plain. Would the phrase, “no new construction” prohibit property owners from improving those buildings? He cited an example of an owner who might want to raise the building above the flood plain which would be a positive move.

Several board members felt that some of the ordinances had discouraged people from improving their properties because of the lengthy process they had to go through for even a minor change.

Committeeman Roshto suggested that the phrase “no new construction” be qualified with the phrase “except in the situation where it can be shown that that construction would positively reduce—“

Another board member interrupted and felt that that type of language was meant for an ordinance.

Committeeman Roshto disagreed saying that the statement meant that the township would allow construction that would have a positive effect.

Mr. Moholkar agreed but asked whether that statement belonged in Criteria D or in the ordinance or a combination. He felt that there should not be any new construction however, if the structure exists, the opportunity to improve that structure could not be denied.

Mr. Lemanowicz explained that the *flood plain* is typically the one hundred (100) year event and is composed of the flood way and the flood fringe. He then stated that the D.E.P. would not allow anything in the *flood way* however the *flood fringe* could be developed with restrictions.

Mr. O’Brien suggested the following language: “Do not allow any new construction in the flood plain except for that which has a reduction of flood damage potential.”

After further discussion, the board members were agreeable to that language.

Mr. O’Brien asked if there were any further questions or comments on Flooding and Stormwater. There were none.

Mr. O’Brien asked if there were any further questions or comments on Sewers. There were none.

Mr. O’Brien asked if there were any questions on Recreation.

Mr. Moholkar asked about the term “smart streets” and whether it was the correct term to describe a lot of the projects the Board wanted to accomplish with walkways. He asked if the term should be included.

Mr. O’Brien stated that the term was “complete streets” and that the concept was included under Community Improvements.

Mr. Lemanowicz added that there were also programs called “Safe Routes to School” and “Safe Routes to Transit”.

Chairman Connor asked if Mr. O’Brien had received any information from the Recreation Committee concerning issues of importance to them. He thought it would be appropriate to ask that committee to review the Recreation section and to get their input.

Mr. O’Brien answered that he had no received anything but he would reach out to them.

Committeeman Roshto asked if the “park” discussed in the 4th bullet referred to the Passaic River Park. He suggested that it be identified as such in the revisions.

There were no further comments on Recreation.

Mr. O’Brien asked if there were any comments on Community Improvements.

Chairman Connor asked if there were any plans to do something with the Police Department.

Committeeman Roshto stated that there was no plan as of yet, just conversations.

Chairman Connor felt the wording should encourage the township to improve the flooding situation in the Police Department building.

Committeeman Roshto felt that the Board was encouraging investment in either improving the building or relocating the department to mitigate the flooding problem.

Mr. O’Brien suggested “Work with the Police Department to solve the building flooding problem.”

Committeeman Roshto said that it was the Township Committee that would fund that project so it was important to strongly convey to the committee members that they should invest in a project to mitigate the flooding issue in the Police Department Headquarters Building.

Mr. Lemanowicz said that that language sounded like they wanted to fix *that* building.

Mrs. Dapkins stated that there had been money invested in the building before however it had not alleviated the problem.

Committeeman Roshto said that in the last meeting, the Board added the words “work with” because of the concern that the Board didn’t know what the Police Department’s opinion was on this.

Mrs. Dapkins said that in the past, opinions were that they wanted to leave that building. She wasn’t sure what the current opinion was.

Mr. Moholkar suggested the following: “Work with the Police Department to address flooding in the headquarters.” Using the word “headquarters” could refer to the existing building or a new one. He added that the Board could not solve the problem by themselves.

Mr. O’Brien stated that it would put it on the capital program.

The board members felt that that language was satisfactory.

There were no further questions or comments on Community Improvements.

Mr. O’Brien asked if there were any comments or questions on Utilities. There were none.

Mr. O’Brien asked if there were any comments or questions on Zoning. There were none.

Mr. O’Brien stated that under Planning were the issues discussed at the last meeting which were found to be open and on-going. They would be briefly addressed under this component to finish those items out.

Mr. O’Brien asked if there were any comments on what was accomplished so far during the meeting. There were none.

Mr. O’Brien then referenced page 3 (Master Plan Review—Criteria D). He stated that he had reviewed the 2003 Reexamination. Under the Criteria D section, he identified five (5) items that he felt had not been addressed. He felt the other items had been addressed. He asked the board members to consider these five (5) items to decide whether they should be listed as open items in the current Reexam.

Mr. Moholkar felt that the first item, Safe Routes to School, had been addressed by the sidewalks from Valley Road.

Mr. O’Brien stated no, that these sidewalks were specifically to the train stations.

Committeeman Roshto stated he was not sure what the thought process was back when the Planning Board recommended a sidewalk from Valley Road to the Millington Train Station.

Mr. O’Brien remembered discussions that should there be further development along Valley Road, it would be helpful to have a walking path from Valley Road to the train stations to make it more accessible.

Mrs. Dapkins noted that in Millington, there are a lot of sidewalks because of the school.

Mr. O’Brien noted that those sidewalks do not go all the way through.

Mr. O’Brien stated that it was up to the Board to determine if the intent was still present or was it no longer an issue.

Several board members felt that it was still an issue.

Committeeman Roshto felt that if there was to be an investment made in sidewalks, it should be on Northfield from Valley Road to the school, not from Valley Road to the train stations.

Mr. O’Brien stated that that was a separate issue which was dealt with under “Safe Streets”.

Chairman Connor did not see a reason for a sidewalk on Division Avenue to the train station. It would serve only those residents in the houses on that street who might walk to the train station.

Committeeman Roshto felt that it might have been part of a bigger plan however to say the Board wanted a sidewalk in one spot would not be beneficial. He felt that there were numerous places that would benefit from a having a sidewalk.

Mr. Moholkar suggested that the Board adopt a “complete streets” concept which would not state specifically that a sidewalk would be installed from point A to point B, but be placed where deemed appropriate.

Mr. O'Brien reminded to the Board that, as properties come before either Board for relief or for approvals, each Board has the option of requiring them to install a sidewalk if there is a goal in the Master Plan to have sidewalks in that area.

Mrs. Dapkins noted that that has been done in the commercial areas.

Chairman Connor stated that sidewalks to the train station in Gillette made more sense since they started at the center of Gillette. He suggested removing Millington since there was no town center.

Committeeman Roshto stated that he preferred to generate a "complete streets" program and as part of that program, identify the areas where sidewalks would make sense. He felt that the entire item should be deleted and the "complete streets" concept be added.

The board members were agreeable to that.

Mr. O'Brien noted that he would finalize the exact language at a later date.

Mr. O'Brien stated that the second item was a municipal tree ordinance. It had been dealt with by the Planning Board and sent to the Shade Tree Commission at the last meeting.

Chairman Connor said that it would be coming back to the Planning Board and had not been finished yet so he considered it to be an open item.

Committeeman Roshto felt it should be removed until the Shade Tree Commission gave the Planning Board some clarification. Mr. Pfeil agreed.

Chairman Connor stated that the Shade Tree Commission was intent on having this ordinance created. He said it had been returned to them because the original ordinance generated some disagreement at the Township Committee level and hence, was returned to the Planning Board. The ordinance would be placed on the agenda for the Ordinance Subcommittee some time in the future. He asked if the Board wanted to continue in the direction of trying to prevent the indiscriminant removal of trees on residential properties. He felt that they were sufficiently covered for commercial properties since all commercial properties had to come before a board for site plan. He said that there have been a number of clear cuts in the last eight (8) years.

Committeeman Roshto said that if the sentence said "clear cutting", he would agree with it, however he didn't agree with any of the existing wording. He felt "Restricting indiscriminant removal of trees" was too vague. It also said "Provide for the replacement of downed trees." He asked "downed by hurricanes or because they're dead". He reiterated that he felt it was too vague and that he would support an ordinance that would tighten up the clear cutting ordinance that currently exists.

Mrs. Dapkins noted that it was an ordinance that is difficult to enforce.

Chairman Connor felt that "downed trees" should refer to the trees that were indiscriminately cut down, not downed by natural causes.

Committeeman Roshto felt that the Board should encourage activities such as the tree planting program.

Chairman Connor told the Board that when his uphill neighbor cut down some twenty (20) trees, it caused an expensive flooding issue on his property. No property owner should have to bear the financial brunt of another property owner's indiscriminate tree removal.

Mr. O'Brien suggested that since the Board had asked the Shade Tree Commission to review the issue, the action item should be to continue to work on the issue.

Committeeman Roshto stated that this was a flooding mitigation issue and that it should be made clear in the action statement. He did not feel it was clearly conveyed in the existing language. The ordinance should be written to address the issue of flooding caused by tree loss.

There was some discussion among the board members about the term "clear cutting". Chairman Connor stated it was not just clear cutting, but the indiscriminate cutting of trees that increased the flooding.

Mr. Lemanowicz stated that there is a section in the ordinance about what triggers the need for a Land Disturbance Permit.

Chairman Connor asked, if he wanted to cut down trees on his property and replace them with grass, would he need a Land Disturbance Permit. He doubted that homeowners would want to ask permission to plant more lawn.

Mr. Lemanowicz suggested that a broader definition of "disturbance" be included in the ordinance. He suggested that it "include the removal or destruction of woody plants". He noted that heavy brush is very effective in managing stormwater.

Mr. Lemanowicz added that this should not be restricted to the flood plain areas since that type of vegetation removal outside of the flood plain (for example, on a mountain) would still have an impact.

Committeeman Roshto was concerned about stating that no one could take even a bush out regardless.

Mr. Lemanowicz stated that that was the reason for the permit and hence an independent review.

Chairman Connor felt that the Shade Tree Commission should have input into the issue since trees themselves absorb water.

Committeeman Roshto felt that this was a complex problem that could not be solved during that meeting. He asked that it be removed until input was received which would enable the Board to write it correctly.

Chairman Connor took a consensus of the Board. It was their opinion that it should be removed until it could be properly rewritten. He said he would advise the Shade Tree Commission.

Mr. O'Brien noted that the current Shade Tree regulations exempt all one and two family dwellings. They only apply to commercial properties.

Chairman Connor said that the third item was to examine whether to expand the B-3 zone to Magnolia Avenue. It was clarified that this meant the area behind Shop Rite next to Poplar.

The board consensus was to delete this item as it was no longer necessary.

Chairman Connor stated that the fourth item was to expand the C Zone in the area of Warren Avenue and Union Street.

Mr. O'Brien stated that the C Zone currently went up to the two (2) residential properties on the east side of Union, east of Warren and up to Warren north of that. The thought in 2003 was to expand the C Zone so that there would be a three (3) acre residential zone. The intent at the time was that by "up zoning", the potential for improvement was lessened and there would be less building in the flood plain.

Mrs. Dapkins suggested that the fourth item remain since it was not something that *had* to be acted upon.

Mr. O'Brien asked if language should be added to clarify the reasoning behind that item. He suggested, "To consider whether to expand the C Zone in the area of Warren Avenue and Union Street in response to the continued flooding in the area." That was acceptable to the Board.

Chairman Connor stated that the last item was, "Consider expanding the C Zone to include some of the larger properties in the R-2 Zone along Valley Road."

Mr. O'Brien stated that the R-2 Zone is west of Lounsberry on Valley Road. It runs out to Deer Run on the south side and Stacy Court on the north side. On the south side are five (5) properties that extend down Valley Road all the way to the river. The intent in 2003 was to discourage any subdividing by taking those properties and "up zoning" them to a C Zone (3 acre zoning).

Committeeman Roshto asked if they were considering taking a property and making part of it C Zone and part of it residential.

Mr. O'Brien stated that those properties were all residential now. This proposal would keep them residential but change the zone from R-2 to Conservation. Currently, only the back two-thirds (near the river) are considered Conservation. The front one-third (up to Valley Road) is considered R-2.

Chairman Connor felt that it was an option to be reviewed.

The Board felt that that item should remain.

Chairman Connor noted that there would be an Ordinance Subcommittee Meeting the following Tuesday to get their input on some of the ordinances that were discussed during the meeting. They would generate a recommendation as to which topics they felt should be included.

Mr. O'Brien stated that at the next meeting, the suggestions of the Ordinance Subcommittee would be inserted into the Criteria C and Criteria D documents that had been discussed at this meeting and conclude those two (2) documents.

Chairman Connor asked Mr. O'Brien to update the board members on pending applications.

Mr. Lemanowicz stated that there were five (5) applications (Restore Meyersville LLC, Carn, Willow Pond Farm, Sunrise, and Meadowview at Millington) and outlined the status of each.

Chairman Connor asked about the TDR Grant.

Mr. O'Brien stated that the Millington Subcommittee had been meeting since June. Chairman Connor said that the members were in the process of finalizing a draft within the next two (2) weeks and which would be available for the Planning Board to review in draft form. Once agreed upon, the subcommittee could begin the TDR Study.

Chairman Connor asked about TIFA. He noted that there had been an Application Review Committee (A.R.C.) review.

Mr. O'Brien spoke with Thomas Delia, Zoning Officer, concerning TIFA and its status in terms of enforcement. Mr. Delia said that he had delivered the ultimatum to present plans and he was waiting for some response on their part. If there was no response by a specific date, he was going to contact them again.

On the redevelopment side, Mr. O'Brien noted that the A.R.C. of this Board did hear a presentation from a potential developer who suggested a commercial-residential mix in that area and they had indicated a willingness to come back to the Board and present a concept plan.

Chairman Connor felt the potential applicant should be told the Millington Subcommittee would be coming forth with its recommendations and it would be premature for them to come before any Board until the Millington Element had been addressed.

Mr. O'Brien added that the presentation that was made to the A.R.C. by the potential applicant was forwarded electronically to the Board. It was called the "Millington NJ Prism Presentation 08/20/13".

Chairman Connor noted that the Township Committee had adopted the Heights Ordinance at their last meeting.

Chairman Connor asked if there was anything more on COAH.

Mr. O'Brien stated there was not.

Chairman Connor entertained a motion to adjourn. Mr. Pfeil moved and Mr. Moholkar seconded. A Voice Vote was taken and the motion passed unanimously. Meeting was adjourned at 9:45 P.M.

CYNTHIA KIEFER
Planning and Zoning Secretary