

MINUTES

NOVEMBER 12, 2013

PLANNING BOARD

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Chairman, Mr. Connor, called the meeting to order at 8:03 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
- Suzanne Dapkins, Member
- Alan Pfeil, Member
- Guy Roshto, Member

EXCUSED

- Guy Piserchia, Mayor
- Brendan Rae, Mayor’s Designee
- Ashish Moholkar, Member
- Dawn Wolfe, Planning & Zoning Administrator

Gregory Aroneo, 1st Alternate (arrived @ 8:08 pm)
Timothy Wallisch, 2nd Alternate

Barry Hoffman, Bd. Attorney
Kevin O’Brien, Twp. Planner
Thomas Lemanowicz, Bd. Engineer

X X X X X X X X X X X X

Mr. O’Brien requested that one item be moved up in the agenda. The application of Restore Meyersville, LLC (App. No. 13-07P) was carried to November 26, 2013 with no further notice necessary to any members of the public. In support of that application, the October 8, 2013 Planning Board meeting will be rebroadcast on Monday night November 25th at 8:00 pm. It was the first part of that application.

EXECUTIVE SESSION

Mr. Connor requested that the Board briefly go into Executive Session to discuss a personnel matter that would become public as soon as possible. Motion to go into Executive Session was made by Mr. Pfeil and seconded by Committeeman Roshto. Motion was carried unanimously. The Board adjourned at 8:15 pm and reconvened at 8:22 pm.

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.

APPOINTMENT

Mr. Connor announced the appointment of Cynthia Garafalo Kiefer as part time secretary to the Planning and Zoning Board Administrator as defined by a resolution passed by the Township Committee two weeks ago. Motion was made by Committeeman Roshto and seconded by Mrs. Dapkins. Motion carried unanimously. Mr. Connor extended a warm welcome to Ms Kiefer.

X X X X X X X X X X X X

DISCUSSION ITEM
ORDINANCE #321-13

This is an ordinance exempting generators accessory to multi-family development clubhouses in certain instances and supplementing and amending Sec. 160 of the Township Land Use Ordinance entitled, “Site Plan and Subdivision Review”.

Committeeman Roshto wanted to give some background on the ordinance. The mayor had come to the Township Committee after being approached by the president of the Sunrise Homeowners Association. Sunrise at Gillette is directly behind Gillette Elementary School. They have a clubhouse that they have allowed the Township to use as an emergency shelter if needed for the elementary school. Until the sidewalk is put in, the children will be using the clubhouse if necessary. The clubhouse does not have a generator and if they got one, they would have to follow a number of lengthy processes. The Township Committee decided to add in a few lines just to make sure this ordinance was limited specifically to multi-family condos or associations that have clubhouses where emergency generators could be installed. Of the six (6) multi-family condos or associations, only one (1) has a clubhouse that needs a generator. This was a targeted ordinance for a specific situation but was generalized enough for any of the multi-family homeowner association type environments.

Mr. Connor noted that there was no one at the meeting from Sunrise so questions would have to be deferred. He asked Mr. O'Brien to give the status of the application.

Mr. O'Brien stated that Sunrise came to Mr. Lemanowicz and him as part of a pre-application/checklist review meeting back in August. Mr. Lemanowicz and Mr. O'Brien worked with them going through the required checklist and informed them that due to the nature of their request, a very large number of items on that checklist could be waived because they were not germane to the placement of one generator outside of this one building. At the conclusion of the meeting, both Mr. O'Brien and Mr. Lemanowicz felt the Sunrise representatives left with the understanding of what they needed to do to move the process along and that was the last that had been heard from them. Mr. O'Brien felt that perhaps there was a perception that there was a lengthy process to this but when they left at the end of the meeting; they were half way through the process. All they had to do is come in with what the Township was willing to accept in lieu of the larger number of items that were dictated by the checklist. Whether they would have had an application before the Planning Board for an amended site plan by now if they had stayed that course, can't be determined since every application is different. It would be up to them to comply with the requirements that the Board imposed upon the applicants. Mr. Lemanowicz had nothing to add to the history.

Mr. O'Brien prepared a memo to the Board listing a number of things that the Board should consider and in particular was very concerned that the proposed ordinance only discussed that "... no generator shall be located forward of the front line of the principle building or within five (5) feet of any side or rear lot lines." The "five (5) feet of any side or rear lot line" was an issue that Mr. O'Brien felt should be discussed by the Board since it is more generous than what is currently being allowed both in the Building Department and from an ordinance perspective. He explained that generators, up until now, have been treated as accessory structures attached to a principle structure and have been dealt with as air conditioning compressors have been when they were placed outside the principle building. By putting one of the generators within five (5) feet of the side or rear lot line as this ordinance called for, it would be much closer than they would be allowed under most other circumstances.

Mr. O'Brien also expressed concern about that placement and the attendant noise, stating the natural gas generators currently available were somewhere in the vicinity of 60 to 70 decibels depending on the size. He further explained that the allowable noise level that can be generated during daytime hours 7 A.M. to 10 P.M. according to state statute is 65 decibels but also according to state statute, during night hours, 10 P.M. to 7 A.M. only 50 decibels were allowed. Therefore, most generators did not meet that requirement. However, in times of emergency those requirements on the part of the state were waived so they do not apply. The sound requirements only kicked in when a generator is going through its maintenance paces or its weekly self-check where they turn on, complete the self-check, and then turn off.

Mr. O'Brien expressed concern about the noise, the generator's placement close to a lot line, and how that would affect any neighbors. He was also concerned that the changes were not taking into account the current requirements that the Building Department was using for the setting of generators as principle accessory structures. Mr. Lemanowicz, too, was concerned about noise and five (5) foot setback and felt some visual screening might be worth considering.

Mr. Lemanowicz stated that another item might be the issues that a reviewer could have when an applicant was trying to fit into an ordinance that it really wasn't intended for. He provided the following example: if a facility like Lounsberry Meadows which is not broken up, wanted to do something similar to this, it really doesn't fit although a similar argument could be made. Then a decision must be made on what constitutes a similar structure. Is this a clubhouse or similar structure? Or, can the similar structure be within a structure? Decisions will be made at the zoning office that could be taken care of in an ordinance rather than leaving those decisions up to an individual.

Mr. Lemanowicz cited the flood plain as another issue. If a generator was in a flood plain and the flood waters came up, there would be issue. He questioned whether the Board wanted to keep them out of flood plains or, if they were in a flood plain, elevate them above the flood elevation so flood waters would not go through internal combustion engine areas.

Mr. Lemanowicz noted that there was a bill introduced and not adopted that discussed generators for one and two family properties which require only a site plan and that that act specifically mentioned natural gas or propane. Diesel powered generators were not mentioned. He explained that they were louder, there were fuel storage issues, and possibly the Board would want to make that differentiation.

If the Board did institute some kind of noise control or noise limitations, Mr. Lemanowicz suggested using the manufacturer's standard. He used the Township's light ordinance which states light can not go over the property line. The light manufacturers have their lighting patterns which are put on the plan and then the Board can see where the light goes. Generator standards are different. He noted that he hadn't done extensive research. He explained generators were regulated by a certain number of decibels at a certain distance under a certain load. He felt that if the Board was going to limit noise, it should be to something that can be proven at the zoning officer's desk with manufacturer's data. It should be put in a unit that is readily available to the applicant and can be easily reviewed at the zoning office.

Lastly, Mr. Lemanowicz felt it might be worth reiterating in the ordinance that there may be additional restrictions or regulations.

Mr. Connor asked Mr. Hoffman if he had any concerns about this. He did not, however he thought it was something that was sorely needed in view of the recent experiences with severe hurricanes becoming the norm.

Mr. Hoffman was leery about having different offset distances from the property line for these types of structures as distinguished from other accessory structures in the ordinance where the side yard and rear yard setback is ten (10)

feet. He explained that to take different structures and assign them numerical differences in the offset *can* be done, but whether it *should* be, so that one has a whole litany of distances in the ordinance, is not desirable.

Mr. Hoffman also pointed out the bill that was introduced in the legislature that Mr. Lemanowicz referred to, limited the applicability of this legislation to natural gas and propane gas type supported units rather than gasoline powered units. He understood the desirability of not storing gasoline so close to a home. He felt it was something to consider in terms of what other municipalities may be doing and to get some ideas as well. Mr. Hoffman deferred to his colleagues as to what numerical and quantitative regulations would be desirable.

Mr. Connor asked if there were any comments or questions from the Board.

Committeeman Roshto wanted to add a few comments. He noted that the first paragraph of Section Three (3) which is part of the Common Element of that development was added in to prevent the clubhouse Common Element from potentially using this in a residential environment. In the Lounsberry example that was given, that Common Element would prevent that from happening. Committeeman Roshto explained that the Township Committee's attorney, Mr. Pigeon, did some research and found other homeowner association type multi-family developments were using a five (5) foot setback so at least from that perspective it was thought to be appropriate. However, the ten (10) number wasn't being thought about when the five (5) foot number was placed in there. It was not a request from anybody to put five (5) feet there. It seemed appropriate, given the density and given that it was a homeowner's association operating under Homeowner Association rules. Committeeman Roshto continued that the thought process of Township Committee was that they were governed by their homeowner's association meaning this group of people have a clubhouse that they share and they dictate through their homeowner association how and where and what they were going to be doing. He felt the things being heard today didn't apply as much to those.

The last thing Committeeman Roshto wanted to point out was that this was a very limited ordinance. It was not going to be widespread or affect a lot of residential buildings around the town so he hoped that the Planning Board wouldn't try to make significant changes. The Township Committee has had the first reading and after the first reading it came to the Planning Board as a normal course of business, for Planning Board recommendations or suggestions. He hoped that the Planning Board would see that this was limited in scope, that it would help a group that's helping our Gillette School children, and that it could move forward rather quickly.

Mr. Connor questioned why it came to the Township Committee while it was still being worked on by the Planning Board.

Committeeman Roshto stated that the mayor had had a discussion with the Homeowners Association. They felt that this was a good way to get it through in a reasonable amount of time. The mayor presented it to the Township Committee and the Township Committee agreed. Mr. Connor stated they were already half way through with the Planning Board and may have been done by now if they stayed that course but that that was now water under the bridge.

Mr. Connor asked if there were any other questions.

Mr. Pfeil stated he was still confused about the five (5) foot setback, specifically, was this from the clubhouse? He asked if the clubhouse was located within ten (10) feet of their lot line.

Committeeman Roshto stated that when this was written, it was not looked at from their clubhouse perspective thinking they might be too close to their line. It was looked at from all multi-family residential environments that have a homeowners association. He felt that they were conforming and if it was changed to ten (10) feet, it would still be acceptable.

Mr. Pfeil asked what the reasoning was behind five (5) feet.

Committeeman Roshto responded because this was multi-family higher density development and that the research showed others were using five (5) foot side setbacks. That was the only reason for five (5) feet. If the Planning Boards felt that it wanted to recommend to the Township Committee that it should be changed to ten (10), it would not be a problem.

Mr. O'Brien stated the principle building setback for that zone is fifty (50) feet front, side, and rear so if they were conforming they were fifty (50) feet away from any lot line.

Mr. Connor asked, for people personally putting in generators themselves, if they have to have those fifty (50) feet.

Mr. O'Brien replied yes and that they also have to meet those generator setbacks.

Committeeman Roshto clarified that it's not a generator setback. It's a standard conforming side setback and that a generator is considered an accessory structure. The accessory structure has to be fifty (50) feet.

Mr. O'Brien explained that they were considered accessory structures because they're accessory to the house or main building but they have to meet, according to the building department, the principle structure setbacks. He gave the following example: the principle structure might have a fifty (50) foot setback for the front and twenty-five (25) in the rear for a residence. An accessory structure like a shed can be ten (10) feet away. But a shed doesn't make noise and isn't something that is operated. The Building Department has been using the principle building setback used for an air conditioning compressor for these generators.

Mr. Connor asked what the minimum setback requirements for air conditioning compressors were.

Mr. O'Brien stated it's the same as the residential building.

Mr. Connor stated that if this is treated as any other, it would be fifty (50) ft.

Mr. O'Brien stated that if it was treated like an air conditioning compressor, it would be fifty (50) feet.

Mr. Connor stated, given that, if they wanted to go closer they would have to get a variance.

Mr. O'Brien stated that was correct but it hadn't happened because everybody met the requirements. The Building Department has approved over 130 generators attached to residences this year and none of them have had to come before a Board.

Mr. Connor asked if the school was the only building close to the clubhouse except for the other condos.

Committeeman Roshto deferred to Mr. O'Brien who stated that the clubhouse was all the way to the rear of the property, back towards the river, behind the grounds of the Gillette School. Mr. O'Brien continued that there was a little "L" on their property and the jog went behind the school. He believed the clubhouse was back in that little jog behind the school.

Mr. Connor questioned if the clubhouse was surrounded by a school that will be using it in an emergency and the river.

Mr. O'Brien confirmed this.

Mr. Connor added that if there was inclement weather such as a hurricane, no one would be in the school anyway.

Mr. Aroneo stated that this would also open the door for other condo communities.

Mr. O'Brien stated that the Planning Board was dealing with one already, having just met with them that evening.

Mr. Aroneo said it was discussed with Tom Delia earlier in the year. They went through the list of these communities in town: one off Morristown Road and Sunrise.

Mr. O'Brien added one on Division, Lounsberry, and one on Valley Road.

Mr. Aroneo then asked if they would all be permitted to put their generators within five (5) feet of the property line.

Mr. O'Brien stated only if they met the rest of the coordinates which is that it only applies to a clubhouse or similar structure in a conforming multi-family residential development.

Mr. Connor stated that in this case, the clubhouse is freestanding. He asked if there were clubhouses that were enclosed within another structure using Lounsberry as an example which has their meeting area within the lounge area which was the equivalent of a clubhouse. Were there other condo associations that had a clubhouse integrated within another building? How did that affect Lounsberry?

Mr. O'Brien stated that Lounsberry was in the process with affordable housing funds of getting their generator.

Mr. Connor stated that this would be consistent with some ordinances that this town has at this point.

Mr. O'Brien stated that how this would affect them would depend on where their clubhouse is.

Mr. Connor explained that the clubhouse is right at the entrance, internal, with two residential wings. He asked if this applied to them and if not, why not.

Mr. O'Brien didn't have a specific answer.

Mrs. Dapkins questioned whether their meeting room was being considered a clubhouse.

Mr. Connor stated that if it served the same function, an argument could be made that the clubhouse was internal and therefore if this was the easiest route to take, they could argue that it met these requirements.

Mr. O'Brien stated that there was a qualifier and that referred to a multi-family residential development which was operated or being maintained by a homeowners association and which, of all of the multi family developments this affected, he didn't know.

Committeeman Roshto stated that the Township Committee didn't know either other than it was a subset of six (6) and of that subset, there was a subset of those who had a clubhouse. Committeeman Roshto reiterated that he didn't think the five (5) feet number was really an issue so if the Planning Board wanted to change that number, it would be perfectly fine. Mr. Arentowicz stated that he felt the Planning Board should be as consistent as it could and that these should be the same requirements as exist for other structures. He felt a lot of issues would arise if the Board didn't do away with the five (5) feet and continue with whatever the setback, it was.

Committeeman Roshto asked Mr. O'Brien if the five (5) feet were removed altogether, would the principle building setback be followed. .

Mr. O'Brien stated that should be what happened however because the generators were a recent development, earlier this year or late last year everybody on staff met and asked how to deal with these. The agreement was that they would be treated as principle structures for setback purposes because that was how the ordinance was understood. However, it was not specific so it might be helpful if that ordinance was made more specific. It would work if the five (5) feet were left out, meaning the default was the current interpretation.

Committeeman Roshto stated that after Sandy, we had a run on generators. Many of these multi-family condo type homes were asking for generators and that the process was becoming cumbersome because of setbacks, because they were so close to one another. A decision was made at that time to allow the homeowners association to make the choice so when the resident came in for a permit, he had to have homeowner's association approval. That was another reason why the words "Homeowner's Association" were added because they were guided by their own agreements.

Mr. Connor stated that the assumption was that the homeowners association would come before the Board to determine what would be required.

Committeeman Roshto disagreed saying that they would go to the Construction Office, go through the permit process, and have to have approval from the homeowners association.

Mr. O'Brien stated that the homeowners association was applying for amended site plan approval and that was where the Planning Board was now with it. The application had gone through the process.

Mr. Connor stated that that was where Sunrise started too and one of the things that initially happened was that since it was fairly old, they did not have a good site plan and neither did the township. It was agreed that there no need for a entire new site plan so the work was done off of a piece. Mr. Connor stated that Tom looked at it and said that this version was ok. The only thing they had to do was provide a site plan just for the clubhouse and the surrounding property that would have included the generator so they weren't being asked to do anything except essentially give the Planning Board a site plan for the corner which was what they would have had to do under any circumstances. Mr. Connor felt the process should have worked but somehow didn't.

Mr. Pfeil asked if this was so limited in the number of instances; why not say something to the effect that the generator couldn't be located within fifty (50) feet of an adjoining residential lot line? If they wanted to put it next to their other structures, that would be up to them.

Mr. Connor stated that they wanted to put it right next to their clubhouse so they wouldn't bother any of their neighbors.

Committeeman Roshto explained that that was why the number didn't matter.

Mr. Connor questioned why so much time was being spent on this, why three (3) months later this was in front of the Board again, this time officially. He also noted that they had to respond to the Township Committee. He felt everybody would like the Township Committee to put a generator in the proper spot with proper placement and with whatever is needed for noise restriction and do it in such a way so as not to set a precedent that would be inappropriate for other locations that might qualify under these words.

Mr. O'Brien added that to keep it consistent with other locations, they would have to go through the amended site plan process. He continued that if the Planning Board wanted to carve out for particular developments, it was talking about using the current setback requirements that the Building Department was using which were the principle building setbacks. If the Board were inclined to go in that direction, taking out Item D, as Committeeman Roshto pointed out, would certainly mean that the default was now the principle building setbacks that were being used.

Mr. Connor asked, since there will be one of these coming before the Board, would they use the process of minor site plan?

Mr. O'Brien answered that they were using the amended major final.

Mr. Connor asked if there had been completeness review on that yet.

Mr. O'Brien answered that it had been deemed complete.

Mr. Connor stated that they would then be coming before the Board.

Mr. O'Brien affirmed that. He pointed out that in their case was different from this in that they were putting in individual units attached to individual residences rather than a communal generator for either a public space or to power many private spaces.

Mr. Connor said that he thought this was one of the reasons when this was discussed six months ago, it was said there might not be a "everything fits one" solution and that they would probably have to be a design for each specific location. Therefore, minor site plan seemed the way to move forward.

Mr. O'Brien added that in this particular case that was before the Board now, envelopes of space where the generators could go were being developed for each of the residential units in the development. Then, each individual owner could come into the Building Department and state that they wanted to install a generator per the

site plan approval. It would fit into the particular space that had been delineated on the site plan already. There were some situations where they would violate the setbacks and they would have to request bulk variances for those.

Mr. Connor noted that they were just going through the standard process.

Mr. O'Brien affirmed this.

Mrs. Dapkins asked if there a procedure for portable temporary generators.

Mr. O'Brien stated that a construction permit is not needed for a temporary generator and that the language here was for a permanent standby.

Mr. Pfeil added that they would want to limit anything to propane or natural gas.

Mr. O'Brien affirmed that they would agree with Mr. Pfeil because those were the two fuels that would be available on a pipeline basis. He believed that natural gas was already on site. If not, a propane tank would be installed. Anything involving fueling the generators on a regular basis was considered a more temporary situation than a permanent one.

Mr. Connor asked if there is any prohibition on storage of gasoline or propane for generators or other equipment.

Mr. O'Brien didn't know the specific answer to that question however he believed in some places of the Township's other ordinances there were prohibitions on the amount of fuels that could be stored in a particular place without meeting certain fire codes. He didn't know what that number was.

Mr. Lemanowicz added that he was sure there was some threshold volume of fuel that triggered certain requirements, for example double-walled or various leak protections. He noted that when underground storage tanks were a big issue and municipalities were bringing their tanks above grade, there were requirements to have a double-wall or to have it in a container such that if inner tank broke when it was full, it would still be contained. Research into that could be done if the Board wanted. Mr. O'Brien added there were only a certain number of one (1) or five (5) gallon red containers that were allowed on a property under the fire codes.

Mr. Connor commented that if it was limited to propane or natural gas, there would be no reason to worry about the limits on gasoline.

Mr. O'Brien explained that from a practical standpoint, if there was no electricity then there was no gasoline.

Committeeman Roshto stated that gas stations might upgrade and that the assumption there would not be gasoline during an emergency could not be made.

Mr. Wallisch asked if propane was used, was there a need to state something about storage tank size. Were there specific requirements that have to be followed?

Mr. O'Brien stated that fire codes would have to be followed and here were requirements in the National Fire Protection Association (NFPA).

Mr. Lemanowicz added that his neighbor heated his entire house with propane and that the tank was an above ground structure like a small submarine located in his yard. He questioned how that would be handled by zoning.

Mr. O'Brien stated that it would have to meet the requirements of the fire codes and the building codes.

Mr. Connor stated that that would not have to be covered here because it's covered elsewhere.

Mr. O'Brien affirmed that.

Mr. Connor questioned whether this should be voted on.

Committeeman Roshto asked for clarification on what was being agreed to. He felt they were agreeing to remove 3B from these three sentences. He gave a recap of 3B "No generator shall be located within five (5) feet of any side or rear lot line" and by removing it, the standard practice would be followed meaning the principle setback.

Mr. Connor felt there was no reason for "A" either.

Mr. O'Brien stated that "A" reinforces what currently exists but it is covered elsewhere. It wouldn't hurt but it was up to the Board.

Mr. Connor explained that "C" is "...generator shall be used during power outages as required by manufacturer for maintenance purposes" and could be removed also.

Mr. O'Brien felt the intent of "C" was to make it clear that it was for emergency use only.

Committeeman Roshto reiterated that he was hoping that the Board would not make substantial changes that would mean it could not get through a second reading and cause further delays at the Township Committee level.

Mr. Arentowicz felt they had reached a point where they only had to remove "B".

Mr. Connor wanted to add the qualifier that it could only natural gas or propane.

Committeeman Roshto questioned the reasoning behind adding that qualifier. Why prevent diesel engines? What is the detriment?

Mr. Lemanowicz stated that diesel was louder; there would be storage of substantial diesel on site which could be an issue if there was a leak or if it was tampered with. It also had a stronger exhaust than natural gas and it could be viewed as not as friendly a fuel.

Mr. Aroneo asked Mr. O'Brien if he said earlier that gasoline implied more of a temporary usage.

Mr. O'Brien stated that gasoline was typically more temporary.

Mr. Aroneo asked if that had anything to do with it.

Mr. O'Brien stated that diesel was in a different category.

Mr. Aroneo noted that on one hand, the discussion was about noise and clean burning fuel, and on the other hand, the discussion was about whether it was temporary or permanent.

Mr. O'Brien felt that for a standby generator running something more than a house, there was some size involved and if it was fueled with diesel or gasoline, there would be a fuel tank with fuel in it. He questioned whether that was something that the Board wanted to deal with. He added that although propane was also a fuel, it was not as much of an issue to store.

Mr. Aroneo wondered who would want a gasoline powered permanent generator.

Mr. O'Brien felt that there would be those who wanted diesel.

Committeeman Roshto reiterated his concern as to why the Board would limit the choices for something like this. He felt most would use natural gas or propane because it was easier but if they wanted to use gasoline or diesel for some reason, he didn't feel he would want to prevent them from doing that.

Mr. Pfeil stated if they wanted to do that they could come for site plan.

Committeeman Roshto asked why.

Mr. Pfeil felt gasoline or diesel would be more onerous on the neighbor than natural gas or propane and that the Board was trying to expedite getting a generator. It should be able to limit it to least onerous.

Committeeman Roshto remained unconvinced that it was more onerous to the neighbors.

Mr. O'Brien noted that diesel was noisier and dirtier.

Mr. Connor stated that diesel has to be stored on premises and there were obvious storage questions. However, there wasn't enough information.

Committeeman Roshto stated that this was an emergency generator. After Sandy, he heard generators for two weeks. Everyone dealt with it and lived with it. He felt the boards often went too far when ordinances were written and asked again if it was really that important that more language be added to restrict someone from a possibility. He expressed that he was not personally in favor of such ordinances but if the Planning Board wanted it, he had no problem with it.

Mr. Connor asked if there were suggestions on what could be agreed to.

Mr. Wallisch and Mrs. Dapkins were satisfied with it "as is" except for having "B" included.

Committeeman Roshto motioned that the Planning Board recommend to the Township Committee to adopt 3, 3A, and 3C as written and strike 3B.

Mr. O'Brien stated that the Planning Board found the proposed ordinance consistent with the Master Plan of the Township.

Committeeman Roshto moved and Mr. Wallisch seconded.

Mr. Connor asked for a roll call vote.

Mr. O'Brien then called roll. Those in favor: Chairman Connor, Mr. Arentowicz, Mrs. Dapkins, Committeeman Roshto, Mr. Aroneo, and Mr. Wallisch. Those opposed: Mr. Pfeil.

Mr. O'Brien indicated to the Chairman that the majority had voted yes and the motion carried. Mr. O'Brien then asked the chairman's permission to send a brief memo to Mr. Pidgeon and Ms Reese.

Mr. Connor added it should be with the understanding that there should be a statement in that letter indicating that they have to be consistent with current ordinances on accessory buildings

DISCUSSION ITEM

MASTER PLAN REEXAMINATION REPORT DRAFT

Mr. Connor suggested they move on to the next item which was the Master Plan Reexamination Draft Criteria A, B, C, D, & E. He noted that it was discussed during the last meeting when he wasn't present; however, he had reviewed the DVD version and was now up to date on the conversations that occurred last week. He invited Mr. O'Brien to give the Board an overview of the report. It appeared to Mr. Connor that the report was an up-to-date document that took in not only the comments that were made in the last meeting but carried over comments from previous discussions. He suggested that Mr. O'Brien focus on the new material and not reiterate things that were already discussed. He emphasized that this would not preclude a Board member from asking a question on previous material but that he felt the focus should be on the changes.

Mr. O'Brien thanked the chairman and stated that he distributed to the Board members two updated memos on the 5th of November. He indicated that one was called "Master Plan Reexamination Criteria 'C' discussion items" and the other one was "Criteria 'D' discussion items". These updated the discussions were based on the last meeting with all the material that the Board approved included under those two criteria discussions. That material, along with the Master Plan goals that were discussed earlier this year were placed into a draft Master Plan and Development Regulations Reexamination Report. Mr. O'Brien explained that the date on the cover was December 10th which was the date being scheduled for the Master Plan hearing. Although no feedback is expected tonight, he thought it important to get something in front of the Board members.

Mr. O'Brien then gave an overview of the draft document. During that overview, Mr. O'Brien noted that on page 15, one of the goals was left open because revisions need to be done at some point before this is adopted. At the bottom of page 15, Item G, Historic Preservation, No. 2, some draft language was placed in there in July with the stated intent of revising it based on whatever new developments were coming out of Historic Preservation. He considered it an open item which was why it had been placed in italics. The Board has the opportunity to give some thought before the next meeting as to whether that should be changed and if so, what it needed to be changed to.

Committeeman Roshto explained that the discussion about the Historic Preservation *Commission* came up with the Historic Preservation Advisory Committee which was what is in existence today--a *committee*. After a lengthy review of the benefits and the cons, the Historic Preservation Advisory Committee indicated that there was a resolution in place establishing them as a *committee* and recommended at this point not to change to a *commission*.

Mr. Connor asked if G2 would be drafted.

Committeeman Roshto offered to discuss the benefits of commission over a committee.

Mr. Connor questioned if the committee itself felt that they were comfortable being a committee.

Committeeman Roshto stated that, yes, they were comfortable as a committee.

Mr. Connor noted that they certainly appeared to be functional.

Committeeman Roshto agreed.

Mr. O'Brien suggested that some language concerning the role of the committee might be appropriate.

Committeeman Roshto stated that the committee was interested in formalizing itself as a committee with an ordinance instead of a resolution. He added that the resolution itself was quite detailed and on-line at the township website.

Mr. Connor offered the following phrase: "...to establish a Historic Preservation Committee by ordinance which will..." and read the rest, as a simple change.

Mr. O'Brien asked if this was the Board's wishes.

Mr. Connor asked Committeeman Roshto if this made sense.

Committeeman Roshto stated that everything that was written was already established by resolution so he was unsure if the correct wording was "establish by ordinance" or some other wording that said "we want to move it to an ordinance from the existing resolution". His concern was that the language here may not be consistent with the language in the resolution. He noted that there were similar phrases such as "preparation and maintenance of the historic site and streetscape inventory" which was called the "Historic Site Survey". Using the word "inventory" instead of "survey" might be the types of wording issues of concern although he was not convinced it was necessary to have all the wording in here.

Mr. O'Brien felt that this wording came out of the Municipal Land Use Law but that it would have to be more specific to the township if necessary. However, it would not be a problem.

Committeeman Roshto asked if there should be some wording that created an ordinance against the existing resolution or was it even necessary.

Mr. Hoffman suggested they adopt an ordinance which contained the principle elements of the current resolution.

Committeeman Roshto felt that that was perfect.

Mr. Hoffman asked if the Historic Preservation Committee felt they would have more authority if they were established by ordinance instead of resolution and Committeeman Roshto stated that that was correct.

Mr. O'Brien said that the resolution that created the Historic Preservation Advisory Committee is 96-299 and does have in Section 2 "responsibilities A through F" which could be relisted here along with the language that Mr. Hoffman suggested.

Mr. Connor stated that putting specific responsibilities in the ordinance shouldn't preclude them from having other responsibilities. He was unsure whether specific responsibilities should be in the ordinance.

Mr. O'Brien indicated that there were several listed and the last one, "F", stated "...carry out other such advisory, educational, and informational functions as well promote historic preservation in the township".

Mr. Connor noted that that would be the catch-all for the things not listed which took care of his concerns. He then asked Committeeman Roshto if he was agreeable to putting that in.

Committeeman Roshto suggested that if it were all deleted, the Committee would still continue to function. He felt that the Board was agreeing to remove it all.

Mr. Connor questioned if G2 was then being left out completely.

Mr. O'Brien questioned "as opposed to adopting the ordinance"?

Mr. Connor indicated that they're proposing just to delete G2.

Mr. O'Brien stated further that hence, there was no recommendation to adopt the ordinance formalizing it.

Mr. Connor confirmed that and left the matter up to the Township Committee.

Mr. O'Brien confirmed that the consensus was to take out G2 and make no replacement.

Mr. O'Brien then moved to Section 6 on page 17 of the Master Plan and Development Regulations Reexamination Report draft, Criteria A and B, "Problems and Objective in 2003 and their status today". He explained that he did a recap of the issues that were facing the Township in 2003 and then the current status based upon them. He noted a few external items such as the "State Development and Redevelopment Plan and Affordable Housing" as well as internal items unique to the Township such as the "Voluntary Ban on Sewer Hook-Ups" and the need for additional recreational lands and space, all of which were noted in 2003. It was noted in 2013 that changes had been made over the years to the ordinance which sums up Criteria A and B, all of which was new.

Committeeman Roshto had one question about paragraph 2 of Section 6 where it said, "Recent development within Long Hill Township makes the vast majority of the goals and objectives cited in the 1996 plan still relevant today." He asked what was meant by "recent development"?

Mr. O'Brien explained that things had happened since 2003 when the last reexamination was written. The intent of that sentence was to refer to 2003 and say that the things that had happened since then made the former goals and objectives still relevant. Nothing had changed significantly in those assumptions.

Committeeman Roshto felt the phrase "recent development" inferred that something had changed but upon reading the second half, it sounded like not enough had changed to be relevant.

Mr. O'Brien indicated perhaps it should be rewritten to discuss developments since 2003 and the last reexam.

Mr. Hoffman suggested dropping the word "recent", and use "development which has occurred since...". In addition, he suggested that it be given a date rather than using "recent" as a modifier.

Mr. O'Brien asked if that was acceptable to the Board.

Mr. Connor answered yes.

Mr. O'Brien continued with an overview of the "Master Plan and Development Regulations Reexamination Report" stopping at Section 9, page 26. He stated this was new and in this case was extremely simple since the Township didn't have redevelopment. He explained that "redevelopment" was a specific legal term in the M.L.U.L. that referred to something that had been designated as an area in need of redevelopment as well as designating a redevelopment agency. None of those legal steps had been taken so therefore they did not need to be addressed here other than to say they will not be discussed.

Mr. O'Brien noted that Item 10 concluded the Master Plan Reexamination. He acknowledged that this was a lot to absorb but that his intent was to get it to the Board so that at the next meeting or, at the latest, the meeting after that, everyone would be familiar with it. He also noted that any questions should be sent directly to him and that he would be more than happy to make any editing changes, etc. He indicated that he would list any substantive changes for the Board.

Mr. Arentowicz asked if the elements that have been modified, changed, or approved since 2003 got incorporated and if so, where.

Mr. O'Brien stated that they were part of the Master Plan and they stood so that they were still in effect. This merely gets put on top of them as the latest chapter. Those elements will stand until they were specifically replaced.

Mr. Arentowicz asked if that needed to be recapped somewhere as a list of elements that have been changed or modified or updated since 2003.

Mr. O'Brien stated that they were listed on pages 7 and 8 under Section 4 which is an overview of Master Plan and Zoning. The elements that have been updated since 2003 along with the dates that they were adopted were pointed out at the top of page 8. The goals from those elements were incorporated into the goals outlined in earlier discussions.

Mr. Arentowicz questioned if the dates were correct.

Mr. O'Brien stated yes, to the best of his knowledge.

Mr. Arentowicz pointed out that Meyersville was just presented to the Township Committee within the last year.

Mr. O'Brien explained that those were the ordinances that followed the adoption of the Master Plan.

Mr. Arentowicz was satisfied with that clarification.

Mr. Connor asked if the two elements coming before the Board would be adopted at the same time as the Master Plan.

Mr. O'Brien stated that, as of right now, the plan was to introduce for public hearing all three items on the evening of the 10th of December including Open Space and Conservation. All three items will be noticed; the Reexamination and the two elements, and everyone will receive updated copies which will be available to the public. The county along with the adjoining municipalities must be notified of the Planning Board's intention to hold a public hearing on those items. They will be sent copies as well.

Mr. Hoffman added that it should be published also.

Mrs. Dapkins asked when the public hearing would be held.

Mr. O'Brien answered that it would be held in December. There was a hearing that should have been heard tonight however it had been continued until two (2) weeks from now. Rather than trying to squeeze it in that night, it would be noticed for the 10th of December. But if there is time at the end of the next meeting, Mr. O'Brien requested that the Board members please be prepared to discuss the draft Reexamination so that any comments could be remedied at that time. He assured the Board that all appropriate revisions in this document will be made up until the moment when it is adopted.

Committeeman Roshto asked if it was possible for each Board member to get a complete set of all of the elements, including this Reexamination report at that point so that everyone was satisfied that all were in agreement.

Mr. O'Brien replied that one should have been given to Committeeman Roshto when he joined the Board.

Committeeman Roshto felt that since things have changed, this Reexamination was a new start and from that new start there should be a complete set of all of the current elements and this reexamination report in one.

Mr. O'Brien agreed that after whatever action the Board took, there would be a complete set.

Mr. Connor added that the new ones would be swapped in.

Mr. O'Brien said that the Recreation Element should be coming soon.

Mr. Connor questioned what the status of the Recreation Element was.

Mr. O'Brien stated that he spoke to Ms Scanlon about a month ago and she indicated that they were not ready.

Mr. Connor knew it would not be ready until early next year.

At this point, Mr. Connor wanted to clarify the schedule between now and the end of the year.

Mr. O'Brien indicated that at the next hearing would be the continuation of the Restore Meyersville application which was a site plan application, major preliminary final. He said that if time permits, the draft Reexamination Report could be discussed. At the following meeting, the 10th of December, it will be noticed per the M.L.U.L. for a public hearing on the Reexamination Report as well as the Open Space and Conservation Elements of the Master Plan. He reported that an application was declared complete today and based on the schedule, the first opportunity to hear that would be the first meeting in January.

Mr. Connor pointed out that there is only one meeting in December because there will be no meeting on the 24th.

Mr. Connor summarized that on the 10th of December the Board would be done for the year and then that hopefully they would be done with all the items before the Board, the Master Plan revision, and Restore Meyersville. During the first meeting in January, a new set of items will begin at the changeover Board members.

Mr. O'Brien stated that if the Board follows the schedule, it will complete everything.

Mr. Wallisch asked if the Morristown Road item was still open and Mr. O'Brien replied yes.

Mr. Connor explained that the Board had hoped to get to that this year but unfortunately ran out of time. He then asked for the status update.

Mr. O'Brien replied that a draft had been prepared earlier this year which was reviewed by the applicant's planner and the Board. The application was in good shape and the Board requested further information from the zoning officer which was provided during this past summer. Things stopped at that point because the Board's focus shifted to finishing the Reexamination. Mr. O'Brien felt the application could be finished as soon as it could be placed on the schedule. He further stated that because it was mentioned in the Master Plan, it was not considered in the items to be completed before the end of the year; however it was still an open item.

PUBLIC QUESTIONS OR COMMENTS

Mr. Connor opened the meeting for comments from the public.

William Stroh from Morristown Road expressed confusion as to whether Morristown rezoning was going to be part of the Master Plan or a separate item.

Mr. O'Brien replied that the Master Plan pointed out that Morristown Road was an open item and needed to be done. He also stated that it was an open item for the Planning Board as well. He added that because the application was very close to completion, it was just a matter of getting it on the Board's calendar. Mr. O'Brien explained that there were an unanticipated high number of applications and the Board had pushed back the schedule to take care of the Master Plan which is required by state statute.

Stroh asked if it would become part of the Master Plan.

Mr. O'Brien answered that the fact that it was not done and needed to be done, now enshrined it in the Master Plan and now it was an official act saying that it needed to be done. There were two different tracks: the Master Plan Reexamination and the actual study for Morristown Road and while this is under study, there's no enforcement action being taken..

Mr. Connor asked if there were any other comments from the public. There were none and the session for comments was closed.

Mr. Commor then asked if there were any other agenda items being brought before the Board by Mr. O'Brien.

Mr. O'Brien stated he had nothing further.

Mr. Connor then asked the Board members if there were any other items they wished to bring before the Board.

Committeeman Roshto indicated that Riverside Park had been changed to the Matthew G. Kantor Memorial Park. He referred to the Veteran's Day ceremony that honored Matt. He said that Matt's family came and spoke at the ceremony along with the mayor and a number of leaders. He explained that the Elks donated a new flagpole and a walkway was donated by the fire department. He also noted that there was a new park sign and some shrubbery. He encouraged all the Township residents to view the ceremony on the Township's TV. He felt it was very inspirational.

Mr. Connor agreed and added that it was particularly appropriate on Veteran's Day. In fact, he felt it was the best Veteran's Day ceremony he had ever been to.

Mr. Connor asked if there were any other items.

Mr. Pfeil asked if the Board would consider starting 30 minutes earlier for next year.

Mr. Aroneo was in favor of the earlier start time.

Mr. Connor asked if there were any objections to the earlier start time.

Mr. Hoffman added an observation that in representing municipal boards that start at 7:30 pm, he found that the goal of ending earlier by starting earlier didn't work.

Mr. Connor expressed hope it would allow some of the meetings to end earlier and that starting next year, the Board would consider adopting 7:30 pm. He instructed Ms Kiefer to advise Dawn Wolfe of the change.

Mr. Aroneo clarified that the Board's intention would be to not consider anything past 10:30 pm.

Mr. Connor affirmed that that would be the case.

Mr. O'Brien suggested that this would be placed on the reorganization agenda for the first meeting in January for the Board's consideration.

Mr. Hoffman stated that it could not be adopted now.

Mr. Connor said that it would be adopted during the first meeting in January.

Mr. O'Brien clarified that that meeting would start at 8:00 P.M. and that any time changes would affect subsequent meetings.

Motion was made and seconded to end the meeting at 10:32 P.M.

CYNTHIA KIEFER
Planning and Zoning Secretary