

AMENDED MINUTES

JANUARY 14, 2014

PLANNING BOARD

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

Ms. Kiefer called the meeting to order at 8:04 P.M. She 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

OATH OF OFFICE

Ms. Kiefer then administered the Oath of Office to reappointed members Mayor Guy Piserchia, Guy Roshto, Ashish Moholkar, Gregory Aroneo, Timothy Wallisch, and newly appointed First Alternate, David Hands.

ROLL CALL

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

Excused:

- J. Alan Pfeil, Member
- Guy Piserchia, Mayor
- Suzanne Dapkins, Member
- Ashish Moholkar, Member
- Guy Roshto, Member
- Gregory Aroneo, Member
- Timothy Wallisch, Member
- David Hands, 1st Alternate

Brendan Rae, Mayor’s Designee

- Daniel S. Bernstein, Bd. Attorney
- Kevin O’Brien, Twp. Planner
- Thomas Lemanowicz, Bd. Engineer

Ms. Kiefer then opened the nominations for Chairman for the year 2014. Committeeman Roshto nominated Mr. Pfeil and the nomination was seconded by Mayor Piserchia. She asked if there were any further nominations. There being none, a Voice Vote was taken and Mr. Pfeil was unanimously elected as Chairman for 2014. Ms. Kiefer congratulated Chairman Pfeil and handed the gavel to him.

Chairman Pfeil opened the nominations for Vice Chairman. Mayor Piserchia nominated Mrs. Dapkins and Committeeman Roshto seconded the nomination. A Voice Vote was taken and Mrs. Dapkins was unanimously elected as Vice Chairwoman. Ms. Kiefer congratulated Mrs. Dapkins.

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8. APPLICATION REVIEW COMMITTEE

Chairman Pfeil requested volunteers for the Application Review Committee. Mr. Moholkar and Mr. Wallisch volunteered to remain on the committee for the next year. Mr. Aroneo volunteered to be an alternate.

9. ADMINISTRATIVE SITE PLAN WAIVER SUBCOMMITTEE

Chairman Pfeil requested volunteers for the Administrative Site Plan Waiver Committee. He volunteered to remain on the subcommittee for another year. Mrs. Dapkins volunteered to join the subcommittee and Committeeman Roshto volunteered to be an alternate.

10. ORDINANCE REVIEW SUBCOMMITTEE

Chairman Pfeil requested volunteers for the Ordinance Review Subcommittee. Committeeman Roshto volunteered to remain on the subcommittee and Mr. Aroneo volunteered to remain as an alternate. Mr. Hands and Chairman Pfeil volunteered to join the subcommittee.

Committeeman Roshto noted that there was one other committee last year, the Millington Subcommittee and asked if that subcommittee would continue. Chairman Pfeil replied affirmatively. He noted that that the chairman of that subcommittee, Charles Arentowicz, was no longer on the Planning Board. Committeeman Roshto volunteered to remain on the subcommittee and he then nominated Committeeman Rae to join the subcommittee. There was no alternate.

11. PLANNING & ZONING ADMINISTRATOR’S APPOINTMENT

BE IT RESOLVED by the Planning Board of Long Hill Township that Dawn V. Wolfe is appointed Planning & Zoning Administrator of the Planning Board until the Organizational

Meeting of January, 2015. The Planning & Zoning Administrator will hold office hours at Town Hall, 915 Valley Rd., Gillette, N.J., Mondays, Tuesdays and Thursdays 8:30 A.M. to 4:30 P.M., Wednesdays 8:30 A.M. to 6:30 P.M. and Fridays 8:30 A.M. to 2:30 P.M.

12. PLANNING BOARD SECRETARY'S APPOINTMENT

BE IT RESOLVED by the Planning Board of Long Hill Township that Cyndi Kiefer be appointed Secretary of the Planning Board until the Organizational Meeting of January 2015. The Planning board Secretary will work a minimum of 25 hours per week including all night meetings of the Planning Board.

13. ATTORNEY'S APPOINTMENT

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

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

WHEREAS, the Law Firm of Bernstein & Hoffman has submitted a proposal dated December 12, 2013 indicating that it provide the legal services at a rate of Five Hundred and Fifty (\$550.00) Dollars (or \$183.33 per hour) for attendance at meetings, and an hourly rate of \$162.00 for other types of legal services including those embraced hereinabove and those set forth above in Items (a) – (e); and

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

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

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

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

1. A professional services contract with Bernstein & Hoffman, Attorneys at Law, 2253 South Avenue, Suite 8, Scotch Plains, N.J. 07076 is hereby authorized.
2. The Board Chairman and Planning & Zoning Administrator are authorized to sign a professional service contract with Bernstein & Hoffman, in accordance with the following terms and conditions:
 - A. Term: A period not to exceed 12 months
 - B. Rate: \$550.00 (or \$183.33 per hour) per meeting and \$162.00 per hour for other legal services as stated in Items (a) – (e) above
 - C. Services: The firm shall provide professional legal services
3. The Planning & Zoning Administrator, in accordance with the provisions of N.J.S.A. 40A:11-5 (1)(a)(i), is directed to publish a notice once in the Echoes-Sentinel stating the nature, duration, service and amount of this contract.
4. The Planning & Zoning Administrator shall make copies of this Resolution available for public inspection at the Municipal Building, 915 Valley Road, Gillette, New Jersey, during regular business hours.
5. This contract shall be charged to 14-01-21-180-180-236. The certification of available funds by the Township Chief Financial Officer shall be attached to the original Resolution and shall be maintained in the files of the Planning & Zoning Administrator.
6. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.

14. PLANNING CONSULTANT'S APPOINTMENT

WHEREAS, the Long Hill Township Planning Board requires professional planning services which shall include but not be limited to attendance at Application Review Committee

Meetings prior to regularly scheduled Board meetings, attendance at Board Meetings; field work, research and writing; and any other task assigned by the Planning Board; and providing advice as a non-fair open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, the firm of Shamrock Enterprises, Ltd. has submitted a proposal dated December 10, 2013 indicating they will provide the planning services at a rate of Five Hundred and Fifty (\$550.00) Dollars per meeting; and an hourly rate of \$125.00 for all other planning services, including field work, research and writing; and any other task assigned by the Board; and

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

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

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

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

1. A professional services contract with Shamrock Enterprises, Ltd., Madison House, 866 Madison Ave., Rahway, N.J. 07065 is hereby authorized.
2. The Board Chairman and Planning & Zoning Administrator are authorized to sign a Professional service contract with Shamrock Enterprises, LTD., in accordance with The following terms and conditions:
 - A. Term: A period not to exceed 12 months
 - B. Rate: Meeting rate of \$550.00; and \$125.00 per hour for all other work including field work, research and writing and any other task assigned by the Board
 - C. Services: The firm shall provide professional planning services
3. The Planning & Zoning Administrator, in accordance with the provisions of N.J.S.A. 40A:11-5(1)(a)(i), is directed to publish a notice once in the Echoes-Sentinel stating the nature, duration, service and amount of this contract.
4. The Planning & Zoning Administrator shall make copies of this Resolution available for public inspection at the Municipal Building, 915 Valley Road, Gillette, New Jersey during regular business hours.
5. This contract shall be charged to 14-01-21-180-180-221. This certification of available funds by the Township Chief Financial Officer shall be attached to the original Resolution and shall be maintained in the files of the Planning & Zoning Administrator.
6. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.

15. ENGINEER'S APPOINTMENT

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

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

WHEREAS, Remington, Vernick & Arango Engineers has submitted a proposal dated December 9, 2013 indicating they will provide engineering services at a rate of One Hundred Eighty Three Dollars and Thirty Three Cents (\$183.33) per hour to attend night meetings. An hourly rate of One Hundred and Twenty Five Dollars (\$125.00) will be billed for engineering services for all other work including field work, research writing, and any other task assigned by the Board;

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

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

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

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

1. A professional services contract with Remington, Vernick & Arango Engineers, 300 Penhorn Avenue, 3rd Floor, Secaucus, NJ 07094 is hereby authorized.
2. The Board Chairman and Planning & Zoning Administrator are authorized to sign a professional service contract with Remington, Vernick & Arango Engineers, in accordance with the following terms and conditions:
 - A. Term: A period not to exceed 12 months
 - B. Rate: \$183.33 per hour to attend night meetings; and \$125.00 per hour for other engineering services as stated above.
 - C. Services: The Firm shall provide professional engineering services.
3. The Planning & Zoning Administrator in accordance with the provisions of N.J.S.A. 40A:11-5(1)(a)(i), is directed to publish a notice once in the Echoes-Sentinel stating the nature, duration, service and amount of this contract.
4. The Planning & Zoning Administrator shall make copies of this Resolution available for public inspection at the Municipal Building, 915 Valley Road, Gillette, New Jersey during regular business hours.
5. This contract shall be charged to 14-01-21-180-180-237. The certification of available funds by the Township Chief Financial Officer shall be attached to the original Resolution and shall be maintained in the files of the Planning & Zoning Administrator.
6. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution

Chairman Pfeil asked for comments or discussion from the Board on Items 11 through 15 on the Agenda (Planning and Zoning Administrator's Appointment, Planning Board Secretary's Appointment, Attorney's Appointment, Planning Consultant's Appointment, Engineer's Appointment) as listed below. There being none, he asked for a motion to approve these items in a single vote. Mr. Wallisch motioned and Mrs. Dapkins seconded. A Role Call Vote was taken. Those in favor: Mayor Piserchia, Mrs. Dapkins, Mr. Moholkar, Committeeman Roshto, Mr. Aroneo, Mr. Wallisch, and Chairman Pfeil. Those opposed: None. Motion passed.

16. MEETINGS – EXECUTIVE AND REGULAR

Chairman Pfeil stated that at the end of last year, there had been discussions and agreement by the Board to start the meetings at 7:30 P.M. and end them at 10:30 P.M. He asked if that was still the will of the Board even though the calendar had been published stating 8:00 P.M. as the start time. The Board agreed that it was.

Mrs. Dapkins asked if there was enough time to advertise. Since the next meeting (January 28, 2014) was already scheduled for 7:30 P.M., it was determined that there was adequate time to advertise the subsequent meetings.

Chairman Pfeil then asked to amend Item #16, "Meetings – Executive and Regular" to read "...all regular meetings will begin at 7:30 P.M..." and "...dates as listed below at 7:30 P.M..." Also, the change to 7:30 P.M. was made to the next paragraph, "2014 Planning Board Calendar."

Ms. Kiefer noted that one of the meetings was scheduled for November 11, 2014 which is Veteran's Day and a holiday. It was the consensus of the Board not to change the date.

2014 PLANNING BOARD CALENDAR

All meetings to begin at 7:30 PM unless otherwise noted below:

January 14, 2014 – Organizational Meeting	
January 28 – 7:30 P.M	July 8
February 11	August 12
February 25	September 9
March 11	September 23

March 25
April 8
April 22
May 13
May 27
June 10
June 24

October 14
October 28
November 11
November 25
December 9

17. ROBERT'S RULES OF ORDER

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

18. CALENDAR ORDER OF BUSINESS

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

19. NOTICE OF PUBLICATION

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

1. Courier News
2. Echoes-Sentinel

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

20. NOTICE OF MEETINGS

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

21. MINUTES

BE IT RESOLVED by the Planning Board of Long Hill Township that the minutes

of the regular public meetings shall be sent to the Planning Board members and that a copy of said minutes be posted at the Town Hall. By this procedure and/or the unanimous agreement of the Board Members, the reading of said minutes shall be waived. Copies shall also be sent to the Planning Board Attorney, the Township Engineer, the Township Planning Consultant, and the Long Hill Township Library.

The CD recordings of all public meetings of the Planning Board shall be retained for two years from the date of said meeting or until after the conclusion of the appeal time or the conclusion of any litigation, whichever is later. Arrangements for transcripts can be made through the Planning & Zoning Administrator.

The cost of providing copies of audio recordings of meetings to any person desiring the same will be as determined by Township Ordinance.

22. MEMBERSHIP

BE IT RESOLVED by the Planning Board of Long Hill Township that the Board approves the application for membership for 2014 in the New Jersey Planning Officials at the established annual fee for 2014.

Chairman Pfeil then asked based on those changes, for a single motion to approve Agenda Items 16 through 22 (Meetings – Executive and Regular, Roberts Rules of Order, Calendar Order of Business, Notice of Publications, Notice of Meetings, Minutes, and Membership) as follows. A motion was made by Mrs. Dapkins and seconded by Mr. Wallisch. A Roll Call Vote was taken. Those in favor: Mayor Piserchia, Mrs. Dapkins, Mr. Moholkar, Committeeman Roshto, Mr. Aroneo, Mr. Wallisch, and Chairman Pfeil. Those opposed: None. Motion passed.

23. 2014 BUDGET

Chairman Pfeil asked if there were any questions concerning the budget. He asked Ms. Kiefer if the budget had been prepared by Dawn Wolfe, Planning and Zoning Administrator, and Christopher Connor, Planning Board Chairman 2013, and she replied that it was with the assistance of Neil Henry, Administrator. He then noted an increase in the budget for “Education/Training” and asked for the reason.

Several board members pointed out that there were mandatory courses for members. Chairman Pfeil asked Ms. Kiefer to check with Mrs. Wolfe for details.

Mr. Hands asked if the actuals for 2013 were in line with the 2013 budget.

Mr. O’Brien stated that the actuals were available to Mrs. Wolfe, Mr. Connor, and Mr. Henry.

Mr. Hands asked if, based on that, the budget is firm for 2014.

Mr. O’Brien stated that we could assume that and that would be standard procedure for our staff.

Chairman Pfeil asked if there was any further discussion on the budget for 2014. There being none, he asked for a motion to approve. Mr. Wallisch motioned and Mr. Moholkar seconded. A Roll Call Vote was taken. Those in favor: Mayor Piserchia, Mrs. Dapkins, Mr. Moholkar, Committeeman Roshto, Mr. Aroneo, Mr. Wallisch, and Chairman Pfeil. Those opposed: None. Motion passed.

23. MEETING CUT-OFF

Chairman Pfeil stated that since the meeting start time was moved to 7:30 P.M., the cut-off time should be amended to read, “...not to continue any matter past 10:30 P.M...” He asked if there was any discussion on the amended time. There being none, he asked for a motion to approve. Mrs. Dapkins motioned and Mr. Moholkar seconded. A Voice Vote was taken and the motion passed unanimously.

25. APPROVAL OF MINUTES

Chairman Pfeil stated that there were four (4) sets of minutes to approve.

Mrs. Dapkins noted that in the May 14, 2013 minutes, page 11, paragraph 11, it should read, “...then *she* agreed with them.”

The amended minutes of May 14, 2013 were approved on motion by Mr. Wallisch and seconded by Mrs. Dapkins. Mayor Piserchia abstained as he was not present at the meeting. Mr. Hands abstained as he was not a member of the Board at that time.

The minutes of November 26, 2013 were approved as written on motion by Mr. Moholkar and seconded by Mr. Wallisch. Voice vote was taken. Mayor Piserchia abstained as he was not present at the meeting. Mr. Hands abstained as he was not a member of the Board at that time.

The minutes of December 10, 2013 were approved as written on motion by Mrs. Dapkins and seconded by Committeeman Roshto. Voice vote was taken. Mayor Piserchia abstained as he was not present at the meeting. Mr. Hands abstained as he was not a member of the Board at that time.

The minutes of December 17, 2013 were approved as written on motion by Committeeman Roshto and seconded by Mr. Aroneo. Voice vote was taken. Mayor Piserchia abstained as he was not present at the meeting. Mr. Hands abstained as he was not a member of the Board at that time.

26. PUBLIC QUESTIONS OR COMMENTS

Chairman Pfeil opened the meeting to the public for questions or comments on any items that were not included on the agenda. There being none, he closed the meeting.

27. RESOLUTION OF MEMORIALIZATION

DAVID CARN
343 Somerset Street
Block 11605, Lot 7

#13-10P
Minor Site Plan

Chairman Pfeil asked if there were any comments from the applicant on the resolution.

David Carn, 128 Old Forge Road, Millington, applicant, questioned one of the conditions set forth by Mr. Lemanowicz in his letter dated 12/24/13 (Condition 2e: “While a handicapped accessible parking space is shown, as

is the required signage, the plan does not show the required access aisle that is required to be provided next to the accessible space.”). He stated that the township ordinance does not contain any provisions for an access aisle.

Mr. Carn reminded the Board that his business does not have any visitors whatsoever during the day. He stated that that the entire application process had been costly and disturbing to him. His parking lot only contained his car and his van whereas there were high traffic lots in town such as Biagio’s with no striping. He also noted that in the Stirling Diner parking lot, the Handicapped Parking sign is attached to a tree with no blue lines or five (5) foot access aisle with “hundreds of visitors each day” while he has no visitors. He asked for an explanation or relief.

Mr. Lemanowicz stated that the Americans with Disabilities Act (A.D.A.) supersedes municipal ordinances. In this case, there had been discussion that the current ordinance does not match the current A.D.A. and is outdated. The A.D.A. takes precedence and it requires a certain dimensioned space with a certain dimensioned hatched aisle next to it. Mr. Lemanowicz stated that since the A.D.A. is a federal law, this situation is not one that the Board could waive even if they chose to.

Mr. Carn said that in his efforts to be compliant with the conditions set forth by the Board, he had used the ordinance as stated on the township’s website. Township Ordinance Section 151.1b states that the space is required to be 12’0” wide and he had exceeded that width. There is nothing in the ordinance on the website concerning a five (5) foot aisle. He stated that he is in compliance as the ordinance is written on the website and that if the ordinance is not in sync with the current law, there should be a notation on the website.

Mr. Bernstein affirmed that this was a legitimate and valid comment.

Chairman Pfeil agreed that such a notation could be placed on the website. In addition, the matter would be brought up at the Ordinance Review Subcommittee.

Committeeman Roshto, a member of that subcommittee, indicated that he had made a note to review the ordinance.

Mr. Lemanowicz stated that in reference to the other businesses mentioned by Mr. Carn, the Board could only act when that business was before the Board.

There was further discussion on the issue between Mr. Carn and Mr. Lemanowicz.

Mr. Bernstein stated that he agreed that there should be a notation on the website to prevent situations such as this from arising in the future, however, the township does not have the right to waive the federal standard.

Mr. Carn was concerned that he would have to return later in the spring to have the resolution memorialized.

Mr. Lemanowicz stated that all the conditions did not have to be met in order to have the resolution memorialized. He added that, normally, a resolution is memorialized *with* conditions and once those conditions are met, the final Certificate of Occupancy (C.O.) would be issued.

Mr. Carn stated that it would be late spring before he could re-stripe the space and get his C.O.

Mr. Lemanowicz indicated that there was no necessity for a new survey. The proposed proper striping could be shown on the existing plan.

Mrs. Dapkins asked if there could be a temporary C.O.

Mr. Bernstein indicated that if all the other conditions were satisfied, it was an option the Board could entertain.

Mr. O’Brien stated that the fact that the all conditions are not met is not a reason to hold up the resolution. In fact, conditions are usually met after the resolution is approved because the resolution should be finalized before anyone takes action.

Mr. Carn stated that that was untrue. He felt he had sixty (60) days from the last meeting (10/22/13) to meet the conditions.

Mr. Lemanowicz explained that that was because Mr. Carn had requested permission to park the cars right away. The sixty (60) day time limitation would not start until the adoption of the resolution which would be tonight.

Mr. Carn stated that he could not meet that deadline since it would be too cold to stripe.

Mr. Bernstein stated that the Board could recommend that, once all conditions are satisfied except the painting of the handicapped lines, the construction official issue a temporary C.O.

Mr. O’Brien stated that the resolution could be amended to allow the striping to be done at a later time, such as 120 days from the date of the resolution.

Chairman Pfeil noted that there were no objections from the Board or the applicant. He asked for a motion to approve the Resolution of Memorialization subject to the change from 60 days to 120 days for the striping. Mrs. Dapkins motioned and Mr. Wallisch seconded. A Roll Call Vote was taken. Those in favor: Mrs. Dapkins, Committeeman Roshto, Mr. Wallisch, and Chairman Pfeil. Those opposed: None. Mayor Piserchia and Mr.

Aroneo abstained as they were not present for the October 22, 2013 meeting. Mr. Moholkar recused himself. Mr. Hands abstained as he was not a member of the Board when the application was initially heard in October.

Mr. Moholkar suggested that the Board investigate if there are other federal agencies that could supersede township ordinances and if so, it should be noted on the website to prevent a future instance such as this one.

28. MEADOWVIEW AT MILLINGTON

Cooper Lane
Block 12101, Lots 3.01-3.thirty-three (33)

#13-09P
Minor Site Plan

Chairman Pfeil advised the applicant on the procedures that would be followed. The Board would ask questions of each witness and then the meeting would be opened up to the public for questions of that witness.

Carol Record, attorney with **Hill Wallack LLP**, 89 Headquarters Plaza, Suite 1428, Morristown, New Jersey, stated that she would be representing the applicant at this meeting. She described Meadowview at Millington as a condominium community of thirty-three (33) units. The application this evening was a Minor Site Plan Approval for the installation of natural gas generators by individual unit owners upon request. It was decided to pursue the approval in this manner to alleviate the possibility of having to appear before this Board thirty-three (33) times.

Ms.. Record added that bulk variances for insufficient side yard setbacks for Buildings 1 through 5 were also being sought. Fifty (50) feet is required and could not be provided should this application be granted.

Ms.. Record explained that in a Condominium Association, unit owners own the space considered to be the unit as defined in the Master Deed. The exterior of the buildings and the grounds are considered common elements. There are no individual lots. The unit owners own their certain percentage interest in the common element together with everyone else in the community. The Association is obligated to maintain these common elements and therefore has the legal authority to make the application.

Ms.. Record stated that Marie Quinn, President of the Condominium Association, would be the sole witness.

The professionals and Mrs. Quinn were sworn in at this time.

Ms. Quinn, Cooper Lane, Millington, stated that she had submitted all the required documentation and attended several meetings with Mr. O'Brien and Mr. Lemanowicz. During Hurricane Sandy and the previous storm, the condominium complex lost power for eight (8) days and nine (9) days, respectively. She explained that a lot of food was lost and that it was extremely cold. She felt it was very dangerous.

Ms. Quinn explained that the complex consisted of thirty-three (33) units, side by side. There is no one living above or below each unit. There are five (5) buildings, each with a different number of units. Many of the residents are single people who live alone. There is one resident who has a special needs child and without power, she can not provide the necessary care this individual requires. There are numerous older residents.

Ms. Quinn stated that the biggest danger during the power outage is that people fall in the dark. If that were to happen to those residents who live alone, it might not be discovered for some time and she felt that it was unsafe.

Ms. Quinn noted that during the vortex of the past week, her pipes froze along with those of many other residents. Fortunately, they did not break however, if there had been an extended outage, it could have caused significant damage.

Ms. Quinn felt very strongly that, as President, she had an obligation to have a process in place should any owner want to install a generator to ensure that it was done appropriately and that all regulations were adhered to. She wanted to make certain that their Property Modification Process for the (condominium) Board would have specific requirements that must be fulfilled by the townhome owners in order to approve these requests. She was concerned that some owners would try to handle this on their own. During the last outages, gasoline generators were running and they do not want generators fueled with gasoline on the property. She wanted to ensure that buildings and people were protected.

At that point, Ms. Quinn noted that she had prepared a twenty-six (26) page presentation which was distributed earlier to each board member. She asked if the Board wanted to proceed page by page or in some other manner.

Chairman Pfeil asked Mr. O'Brien to give the Board an overview of the issues connected with this application with respect to the site plan and to get an understanding as to why a bulk variance was required.

Mr. O'Brien stated that this was a unique application. After significant discussions on a township level, it was decided that all such applications involving these types of associations should be treated as Minor Site Plans and come before the Planning Board for approval. Any accompanying variances would be heard by the Planning Board. In this case, the application went through a process to decide what process would be used to allow generators, should the Board act favorably on the application. Various conditions such as location were discussed and chronicled in Mr. Lemanowicz's and his reports. Zoning Officer, Thomas V. Delia suggested that they use the zoning requirements for air conditioners since they were similar to generators in many aspects.

Mr. O'Brien noted that, as stated by Ms. Quinn, not all thirty-three (33) unit owners were likely to want generators but he felt it would be advantageous to have an envelope on the site plan for each of the thirty-three (33) units for

where the generator should be placed. That way it would be in a particular spot within a small envelope on the site plan and would meet certain criteria that have been laid out in Mr. Lemanowicz's report. It should be considered by the Board since there are issues of safety, placement, and impact to neighbors. This would create the quickest and fairest process for the homeowner.

Mr. Bernstein asked if it would be advisable to have the professionals go over the conditions that they felt were appropriate and then the applicant could respond as to whether she felt they were fitting.

Chairman Pfeil agreed. He added that he felt it would be extremely expensive to have thirty-three (33) individual units and asked if it would be more cost effective to have one (1) unit for each building.

Ms. Quinn stated that first of all, they were looking at natural gas generators which create approximately the same noise level in decibels as an air conditioner and there are thirty-three (33) air conditioners on the property. The generators would run only during those periods of power outages.

Ms. Quinn said they had decided against the concept of one (1) generator for each building for several reasons.

First, it would force people to invest in something that they might not want and, hence, be an unfair financial burden to those people.

Ms. Quinn stated further that each unit is essentially a single family dwelling with its own individual utilities and bills. There is nothing shared except the common element maintenance. This would represent an unfair financial burden on those who do not want a generator.

Committeeman Roshto asked Mr. O'Brien if passing the site plan would prevent the applicant from implementing a "one (1) generator per building" concept should the owners of that building decide that it was appropriate for them.

Mr. O'Brien stated that currently that would not be an option however the applicant could come back and amend the site plan if she wanted to eliminate the individual envelopes designated for the units associated with that building. That single unit would still be subject to the conditions of placement, etc.

Mr. Hands said that if this application were to be approved, a group who wanted a consolidated unit would have to go through the entire process again and appear before this Board.

Mr. O'Brien explained that any decision made by the Board can be amended by the Board at a future date.

Chairman Pfeil asked for an explanation as to why a variance would be required.

Mr. O'Brien explained that a variance was required for insufficient setbacks. The envelope for each unit would violate front yard setbacks. He pointed that the front yard of this property is actually the rear yard of residences facing Division Avenue in some cases.

Mr. Lemanowicz added that there are front yard and side yard issues. Generally, what was being proposed was 7500 watt natural gas generators that are placed near each building. *Some* of the generators would be in the required setback. The Board must decide if it will allow these generators in the required setback area.

Chairman Pfeil asked if the setback was fifty (50) feet.

Mr. Lemanowicz replied that it was.

Chairman Pfeil asked why it was not ten (10) feet for an accessory structure.

Mr. O'Brien replied that this was considered part of the house. It would be accessory to the main building but it would not be an accessory structure like a shed.

Mr. Moholkar asked, if a generator is similar to an air conditioner in terms of noise and how is it treated by zoning and could they be placed near the existing air conditioners.

Mr. Lemanowicz answered that there would be issues with codes to be dealt with. For example, placement from a window, doorway, or other mechanical would be under construction department review.

Mr. Moholkar stated that if the air conditioners had already met setback requirements and the generators could be placed near them, they could potentially meet the setbacks also. He recognized that there were other requirements, particularly concerning safety that might preclude that placement.

Chairman Pfeil asked Mr. O'Brien to describe the setback issues.

Mr. O'Brien began by stating the zoning setback is fifty (50) feet in this case. There is a construction code requirement that the generator be no closer than five (5) feet from any opening into a structure along with an additional requirement for separation from the air conditioning unit.

Chairman Pfeil asked if there is any requirement for distance from decks.

Mr. O'Brien answered that the decks are considered structures so there must be separation from them as well. The actual figures are individual and depend on the unit.

Mr. Lemanowicz stated that these requirements are building codes. The Board would need to decide if the proposed setback values are agreeable.

Mr. Lemanowicz had several comments. He wanted clarification that each generator would have its own service from the unit and that there would be no new piping around the building.

Ms. Quinn affirmed that the gas meter and lines were in existence for each unit. She noted that she has a natural gas line to her grill since propane and charcoal are prohibited on the property.

Mr. Lemanowicz made a second comment. The rear of the buildings face residential units and he suggested that, where possible, the generators be placed on the sides of the end units to reduce any noise that might bounce off the buildings towards the adjacent property owners. That might result in an additional variance requirement. It would be possible that the generator could be seen from the street however, the property is heavily landscaped.

Mr. Lemanowicz's third comment concerned exercising the generators. He noted noise ordinances were waived during emergencies however in respect to exercising the generators during times when there was no emergency, he suggested that a time restriction be placed on exercising it or running it after a repair. Monday through Friday between 10:00 A.M. and 4:00 P.M. excluding holidays seemed appropriate to him.

Mr. Aroneo suggested that it might make sense to stagger those exercises so that all thirty-three (33) units would not be potentially running at the same time.

Mr. O'Brien explained that noise levels do not increase if multiple units are running. It would not be cumulative.

Mr. Lemanowicz wanted confirmation that the generators would be fueled by natural gas since the generator information indicated it could be either natural gas *or* propane.

Ms. Quinn confirmed that propane is not allowed on the property. She added that the homeowners would have to apply to the Condominium Association's Property Modification Approval process and then present that approval to the township in order to apply for a permit.

Mr. O'Brien stated that part of the Planning Board's approval would require that the Condominium Board's approval be given to the township construction official to demonstrate that they had met the requirements of the association.

Mr. Lemanowicz recommended that there be a stipulation that utility connections, whether they are natural gas going into the generator or electricity going out of the generator, be underground.

Ms. Record stated that that was acceptable.

Mr. Lemanowicz stated that if the Board approved the application as it stood, only the generator stipulated could be used. He expressed concern that there would be an issue if that model were to be discontinued. He suggested that there be some wording specifying that the generator be equivalent.

Ms. Quinn was agreeable to that.

Committeeman Roshto suggested that the words "at or below the decibel level" be added.

Ms. Quinn clarified that the generator would only be capable of powering heat, lights, and the refrigerator. It would not be capable of running air conditioners in the summer. In order to wash clothing, the resident would have to shut off the refrigerator. The Condominium Association would not allow anything greater than that. This would be for safety issues such as frozen pipe bursting, falling in the dark, and food spoilage.

Mr. Lemanowicz's last comment, pending approval, was just a reminder that the owner must secure all applicable permits from the construction office prior to installation.

Ms. Record stated that that was acceptable.

Mr. Bernstein clarified that the Board could give zoning approvals however the owner must still meet construction requirements and codes.

Ms. Quinn wanted to discuss the placement of generators on the sides of the buildings. She preferred that they be placed behind the buildings by the air conditioners since they share similar characteristics. She felt they could not be placed on the side for everybody and it would have to be a case by case basis.

Mr. Lemanowicz felt that could be handled at the construction permit phase.

Mr. Bernstein suggested that, assuming the application was approved, individual envelopes could be set up. In addition, one large envelope could be created for each main building, as Chairman Pfeil suggested, if the owners decided they wanted a group effort.

Mr. Lemanowicz said that, pending the Board's approval of the application, he could walk the site and recommend a side mount or a rear mount based upon the grading or the Board could defer to the construction official at the time of permit.

Mr. O'Brien suggested that a global setback number be created, if there was a favorable vote. That number would be applied to the site plan along with the other required setbacks on an individual basis and generate an envelope for the construction official.

Mr. Hands stated that unlike air conditioners where the closer to the house the higher the efficiency, generators could be placed twenty (20) or thirty (30) feet away from the house.

Mr. O'Brien explained that it would not be placed that far away from a house since it would have to be tethered with the utilities to the building. The houses are located right up against the setback line.

Mr. O'Brien added that at the conclusion of this process, there would be a site plan with thirty-three (33) individual boxes on it that would show where the individual units could be located. Should the Board be inclined to consider Mr. Bernstein's recommendation to add a group location that could be done also.

Mr. Bernstein stated he felt that that would provide an alternative so that a group would not have to appear again before the Board.

Mr. Hands asked if, once the placement envelopes were developed, the Condominium Association would hold to those areas as opposed to coming back to alter the placement.

Chairman Pfeil asked, in terms of relief from the fifty (50) foot setback, what would be the appropriate number.

Mr. O'Brien recommended forty (40) feet.

Chairman Pfeil asked how far away from the deck would the envelope have to be.

Mr. O'Brien stated that they would confer with construction.

Chairman Pfeil pointed out that in Building 1, Unit 1, the deck is thirty-nine (39) feet from the property line so that would be a location where the generator would be placed on the side.

Chairman Pfeil stated that Units 4 and 5 are located at forty-five (45) feet and if there is a five (5) or ten (10) foot distance requirement from the deck, the placement envelope would be inside forty (40) feet.

Mr. Lemanowicz referred to Building 1, Unit 1, and said the envelope could be placed to the right of the deck and still be forty (40) feet.

Chairman Pfeil affirmed that the relief requested would be from fifty (50) feet to forty (40) feet. He asked for testimony supporting the granting of a variance.

Mr. O'Brien stated the Board had heard that are reasons that pertain to the matrix of various setbacks that have to be considered. The setbacks from the existing structures, the setbacks from the front, side, rear yard, the setback from an air conditioner, the setback from any opening in the building, all of which have to be put together in order to come up with an individual envelope. In terms of proofs for the required bulk variance on this, the applicant would want to make the argument that this could be both a "c1" and a "c2" requirement. A "c1" means that there is a hardship based upon the size and shape of the land. Because of the layout of the buildings many of which are right up against the setbacks, it limits the amount of space that these could be placed in. The applicant could also make the argument that there is a "c2" aspect in that the benefits outweigh the detriments by providing for the public health and public good, the safety and welfare of the residents, and their wellbeing in times of emergency.

Mr. Bernstein clarified that under "40:55D, c1 C", the placement of the buildings would preclude in many instances having the generators with the fifty (50) setback as is the current requirement and therefore the variances are required.

Mrs. Dapkins asked Mr. O'Brien if additional variances would be required if side placement is permitted and how would that be handled.

Mr. Lemanowicz stated that they would go to the site to determine the envelopes and make a decision at that point as to if they could be moved to the side. If the Board grants the forty (40) foot setback as may be required by the configuration, they could be brought around and the variance not used.

Mrs. Dapkins asked what if a variance *was* required.

Mr. Lemanowicz stated that that was part of this discussion as Mr. O'Brien just went through the proofs that the applicant would be making for the variance.

Mrs. Dapkins stated that she hadn't heard the applicant do that yet.

Mr. Bernstein said that the applicant did not have a planner or engineer and sometimes in a case like this, the Board's planner is asked to supplement the record.

Committeeman Roshto clarified that there were a total of thirty-three (33) units, twenty-eight (28) of which meet the fifty (50) foot setback and five (5) of which do not.

Mr. O'Brien said that pertained to the buildings themselves.

Committeeman Roshto asked if the setback was changed to forty (40), would all thirty-three (33) meet the setback.

Mr. Lemanowicz stated that the variance would reduce the setback for the generators *only*.

Committeeman Roshto asked if all thirty-three (33) units would meet a forty (40) foot setback.

Mr. O'Brien affirmed that they would have to.

Mr. Moholkar questioned if the generator locations as they are shown on the plan, were provisional and hence, not evaluated in terms of safety or any of the code related issues.

Mr. O'Brien stated that the locations were not final. They would have to be adjusted to meet all the criteria.

Mr. Moholkar asked if forty (40) feet would be sufficient and if these would be locations that would not be overridden.

Committeeman Roshto asked if any of the five (5) units that were under discussion was located near a single family home.

Mr. Lemanowicz referred to aerial photographs in the package that the board members received.

Chairman Pfeil noted that Lot 16, Lot 31, and Lot 4 had single family homes located on them.

Mr. O'Brien stated that this was one of the reasons that he suggested that the vents not face outward towards any adjoining properties. They would face whichever direction was appropriate for each envelope.

Chairman Pfeil asked for testimony from the applicant's attorney relative to these hearings.

Ms. Record said that as stated by the township's consultants, there are not many places for these generators to go. The buildings are there and have been there for quite some time. She noted that the applicant would be willing to abide by whatever determination is made but because of the physical characteristics of the community, they could only be placed in limited areas.

Ms. Record stated that the applicant felt strongly that there would be no detriment to this. The noise level would be minimal and not cumulative as stated before. For purposes of the residents of the community these are safety issues. As Ms. Quinn stated, there are elderly residents living alone, residents who have children with special needs and the generators would be there for the preservation of property, medication that requires refrigeration, and food spoilage. For these reasons along with the reasons stated by the municipal professionals, she felt that the variances should be granted.

Mr. Bernstein suggested that a resolution be prepared and incorporate the conditions of the professions. It would then be sent to the applicant's attorney. He also suggested a maximum of sixteen (16) square feet for the groundcover. The plans would be further refined given all the conditions by Mr. O'Brien and Mr. Lemanowicz.

Mr. Bernstein verified that the applicant had seen the professionals' memos and advised her that their recommendations would be made conditions. He asked if there any of those conditions that the applicant could not live with.

Ms. Record stated that the option to allow propane was unacceptable to the applicant.

Mr. Bernstein stated that that was the Board's feeling as well.

Ms. Record commented on the report from the Shade Tree Commission that she had received earlier in the day. There was no objection to their request to be consulted if any shade trees required relocation.

Ms. Quinn indicated that the conditions were acceptable.

Mr. Wallisch recommended that because the professionals had not yet walked the property, that the setback be thirty-five (35) feet instead of forty (40) feet so there would be a little bit of leeway and the generators could be placed in as pleasing a location as possible.

Chairman Pfeil polled the Board and they were amenable to a thirty-five (35) foot setback.

Mr. O'Brien clarified that the intention was to place the envelope as far back as possible but no more than the thirty-five (35) feet.

Chairman Pfeil asked if there were any further questions for this witness.

Mr. Moholkar asked if the neighbors would be notified when the request to install a generator was submitted.

Ms. Record stated that the neighbors were notified prior to this hearing by registered letter and further notification was not required.

Chairman Pfeil then asked if there were any questions for this witness from the public. There were none.

Mr. O'Brien asked if the Board wanted to include the option of a group location.

Chairman Pfeil replied that the Board would like to leave that as an option providing that the professionals create an envelope as part of the permanent record.

Mr. O'Brien stated that that would entail a larger unit.

Mr. Wallisch stated that the applicant had requested not to include a group option.

Mr. Bernstein said that Chairman Pfeil had made a valid point in that a group might feel that it would be more economically feasible. It would be only an option and the applicant would not be obligated to exercise that option.

Chairman Pfeil felt that with the option available, a future applicant would not have to return to the Board and spend thousands of dollars on the required documentation such as site plans, etc.

Ms. Record stated that there was no objection to a generator that would service a building rather than a unit. However the preference was that the purpose of this was to obtain approval for at least the individual generators.

Mr. O'Brien listed the conditions that would be reasonable: size of the pad not to exceed sixteen (16) square feet, time of testing would be Monday through Friday between 10 and 4pm excluding holidays, the unit itself would be the equivalent of the Generac Model 005837-0, 7 kw, 60 H in terms of kw and decibel rating and not to exceed the current decibel rating of the model, the process for the construction official would be to present an Association Board approval, units to be natural gas powered with buried pipelines and electrical lines, vents would not face adjoining residences, setbacks would be thirty-five (35) feet, group location with an appropriate size of the unit at an appropriate location could be added at the option of the applicant.

Mr. Bernstein wanted some verbiage included pertaining to the generators that might be placed on the sides of the buildings.

Mr. Lemanowicz noted that he had made a comment earlier that the unit owner must secure all necessary permits from the construction department.

Mr. Bernstein asked if mention was made that there would be a revised plan for group placement based upon the professionals meeting with the applicant.

Chairman Pfeil asked if there were any other conditions or comments from the Board. The consensus of the members was to approve the application.

A motion was made by Mr. Wallisch to approve the application with the amendments and conditions as discussed. Mrs. Dapkins seconded the motion. A Roll Call Vote was taken. Those in favor: Mayor Piserchia, Mrs. Dapkins, Mr. Moholkar, Committeeman Roshto, Mr. Aroneo, Mr. Wallisch, and Chairman Pfeil. Those opposed: None. Motion passed.

Chairman Pfeil suggested a recess at 9:40 P.M.

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(Mayor Piserchia left during the recess)

Chairman Pfeil called the meeting to order and advised the Board that there was an item added to the agenda. He asked Mr. O'Brien to give the Board an update on the Status Review that he had prepared.

Mr. O'Brien stated the Master Plan Reexamination and two (2) of the Elements were adopted and hence, the Board had met its goal in finishing those.

Mr. O'Brien noted that discussion of items in the report is cumulative meaning as each item is discussed, that information is added to the report as opposed to revising it hence, some of the item discussions in the report are lengthy. He suggested that at this point, it might be more helpful to condense the discussions to be more succinct.

Mr. O'Brien stated that pages 1 and 2 constituted the Summary. He pointed out that under Item B, the Planning Board Ordinance Subcommittee should be assigned the Valley Road draft Ordinance, the Environmental Ordinances, and the Architectural and Building Standards discussion.

Mr. O'Brien said the reconstituted Millington TDR Committee should continue its study.

Mr. O'Brien made note of the open issues before the Board. First was the Morristown Road rezoning which the Board put in the Master Plan Reexam last year as a priority to be completed. Also open is the Development Fee draft Ordinance which was referred back to the Board from the Township Committee because there were issues with various versions of that Ordinance. A master draft should to be done and sent back.

Chairman Pfeil asked for clarification as to why it had been returned to the Planning Board.

Mr. O'Brien said that in the process of getting Ordinance to the Township Committee, several different bodies looked at it and unfortunately there were some inconsistencies between the various versions. The Township Committee wanted to make sure that the current version is the one that represents everybody's point of view. Committeeman Roshto agreed with that.

Chairman Pfeil summarized that the open items before the Board were: the Morristown Road rezoning, the Development Fee draft Ordinance, and additional Elements.

Mr. O'Brien outlined the status of the three (3) Elements that were open. Historic Preservation is being worked on the by Historic Preservation Advisory Committee. Recreation was split from the Open Space Element and is being worked on by the Recreation Advisory Committee. Mr. O'Brien suggested that D.P.W. along with the Township Administrator work on the final open element, Community Facilities.

Chairman Pfeil asked if it was feasible to set a goal to complete the Morristown Road rezoning, Development Fee and Escrow, and one (1) Element in the first quarter.

Mr. O'Brien said that because the Elements were out of the Board's hands, he felt that the Board's commitment should be to what is under its control: Morristown Road and Fee and Escrow. He offered to reach out to the other groups to gauge their progress.

Mr. Moholkar suggested that the Board set a first quarter goal to review one of the Elements, assuming one will be ready, as opposed actually completing one.

Mr. Aroneo asked, with respect to the Development Fee and Escrow, if the Board was starting over with it. He pointed out that were substantial deliberations and discussions on it in mid 2013.

Mr. O'Brien stated that the Board deliberated, and a sub-committee of the Board deliberated, along with some individuals who made contributions. That process went directly to the Township Committee without coming back to the Planning Board and as a result there were divergent versions that ended up with the Township Committee.

Mr. Aroneo asked where the Board would start with that.

Mr. O'Brien answered that the Board should start with what the Township Committee had in front of it and go back and find the other versions to make sure that everything necessary was included in the version that was submitted to the Township Committee.

Mr. Aroneo suggested that this review process be done outside of meeting time and then brought before the Board once the review is complete.

Committeeman Roshto noted that when the Board moved that Ordinance to the Township Committee, there was a provision included that required an annual review of the fee schedule. He noted that it had been a year and he didn't want to send something back to the Township Committee when the fees had not been reviewed.

Mr. Aroneo suggested that staff complete a review and bring it to the Board for discussion without having to start all over.

Committeeman Roshto said that he agreed however there had not been a discussion on how fees would be reviewed.

Chairman Pfeil asked if this could be ready by February 11, 2014 and Mr. O'Brien indicated that he felt that was feasible.

Committeeman Roshto suggested that the Board direct staff to review the fees and return to the Board with a statement that the fees had been reviewed with applicable updates.

Chairman Pfeil asked if the list of existing businesses for Morristown Road had been compiled.

Mr. O'Brien noted that Mr. Delia had completed that list as far as he knew.

A brief discussion ensued as to whether or not the January 28, 2014 meeting would be held.

Committeeman Roshto said that the Zoning Administrator had asked that there be a discussion on a slight change to our section of the ordinance which discusses special meeting fees. He recommended that the Board take the fee Ordinance and send it to the Ordinance Subcommittee for clean up. The Ordinance Subcommittee could then review the fees. At that point, it could come back to the Board.

Chairman Pfeil asked if there was any other new business for the Board to consider. There being none, he asked if there was any other public comment or questions. There being none, he entertained a motion from Mr. Wallisch to adjourn. Mr. Moholkar seconded the motion. A Voice Vote was taken and the meeting was adjourned at 10:08 P.M.

CYNTHIA KIEFER
Planning and Zoning Board Secretary