

# MINUTES

**SEPTEMBER 22, 2015**

**PLANNING BOARD**

**LONG HILL TOWNSHIP**

## CALL TO ORDER AND STATEMENT OF COMPLIANCE

Chairman Pfeil called the meeting to order at 7:34 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 2015.

## MEETING CUT-OFF

Chairman Pfeil read the following statement: Announcement is made that as a matter of procedure, it is the intention of the Planning Board not to continue any matter past 10:30 p.m. at any Regular or Special Meeting of the Board unless a motion is passed by the members present to extend the meeting to a later specified cut-off time.

## CELL PHONES AND PAGERS

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

## PLEDGE OF ALLEGIANCE

## ROLL CALL

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

Excused:

J. Alan Pfeil, Chairman  
Charles Arentowicz, Vice-Chairman  
David Hands, Member  
Ashish Moholkar, Member  
Guy Piserchia, Member  
Guy Roshto, Member  
Timothy Wallisch, Member

Brendan Rae, Mayor  
Gregory Aroneo, Member

Kevin O'Brien, Board Planner  
Thomas Lemanowicz, Board Engineer  
Cynthia Kiefer, Board Secretary

Daniel Bernstein, Bd. Attny.

Ms. Kiefer advised Chairman Pfeil that he had a quorum and could proceed.

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

## **RESOLUTION OF APPROVAL OF CYNTHIA KIEFER AS FULL TIME PLANNING AND ZONING**

**COORDINATOR** - "Be it resolved by the Planning Board of Long Hill Township that Cynthia Kiefer be appointed Planning and Zoning Coordinator until the Organizational Meeting of January 12, 2016. The Planning and Zoning Coordinator will hold office hours at Town Hall, 915 Valley Road, Gillette, New Jersey, Mondays, Tuesdays and Thursdays 8:30 AM to 4:30 PM, Wednesdays 8:30 AM to 6:30 PM, Fridays 8:30 AM to 2:30 PM and will attend all night meetings of the Planning Board."

Mr. Roshto moved approval of the resolution as written and Mr. Moholkar seconded. A **ROLL CALL VOTE** was taken. All in Favor: Mr. Arentowicz, Mr. Hands, Mr. Moholkar, Mr. Piserchia, Mr. Roshto, Mr. Wallisch, Chairman Pfeil. Those Opposed: NONE. The resolution to approve Cynthia Kiefer as full time Planning and Zoning Coordinator was passed by unanimous vote.

## **APPROVAL OF MINUTES**

Mr. Arentowicz motioned approval of the July 14, 2015 minutes as written. Mr. Moholkar seconded the motion. A **ROLL CALL VOTE** was taken. All in Favor: Mr. Arentowicz, Mr. Moholkar, Mr. Roshto, Mr. Wallisch, Chairman Pfeil. Those Opposed: NONE. The minutes of July 14, 2015 were unanimously approved as written. Mr. Hands and Mr. Piserchia were ineligible to vote since they were not present at that meeting.

In the minutes of August 11, 2015, on page 2 a correction was made to the time that Mr. Aroneo arrived at the meeting. It should have read 7:39 PM instead of 8:39 PM. Mr. Hands motioned approval of the minutes as amended and Chairman Pfeil seconded the motion. A **ROLL CALL VOTE** was taken. Those in Favor: Mr. Arentowicz, Mr. Hands, Mr. Piserchia, Mr. Roshto, Mr. Wallisch, Chairman Pfeil. Those Opposed: NONE. Motion to approve the minutes as amended was passed unanimously. Mr. Moholkar was ineligible to vote as he was not present at that meeting.

**PUBLIC QUESTION OR COMMENT PERIOD**

Chairman Pfeil noted that there were no members of the public present.

**DOWNTOWN VALLEY COMMERCIAL DISTRICT ELEMENT** - carried from the September 8, 2015 meeting without further notice.

Dennis Sandow, Millington, noted that there were some technical difficulties with the recording equipment and that the meeting was not being broadcasted. He noted that Ms. Kiefer was using an audio recorder to record the meeting. Chairman Pfeil felt that that was sufficient.

Chairman Pfeil explained that this element was carried from the September 8, 2015 meeting so that those members who were absent from that meeting could express their opinions at this meeting. Specific lot coverage recommendations had been an issue at the previous meeting.

Mr. O'Brien stated that the Ordinance Review Subcommittee had met earlier in the afternoon and discussed the proposed ordinance which would support the element. The subcommittee felt that design standards as part of the zone district ordinances should be added to the element in order to give the subcommittee guidance as it crafted supporting ordinances. They also suggested an increase in lot coverage up to a maximum of 50% throughout the zone district and a maximum of 70% in the overlay district (Passaic Valley Overlay).

Chairman Pfeil explained that the subcommittee was trying to balance the needs of the business community with the Master Plan Vision Statement which stressed softening, greening and preserving the semi-rural character of the township. The members felt that an increase from 40% lot coverage to 50% was a good compromise. The overlay area had an industrial look to it currently which could justify a significantly higher percentage of lot coverage (70%). He stressed that these might not be the final numbers.

Mr. Roshto added that without the design standards they could not achieve that balance. There would be an increase in density without any control over buffering, landscaping, etc. The ordinances should contain not only the bulk standards but the design standards also.

Chairman Pfeil stated that the subcommittee was comfortable with those changes and recommended to the Planning Board that the Board move to adopt the element with those changes included.

There was discussion about whether 50% was the appropriate number or whether it was too low and would require business owners to appear before the Planning Board. Chairman Pfeil explained that a business must appear before the Planning Board for site plan approval at the very least. Excessive coverage would be part of that application. It would give the Board the leverage to stress its desire to support the visual aspects of the Vision Statement. He added that the 50% number was a starting point.

Mr. Piserchia asked Mr. O'Brien if he felt it was better that the Master Plan remain silent on these issues. Mr. O'Brien responded that if there was a question, it was best to give guidance to those writing the ordinances. He noted that although it was not a common practice, it had been done in previous cases in the Master Plan.

There was further discussion about the lot coverage issue.

Mr. Sandow pointed out that prior to the 1980's, there was no lot coverage ordinance at all. In the mid-80's it was changed to 60% and after the 1996 Master Plan, it was reduced to 40%. No studies were done and no rationale given. Most of the buildings were constructed before the late 90's and were grandfathered in.

Mr. Sandow stated that the reason behind fast tracking the Downtown Valley Commercial District Element was the potential sale of the two Thermoplastic sites which were grandfathered in. The current lot coverage guidelines would discourage any developer from redeveloping those sites. He noted that the site on the south side of Valley Road was already under contract and would remain a factory.

Mr. Sandow felt that 60% was a doable number and would provide a better opportunity to improve Valley Road than just accepting grandfathering.

Mr. Roshto asked what type of incentives could be made available to encourage redevelopment.

The board consultants suggested giving incentives in the bulk standards. Shared parking was another suggestion. A discussion ensued concerning how much guidance in these areas should be included in the element. Mr. O'Brien pointed out that the 1996 Master Plan did have some numbers in it. The board members then discussed the lot coverage numbers and whether or not they should be included in the element. They also discussed whether the element should specifically encourage two-story buildings.

Mr. O'Brien summarized the discussions as follows: "Encourage second-floor commercial use to minimize lot cover with shared parking strategies and possible increase in Floor Area Ratio." He noted that this sentence would be added to Item 6 on page 6 of the Design and Architectural Standards. He also noted that the increase in lot coverage percentage for the overlay was added to the last paragraph of Item 4 on page 5, "Increase in lot coverage up to a maximum of 50% with a maximum of 70% in the Passaic Valley Overlay."

Mr. Roshto motioned that the Planning Board adopt the September 2015 Valley Commercial District Element of the Master Plan as amended. Mr. Wallisch seconded the motion. A **ROLL CALL VOTE** was taken. Those in Favor: Mr. Arentowicz, Mr. Hands, Mr. Moholkar, Mr. Piserchia, Mr. Roshto, Mr. Wallisch, Chairman Pfeil. Those Opposed: NONE. Motion to adopt the element as amended was approved unanimously.

Chairman Pfeil recessed the meeting at 8:45 PM for a five (5) minute break.

The meeting was called back to order at 8:50 PM.

**ORDINANCE #366-15** - Moving the Township Temporary Sign Regulations from the Land Use Ordinance to the Police Regulations section of the Township Code, adding Sidewalk Sign Regulations and amending various sections of the Township Code.

Chairman Pfeil noted that the Township Committee passed two (2) ordinances at first reading. He asked the Board Attorney and the Board Planner for their observations on the concept of moving temporary sign regulations from the Land Use Ordinance and placing them in the Police Regulations. Mr. Bernstein had sent a letter dated September 17, 2015 to Township Attorney, Jack Pidgeon, making a legal argument for why signs must be regulated as part of the Land Use Ordinance. Mr. Pidgeon disagreed. On September 21, 2015, Mr. O'Brien sent a letter to the Planning Board summarizing his research that determined that all the towns surrounding Long Hill Township control temporary signs through their land use ordinances and why it was appropriate to do so. It was the consensus of the professionals that the Township Committee had acted incorrectly in proposing these ordinances and that the Planning Board should take action to retain control of temporary signs under the Land Use Ordinance while at the same time recognizing some of the valid issues that the Township Committee had raised. Mr. Bernstein had also noted some of the errors contained in those proposed ordinances.

Mr. O'Brien summarized the contents of his letter and outlined the methods he used to reach his conclusions.

Mr. Roshto noted that the Township Committee had sent the two proposed ordinances to the Board Secretary on September 11, 2015 (sic) with a request for the board to review them at this meeting, September 22, 2015. Because of that short timeframe, the board members were seeing for the first time the documents that he had created.

Mr. Roshto stated that there were five (5) documents in total. The first two were responses to the Township Committees request for review of Ordinance 366-15 and Ordinance 367-15. Ordinance 366-15 dealt with sidewalk signs, temporary signs along with a number of changes which Mr. O'Brien had addressed in his memo. Mr. Roshto pointed out some of the deficits in the ordinance. He noted that there were about 25 to 30 issues, none of them trivial.

Mr. Roshto then discussed Ordinance 367-15. He felt it was difficult to review because it was dependent on the passing of Ordinance 366-15. It rendered all the language in the zoning ordinance moot. He noted five (5) to ten (10) suggested "fixes" in the language. The Township Committee was looking at this as just two (2) types of signs: permanent and temporary. Mr. Roshto felt that sidewalk signs were a third class of signs because they were neither temporary nor permanent. In Ordinance 366-15, they were placed in the temporary sign category which he felt was a mistake.

Mr. Roshto stated that the proposed resolutions (Resolution 1 and Resolution 2) would suggest that Ordinance 366-15 would be rejected outright and 367-15 would be rejected since it could not stand on its own. There were some minor word corrections made.

Chairman Pfeil stated that it was the unanimous view of the Ordinance Review Subcommittee that both ordinances be rejected.

Mr. Wallisch questioned why there were "dueling ordinances" between the Township Committee and the Planning Board. He felt it was a waste of taxpayer money. Mr. Arentowicz agreed.

Mr. Roshto described the second set of proposed resolutions. Resolution B was a short document and dealt with sidewalk signs and special event signs. They would be kept in the Land Use Ordinance so that all signage was located in one place. The Township Committee would have the power to grant more than 12 special event signs if it's so desired. Resolution A was a more comprehensive document that dealt with all the types of signage referred to in proposed Ordinance 366-15. He felt that both documents

attempted to address the Township Committee’s concerns and he hoped that both the Planning Board and Township Committee could begin to work together on a solution.

Mr. Piserchia noted that the Township Attorney, Jack Pidgeon, and the Planning Board Attorney, Dan Bernstein, disagreed on which body had jurisdiction over signage.

Mr. Roshto stated that the goal for both bodies should be to get the right ordinances passed rather than “pointing fingers”.

Mr. Sandow said that the Chamber of Commerce had made presentations to the Planning Board and wrote proposed ordinances concerning signage so Mr. O’Brien’s statement that the Chamber had not responded to the Planning Board was a lie. He refuted the notion that moving temporary signs out of the Land Use Ordinance would endanger consistency by discussing the existing signage along Valley Road and the lack of conformance to the township’s standards for ground signs. He felt that there was no consistency because of all the variances that had been granted.

Discussion between Mr. Roshto and Mr. Sandow ensued.

Chairman Pfeil if asked if there were any further comments on Resolution 1 or Resolution 2. Mr. O’Brien recommended some further rewording that was acceptable to the board members. There was no additional discussion.

Mr. Hands moved approval of Resolution 1 as amended. A **ROLL CALL VOTE** was taken. Those in Favor: Mr. Arentowicz, Mr. Hands, Mr. Moholkar, Mr. Roshto, Mr. Wallisch, Chairman Pfeil. Those Opposed: NONE. Abstained: Mr. Piserchia. He stated that he was following the Township Attorney’s advice that temporary signage belonged in the general ordinances. Motion to approve was passed 6-0 with one abstention.

Mr. Hands moved approval of Resolution 2 as amended. Mr. Arentowicz seconded the motion. A **ROLL CALL VOTE** was taken. Those in Favor: Mr. Arentowicz, Mr. Hands, Mr. Moholkar, Mr. Roshto, Mr. Wallisch, Chairman Pfeil. Those Opposed: NONE. Abstained: Mr. Piserchia. He stated that he was following the Township Attorney’s advice that temporary signage belonged in the general ordinances. Motion to approve was passed 6-01 abstention.

There was discussion amongst the board members as to whether or not to vote on Resolution A and Resolution B. Chairman Pfeil reiterated his belief that the regulation of signage belonged with the Planning Board and in the Land Use Ordinances. He hoped that the Township Committee would realize that and would direct the Board to move this issue expeditiously forward. Mr. Piserchia felt that the Board should not rush. Instead it was more important to get it right.

Mr. Roshto said there was a rush because the Township Committee had a second reading scheduled for October for the ordinances that would remove signage from the Land Use Ordinances and place it in the General Ordinances. He felt it was necessary to get input from both sides.

Mr. O’Brien pointed out that the Ordinance Review Subcommittee would be meeting the following week.

Mr. Piserchia said that he would ask if a couple members of the Township Committee would be willing to sit with the Ordinance Review Subcommittee and work on the ordinances together. He noted that regardless of the legal aspects of the situation, both bodies should be collaborating together.

Chairman Pfeil indicated that given this discussion, there was no need to move forward on Resolution A and Resolution B at this time.

Mr. Wallisch motioned and Mr. Moholkar seconded. The meeting was adjourned at 10 PM.

Date: \_\_\_\_\_

\_\_\_\_\_  
Cyndi Kiefer  
Planning & Zoning Coordinator