

# MINUTES

OCTOBER 13, 2015

PLANNING BOARD

LONG HILL TOWNSHIP

## CALL TO ORDER AND STATEMENT OF COMPLIANCE

Vice Chairman Arentowicz called the meeting to order at 7:35 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

Vice Chairman Arentowicz 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

Vice Chairman Arentowicz 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:

Charles Arentowicz, Vice Chairman  
Gregory Aroneo, Member (arrived 7:39 PM)  
David Hands, Member  
Guy Piserchia, Member  
Guy Roshto, Member  
Timothy Wallisch, Member

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

Excused:

J. Alan Pfeil, Chairman  
Brendan Rae, Mayor  
Ashish Moholkar, Member

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

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

## PUBLIC QUESTIONS OR COMMENT PERIOD

Vice Chairman Arentowicz opened the meeting to the public for comments or questions on items not listed on the agenda. Hearing none he closed the session to the public.

## 2014 ANNUAL REPORT ON VARIANCES HEARD BY THE ZONING BOARD OF ADJUSTMENT

Vice Chairman Arentowicz directed the board members' attention to the recommendation on "through lots" which was made in the report. He asked for comments from the board members.

Mr. Roshto felt that the *township* should designate which of the two "front yards" should become a "designated rear yard." He added that it should be memorialized to prohibit the property owner from moving the designation back and forth. This would also prevent the property owner from choosing a front yard that was not beneficial to the other property owners.

Mr. Roshto also felt that once a rear yard was designated, it should adhere to the bulk requirements normally assigned to a rear yard. The recommendation suggested that all structures within the designated front yard setback in the front *and* rear of the property be prohibited.

There was discussion concerning how a front yard would be designated.

Mr. O'Brien stated that this recommendation would solve a problem that existed for less than two dozen properties. Only a few of those properties had appeared before a board over the years.

Vice Chairman Arentowicz asked if any of the board members had reservations about moving this recommendation forward to the Ordinance Review Subcommittee. Mr. Roshto referred to the bullet point pertaining to limiting this modification to single family residential zones and/or specifically prohibiting

such exceptions in commercial zones. He asked for guidance on this issue. There were properties in town on Bay Street and Valley Road that were through lots. This ordinance would make them nonconforming where they were conforming today. Should this be for single-family residential zones or for all zones?

Mr. O'Brien suggested that the ordinance be limited to single family residential zones. It would remove a burden from those in residential zones however a residential use in a commercial zone would have to come before a board regardless.

Mr. Roshto asked what the fourth bullet meant: "Possibly limiting the orientation and size of accessory structures."

Mr. O'Brien responded that all of the accessory structures should be oriented to the designated front lot line.

There was no further discussion on the recommendation so Vice Chairman Arentowicz moved on to the next agenda item.

### **PROPOSED SIGN ORDINANCE**

Vice Chairman Arentowicz said that at the last Planning Board meeting (September 22, 2015), two resolutions were approved for the Board Attorney and Board Planner to present to the Township Committee when the committeemen discussed their two proposed sign ordinances (366-15 and 367-15). The two resolutions encouraged the Township Committee to reject those proposed sign ordinances. He noted that 366-15 and 367-15 were on the Township Committee's agenda for the following night. Vice Chairman Arentowicz asked the board members if they should proceed with having the Board Attorney and Board Planner present the two resolutions to the Township Committee at their meeting the next night.

Mr. O'Brien stated that the ORS had also reviewed the proposed signage ordinances and asked him to reach out to the Township Attorney, Jack Pidgeon, to see if the Planning Board could propose an all-inclusive sign ordinance. It would address the problems that have been conveyed to the Planning Board by the Mayor and Township Committee and still have it remain in the Land Use Ordinances as the Board Attorney had recommended. He noted that this was the practice of all the communities that surrounded Long Hill Township. The Board also requested that 366-15 and 367-15 be removed from the agenda. Mr. Pidgeon responded that he would be discussing the agenda with the Township Administrator in the morning.

Vice Chairman Arentowicz asked if the Planning Board should send its representatives to the Township Committee meeting the next night. It was the consensus of the board that if the proposed ordinances remained on the agenda, the board representatives should attend the meeting. If the proposed ordinances were removed, there would be no need for that appearance.

There was discussion over the process that would be followed depending on the actions of the Township Committee. Vice Chairman Arentowicz noted that at the last Planning Board meeting it was decided that one or two members of the Township Committee would sit down with the Ordinance Review Subcommittee to review this draft. Mr. Roshto reported that no members of the Township Committee were able to attend the ORS meeting.

Vice Chairman Arentowicz asked Mr. Bernstein to discuss the legalities of who should have jurisdiction over signage. Mr. Bernstein replied that in his opinion signage belonged under the jurisdiction of the Land Use Ordinances. He added that there were some special events signage that could fall under the General Powers but the proposed ordinances 366-15 and 367-15 went well beyond that. He also noted that there were no standards listed or time limits imposed.

There was consensus that Mr. O'Brien and Mr. Bernstein should attend the Township Committee meeting to represent the Planning Board and present the Board's proposed ordinance however if 366-15 and 367-15 were removed from the agenda, they would not attend.

The board then began to discuss the proposed sign ordinance written by Mr. Roshto.

Mr. Roshto began his overview of the ordinance by stating that possible improvements to the sign regulations had been discussed for many years. In addition to incorporating some of those concepts into the ordinance, he also tried to improve the existing ordinances. He outlined some of the new additions: wayfarer signs, sidewalk signs, the process for providing relief of temporary sign ordinances would be formalized and heavier restrictions on electronic message board signs.

Mr. Roshto continued by saying he looked at the "whereas" clauses in the Township's proposed sign ordinances and tried to capture the intent in his proposed ordinance. One example was allowing the Township Committee broad powers to grant relief over special event signs while still keeping them under the purview of the Land Use Ordinances.

Mr. Roshto said that this ordinance consolidated all sign ordinances and definitions in one section, Section 155. Abandon signs were defined and prohibited in a clear and precise way. The code for seldom used signs like searchlight signs was clarified also. All signs that were expressly prohibited were moved to a "Prohibited" section which would be consistent with the format of the current zoning ordinances.

A more detailed review of the ordinance ensued.

During the discussion on the placement of the *sidewalk* signs, Mr. Bernstein suggested that the Township Attorney be consulted as to the Township's liability exposure. Mr. Piserchia felt that this question could be posed to the Township Administrator. In response, Mr. O'Brien said that he would send an email to Mr. Henry and copy Mr. Piserchia.

Vice Chairman Arentowicz called for a five (5) recess at 9:25 PM.

The meeting was reconvened at 9:30 PM.

The board members resumed their review of the proposed sign ordinance.

Vice Chairman Arentowicz noted that the time was 10:25 PM and there were still several pages left to review. He asked the board members if they felt the document with revisions could be presented to the Township Committee at its meeting the next night.

Mr. Roshto said that he could not have an updated draft ready by the next evening. The version that was in front of the Board that evening would be the version that the committeemen would see. Mr. O'Brien suggested calling it a "preliminary draft" and he would advise the Committee that the Board was working on a final draft which would be shared with them as soon as it was available.

Mr. Roshto felt that the completed version would be available by the next Planning Board meeting in two weeks.

Vice Chairman Arentowicz said that the board members had reviewed the draft through section 155.16. Mr. Roshto said that this section allowed the Township Committee to grant waivers. Mr. Piserchia said that that was important because "Special Events" was the impetus for this whole process. Mr. Roshto agreed and added that it was this section that gave the Committee the broad powers it had asked for.

Mr. Roshto agreed to have the revised draft available for the Ordinance Review Subcommittee meeting which would be held the following Tuesday.

Mr. O'Brien stated that he and Mr. Bernstein would attend the Township Committee meeting the following night to discuss the two resolutions and the proposed sign ordinance draft that were reviewed at this meeting. He would also be in contact with Mr. Pidgeon so that if the Committee's two draft ordinances, 366-15 and 367-15 were removed from the agenda, he and Mr. Bernstein would *not* attend the meeting. Finally, Mr. O'Brien stated that he would advise the board members as to the final outcome.

Mr. Piserchia motioned, Mr. Hands seconded and the meeting was adjourned at 10:30 PM.

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

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