

ORGANIZATIONAL MEETING
MINUTES

Tuesday, January 7, 2014

BOARD OF ADJUSTMENT

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

MS Cyndi Kiefer, Planning & Zoning Secretary, called the meeting to order at 8:04 P.M. She then made a statement that adequate notice of this meeting had been made by e-mail to the Echoes-Sentinel and Courier News and had been posted at Town Hall and filed with the Municipal Clerk on Wednesday, December 10, 2013.

PLEDGE OF ALLEGIANCE

OATH OF OFFICE

Ms Kiefer administered the Oath of Office to reappointed member Michael Pesce and 2nd Alternate, Michael Pudlak.

ROLL CALL

On a call of the roll the following were present:

Excused:

Thomas Behr, Member
Edwin F. Gerecht, Jr. Member
Richard Keegan, Member
Michael Pesce, Member
Felix Ruiz, Member
Michael O'Mullan, 1st Alternate
Michael Pudlak, 2nd Alternate

Sandi Singer-Raimer, Member
Jerry Aroneo, Member

Barry Hoffman, Board Attorney
Thomas Lemanowicz, Bd. Engineer
Kevin O'Brien, Twp. Planner
Cyndi Kiefer, Planning & Zoning Secretary

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6. ELECTION OF CHAIRMAN

Ms Kiefer opened the Nominations for Board of Adjustment Chairman for the year 2014. Mr. Gerecht nominated Dr. Behr. There were no further nominations. Mr. Pesce seconded the nomination and the Board unanimously reappointed Dr. Behr to the Chairmanship.

Chairman Behr addressed the Board and asked if there were any items looking forward to this coming year that they wanted him to be mindful of or pay particular attention to other than to continue what has been done. There were no suggestions or comments from the Board.

7. ELECTION OF VICE CHAIRMAN

Chairman Behr proposed postponing the election of a Vice Chairman to the following meeting (01/21/14). Mrs. Raimer had indicated to him that the duties of Vice Chairman had become too much of a burden because of her other commitments although she intended to fulfill the remaining year of her term. They both concurred that there should be a new Vice Chairman.

Chairman Behr stated that one of his goals as Chairman has been to upgrade the leadership talent and experience within the Board. He motioned that the Board table their election of a Vice

Chairman until the next meeting which will give him a chance to talk to some of the senior members of the Board and ascertain their interest in serving as Vice Chairman. Mr. Gerecht seconded the motion. A voice vote was taken and the motion passed unanimously.

Chairman Behr added that a number of board members should be given the opportunity to serve as Vice Chairman and as Chairman in his absence.

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8. PREPARATION OF ANNUAL REPORT ON VARIANCES HEARD BY ZONING BOARD

It was agreed that the Planning & Zoning Administrator will prepare the Annual Report on Variances Heard by the Zoning Board, as required by NJSA 40:55D-70.1. Copies of the report and Resolution, when adopted by the Board of Adjustment, will be forwarded to the Township Committee and the Planning Board.

Chairman Behr explained the purpose of this report. He stated that the Board of Adjustment in some ways serves as a checkpoint for the Planning Board. This report would look at the relief that was requested during the past year. If there were a lot of variances, it might suggest a need for a reevaluation of zoning in a particular area by the Planning Board.

9. PLANNING & ZONING ADMINISTRATOR’S APPOINTMENT

Chairman Behr read the following Resolution.

BE IT RESOLVED by the Zoning Board of Adjustment of Long Hill Township that Dawn V. Wolfe be reappointed Planning & Zoning Administrator until the Organizational Meeting of January 2015. The Planning & Zoning Administrator will hold office hours at Town Hall, 915 Valley Road, 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.

Mr. Gerecht motioned to approve the appointment. Mr. Pesce seconded the motion. All members present were in favor of Mrs. Wolfe’s appointment.

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10. BOARD OF ADJUSTMENT SECRETARY’S APPOINTMENT

Ms Kiefer indicated to Chairman Behr that there was a correction. The phrase “a maximum of 30 hours” was changed to “...a minimum of 25 hours...”

Chairman Behr then read the following Resolution.

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

Mr. Ruiz motioned to approve the appointment. Mr. Gerecht seconded the motion. All members present were in favor of Ms Kiefer’s appointment.

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11. ATTORNEY’S APPOINTMENT

Chairman Behr summarized the resolution with one amendment to the firm’s address and allowed time for the Board members to read the Board Attorney’s appointment as follows:

WHEREAS, the Long Hill Township Board of Adjustment requires professional legal services which shall include but not be limited to attendance at meetings, preparation of administrative documents and correspondence, legal research, consultation with the Board Members, 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 on applications for development and for other matters coming before the Board; (d) Review of easements, deeds, agreements or documentation pertaining to formation of a planned development, condominium, homeowners' association, or the like; and (e) Other matters requiring attendance at conferences, work sessions, etc., out of the office; 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) 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 per meeting (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 herein above 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 Board of Adjustment 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 14-01-21-185-185-236. 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.

Mr. Gerecht motioned to approve the amended appointment. Mr. Ruiz seconded the motion. All members present were in favor of Mr. Hoffman's appointment.

Mr. Hoffman said that it was his pleasure to serve the Board for another year.

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12. PLANNING CONSULTANT'S APPOINTMENT

Chairman Behr allowed time for the Board members to read the Planning Consultant's appointment as follows:

WHEREAS, the Long Hill Township Board of Adjustment requires professional planning services which shall include but not be limited to attendance at Board Meetings; field work, research and writing; and any other task assigned by the Board of Adjustment; 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) 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 full Board 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. 40:11-5(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 Board of Adjustment 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: \$550.00 per Board meeting 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 14-01-21-185-185-238. 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.

Mr. Ruiz made a motion to approve the appointment. Mr. Gerecht seconded the motion. All members present were in favor of Mr. O'Brien's reappointment.

Mr. O'Brien said that it was his pleasure to serve the Board.

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12. ENGINEER'S APPOINTMENT

Chairman Behr allowed time for the Board members to read the Engineer's appointment as follows:

WHEREAS, the Long Hill Township Board of Adjustment 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 Board of Adjustment; attend all meetings of the Board of Adjustment as requested; advise the Board of Adjustment on all engineering matters under their jurisdiction; the Consultant shall be available for consultation by telephone at all reasonable times; represent the Board of Adjustment 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 Board of Adjustment 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) 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; and

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 h as 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 Board of Adjustment 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 Maser Consulting, P.A., 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 14-01-21-185-185-237. The certificate 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.

Mr. Gerecht made a motion to approve the appointment. Mr. Pesce seconded the motion. All members present were in favor of Mr. Lemanowicz's reappointment.

Mr. Lemanowicz expressed his appreciation and said that he looked forward to working with everyone in 2014.

Chairman Behr noted that the Board had initiated a Performance Evaluation Process for all the consultants last year. The evaluation was based on performance criteria adopted by the Board and desired improvements in efficiency the aim of which was to continue reducing the applicant's costs of appearing before the Board. The Evaluation Committee of Chairman Behr, Mr. Gerecht, Mr. Pesce, and Mrs. Raimer, ex officio, unanimously commended all three (3) consultants for a very high level of professionalism in meeting and exceeding the performance criteria and for helping the Board to continue to improve its efficiency notably through the pilot program, the Technical Review Committee. Chairman Behr made special note of the consultants' attention to detail in ensuring that the paperwork was complete and met the needs of the Board. The Evaluation Committee made a point of mentioning that, during Dawn's absence, all three (3) consultants went way beyond the call of duty to ensure that the Board would be able to carry on its services.

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Chairman Behr asked that the next series of items from the Agenda, #14 through #20 - Calendar Order of Business, Notice of Publication, Notice of Meetings, Minutes, Membership, Meeting Cut-Off, and Meetings-Executive and Regular, Board of Adjustment Calendar – be given a blanket approval.

Mr. Hoffman noted that on the proposed calendar, the second meeting in April (04/15/14) fell on Passover and neither he nor his associate would be able to attend for religious reasons. He suggested that since there were five (5) Tuesdays in April, the 29th be added as a Board of Adjustment meeting date.

There was some discussion between the board members and consultants. It was decided to amend item #20, the 2014 Board of Adjustment Calendar, to include meetings on April 1, April 15, and April 29. Mr. Hoffman noted that it would be necessary to notify the official newspapers of the township in January.

Those items, #14 through #19 and #20 as amended, read as follows:

14. CALENDAR ORDER OF BUSINESS

BE IT RESOLVED by the Zoning Board of Adjustment 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.

Pursuant to the requirements of Section 13 of the Open Public Meetings Act, agendas for Regular and Special Meetings of the Board of Adjustment will be posted at Town Hall as required.

15. NOTICE OF PUBLICATION

BE IT RESOLVED by the Zoning Board of Adjustment 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.

16. NOTICE OF MEETINGS

BE IT RESOLVED by the Zoning Board of Adjustment of Long Hill Township, pursuant to the authority of Section 14 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 by any person desiring notice of all Meetings to cover the cost of providing said notice. All requests to be made to the Planning & Zoning Administrator.

17. MINUTES

BE IT RESOLVED by the Zoning Board of Adjustment of Long Hill Township:

- 1) The minutes of the regular public meetings shall be sent to the Board of Adjustment members and that a copy of said minutes be posted at the Town Hall. By this procedure and/or unanimous agreement of the Board Members, the reading of said minutes shall be waived. Copies will be sent to the Board of Adjustment Attorney, the Township Engineer, the Township Planning Consultant, and the Township Library. Copies will also be made available to the public upon request. The charge for such copies of Minutes will be as determined by Township Ordinance.
- 2) A recording will be made of all Public Meetings and will be retained for two years or until after the conclusion of the appeal time or the conclusion of any litigation, whichever is later. Members of the public may listen to any tape by contacting the Planning & Zoning Administrator and establishing a mutually convenient time and place for the review. Arrangements for transcripts can be made through the Planning & Zoning Administrator.
- 3) The cost of providing copies of audio recordings of meetings to any person desiring the same shall be in accordance with the annual fees established by the Township committee for copies of public records..

18. MEMBERSHIP – NEW JERSEY PLANNING OFFICIALS

BE IT RESOLVED by the Zoning Board of Adjustment 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.

19. MEETING CUT-OFF

BE IT RESOLVED by the Zoning Board of Adjustment of Long Hill Township that, as a matter of procedure, it is the intention of the Board of Adjustment not to continue any matter past 11:00 P.M. at any regular or special meeting of the Board unless a motion is passed by the members then present to extend the meeting to a later specified cut-off time. Further, that this notice shall be made part of published operating procedures for applications to this Board and shall be announced at the opening of each meeting.

20. MEETINGS (EXECUTIVE AND REGULAR) FOR 2014

BE IT RESOLVED by the Zoning Board of Adjustment of Long Hill Township that meetings, in general, will be held on the first and third Tuesdays of each month with the following exceptions: in July, August and December, the Board will only met on the first Tuesdays and in April, the Board will meet on the first, third, and fifth Tuesday. Unless otherwise scheduled, all meetings will begin at 8:00 P.M. (or immediately following an executive session if deemed necessary) in Town Hall, 915 Valley Rd., Gillette, N.J. Following is the Regular Meeting Schedule. If deemed necessary, Executive Session meetings of the Zoning Board of Adjustment will be held in Town Hall, 915 Valley Rd., Gillette, N.J. on the same dates as listed below at 8:00 P.M. *prior* to the regular meeting.

2014 BOARD OF ADJUSTMENT CALENDAR (amended)

January 7, 2014 – Organizational Meeting – 8:00 PM	June 3
January 21	June 17
February 4	July 1
February 18	August 5
March 4	September 2
March 18	September 16
April 1	October 7
April 15	October 21
April 29*	November 4
May 6	November 18
May 20	December 2

*Additional Meeting

Mr. Gerecht motioned to approve those items #14 through #20 including the addition of the April 29 meeting date and Mr. Pesce seconded the motion. The motion passed unanimously.

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21. 2014 BUDGET

BE IT RESOLVED by the Zoning Board of Adjustment of Long Hill Township that the following Budget for 2014 is approved for submission to the Township Committee:

<u>ACCT. NO.</u>	<u>ITEM</u>	<u>BUDGETED 2013</u>	<u>BUDGETED 2014</u>
21-185-185-101	Salary/Wages F/T	\$ 37,206.00	\$ 37,950.12
21-185-185-105	Salary/Wages P/T	500.00	15,000.00
21-185-185-201	Miscellaneous	50.00	50.00
21-185-185-203	Office Supplies	600.00	600.00
21-185-185-206	Printing	350.00	200.00
21-185-185-209	Conventions/Conferences.	350.00	350.00
21-185-185-211	Equipment/Service Agreements	150.00	200.00
21-185-185-213	Legal Advertising	150.00	150.00
21-185-185-214	Publications	425.00	300.00
21-185-185-219	Dues/Memberships	200.00	200.00
21-185-185-227	Shorthand Reporter	-0-	-0-
21-185-185-236	Legal	500.00	600.00
21-185-185-237	Engineering	500.00	500.00

21-185-185-238	Planning Consultant	500.00	600.00
21-185-185-260	Preparation of Minutes	1,800.00	-0-
21-185-185-271	Education/Training	150.00	925.00
	TOTAL	\$ 43,431.00	\$ 57,625.12

Chairman Behr noted that there was a change in the budget for the appointment of a part time Board of Adjustment Secretary and the wages reflected half of the salary. The remaining half would be the responsibility of the Planning Board.

Chairman Behr also noted that the printing costs were decreased in response to the lower than expected actual printing expenses in 2013.

Chairman Behr mentioned "Equipment/Service Agreements" and stated that this was managed by the township. Each board pays a certain amount for the upkeep and provisions for the copiers and so forth.

Chairman Behr moved on to "Publications", noting that the decrease in that line item was due to the lower actual costs in 2013.

Fees for the three (3) consultants were increased to allow the Board to call on their expertise when needed. He noted that the majority of these fees are paid for by the applicants.

"Preparation of Minutes" was reduced to zero since they became the responsibility of the Board Secretary.

"Education and Training" reflected the costs of mandatory courses for new members of the Board. He added that during the performance evaluations with Mr. O'Brien and Mr. Lemanowicz, it was brought out that there has not been any formal training of this Board in over a year. He asked for suggestions from the board members on topics for further education and as an example, cited "Inherently Beneficial Use" as a potential topic.

Chairman Behr asked if there were any questions on the budget. There being none, he asked for a motion to adopt. Mr. Gerecht moved to adopt the 2014 Board of Adjustment Budget. The motion was seconded by Mr. Pesce. A Voice Vote was taken and passed unanimously.

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APPROVAL OF MINUTES

The executive minutes of November 19, 2013 were approved as written on motion by Mr. Pesce and seconded by Mr. Gerecht.

The regular minutes of November 19, 2013 were approved as amended on motion by Mr. Pesce and seconded by Mr. Gerecht.

The regular minutes of December 3, 2013 were approved as written on motion by Mr. Gerecht and seconded by Mr. O'Mullan. Mr. Keegan, Mr. Pesce, and Mr. Ruiz abstained as they were not present at the meeting.

RESOLUTION OF MEMORIALIZATION
ZHONG MOU CHEN & YUWEI W. OUYANG

Torbert Rd. & Daugherty Ave.
 Block 13508, Lot 12

#12-05Z
 D-6 (Height) Variance
 Unimproved Rd. Variance

Mr. Hoffman stated that there were a few revisions to the original draft resolution based on suggestions by Mr. O'Brien and Mr. Lemanowicz. The minimum pavement width of the road was increased to eighteen (18) feet. The draft resolution was furnished to the board members and to the applicant's counsel. He assumed that there were no issues since he heard nothing further.

The Resolution of Memorialization for a D-6 Height Variance and an Unimproved Road Variance was approved on motion by Mr. Gerecht and seconded by Mr. Ruiz. A roll call vote

was taken. Those in favor: Mr. Gerecht, Mr. Keegan, Mr. Pesce, Mr. Ruiz, Mr. O'Mullan, and Chairman Behr. Those opposed: None.

PUBLIC HEARING

STIRLING LIBRARY, LLC

91 Central Avenue
Block 13103, Lot 6

#07-03Z(A)

Request for Removal of
Condition No. 2 (c, d, & e)

Stirling Library LLC had applied to the Zoning Board of Adjustment of the Township of Long Hill to amend and modify the site plan approval previously adopted and approved on July 17, 2007 (Application No. 07-03Z) relative to the applicant's proposal to renovate and use an existing building (which had formerly housed the Stirling Library) as professional and/or business offices, as well as to construct a parking lot and other site improvements, with respect to property known as Block 13103, Lot 6 on the Township Tax Map, located at 91 Central Avenue, which premises are in a "P" (Public Use) Zone.

Pursuant to a Resolution adopted on July 17, 2007 (Application No. 07-03Z), the applicant was granted use and bulk variances, preliminary and final site plan approval and certain exceptions and waivers relative to its proposal.

The aforementioned approval was subject to certain terms and conditions:

Condition No. 2(c) - Delete from the site plan the proposed on-site parking lot, the exterior lighting associated with such parking lot and the proposed new stormwater management facilities (detention basin, piping and inlets); and mark the plans as having been "reserved" for the possible installation of such facilities in the future, all as contemplated by or in a manner similar to that specified in Section 151.5 of the Ordinance.

Condition No. 2(d) - Add the following note to the plans:

"The Board of Adjustment shall hold supplemental proceedings 18 months after the date of adoption of this Resolution (i.e. in December 2008) to assess whether, following the full occupancy of the building on the site, there are traffic, parking and/or circulation problems attributable to such occupancy, and whether the problems can be expected to be alleviated by the construction of a parking lot (and other facilities marked on the plans as 'reserved'). The supplemental proceedings shall be held following the servicing/publication of notice in the manner prescribed by the Municipal Land Use Law and the Township Land Use Ordinance. The Board of Adjustment shall, following the holding of such supplemental proceedings, determine whether it would be appropriate to require the installation of the 'reserved' facilities (or the installation of any other site improvements, including landscaping and buffering), in which case the applicant shall promptly arrange to have the required facilities installed (within a time frame to be set by the Board) and the applicant shall post performance guarantees and inspection fees in amounts set by the appropriate Township Officials".

Condition No. 2(e) - Remove the designated drainage easement on adjacent Lot 12 but indicate that such easement (or another similar easement) may be required by the Board in connection with the supplemental proceedings referred to in this Resolution.

The applicant sought to delete the aforementioned conditions from its July 17, 2007 approval Resolution.

A public hearing was held on the application on January 7, 2014, at which time interested citizens were afforded the opportunity to be heard.

Michael Gurval, a principal of the applicant, testified at the public hearing and indicated that since its purchase from the Township in 2007, the building on the site had never been fully occupied; the occupants consisted of his risk management company which employed some five (5) persons, and certain office tenants which employed two (2) individuals; and that the parking demands of these tenants was minimal since clients did not come to the site but, instead, the occupants of the building travelled to the locations of their clients; that during his company's tenure at the property, there had been no problem with parking or traffic circulation; that if the

parking lot referred to in the 2007 Resolution were to be constructed, this could have a negative impact and effect on surrounding residential properties; and that although the 2007 Resolution stated that the Board should consider any comments which the Central School staff or the Township Police Department may have relative to the proposal, there had been no comments received from those agencies or officials or from any other parties.

Thomas Lemanowicz, the Board's Engineer, explained that the drainage easement referred to Condition No. 2(e) of the 2007 Resolution would not be required if the parking lot referred to in such Resolution were not to be constructed.

There had been no other public comment received relative to the requested modification in the terms of the 2007 Resolution.

The Zoning Board of Adjustment was of the opinion that there was no need to construct the on-site parking lot referred to in its 2007 Resolution and, to the contrary, it would have a negative impact upon the area if the parking lot were to be constructed.

The application of Stirling Library LLC for modification of its previously approved application was subject to the following conditions:

- (1) The applicant shall submit proof of payment of real estate taxes through the fourth quarter of 2013.
- (2) The applicant is hereby relieved from any obligation to construct an on-site parking lot on the subject property and Condition Nos. 2(c), 2(d) and 2(e) in the Board's July 17, 2007 Resolution are hereby deleted.
- (3) The applicant shall submit a revised plan which removes any reference to construction of an on-site parking lot on the subject property and/or to reservation of an area for potential future parking, such revised plan to be satisfactory to the Board Engineering Consultant.
- (4) The applicant shall post sufficient funds with the Township to satisfy any deficiency in the developer's escrow account.
- (5) Except as specifically set forth herein, all conditions in the Board's Resolution adopted for Application No. 07-03Z are hereby re-affirmed.

Chairman Behr asked the applicant to "Provide for placement of a historical community marker on the site the features and location of which will be acceptable to the township Historic Preservation Advisory Committee" as outlined in Item "2 (l)". He noted that the township had graciously funded a program to provide historical markers free of charge.

Mr. Gurval stated that he had no problem complying with that item.

Chairman Behr asked if there were any questions or comments from the public. There being none, he closed the meeting to the public.

Chairman Behr asked for a motion to approve the application to amend the resolution to remove conditions 2c, 2d, and 2e, and to release the owner of Stirling Library LLC from any further requirement to comply with Ordinance 151.1 and Resolution #07-03Z with the condition that the applicant would ensure that the plans on file in the township would be amended to reflect the removal of these conditions to the satisfaction of the Board Engineer.

Motion was made by Mr. Gerecht to approve and seconded by Mr. Ruiz. A Roll Call Vote was taken. Those in favor: Mr. Gerecht, Mr. Keegan, Mr. Pesce, Mr. Ruiz, Mr. O'Mullan, Mr. Pudlak, and Chairman Behr. Those opposed: None. The application was approved.

Mr. Pesce motioned to adjourn. Mr. Gerecht seconded. A Voice Vote was taken. Meeting adjourned at 9:04 P.M.