

MINUTES

PLANNING BOARD

AUGUST 9, 2011

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Chairman, Mr. Connor, called the meeting to order at 8:05 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, 2011.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Christopher Connor, Chairman		<u>Excused:</u>
Mayor Nanette Harrington, Mayor	Barry Hoffman, Bd. Attorney	E. Thomas Behr, Member
Donald Butterworth, Member	Kevin O'Brien, Twp. Planner	Mead Briggs, Member
Kevin Dempsey, Member	Thomas Lemanowicz, Bd. Engineer	Michael Smargiassi, Member
Guy Piserchia, Member	Dawn Wolfe, Planning & Zoning	
Brendan Rae, Member	Administrator	A. J. Batista, 1 st Alternate

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

APPROVAL OF MINUTES

The May 10, 2011 executive and regular session minutes were approved as written on motion by Mayor Harrington and seconded by Mr. Butterworth.

PUBLIC QUESTION OR COMMENT PERIOD

The meeting was opened to the public for questions or comments. There being none, the meeting was closed to the public.

DISCUSSION

ORDINANCE 278-11 – AN ORDINANCE ESTABLISHING A ZONING PERMIT REQUIREMENT AND SUPPLEMENTING AND AMENDING THE TOWNSHIP LAND USE ORDINANCE

Mr. Hoffman said that it was his understanding that Ordinance 278-11 was introduced before the Township Committee upon first reading and is, therefore, being referred to the Planning Board for a formal recommendation, favorable or otherwise, and to report back to the Township Committee as to the Planning Board's decision.

Mayor Harrington agreed that Ordinance 278-11 was introduced. She said that she also met with Mrs. Wolfe and Mr. Delia and talked through a number of issues taking into account some comments from members of the public and made some changes and clarified things like sheds, fences, patios, and garages. She said that they also introduced the notion of a Certificate of Compliance because there was quite a bit of confusion in the process on the Zoning Permit. She said that a Certificate of Compliance is to a Zoning Permit what a Certificate of Occupancy is to a Construction Permit, and that really closed the loop very nicely and gives homeowners the documentation that their projects were within zoning so that when they go to sell their homes or businesses that they have all of the necessary paperwork documented that they went through the process and are in compliance with all of the zoning ordinances. She said that it cleaned up the process, made things very clear, and this is what the Township Committee introduced.

Mr. O'Brien said that the Board may recall that this is the end of what has been a process by which many have been consulted and a lot of input has been gathered. He said that the origination of this was in the discovery by the Township that the Certificate of Occupancy document, which our Boards had been using as a trigger for enforcement of zoning issues, was not applicable. As the Mayor indicated, he said that the Zoning Permit itself is the *only* item that can be used to enforce the Zoning Ordinance on new construction. While this has certainly been a while in the making, he said that it has been a document that has evolved and improved over time. As Mr. Hoffman indicated, he said that it is on its first reading before the Township Committee and it is up to this Board to decide whether or not the proposed ordinance is consistent with the Master Plan and recommend it back to the Township Committee.

Mr. Piserchia moved to recommend the adoption of Ordinance 278-11, as written, which was seconded by Mr. Dempsey.

The meeting was opened to the public for comments. There being none, the meeting was closed to the public.

A roll call vote was taken. Those in favor: Mr. Butterworth, Mr. Dempsey, Mayor Harrington, Mr. Piserchia, Dr. Rae and Mr. Connor. Those opposed: None.

The Board directed Mrs. Wolfe to communicate to the Township Committee the Board's recommendation.

VALLEY ROAD SLIDE SHOW BY DENNIS SANDOW

Mr. Dennis Sandow, for the Long Hill Township Chamber of Commerce, said that in July, 2007, the Chamber volunteered to the Planning Board that it would do anything that it could to assist the Board in its work in the processing of all of the Valley Road business. He said that this is a part of that offer and it is in response to an e-mail which he received a month or so ago from a prominent citizen who he believed is familiar with the processes and what we are trying to do on Valley Road and he wrote: “Is it unreasonable to ask that we first simplify ordinances to make it easier to existing businesses and residents to do business with the town before increasing lot coverage?”. He said that this is apparently in reference to the fact that the B-D Zone changes the lot coverage that is permitted in the existing B-2 and O Zones from 40% up to 60%. He said that that triggered a whole bunch of alarms because, although we hadn’t considered it specifically, even increasing from 40% to 60% is a disincentive to redevelopment since about 2/3 of the properties on Valley Road already exceed 40% lot coverage and already exceed 60% lot coverage and so the choice a developer would have to make, if he were going to redevelop his property or a collection of properties in the new business district, is to either preserve the existing building and parking to the extent that it is probably grandfathered or has existing variances to exceed 40% and 60%. He said that one choice is to just leave it alone. The other choice is to come before the Board and say “I am currently at 90% lot coverage and I want to redevelop according to your plan and I’m willing to downsize and have less square footage available for rental in order to meet your 60%”. The third alternative is to say “I am willing to redevelop but I want variances to get back up to the lot coverage that I am currently enjoying”. If Option 3 is what the developer chooses, then the Zoning Board is faced with the challenge of either refusing to grant the variances, in which case the development might not take place because there is an economic penalty involved, or to grant the variance in which case the Zoning Board is once again creating the rules for the Zone, which is what we are trying to get away from.

He said that the thrust of his 21 slide presentation is to demonstrate that many of the lots in this Zone are already exceeding 60% lot coverage and to leave the Planning Board with the question: Is 60% the right number? Do we need additional rules to specifically protect the over covered lots right now? How will the 60%, if rigidly enforced by the Zoning Board (as we suspect that it probably would be because this is a brand new ordinance and a brand new plan) – would that be a disincentive?

Mr. Sandow’s slide presentation described the following properties on Valley Rd., from west to east, and included the following information:

<u>Block and Lot Number</u>	<u>Acreage</u>	<u>Frontage</u>
Bl 11601, L 21	0.28	94’
L 20	0.51	85’
Bl 11514, L 1	0.74	100’
L 33	0.46	100’
L 32	0.23	50’
L 31	0.23	50’
Bl 11514 L 6	1.72	250’
Bl 11515 L 3	3.34	126’
Bl 11401 L 21	1.05	118’
L 18	2.80	295’
L 14	1.57	110’
L 13	6.35	351’
L 7	5.62	225’
L 6 + 11	8.41	337’
L 8	1.81	81’
L 4 + 23	11.94	447’
Bl 11301 L 1.01	1.64	150’
L 1.02	2.96	300’
L 3	18.55	210’
L 2	7.75	555’
L 1	45.05	150’
Bl 10401 L 1	0.67	139’
L 2	0.26	56’
L 3	0.46	100’
L 4	0.83	180’
L 5	0.63	237’
Bl 10411 L 1	2.09	193’
L xx	0.30	130’
Bl 10501 L 1	7.50	562’
L 6	0.29	0’
Bl 10503 L 1	2.12	0’
Bl 10513 L 4	0.46	100’
L 5	0.46	100’
Bl 10512 L 1	1.50	200’
Bl 10514 L 3	0.71	100’
L 1	0.86	205’
Bl 10513 L 1	0.89	205’
Bl 10515 L 2	1.42	238’

	L 3	1.00	162'
	L 4	0.75	95'
Bl 10601	L 5	0.81	159'
	L 7	1.43	144'
	L 7.01	1.33	144'
Bl 10601	L 6	0.81	100'
	L 2	1.95	250'
	L 8	23.93	496'

In summary, he said that there are a lot of properties which would suffer a negative economic consequence, which was the point he wanted to make. He said that a lot of properties are developed far beyond the 60% point and, putting a 60% limit in (even if it is greater than the current 40% limit), would be an economic disincentive to the owner. He had no specific advice as to what you do with this.

He said that he would make paper copies of his slide presentation available to Mrs. Wolfe and also offered to provide an electronic copy in color. He also said that a paper copy of his slides will be posted on the Chamber of Commerce website tomorrow at longhillchamber.org. where there will be a link to it on the right hand side of the page, or you can get them off of the County G.I.S. website.

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DISCUSSION

PROPOSED NEW CHECKLIST

Mr. O'Brien said that the Board has been working on a revision to the completeness checklist and accompanying ordinance for a while. He said that Mr. Batista has taken the lead on it and has contributed quite a bit of time and effort to bring it up to date. Currently the checklists in the Zoning Ordinance take up somewhere around 20 pages. Mr. Batista, with some guidance from staff, has whittled the 20 pages down to 5 pages and a checklist which covers a multiple of land use applications. Accompanying the checklist is a proposed ordinance that authorizes the new checklist, removes the old ones, and throws in the completeness requirements which we have discussed over the last few months for us to work with the change in the time of decision rule. The completeness requirement includes the Technical Review Committee that this Board has been discussing for some time. He said that Mr. Lemanowicz also wanted to add to the discussion on the checklist.

Mr. Lemanowicz said that the checklist that was previously distributed contained some issues with typographical errors and, for some reason it was printing out two of every page. Those issues have been fixed and he also made a 3 or 4 small changes for clarifications. Item No. 7 had a discussion about surveying and he moved part of that to the discussion about subdivision plats because as part of a survey for a variance you really don't need some of the items in there about be tied to permanent monuments, etc. He added sign information in the case of a minor subdivision because occasionally you will get someone deciding to name it something. Referring to Item No. 25, he said that there was a redundant sentence about an indication of the existing front and rear setbacks which he removed. As to Item No. 34, he said that he added dimensioned architectural plans for minor site plans. As to Item No. 35, he said that it has been common for the Township to require a Knox Box (which is actually a brand name), which was pointed out by Mrs. Wolfe, and so that will be changed to be something more generic. He noted that there is an ordinance right now that calls them "rapid access key boxes", so we will probably call them that. He fixed a typo in Item No. 38 to now read "The location and size of all existing and proposed utilities for both undeveloped and developed lots that are part of the application; detailed description of any and all easements and the manner in which they will be controlled." He said that Item No. 52 was an exact duplicate of Item No. 44, so he took it out. Other than those items, he said that it is the same idea that we have been going through. He said that, hopefully, the new checklist will make things a little easier for applicants (and ourselves) to get through. He said that the requirement that a waiver be explained is important because it will help the applicant realize that when he/she gets here, he/she will have to explain why they didn't provide something. He said that, hopefully, it will get some of the items ironed out before too much time is spent on an application. He said that having everything all in one spot makes it very easy, rather than going through 20 some odd pages. He said that it as very concise and all in one spot and that he had found such checklists to help more things along with an application.

Mr. O'Brien said that, if the Board is satisfied with the current status, it would be appropriate to refer it to the Township Committee for action.

Mr. Connor asked Mr. O'Brien if he had used the proposed checklist during completeness reviews as a test to see how it works.

Mr. O'Brien replied that he had not but said that we can do that.

Mr. Lemanowicz said that we can redo one that was already done – we don't have to wait for a new application.

Mr. O'Brien said that he and Mr. Lemanowicz could do that individually and, presuming they find anything of a very simple vein, they can make the appropriate corrections, alert the Board to them, and proceed to introduce the checklist to the Township Committee if the Board so desires.

Mr. Butterworth felt that the small type is unreadable.

Mr. Lemanowicz replied that they did not find the need to use the “Notes” column on the right. Although he would hate to lose that, he said that it may be able to be made a little bit smaller and he may be able to “crunch” things down a bit to make the font a little bit bigger.

Mr. Butterworth replied that that could be done, or it could be formatted to legal size paper.

Mr. Lemanowicz replied that then it wouldn't fit in the ordinance books.

Mr. Butterworth said that it may add a page or two to go to a larger font.

Mayor Harrington asked why we are bothering with the “Notes” column at all.

Mr. Lemanowicz replied that he has seen applicants add clarifying notes.

Mr. Connor felt that it is more a problem with the font rather than the number of lines.

Mr. Dempsey asked if the intent is also to provide it to an applicant electronically so that they may type in it to fill it out.

Mr. O'Brien replied that they could do that.

Mr. Dempsey felt that that should be available. He said that, as a homeowner, he would much rather have it electronically and be “ticking off” as he went through, then print it out and sign it, than trying to always have this piece of paper crumbled up in a corner of his desk.

Mr. Lemanowicz said that this is an Excel spreadsheet, so you would have to have that software to do it. He added that that is a pretty common piece of software.

Mayor Harrington felt that it should absolutely be available on the website.

In response to Mr. Dempsey, Mr. O'Brien said that there are 10 relief methods here and some of them are site plan, some are subdivision, and some are very specialized appeals to the Board of Adjustment. For the vast majority of homeowners, he said that only one column is going to affect them and the rest of them are going to be some type of a commercial application.

Mr. Lemanowicz said that he might get it converted to a PDF where, when you open it, you can only mess with the one column where it says “Applicant Mark”. He said that he will increase the font size and asked the Board if it would prefer that the last column be left in.

Mr. Connor felt that it should be left in to allow a place for a note to be added, particularly if it will be available electronically.

Mr. Lemanowicz said that the last column is more of a clarifying note for the checklist, not for the applicant.

Mrs. Wolfe said that she might need that column at the time of completeness reviews since she writes notes clarifying what is needed.

Mr. O'Brien said that, if the Board would like, he would make the changes that have been discussed and send back a final draft and forward it to the Township Committee or, if the Board would like, he will wait until September for the Board to look at the final version.

Mr. Connor felt that it is pretty much done.

Mr. Dempsey agreed and said that the electronics will happen later, after adoption.

Mr. O'Brien confirmed that the new checklist ordinance draft is dated 7/12/11 and the latest checklist version was distributed last week. He said that the changes will be made as directed, after which it will be forwarded to the Township Committee for its review.

Mr. Dempsey made a motion to forward the draft checklist to the Township Committee for approval, as amended. Mr. Butterworth seconded the motion.

A roll call vote was taken. Those in favor: Mr. Butterworth, Mr. Dempsey, Mayor Harrington, Mr. Piserchia, Dr. Rae and Mr. Connor. Those opposed: none.

Mr. Connor said that he wished to publically thank Mr. Batista who went above the call of duty on this particular effort. He also thanked Mr. O'Brien and Mr. Lemanowicz.

Mr. O'Brien said that Mr. Batista was the prime mover and he recalled that his wife assisted him on some of the formatting and such.

Mr. Lemanowicz added that it was a lot of work and came out very nice.

Mayor Harrington felt it was a spectacular job.

Mr. Dempsey said that, with Mr. Batista's labor, the town and community will benefit for years.

The meeting was opened to the public for comments. There being none, the meeting was closed to the public.

Mr. Connor said that it was his intent to revisit the Valley Road Business District Ordinances on September 13th. He said that he specifically did *not* want to do that at the last two meetings because the public isn't here, nor was a full Board present.

Mr. Dempsey asked if we are prepared to do that and if it is right to do that, nothing that we also have other things such as the Meyersville ordinances. For the sake of making continued headway, he asked if there was anything else on the docket to be discussed and cleaned up that has long been waiting for us. He said that Valley Road is not going to be one or two meetings and he would like to see something else come through because he felt that what we have is "a band-aid on Valley Road". He said that it is not done and is not perfect and there may be no "band-aids" in other parts of town. He said that if there aren't other things backed up, then let's open up to Valley Road and keep on talking.

Mr. O'Brien said that, so far this year, we have made some significant progress. He said that a number of ordinances have come through the Board and have been forwarded on and that has been an accomplishment. While we have been busy doing that, we have not looked at those other undone things because Valley Road has been sitting in our laps waiting for us to do something. He said that he could update his status report.

Mr. Connor said that one of the things we said we would do in the latter half of the year was to take a look at ordinances for renewable energy which is coming forward and, eventually, we are going to get something here. If we don't have such ordinances, he said that we will be "flying by the seat of our pants." He said that he knew that both Mr. O'Brien and Mr. Lemanowicz have done some work and there are some model ordinances that we can start on. He said that there is also the question of the Historical Element. He said that he was advised that it is ready to be submitted and he encouraged the members of the Historic Preservation Advisory Committee to do so, although he did not think that that will be in September. He said that he was concerned that we have people looking at the Valley Road Ordinances and there are obviously a few things for active discussion, but he said that there is agreement on a large part of it. He said that Mr. Sandow's presentation was a good example and that we really need to have a consistent look and ordinances for the Valley Road Business District – either a single ordinance or a couple that when you get into pieces of property that obviously should be in the same zone or in different zones. He said that maybe we are not going to make all the changes that we have proposed, but he would like to get out at the end of the year making this Board decide what makes sense to the members and bringing that recommendation back up because otherwise we will be kicking it for another two years.

Mr. Dempsey said that, if there is nothing else or if this is more important than anything else, then he was behind Mr. Connor 100% and we will forge ahead as we have done over the last couple of years.

Mr. Connor said that, if Mr. Sandow was here, he would suggest signs/signage.

Mr. Dempsey said that he was behind him 100% on that one too.

Mr. Piserchia said that the Board has also worked very hard on the proposed Tree Ordinance. He said that he suggested, reasonably strongly, to the Township Committee that the Tree Ordinance was never really given a proper airing, for whatever reason. He said that the Township Committee did say that they would like it to be brought back to them. He said that he would suggest this time that *all* interested parties, such as the Environmental Commission, Mr. Batista, and Mr. Welch attend. He said that he would leave it to the Mayor to place it on a Township Committee agenda in September so that it is not presented at 10:30 PM, when people are tired. He felt that it is very, very important that it be heard in all its glory.

Mr. Connor agreed that some of the important issues are at the Township Committee level and once they act on them and get them back to us we would have something of high priority, but in some cases we are waiting for their response.

There being no further business, the meeting adjourned at 10:05 P.M.

DAWN V. WOLFE
Planning & Zoning Administrator

