

MINUTES

PLANNING BOARD

MARCH 27, 2012

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Chairman, Mr. Connor, called the meeting to order at 8:04 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, 2012.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Christopher Connor, Chairman
Brendan Rae, Vice-Chairman
Jerry Aroneo, Mayor’s Designee
Mead Briggs, Member
Donald Butterworth, Member
Joseph Cilino, Member
Kevin Dempsey, Member
Michael Smargiassi, Member

Charles Arentowicz, 2nd Alt.

Kevin O’Brien, Twp. Planner
Thomas Lemanowicz, Bd. Engineer
Dawn Wolfe, Planning & Zoning Administrator

Excused:

Guy Roshto, Member
Sandi Raimer, 1st Alternate

Barry Hoffman, Bd. Attorney

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

PUBLIC QUESTION OR COMMENT PERIOD

The meeting was opened to the public for questions or comments.

Mr. Dennis Sandow, Millington, said that at the meeting 2 weeks ago there was discussion about sequencing the Elements of the Master Plan. He said that the Land Use Element was put off until after the Board reviews the village Elements because it was felt that nothing significant has to be done in the Land Use Element other than to reflect what we do with the villages. He reminded the Board that about 3 years ago he forwarded a study (and has forwarded it regularly since then) that showed that 41% of the existing residential lots in the Township are undersized for the Zone in which they are located. He said that that is well over 1,000 houses that are on undersized lots which means that any time the owners want to do anything significant to improve their lot, they are going to run into the bulk requirements of the larger sized lots and, secondly, they have got to apply to the Zoning Board for variances which is, despite the new procedure, a very expensive proposition. He said that he has asked on many occasions over the past 3 years that the Board start a serious attempt to rectify this, probably by rezoning. He has never heard an affirmation from the Board that it accepts that this 41% undersized lots problem is, in fact, a problem that should be remedied and committed to being corrected in the Land Use and Housing Elements of the next Master Plan. He said that he would like to hear that affirmation and see some serious work started on a new Zoning Plan/Map that takes into account the undersized lots that are pervasive in the Township.

He said that the other factor involved is that most of the houses which are on these undersized lots are older than 40 years with the exception of a few historic houses which range from 40-100 years. That means that there is a lot of old housing stock in the Township which might be upgraded but can’t be upgraded because of the nuisance of getting permissions, variances, etc. because the lots are undersized. He said that this is throttling the redevelopment and re-beautification of the Township. There are old houses which will continue to get older but they are not going to get fixed up, expanded or rebuilt. He said that the Zoning Board moves fewer than 10 residential applications per year. With 1,000 houses, more or less in this situation, it is going to take an awfully long time at 10 per year to upgrade those properties. He felt that it is a serious matter and he would like to hear the Board’s assertion that they agree and will reflect it in the Land Use Plan and the Housing Plan.

Mr. Dempsey felt it is a serious matter but did not have a full opinion on it. He said that part of the things we have been trying to do all along was to streamline applications for the residents. He said that he heard Mr. Sandow and agreed that it is something that needs to be addressed.

Mr. Sandow commended former Planning Board member A. J. Batista whom he said “really plowed into this” and read it and asked cogent questions.

Mr. Cilino asked if anyone had a record of how many owners of these 1,000 homes have applied for a zoning variance in the last 10 years.

Mr. O’Brien replied that that would be included in the annual report on variances heard by the Zoning Board to the Township Committee, a copy of which is sent to the Planning Board each year.

Mr. Sandow said that he would guess “very few”.

Mr. Aroneo said that he had heard Mr. Sandow talk about this at least 3 times before the Township Committee and Planning Board. He said that it *may* be a problem and *may not* be a problem. He felt that we have to go back and

look at why the zoning was changed to begin with. He said that at one time those houses were conforming to the Zone, unless the Zone was created *after* the homes were built. He felt that we have to go back to the beginning to see *why* they were made nonconforming and that may provide some insight as to whether or not we should make them conforming. He said that, when you make a zone change, that use is supposed to go away. He said that maybe the zone changed for the better the way that some people on the Board many years ago wanted it to be and they didn't want small lots and now they are being phased out. He felt that it is worth looking at in order to make a decision one way or the other, although he was not sure that it was a top priority of his when Master Plan work needs to be completed.

Mr. Sandow said that, originally, downtown Stirling was zoned with 25' lots (roughly 18 to the acre). There is still one house that he knew of in Stirling on a 25' lot. He said that most of the lots in Stirling were consolidated (pair-wise) so that we now have 50' lots (which are about 1/8 acre). He said that all of downtown Stirling, as well as the rest of the town is zoned for *at least* 20,000 S.F. (which is about .45 acre). He *assumed* that that rezoning was done because some Planning Board in the past (in good conscious) believed that that's the way they wanted the town to evolve. He said that the difficulty is that that would require even more lot consolidation than has already existed. If this pre-dates the 1996 Master Plan, obviously it hasn't been working. He said there are vast neighborhoods which we are probably never going to get to .45 acre and so we should probably opt in favor of making it easier for those property owners on existing lots to improve their residences without imposing the burden of requiring bulk variances every time they want to do so. He said that there are other neighborhoods such as the Chestnut St./Elm St. neighborhoods, many of the lots around High St., the houses in Gillette along Mountain Ave. and its side streets, and behind the Millington Fire House which are undersized and those houses are either improved in their existing footprint or they require a variance to allow them to expand because they will exceed the required setbacks and permitted lot coverage. He suspected that very few have come in over the past few years relative to the total load on the Zoning Board which in itself isn't very much. He said that the Zoning Board has dealt with sheds and swimming pools in the density modified neighborhoods which are undersized by design but which nonetheless have imposed restrictions on the property owner. Although he understood that it hasn't been a pressing issue in town, he said it is also holding us back. Because of the vast amount of properties that have to be taken care of and mapped, he said that this probably ought to be a parallel effort that starts pretty soon. He said that more than half of the houses that are in the C Zone (which requires a 3 acre minimum) are on undersized lots and that is an even larger burden because we don't like to see a 1/2 acre or 1/4 acre lot in the C Zone, but nonetheless the C Zone boundary encompasses that house – it is there and existing and it is a taxpayer and we have just made it harder for him to do anything with that house, so if we wait and don't include it in this Master Plan, then all those houses are going to be 10 years older than they are now and we do the next Master Plan.

Mr. Connor asked how many of those 41% are actually in the Stirling area.

Mr. Sandow replied that he could provide that answer in 10-15 minutes. He asked Mr. O'Brien if this is a problem that he sees in other towns.

Mr. O'Brien replied that he sees it occasionally. He felt that in the case of Long Hill Township, the biggest change from what he could see of the past records was in the 1980's Master Plan and accompanying Ordinance, much of what was echoed in 1996. He said that 1996 didn't break a lot of new ground – it really reiterated a lot of what happened in the mid-1980's. He felt that the thought was at that time that people thought that people would consolidate these smaller lots and knock down the older homes and build newer homes, but that obviously has not happened on most of those lots. He said that when Stirling was first settled back in the 1880's or 1890's, the lots were sold to people in New York who were going to come out here and build in the country and they were all 25' lots, which was a very standard lot size in the late 1800's. He said that you see that down at the shore at the end of the railroad terminus' where people would come and buy 25' lots by the ocean and by the time zoning came along in this community in the 1930's, many of those lots had been consolidated as a matter of course to build the buildings that they wanted to build and to do what they wanted to do and there were probably not too many 25' lots left at that point because the trend was towards the larger consolidated lots because 25' is too small to do anything effectively.

Mr. Sandow replied that the folks from Brooklyn who bought those lots were accustomed to that.

Mr. O'Brien agreed, but said that when they got out here in the clean open air, they wanted to have nicer, bigger houses.

Mr. Connor said that this is something to consider when the Board reviews its priority calendar later this evening.

Mr. Sandow agreed to provide the requested numbers by then.

There being no further comments, the meeting was closed to the public.

DISCUSSION
REVISION TO THE BMP MANUAL (LATER ENTITLED “SAMPLE STORMWATER MANAGEMENT PRACTICES”)

Mr. Lemanowicz thanked Mr. Smargiassi and Mr. Cilino who helped with comments on the two documents he had sent out, one being the result of all the comments and the other being the copy of the document *with* the comments.

He said that this was an issue that came up at the last meeting in that the Board wanted to see the step before so that they could pick out changes and such.

He said that there was a new introduction that Mr. Smargiassi prepared and there were some other words here and there that were changed to make it a little more friendly and clearer. The only thing that he did add at the very end was a closing paragraph to discuss alternatives because part of the purpose was to get the homeowners to think about doing something similar to this, but not *exactly* like it. Going on the opening paragraph where it states that each property and each project is unique, he wanted to add something so that property owners would feel free to use these methods on their property. He also added the caveat that, if they are planning that, they should call the reviewer first before they invest a whole lot of time and money into designing something that is not in accordance with this. Other than that, he said that there weren't a lot of changes – mainly in the overview and the introduction.

Mr. Cilino felt it looked good and didn't see anything that needed to be changed.

Mr. Smargiassi felt that the opening paragraph really softens it and makes the content more understandable direction-wise.

Mr. Arentowicz liked the title change. He said that when this was discussed at the last meeting, the Board said that it was geared towards homeowners and small projects. He asked if that was all inclusive or should it be delineated small projects, or are small projects strictly the homeowner?

Mr. Lemanowicz replied that the manual is for residents with small projects, although the practices contained in it could be used on *any* sized project. For instance, he said that one of the Best Management Practices in the State Manual is simply a lawn where it has to run off of a certain length of lawn at a certain slope with certain plantings, not so much for rate control, but for water quality which is also a stormwater management practice. He said that it is not so much that it is for small projects, it is for residents to help *understand* their small projects.

Mr. O'Brien said that a small commercial property could also use these as well. He said that a small project is 1,000' and any number within that threshold could use these.

Mr. Lemanowicz said that the idea is that if you are a big project such as a 500 unit residential development, you've got an engineer who knows these things.

Mr. O'Brien added that those big projects have their own manual that is published by the State that they have to comply with. He said that the purpose of this was something for people who don't rise to that large project threshold, but nonetheless need to have some type of mitigation. He asked if the Board wanted him and Mr. Lemanowicz to do a last "go over" on this or adopt it as it is?

Mr. Connor said that he did not hear any comments to make changes and, given that, would entertain a motion to adopt the Long Hill Township Sample Stormwater Management Practices.

Mr. Briggs made a motion that the Board finds that the Sample Stormwater Management Practices is consistent with the Master Plan with the Township and recommends it to the Township Committee. Mr. Cilino seconded the motion.

A roll call vote was taken. Those in favor: Dr. Rae, Mr. Briggs, Mr. Butterworth, Mr. Cilino, Mr. Dempsey, Mr. Aroneo, Mr. Smargiassi, Mr. Arentowicz, and Mr. Connor. Those opposed: None.

DISCUSSION

REVIEW OF ENVIRONMENTAL ORDINANCES

Mr. Connor said that the discussion on the review of the Environmental Ordinances will have to be held in abeyance and asked Mr. O'Brien to address the matter.

Mr. O'Brien said that this morning Mr. Aroneo sent him some information that originated with Paul Ferreiro, Twp. Engineer. He said that Mr. Ferriero sent two memos last year to the Township Administrator concerning the proposed Environmental Ordinances. The Planning Board received the latter one of those and he said he had heard through the administration that there was another memo, but his assumption was that the second memo superseded the first. He said that Mr. Aroneo received a copy of the first memo and sent it along this morning and there are concerns in the first one that are not addressed in the second one, so rather than confuse everyone as to which memo means what and to make sure that all of the concerns are addressed to the Township Engineer's satisfaction, as well as running it through the Township Attorney to make sure that everything is covered appropriately, he and Mr. Lemanowicz would like to suggest to the Board that it withhold discussion of those ordinances until they can get those issues cleared up with Mr. Ferriero that they were unaware of. He said that they will be prepared to report at the next (or subsequent) meeting and apologized for the delay.

Mr. Smargiassi said that there are also some places where the Environmental Ordinances would need to be updated in reference to the Sample Stormwater Management Practices Manual that was just passed and some references which he believed that Mr. Roshto noted where the language is rather stringent – things like the applicant shall

review or choose from the appropriate mitigation as listed in the manual. He said that we talked about softening those references, as well.

Mr. O'Brien agreed. He said that Mr. Roshto made a number of suggestions concerning language. He said that we wanted to get the Stormwater Management Practices Manual taken care of and then we would see which way that language had to go. He thanked Mr. Smargiassi for pointing that out and said that it is still an open issue which, hopefully, will be resolved with either Mr. Ferriero or Mr. Pidgeon between now and the next time the Board takes a look at it.

In response to Mr. Connor, Mr. O'Brien said that they will ask to meet with Mr. Ferriero next week and then it can be expected back on the agenda for the next meeting.

DISCUSSION
REVIEW OF PRIORITY CALENDAR

Mr. O'Brien said that we all took a look at what was on the Board's long term agenda as shown in the various Status Reports we have had in the past. He said that the Board gave quite a bit of direction at the last meeting and, based upon that direction, what he attempted to do was to prioritize the open items that are in front of the Board. He did not prioritize *every* item that is in front of the Board, but what he did was to take what he thought was a reasonable time horizon going to our meeting in July and filling the calendar between now and then, and leaving off six items that are listed at the bottom of Pg. 2 with the intention of taking a look at the calendar again at the July meeting, seeing what we have accomplished, and then doing a calendar for the remainder of the year and setting our goals according to that. He said that if we don't get something done (like what happened tonight with the Environmental Ordinances), that means that they come back and we have to put them back on the calendar. He also said that, if an application comes in, the calendar would have to be put on hold while we hear that application. He said that this is a goal/target and is certainly not going to be inscribed in stone, but it is a worthy goal for the Board to shoot for. Keeping in mind that, should other things come up, he said that we can move these things along. But he felt that the most important part of this is that we set certain goals to do certain things in an order which allows us to get those things ready and we are ready for a target date. Overall, he felt that the intent of the Board was a good one.

Mr. Connor assumed that the Proposed Environmental Ordinances will be moved down to April 10th. Based on the last meeting, it seemed to him that this was the highest priority which might have been handled today but one of the principal members that has interest in it is not here. He noted that the Valley Road Ordinance and the Valley Road Master Plan Element are also scheduled for consideration on April 10th.

Mr. Dempsey said that could see the Board spending some time on the Environmental Ordinances and not necessarily having enough time for Valley Road, which he felt will take a meeting in and of itself. He said that, if it is included on the agenda, it should be the last order of business.

Mr. Smargiassi felt it would be a bit much to do the Valley Road Master Plan Element and Ordinance in the same meeting. He said that, if the Proposed Environmental Ordinance is scheduled for the next meeting, maybe we should keep the Valley Road Master Plan Element on and move the Valley Road Ordinance to open items not scheduled.

Mr. Arentowicz felt that that makes sense. He also felt that we all agree that Valley Rd. probably takes precedent over everything else, based on the last meeting.

Mr. O'Brien felt that Mr. Smargiassi's suggestion was a very good one. He said that the Element is what governs what goes in the ordinances, so if we don't like the Element as it currently stands, then that should be changed before we move on to Ordinances. He said that that should definitely be the discussion if that is the question before the Board.

Mr. Connor said that we need to have a discussion on the Element and then a hearing.

Mr. O'Brien replied that you would need to have a public hearing if you are going to amend or rewrite the Element. If it is changed, it would have to be adopted at a public hearing which is noticed and to do that, it requires about a 3 week window. The same process is true for the other Elements that he had listed. They are all discussion items for the Board – they are not noticed public hearings at which point the Element could be adopted by the Board if it so wished. If we are going to amend, change, or adopt Elements, he said that it might be efficient to do a couple in an evening, but that is the Board's prerogative.

In response to Mr. Smargiassi, Mr. O'Brien said that you would need to have a draft done for the adoption meeting, which is part of the notice to be sent.

Mr. Connor said that in the cases of the Open Space Element Review, Conservation Element Review, and Community Facilities Element Review, we could have discussions and then have a meeting where we adopt all of them at the same time. He said that none of them are so important that we have to immediately adopt them if we can wait 2 or 3 months and just handle them at one public meeting. What he heard was that at the next meeting, the Board will discuss the Environmental Ordinances and the Master Plan Element, having the Master Plan Element first. If that doesn't take the entire meeting, the Board may take action on the Environmental Ordinance.

Mr. Connor recalled that an A.R.C. meeting was held with the owner of the Valley Mall and asked Mrs. Wolfe if an application has yet been filed.

Mrs. Wolfe replied that an application has *not* yet been filed, however she spoke with Mr. Croman today and learned that it will be coming soon.

Mr. O'Brien estimated that the application will probably be ready to be heard in mid-May.

With regard to the tentative agenda for the April 24th meeting, Mr. O'Brien suggested that Mrs. Wolfe call the A.R. @ Millington representatives (for the TIFA redevelopment concept plan) to see if they would be willing to come in that evening.

Mrs. Wolfe said that she received a box today containing information on redevelopment in other nearby towns, but it did *not* include the A.R. @ Millington concept plan application, nor did she receive the required initial professional escrow deposit. It appeared to be a first mailing of items to be reviewed and was short one copy, therefore she said that she would be contacting them tomorrow. At that time, she said that she will ask the secretary when she expects to be mailing the application for the concept plan to her.

Mr. O'Brien said that, if the Chair and Board members wish, we could offer them the April 24th date or another evening to get them on the calendar.

Mr. Smargiassi asked if the Board has the ability to limit such presentations to an hour or so. He was not sure if a concept plan is considered to be a formal application that is governed by a particular process.

Mr. Connor replied that the Board can limit the presentation to an hour, but the caveat is if there are a lot of questions from the Board and public. He said that we will schedule the concept plan as a first item on the agenda from 8:15 PM to 9:15 PM.

Mr. Smargiassi said that we always want to encourage people to come and speak to us, but he did not see the benefit of taking a whole meeting to discuss the item.

Mr. Cilino agreed.

Assuming that there is some agreement on April 10th on direction for the Valley Rd. Master Plan Element, Mr. Connor asked when it would be scheduled, since it must be shown as a separate meeting.

Referring to the Architectural Standards Presentation, Mr. Cilino asked if it would be wrong to state that it really should come before the Valley Rd. Master Plan Element.

Mr. O'Brien replied that Element is drafted for the 10th of April.

Mr. Cilino asked if the architectural standards fit in with the discussion of the Element.

Mr. Dempsey said that, at the last meeting, the Board said it wasn't as important. He said that at every meeting we "flip-flop" between these two. He said that, at the last meeting, the consensus was that Valley Road was the No. 1 priority.

Mr. Connor invited input from the Board.

Mr. Briggs felt that the view was that the Architectural Standards were 90%-99% complete and could stand up, but the fact is that the Element and the following Ordinance were taking precedence and, while it is important, it is not essential to complete.

Mr. Dempsey said that it was his understanding that we don't put the Architectural Standards *in* the Element – you don't go to that definition in there, that is what the Element is for. He said that we say this is what we want on Valley Rd. and this is what we want it to look like.

Mr. Cilino replied that that was exactly his point.

Mr. Dempsey agreed and said that they are independent and we should say what we want and what we don't want. He said that we don't want llama farms and we do want this or that and we put the Architectural Standards around it.

Mr. Aroneo said that he might disagree with that, that some of the Architectural Standards at least should give guidance in the Master Plan.

Mr. Dempsey replied that it is in the Master Plan, it is just not in the Valley Road Element.

Mr. O'Brien said that the Element gives guidelines as to how areas should be developed and the types of styles that should be used. He said that the standards that are being discussed here will at some point be put into the Ordinance. He said that right now we have a whole section on Architectural Standards in our Ordinance that guides applicants and the intent is to replace what is currently there with something new.

Mr. Cilino said that what he was hearing was that the Master Plan Element for Valley Road can be done prior to the Architectural Standards because the Architectural Standards *can* be massaged around the Element. He asked if that was a correct statement.

Mr. Connor agreed and said that the Master Plan gives general guidance and then the Element provides guidance. He said that the Architectural Standards give *very specific* direction in pictures and various other elements. He noted that Berkeley Heights took 2 years to adopt their Architectural Standards under the direction of their Master Plan.

Mr. Cilino said that it was still confusing to him.

Mr. Dempsey replied, because we did the Valley Road Master Plan a year and a half ago and this Board chooses to now re-evaluate it, so the previous Board (as we are calling ourselves) said that this is the way we want Valley Rd. to look like, so now let's take a look at the Architectural Standards. He said that this Board now says that it doesn't want it to look like that – let's take a look and make sure. He said that, if you look at it chronologically, we were doing it that way and it just appears that you are looking at it today as you are just all over the place. He said that that is only because we have decided to re-evaluate Valley Rd.

Based upon a re-evaluation, Mr. Cilino asked, if we are 90% done with the Architectural Standards, and we have changed our mind (whether it be the previous Board, the Board before that, or this Board), shouldn't there be, before we complete the standards, a presentation to then make sure that we are on track? In his mind, he said that we are writing the Master Plan which sets the tone and we are saying that we have changed the standards or we are redoing the standards and we are 90% done.

Mr. Aroneo said that he has to understand where the Architectural Standards are coming from because the people that are working on them right now are not even a Board sanctioned subcommittee. What he understood it to be is a group of individuals who decided to work together and present ideas to the Board. He said that the Board can, at that point, say these are what we like as Architectural Standards, or they are not, and we can go hire an architect to come up with other standards if they are not what we like.

Mr. Dempsey said that he looks at the Valley Road Element and in there we say that we want or we don't want – we want a movie theater. In the Architectural Standards it says this is what we want the movie theater to look like. He said that you don't put that in the Valley Road Element, you say I want a movie theater. He said that we first have to decide what we want on Valley Road before we decide what we want it to look like.

Mr. Connor replied that we have gone through that process and adopted a Valley Road Master Plan. He said that the architectural presentations that we have had were consistent with the Master Plan that we adopted. He said that we never got to the point of adopting the standards under that umbrella because there has been more important business to do. Now that we are saying that we may alter the Master Plan, maybe after doing so, we are no longer 90% done. We might find out that we are 75% done, so we really need to alter the Master Plan (or not alter it) and then look at the standards and maybe we are almost done and maybe not. He said that it has to follow a Master Plan that is agreed upon by this Board. Assuming that the Board decides to revise the Master Plan, he asked Mr. O'Brien what the target date would be for the public hearing.

Mr. O'Brien replied that it would depend on whether or not the Board can come up with a consensus.

Mr. Connor said that he was going to make an assumption.

Mr. O'Brien said that you can do that at a meeting and 3 weeks later we could have a noticed public hearing if the Board so wishes.

Mr. Connor said to suppose we got it done in 2 meetings, which would be the efficient thing to do. He said that it would have to be 2 meetings because we are going to have the Valley Road Master Plan discussion by the Board and, at the end of that, we come into some sort of consensus of what we want and on April 10th we schedule the public hearing. He said that we can't do it on April 24th, so it looked to him like it has got to be on the 8th of May. He said that that is as quick as it could be done. He suggested that that be added to the schedule for the 8th of May.

Mr. Dempsey felt that would be great. He said that, if that happens, then we will bump the Morristown Road Rezoning Study.

Mr. Connor agreed. He said that, if we decide not to do anything to the Master Plan, at that point in time we can put something else in there.

Dr. Rae asked when we will discuss the Ordinances.

Mr. Dempsey replied, after consensus, and depending on how big of a change. He said that if it is a big change, Mr. O'Brien will have to go back and there will have to be a whole meeting over the Ordinances. If it is a little change, he felt that we are ready to talk about Ordinances.

Dr. Rae asked if we are bumping the Valley Road Ordinances to some time in May at the very earliest.

Mr. Aroneo said that May 8th would be the very earliest.

Mr. O'Brien said that you wouldn't do that the same night that you have a noticed public hearing for an amendment or change to an Element.

In that case, Mr. Dempsey and Mr. Connor said that the Ordinances would go on May 22nd.

Dr. Rae asked if we are really thinking that the changes to the Master Plan Element are going to be that big – that we can't do these discussions in parallel.

Mr. O'Brien replied that you can't do them in parallel. He said that the Ordinances are the rules that implement the vision that the Master Plan lays out, so you really have to finish the Master Plan and say that this is what we want this to look like and these are the kinds of rules that we envision for this area, and then you write them. So, you've got to do one before the other.

Mr. Arentowicz said that we should cut to the chase. From his involvement, he said that the group has asked for input from the Township Committee and we received that input from the Township Committee saying that they do not want to see any residential on Valley Rd. So he felt that the discussion that will be held is a moot point. He said that we are going to revise Valley Rd. for no residential. If we don't do that, he said we are just spinning our wheels.

Mr. Dempsey replied, but if we do it just because they said so, then why are we here?

Mr. Arentowicz replied that that is the point. He said that we are asking for direction, we get direction, and if we are going to ignore it.....

Mr. Dempsey replied that that is why the conversation is going to be at the next meeting.

Mr. Arentowicz said that his point is that the Element is going to change unless you want to spin your wheels for another year – so either we change it, or we spin our wheels. He said that he is for changing it. He said that we asked for direction, got the direction, let's not spin our wheels. He said that the Valley Road Element is going to change.

Mr. Butterworth replied, that that is your opinion and maybe not all of us agree with you.

Mr. Arentowicz replied that, if you want to spin our wheels, the two options are....

Mr. Butterworth said that if we want to spin our wheels, we'll spin our wheels and this is an election year and nothing gets done anyway.

Mr. Arentowicz said that we will spin our wheels then and, if you don't decide to change it, you spin your wheels.

Mr. Butterworth replied that that is your opinion only.

Mr. Arentowicz felt it was obvious that we asked for direction from the Township Committee, we get the direction, and now we are going to ignore it. He asked Mr. Butterworth to explain that to him.

Mr. Butterworth replied that we are an independent body as far as that goes.

Mr. Arentowicz asked Mr. O'Brien to explain to him, if we ask for direction and ignore it, is that the normal process?

Mr. O'Brien replied that it is a policy (indiscernible)...

Mr. Butterworth replied that it seems to be for everything in this town.

Mr. Connor said that he was requested to move this discussion until the next meeting because Committeeman Roshto wanted to be a part of that discussion. He said that we could have had the discussion in his absence, but he chose not to do that. He said that he was all for having the discussion, but he would like everybody to be hear for the discussion, including Mr. Roshto.

Mr. Arentowicz replied that he was not disputing that, what he was disputing is that this Planning Board asked for direction from the Township Committee, we get the direction, and now some of us want to ignore it.

Mr. Dempsey replied that he did not know what this has to do with our calendar.

Mr. Arentowicz replied that it has a lot to do with it. He said that we are talking priorities here and the issue is whether or not the Element is going to change because, as our Township Planner has pointed out, if we change the plan we have got to reintroduce it to a public hearing. He said that what I am telling you is that based on what I have heard here is that this group has asked for input from the Township Committee, they have come back with it, and they want us to make a change. If we don't want to make that change, then we don't have to have a hearing. If we make that change, we can spin our wheels. He said that, if you want to spin our wheels, we can spin them.

Mr. Smargiassi felt that the Board has already recognized, by penciling in on May 8th a public hearing, we assumed that there would be changes and we basically said that if there are changes, when is the earliest that we would be able to have the public hearing. So, we have already amended the calendar to account for changes in the Element. He felt that we are arguing the same position. He said that we have amended the calendar to accommodate an assumed change and penciled in a date of May 8th for the public hearing on the Element, so he did not see what this discussion here is really about. He felt that we are all moving in the direction that everybody wants to move and we will have the discussion at the next meeting on the Element.

Dr. Rae said that it was his understanding that we are talking about residential in part of the Element versus nothing residential. If we are going to change any part of it, that seemed to him to be the only part. He asked if there are other changes that we are contemplating.

Mr. Connor replied that that is certainly an issue.

Mr. Dempsey replied, honestly, no. He said that, if you read the memo from Mr. Aroneo, there are other issues up there as far as the using of the wetlands. He said that he did not want to get into a discussion about it, but he did not think it is just that one item and that is why it is going to be a bigger change and that is why we are introducing it. He, personally, felt it is going to be a change and we are going to need that meeting and need May 8th and we're going to need to redo the Ordinances and go through the whole thing again because he did not think it is just housing.

Mr. Connor said that, if there is an obvious consensus on May 8th on the revisions that we wanted to have, then in the proposed revisions to the Master Plan, it might be possible then to consider revising the Ordinances in parallel, but he wouldn't do that until we are sure, as a Board, that what is coming out there is a general agreement on. He said that he was not against doing some things in parallel, but he did not want to do work that goes nowhere.

Mr. Aroneo said that we are talking about the calendar year and we will know a lot more at the next meeting. He suggested penciling it in for the next meeting in case it is an easy game the next time we play and then we'll have it on the agenda so that we can continue with the Ordinance immediately following.

Mr. Connor felt that the earliest we can start on the Ordinance under any circumstances would be the following meeting (May 22nd).

Mr. Aroneo said that all of the other items can be bumped anyway.

Mr. Connor agreed and said that that is the problem with setting priorities – they get bumped.

The meeting was opened to the public for comments.

Mr. Sandow said that he did not intend to debate the Valley Road Master Plan or the Ordinance but he wanted to point the following out. He said that one of the fundamentals of rezoning Valley Road is to make it easier for an applicant to get a design approved which conforms to the Ordinance. He said that we recently saw, at the Zoning Board, the application by Parthenon Realty to build a Walgreen's Drugstore at the corner of Valley Rd. and Plainfield Rd.

Mr. Aroneo did not feel it is appropriate to discuss an application that is currently before the Board of Adjustment. He said that we are talking about the Planning Board calendar, not Zoning Board applications.

Mr. Cilino agreed.

Mr. Connor said that Mr. Sandow was making a point and asked him to continue.

Mr. Sandow said that the application asked for 14 variances and, in his judgment, 2 of those variances would be corrected with the new Valley Road Ordinance, specifically, the retail use in what is currently an O Zone, and the setback which our proposed Ordinance reduces from the current 75' down to about 40'. He said that the other dozen variances had to do with minutia – lighting levels, signage, dumpster location, and loading docks. He said that all he would like to bring out is that, even given the new Ordinance, those additional variances would have to come to the Board. He suggested that perhaps Mr. O'Brien could write a short synopsis of the relief that the applicant is seeking on each of those and perhaps we should consider some of the more minute portions of the Zoning Ordinance for Valley Rd. to see if we could also reduce some of those other variance burdens that we are placing on an applicant.

Mr. Cilino said that we are having a discussion here on Valley Rd. which is put off until the next meeting. He agreed with Mr. Aroneo.

Mr. Aroneo made a motion that the Board continue with the calendar planning.

Mr. Cilino seconded the motion.

Mr. Sandow said that he would simply like to suggest that the Board be prepared to consider that the next time they bring it up.

Mr. Cilino replied that this is not the time to make that discussion or consideration.

Mr. Aroneo said that his motion has been seconded and he called for a vote on the motion.

A roll call vote was taken. Those in favor: Dr. Rae, Mr. Cilino, Mr. Dempsey, Mr. Aroneo, Mr. Smargiassi, and Mr. Arentowicz. Those opposed: Mr. Briggs, Mr. Butterworth and Mr. Connor.

Referring to the calendar, Mr. Connor said that on April 24th we have scheduled the possible presentation of the TIFA Redevelopment and the Conservation Element. If the TIFA redevelopment presentation is not able to come forth, he asked Mr. O'Brien what other item could be put on the agenda in its place.

Mr. O'Brien replied that, if we leave the Conservation Element Review on that agenda, that would probably be enough for the evening.

Mr. Connor did not believe that that will take the entire evening.

Mr. Briggs felt that the Community Facilities Element Review will be a quick discussion.

Mr. Lemanowicz said that the Morristown Road Rezoning Study was moved down for the public hearing, so perhaps that item could be moved up instead of down, or the Community Facilities Element Review.

Mr. O'Brien replied that the Community Facilities Review is another Element and he would like to keep them spaced out so that we don't mix the streams. He said that Mr. Lemanowicz's idea is a good one to try to move up the Morristown Rd. Rezoning Study and that would still give them a whole month to get it ready. He said that it would have to be confirmed, but he could make that call tomorrow.

Mr. Connor suggested noting that the Morristown Road Rezoning Study might be moved to April 24th if we do not have the TIFA Redevelopment presentation.

In response to Mr. Briggs, Mr. O'Brien said that he was told (about 2 weeks ago) that the Morristown Rezoning Study was being worked on and would be ready soon.

Mr. Connor felt that it should be ready in a month. He said that they may not be scheduled until May 8th, but if it could be moved up to April 24th that should be done.

Mr. Smargiassi felt that the Stirling Element seems to be a big one.

Mr. O'Brien said that Stirling and Millington are going to be done in tandem, not that both will be heard the same night, but the study itself is because part of the funding is coming from the Highlands Grant. He said that the funding is for Millington, but what they have intended all along is to use as much information as they can for Millington for a similar situation in Stirling, in that it is a transit oriented area, and reuse as much as they possibly can from that, rather than redo it on the Township funds. He said that Stirling has always been second to Millington and that study has to follow TIFA and their presentation to us and our review of that concept plan.

Mr. Connor said that on May 22nd, we have scheduled the Ordinance plus the Community Facility Element Review which would be a full night. He noted that we have held off discussion of the Off Site Signage Ordinance for a long time. He asked for its status and if that could be moved up.

Mr. O'Brien replied that he understood that the Promotions & Enhancement Committee is meeting on that and we have not received any feedback. But pending the goal setting by this Board, he said that he would inform them that we have an open slot for them and offer it to them and see if they can be prepared for it.

Mr. Aroneo asked Mr. O'Brien if he has received confirmation from them that they will meet on that.

Mr. O'Brien replied that it was sent to them and he believed that they held a meeting on it, but he did not know how far they got on it. He said that he discussed it with Mr. Sandow within the last week or two and he said that he told him there would be a future meeting on it.

Mr. Aroneo said that he has not seen any minutes from them in a while and he wasn't sure if they had met on it at all.

Mr. Sandow said that they held one meeting and, after discussing it, the members decided they wanted to go back and reread the background material.

In response to Mr. Aroneo, Mr. O'Brien said that he has been following up with Mr. Sandow just to make sure that they have got it and they don't need anything else and that they are working on it.

Mr. Connor referred to the Fee and Escrow Study Report and said that that is another one that needs to get done. He asked Mrs. Wolfe what progress has been made.

Mrs. Wolfe replied that she has prepared a large part of the study, however she has been so busy in her office with higher priority items that she has not gotten back to it.

Mr. Connor said that we are talking now about perhaps getting the Valley Mall in front of us and it looked to him like the May 22nd meeting may not be a good time if we are looking at Ordinances, which leaves the 12th of June as a possibility.

Mr. O'Brien said that, should an application come in, the calendar could be moved back a meeting. He said that the advantage to staff is that we know it is on the calendar and we start preparing for that meeting and even if we don't have it that meeting, we are prepared for the next one rather than just putting it off and saying that we will get to it, which means that we are not doing any preparatory work because we don't have a date in front of us. He said that he would rather keep a date or a goal on the calendar so at least we know what we are supposed to be doing and when we are supposed to be doing it.

Mr. Cilino asked if the Board could have a list where Mr. O'Brien's lead time is shown, however our schedule does not reflect that lead time, as opposed to looking at the schedule and trying to remember that an item may not occur on a date and may be pushed back to another date.

Mr. O'Brien replied that it wouldn't be pushed back because the lead time would be pushed back because something else has come up, such as an application.

Mr. Cilino felt that the TIFA redevelopment presentation could be moved around where we could move an item of greater priority such as the Millington and then the Stirling Elements up, or bump some other things up, and then be prepared. If we are not prepared when they are ready, then they are going to have to wait for another 2 weeks. He said that we are sitting here waiting for this outside planner to come in and give us a presentation and we are revolving our scheduling around that, whereas he felt that it should be just the opposite.

Mr. O'Brien replied that that is a matter of policy for the Board to decide. The only input he had on it was that the TIFA redevelopment plan has got to be shown to the Board prior to the Millington Study, which is prior to the Stirling Study. He said that those 3 events are tied together.

Mr. Smargiassi felt that the TIFA redevelopment plan doesn't have to be shown to the Board at all to do any of those things. He said that it is just an outside party who has a concept that they want to run in front of us and we don't need them to come here and do anything to move forward with Millington and what we want to do there. He said that he understood that they have shown interest, but they haven't officially come in and said that they definitely want to come on a particular date. He did not think that we need to hear from them to do anything. If they decide not to show up, he did not feel that we should be waiting for them and just move forward.

Mr. Arentowicz agreed and felt that the Board should set its own priorities.

Mr. Connor asked Mr. Arentowicz what he would suggest that we put in the place of the TIFA redevelopment presentation.

Mr. Arentowicz replied, any of the open items that are listed below, such as the Recreation Element.

Mr. O'Brien said that he would like to keep the Elements separated by a month.

Mr. Connor asked for what Mr. O'Brien and Mr. Lemanowicz would be prepared to present to the Board on April 24th, over and above the Conservation Element.

Mr. O'Brien replied, anything but another Element.

Mr. Connor noted that the Morristown Road Rezoning Study is to be confirmed by outside parties. The next item is the Off Site Signage Ordinance discussion, which is also to be confirmed by outside parties. He said that one of the problems we have is that we have to be responsive to the committees and the community who are responsible for putting together recommendations. Once we ask them for their recommendations, he said that we need to wait a reasonable time to get them back.

Mr. Smargiassi asked if the Historical Element could be moved up since it is almost done.

Mr. Aroneo asked Mr. O'Brien for the reason other Elements can't be moved up.

Mr. O'Brien replied that he would like to suggest that we do one Element at a time so that that will allow time for them to prepare it, get it to the Board, have the discussion, and then move on to the next one.

Mr. Connor explained that the professionals get involved in taking the recommendations on the Elements and working with that committee to put it into shape, so each of these Elements are not just put together by the committee. He said that what we end up doing is asking for more and more time of our professionals to try to work all of our information within a 2 week period and they obviously have other priorities.

Mr. Aroneo said that, if we are looking for something to put on April 24th, he would like to have the Open Space Element moved up and then have something lower on the priority list to fill that spot.

In response to Mr. Connor, Mr. O'Brien said that the Open Space Element can be ready for that if the Board so wishes.

Mr. Connor said that we would still have the same problem. He said that we need to have a non-Element review as a second item. He said that he would love to see the Off Site Signage Ordinance discussion because the Board has spent lots of time on signage, but he did not know if they will be ready.

Mr. Cilino asked how we could get a best guess confirmation date.

Mr. Connor replied that we have asked for them to come back, but they haven't come back to tell us they are ready now or advise us of a date that they will be ready. He said that we need that commitment from them.

Mr. Cilino said that either we have to make a decision as to how we are going to hold this in queue, or move on, and that is part of an agenda or a calendar. He asked how long it has been since we have talked to these different committees.

Mr. O'Brien said that he spoke to someone about the Architectural Standards Presentation about 2 weeks ago and they just wanted to know when we wanted them. He said that he explained the status of the Morristown Road Rezoning Study previously, noting that he talked to that Planner about 2 weeks ago and he said that he was working on it and it is up to us to set a date and run it to them. With regard to the Indoor Soccer Rezoning Study, he said that he talked to that planner about 1 ½ weeks ago and that was being held up by the applicant because they wanted to review the lands that would be included in that application, so that is why he put that out until June, to give them time to come up with something. With regard to Off Site Signage, he said that he spoke with Mr. Sandow and put that out to June, as well, just to give them time.

In response to Mr. Smargiassi, Mr. Sandow said to give him a date for an Off Site Signage Ordinance discussion and he will make it happen.

Mr. Connor said that it will be scheduled for April 24th.

Mr. Sandow said that they will absolutely hold the meeting and get it done. He said that he was sure that information should be in Mrs. Wolfe's hands a week before that.

Mr. O'Brien replied affirmatively.

Mr. Smargiassi asked Mr. Sandow to let the Board know in a week or so if he did not feel that they will be able to meet that date, in which case Mr. O'Brien could be asked to circle back to the Architectural Standards presenters to see if they would be able to go ahead on April 24th.

Mr. Sandow replied that he would get something to Mrs. Wolfe by April 17th. He said that the issue at this point has boiled down to size, color, and type faces. He said that it is nothing significant and, ultimately, they could roll the dice on those.

Mr. O'Brien said that, prior to this discussion, we did at one point move the Morristown Road Rezoning Study up to the April 24th meeting and we are not going to do that.

Mr. Connor agreed.

Mr. Cilino recommended that in the future when we are talking about these outside parties giving us something, we should set a date and ask them if it is reasonable and have them agree on it. If not, then they have to tell us what is a reasonable date. If left to drift, he said that we get caught up in important criteria which are being bumped and we are still waiting. He felt that the Board should set the bar.

Mr. Connor felt that if the Board agrees to this schedule, he did not feel that it needs to be adopted, but we will then have to notify those concerned with the Elements and other organizations that we have them scheduled for a particular date and ask if they can comply. He also suggested for clarity purposes that we can put the TIFA Redevelopment presentation on the June 12th agenda with an understanding that they may get bumped because of the Valley Mall. He noted that the June 26th agenda has just one item, but he felt that they will change by June 12th.

Mr. Smargiassi believed that at the last meeting Mr. Aroneo had noted that the Open Space Element was a priority. He did not know if there is a reason that the Conservation Element Review and the Open Space Element Reviews are being considered first, or if they should be flipped.

Mr. Aroneo said that he actually wanted it adopted because if we apply for a grant, it is nice to be able to say that this is the Element that has been adopted by the Planning Board as part of our Master Plan. He noted that it is not required, however, and that we have handed out drafts before, but nevertheless he preferred that they be complete. However, he said that if there is a reason for the Conservation Element Review to go ahead of them, he understood that too.

Mr. O'Brien replied that the reason he put it first was that at one meeting in the past the Conservation Element Review was said to be a priority. He said that it is the Board's policy.

In response to Mr. Connor, Mr. O'Brien said that it might be better to schedule the Open Space Element Review on May 22nd because he has got to go back to that committee on that.

Mr. Aroneo said that they are under the impression that it is sitting with this Board and that they are finished with it.

Mr. Connor said that he knew that the Element (which was formerly known as the Open Space and Recreation Element) was to have been split into two separate Elements, although he did not know the status of the split.

Mr. O'Brien said that Mr. Aroneo was absolutely right in that it is sitting with this Board. He said that the problem is that it has been with this Board since September 9, 2009, so it is 2 ½ years old, which means that somebody should really take another look at it to make sure that we it is up to date.

Mr. Aroneo said that the Open Space Committee will put that on their agenda right away.

Mr. Connor suggested moving it up to the May 22nd meeting and moving the Community Facilities Element Review back to the June 26th meeting.

Mr. Aroneo asked Mr. O'Brien to send the current Open Space Element that is to be reviewed by the Planning Board to the Open Space Committee.

Mr. O'Brien said that he could certainly do that, but it does have to be redone in that language has got to be changed and it has to be updated. He asked Mr. Aroneo if he wanted him to forward the *current* one for the Open Space Committee to review.

Mr. Aroneo replied, "No" and said, after you have done your review, create a draft and then send it. He said that it should be sent to Chairman Peter O'Neill. He said that Christine Gatti, Municipal Clerk, has his contact information and that he is the liaison.

Referring to the July 10, 2012 meeting agenda, Mr. Connor felt that that is the date for which the Board should shoot to have public hearings for all of the Elements that are ready for adoption. He said that, by then, we should have 3 Elements ready to go and then we can have public hearings and at least by the middle of the year we are done with that portion and then we have a whole new portion for the rest of the year.

Mr. Connor directed Mr. O'Brien to take the revisions and, as soon as possible, provide a revised list to make sure that everyone is in agreement.

Mr. Dempsey said that he did not want to meet about the calendar on the last day of what we have already scheduled. He suggested resetting the calendar and priorities in June so that we are always running two meetings ahead.

Mr. Connor and Mr. O'Brien felt that that is a very good idea.

Mr. O'Brien said that, if we are having public hearings in July, that opens it up from August on. It was his understanding that the Board is going to take a look at the revisions that were given to it and by the end of this week he will put out a revised calendar. While doing that, he said that he will make the various calls and contacts to outside agencies and advise them of the date which is open for them and ask if they will be available and ready. If they are not, then once he has all that feedback, he said that we may have to move one outside to one date and another to another date, but it will be like for like. He said that an outside presentation is not going to replace an Element or something of ours. Instead, if they can't make it on their night, then they will go to another outside agencies evening. He said that we will make them work in their own individual slots.

Mr. Connor said that we will never have two Elements together.

Mr. O'Brien said that he knew that the Board is anxious to move them along, but one a month is certainly better than the progress we have made so far in the last so many months.

The meeting was opened to the public for comments.

Mr. Sandow said that he had some numbers for the Board regarding undersized lots. He said that his fundamental spreadsheet on this only lists block and lot numbers and not streets. Therefore, it is not trivial to try to figure out just which of it is downtown Stirling without having the maps in front of him, however he said that he could tell you on a street by street basis that 100% of the residential lots on Railroad Ave. are undersized. On Passaic Ave., he said that there are 45 residential lots and about 50% are undersized. On Mercer St., there are 28 residential lots and they are all undersized. He said that there are 26 residential lots on Morris St. and 4 are *not* undersized. He said that there are 46 residences on Essex St. and 100% of them are undersized. When looking at the summary data, he said that in the R-4 Zone (1/2 acre lots) we have got 432 undersized, which is about 2/3 of the total. In the R-3 Zone (3/4 acre lots), there are 317 undersized and in the R-2 Zone (1 acre lots), we've got 288 undersized one acre lots. He said that there are 54 vacant lots that are undersized for the zone which they are in. He said that there are vacant lots in residential zones, but undersized for that Zone and that there is a potential for 54 single family residences to be installed on those vacant lots, but each one of the 54 would require bulk variances. At the rate of 10 per year, that is 5 years worth of work for the Zoning Board just to handle that.

Mr. Cilino asked Mr. Sandow if we know how many zoning variances have been issued in the past 3 or 10 years.

Mr. Sandow said that there are about 10 zoning applications a year before the Zoning Board. Some are trivial and very few are settled in one or two visits. He said that he did not have a synopsis of the remedies which have been asked.

Mr. Cilino replied that he was not interested in that. He was interested in how many of the total number (percentage-wise) of the thousand residential properties have required zoning variances.

Mr. Sandow replied that he did not have that correlation. He said that he did not know how many of the owners of the undersized lots that he has shown in his study have been to the Zoning Board in the past two years.

Mr. O'Brien said that that information is available in the Annual Report.

Mr. Sandow said that he would have to track it by block and lot number and it can be done.

Mr. Cilino said that he did not see the relevancy in the detail here. He said that his brain is getting filled up with statistics that, for him, are irrelevant. He understood Mr. Sandow's point that he presented before, but for him to sit here for another 10-15 minutes listening to the statistics that he has developed on which houses and which lots, are irrelevant. He agreed that we should look into that in the zoning portion and said that we have agreed to that before, but he did not need to know that information. He said that all he needed to know from a percentage standpoint is how many residences in the 1,000 units which Mr. Sandow spoke about have had (or required) zoning variances and that would provide the last piece of information that we could discuss his proposal, for which he has been asking for quite some time, and we could come back with a very knowledgeable answer.

With all due respect, Mr. Sandow said that it is not the number of variances that have been applied for, it is the number that have *not* been applied for that matters to the residents of this town.

Mr. Cilino asked why you don't get there from the same issue. If you find the number that had been applied for, then you just do a subtraction, correct? He said that if it is 10% that have applied of the 1,000 then 90% have not, correct?

Mr. Sandow agreed.

Mr. Cilino said that we have the information, from a percentage standpoint, whether you do it one way or the other. He said that if it was easier for him to give us the 90% of those that are waiting or *may* be a potential that is fine with him. However, he said that we have spent a lot of time and have a lot of important things that are required for the Board to address and to spend another 20 minutes talking about technical data that he did not believe is required, to him is not useful.

Mr. Sandow said that he took that to mean that the Board is comfortable going forward without data.

Mr. Connor replied that that is not the case. He said that questions were asked and Mr. Sandow attempted to respond to them. He said that he has provided data which needs to be reviewed. Finding out how many zoning requests came before the Zoning Board because of restrictions is something that can be looked up and, obviously, it is a small number and then the Board has to decide. He said that what Mr. Sandow is saying is the fact that people don't want to go through the expense of a Zoning Board hearing. He said that that doesn't mean that they don't want a change, but because they don't want to go through the expense, we have a number of houses that are not well kept. He said that we really don't know how many people out there would have come forward or updated their properties if they *didn't* have to come before the Zoning Board.

Mr. Aroneo said that that may be true, but one of the ways the Township learns about what is going on at the Zoning Board is that the Zoning Board provides, on an annual basis, this sort of data to the Planning Board and the Township Committee so that they can see what is happening in each zone and if anything needs to be addressed. He said that that should really have surfaced and it hasn't, but that data is out there from the Zoning Board. He said that we can't surmise what people are thinking, but we can find out a little bit more before we say no, we can't look into this further. He said that we can find out and should and then look at the issue.

Mr. Smargiassi said that he was aware of houses on undersized lots where they have done significant renovations and stayed within the existing footprint. He said that part of the reason they have done that is to avoid the headache of coming here, but the houses have been rebuilt and refurbished and look great.

Mr. Aroneo said that he could name 5 that have done that this past year.

Mr. Smargiassi said that we may be addressing an issue and maybe there is a problem and we do need to look at it more and get the data, however we should also look at how many of these lots, once they are identified, have been renovated by staying within their existing footprint (without variances) and they look fine and life goes on. He said that we may be creating an issue that may not be as big as we think at first.

Mr. Connor felt that anyone who has driven through Stirling has seen that happen. He said that it may be appropriate for certain houses to change the footprint and for others not to change the footprint if it results in an appearance before the Zoning Board.

Mr. Sandow said that 90% of the undersized houses in the R-4 Zone are older than 50 years old. If that 90% of the undersized houses in the R-4 Zone (90% of 426) are older than 50 years, surely there has got to be some pent up demand to expand at least a few of those houses.

In response to Mr. Connor, Mrs. Wolfe said that the Block and Lot numbers are not included in the Annual Reports, although the names are included which can be looked up in the log books by the case number.

Mr. Briggs asked when C.O.'s are issued for new construction, are the Block and Lot numbers included?

Mrs. Wolfe replied that that information is not contained in her office but can be found in the Construction Office.

Mr. O'Brien noted that there have not been that many tear downs in the last 10 years – 1 or 2 a year typically. He said that, in the past, what this Board has done in response to the information that Mr. Sandow has given us, for this particular issue, in 2009 and early 2010 this Board dedicated a study group to look at the zones, the size of the properties in the zones and the called-for size of properties and instructed that committee to go through the various residential zones and revise those zones so that the name of the zone indicated the size of the zone, rather than what they are now (which is just numerical), and that the zones be reconfigured to eliminate as many of the undersized lots as possible because those undersized lots are spread throughout this community and throughout all the zones. He said that we got a fair amount of it done and the committee did not meet after Valley Road became the priority of the Board, but he still had the data that was developed.

In response to Mr. Connor, Mr. O'Brien said that the study was done in preparation of the Land Use Element.

Mr. Arentowicz said that there were discussions starting in January and asked where we stand on the TIFA sidewalk issue.

Mr. Connor replied that we have contacted them a number of times.

Mrs. Wolfe agreed and said that they did not respond and, in the meantime, we received word about this concept plan to redevelop the whole site.

Mr. Connor asked Mrs. Wolfe for Tifa's response concerning the fact that they were advised that the Board will deny any further applications for Administrative Site Plan Waivers until a bond has been arranged or the required improvements have been made.

Mrs. Wolfe replied that Tifa did not respond at all.

Mr. Cilino said that his notes from the second or third meeting in which Tifa was discussed, someone was going to talk to the Zoning Officer to write them a summons for each day they are in noncompliance and he recalled that the Board was in favor of that.

Dr. Rae felt that it would be the Township Committee that would sanction that.

Mr. Aroneo agreed and said that this Board has no enforcement authority.

Mr. O'Brien said that the Board can recommend to the Township Committee that it look into taking certain actions, but it has no enforcement power whatsoever.

Mr. Connor said that the issue could be, however, that they have made a choice to have all of their current businesses applied for. If they aren't making any changes, or the fact that they aren't receiving any more Administrative Site Plan Waivers, may have caused them not to really care.

Mr. O'Brien said that they are in violation of a site plan approval. He said that the businesses are operating legally on the property, but the property itself is in violation of a site plan approval and they have not complied with the requirements of that approval (the sidewalk). He said that the Board could request that the Township, perhaps through its representatives on the Committee, ask whatever staff to look into it.

Mr. Connor said that that is a more complex citing. He said that the Zoning Officer usually cites for rather easy noncompliance, but he felt that he needs some direction on how he can cite for not carrying out the site plan.

Mr. O'Brien replied that the Township not only has a very talented attorney, but a very talented Zoning Officer and perhaps this Board might wish to ask the Township Committee to take the appropriate action.

Mr. Connor said that, perhaps, we ought to ask the Township Committee member to take the appropriate action.

Mr. Aroneo said that he would certainly address that point with the Township Committee.

Mr. O'Brien asked Mr. Aroneo to relay the fact that the site plan has not been complied with and no action has been taken. He said that it is a County and Long Hill Township site plan which was approved in 1989.

There being no further business, the meeting adjourned at 9:50 P.M.

DAWN V. WOLFE
Planning & Zoning Administrator