

MINUTES

PLANNING BOARD

JUNE 12, 2012

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Vice-Chairman, Dr. Rae called the meeting to order a 8:03 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:

Brendan Rae – Vice Chairman
Charles Arentowicz, Member
Jerry Aroneo, Mayor’s Designee
Donald Butterworth, Member
Joseph Cilino, Member
Guy Roshto, Member
Michael Smargiassi, Member (arrived @ 8:25 PM)

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

Excused:

Christopher Connor, Chairman
Sandi Raimer, Member
Ashish Moholkar, 1st Alt.
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. There being none, the meeting was closed to the public.

PRESENTATION

A. R. @ MILLINGTON, LLC

50 Division Avenue
Block 12301, Lot 1

#12-04P
Concept Plan

Present: Peter Wolfson, attorney for the applicant
Peter Coccoziello, President and C.E.O. of Advanced Realty
Lance Blake, licensed professional architect
Nicholas Vedarici, traffic engineer

Mr. Peter Wolfson, attorney for the applicant, said that his client wishes to present a redevelopment concept plan to the Board. He identified the witnesses present.

He said that the subject property contains 12 acres and is located at 50 Division Ave., Millington, directly across from the Millington Train Station. The Passaic River is located to the rear of the site. He said that the site is currently zoned LI-2 (limited industrial) and contains deteriorated and unsightly commercial structures. It also has been the subject in the past of environmental remediation which has been completed and upon which a No Further Action letter has been issued.

He said that his client’s proposal would provide the means for the Township to realize a number of public benefits including demolition of the existing structures on the site to be replaced with aesthetically pleasing high quality new construction; much needed residential and retail resources directly adjacent to the Millington Train Station; it would provide the Township with on-site affordable housing units which would aid in compliance with its Fair Share obligation; it would enable preservation as open space of an approximately 5 acre portion of the site directly adjacent to the Passaic River; the use of payments in lieu of taxes (PILOT) and the issuance of redevelopment area bonds would provide a funding source for the much needed wastewater treatment plant upgrades and inflow and infiltration repairs to the sewer infrastructure. In order to fund these benefits, he said that a sufficient investment return is required. The redevelopment as shown on the Conceptual Site Plan will provide for 3 buildings of living units, a 4th building of first floor retail with living units above, and a smaller building at the main entrance to the site, limited to retail. Supporting the transit oriented development would be a clubhouse and outdoor pool which would be available only to the residents of the community. He said that this redevelopment is exactly what state of the art planning policies endorse – transit oriented work force living space that would attract young professionals and empty nesters from Long Hill and surrounding communities in one and two person households. He said that they provided the Board with some examples in their submission of several successful suburban redevelopment projects that have been designed to capitalize on a proximity to a train station.

He said that, under the statute, the beginning of the process would entail the governing body adopting a Resolution directing the Planning Board and its professionals to undertake a study of the property to determine whether it is in need of redevelopment. The study would look at the criteria in the redevelopment statutes. The Board’s Planner would review the property and its history and determine whether it suffers from blight or other conditions that fit within the criteria in the statutes. The Board’s Planner would present the Board with a report indicating whether the property should be designated as in need of redevelopment (which is focused on the current and past condition of the

property). The Board then makes a recommendation to the governing body as to whether the area *should* be designated as an area in need of redevelopment. The governing body then considers that recommendation and adopts a Resolution designating the area as in need of redevelopment and commissions the Township's Planner to prepare a redevelopment plan. The redevelopment plan creates new zoning for the property specifying which uses will be permitted and providing new bulk requirements. In this case he said that, from their perspective, the redevelopment plan would encompass the Concept Plan which the Board has in front of it. The Planning Board then makes a recommendation as to whether the redevelopment plan should be adopted, including an identification of any provisions of the redevelopment plan that are inconsistent with the Master Plan and any recommendations that it may have regarding these inconsistencies. The governing body approves the redevelopment plan. Once approved, the governing body adopts a redevelopment ordinance codifying the redevelopment plan and designates a redeveloper. After the redevelopment ordinance is adopted, the Board can consider site plan applications for projects to be built in accordance with the redevelopment ordinance. He said that he was present this evening with this Concept Plan of how the project could be productively developed within the redevelopment context. He said that the advantages of processing this development through the redevelopment statutes include the following: Redevelopment provides Long Hill with an opportunity to evaluate under performing properties (as this one is in their opinion) and adopt new zoning to make them more productive outside of the normal Master Plan or Re-examination Report process; and the Township and the developer can enter into a PILOT agreement (meaning a long term tax exemption agreement) which actually allows the Township to capture the cash flow that might otherwise be shared with other parties under a normal tax flow scenario. Additionally, the redevelopment area bonding provides an immediate funding source for those necessary upgrades and repairs to the wastewater treatment infrastructure. The use of the payments then that would flow under the PILOT would service those bonds and afford the Township a better cash flow than the current tax revenues from the site. He said that those bonds do not account against the municipality's gross debt. He asked if there were any questions.

(Mr. Smargiassi arrived at 8:25 P.M.).

Mr. Aroneo thanked Mr. Wolfson for the presentation and noted that he had seen it once before when it was presented to the Township Committee. He agreed with *some* of what Mr. Wolfson had said, but not all. He said that it is true that the site is currently an eyesore and deteriorating and the structures are unsightly and it is definitely in need of some type of redevelopment or facelift. However, he was not sure that it is a true statement that it will provide much needed residential and retail resources. He said that that is something that we may be willing to tolerate in order to get that building fixed up, but he did not know to what degree. Also, that it will provide us with on site affordable housing, he said that that may be true but that type of building creates probably *more* of a COAH obligation (noting that there is no COAH right now, but wherever that lands there is going to be some need for affordable housing no matter what). He said that this type of project will probably create *more* of a burden on us for affordable units than we are willing to acknowledge right now. Where currently we have a surplus of affordable housing, we will probably just have to build more to accommodate this. He said that that is also true of the sewer plant noting that we have a capacity issue and this project will need sewer capacity. He said that right now we do need to make corrections to our sewer plant, but we don't need the level of adjustments that we would have to make to accommodate this. Therefore, he said that we do not need to incur the amount of debt that Mr. Wolfson was talking about for the bond payments in lieu of taxes unless we build this. He also noted that the proposal is to dedicate 5 acres of open space or land to the Township and at the presentation to the Township Committee he asked if that was the capped asbestos former Federal Superfund Cleanup Site and he was not sure what the answer to that was. He asked if that was what he was talking about as open space.

Mr. Wolfson replied that it would be the property to rear by the Passaic River and that he was correct.

Mr. Aroneo asked Mr. Wolfson if he knew what type of activities could occur on that property.

Mr. Wolfson said that as he (or his client) had indicated when they were before the Township Committee, they would certainly be amenable to pursuing what uses it could be put to and cooperate with the municipality if it is desirous of other uses.

Mr. Aroneo said that he was asking what was permissible given the condition (or former condition) of the site.

Mr. Wolfson replied that, standing here this evening he did not know that, but as they get through the process they have made a commitment to pursue that along with the municipality based upon what its desire would be for that space.

Mr. Aroneo said that he would wait for the applicant's traffic engineer noting that there were comments from other members of the Township Committee when the proposal was presented to them. He said that there was one additional member of the Township Committee who had building height concerns and it looked to him like a lot of the buildings are 3+ stories (and one that contains even 4 stories). He said that the scale of the project overall was something that one of the members was concerned with and he thought that the question at the time was, can this be scaled back and, if so, how much? Questioning the economics of the project, he asked Mr. Wolfson how much the applicant needs to get the project done. He asked if they need to have 4 stories or all of these units, or could it be scaled back and still give the applicant incentive to rebuild?

Mr. Wolfson replied that one of the next two witnesses would be the right person to respond. He said that, on the bonding scenario, the bonds do not count towards the municipality's debt and he guessed that the alternative to

address the sewer issue is to bond for debt that *would* count against the municipality's balance sheet to make those corrections. So this is a way, self-supporting, to take care of that problem. He then introduced his next witness.

Mr. Peter Coccoziello, President and C.E.O. of Advanced Realty, gave a brief introduction of Advanced Realty and their experience in these types of projects. He said that Advanced is a company that is approaching 34 years of age. They are a vertically integrated developer and acquirer of income properties and operate between New Jersey and Washington, D.C. He said that he heard some of the comments and recognized the impact but wished to share a couple of examples in order to give an idea of some of the projects they are involved with. One of the first is in Harrison, NJ, where they are the designated developer where the Red Bulls soccer facility is located. In that particular project, he said that they are planning several thousand units and about 500,000 S.F. of retail and there is a train station there. He said that one of the things they have always looked at is being located near transit. He said that currently there is a project that was built at 270 units and this project ended up having .42 cars (because it was near transit) which means that only half the people had cars but, more importantly, that there were only 5 children. Out of the 5 children, 4 of them were under the age of 5 and 1 was a teenage boy going to St. Peter's Prep. He said that that would be the typical kind of project that they do. They are also involved in an apartment complex in Hoboken under construction which will contain 140 units and about 22,000 S.F. – 23,000 S.F. of retail, with about 300+ parking spaces. He said that their home is in Somerset County in Bedminster. They have been involved in repositioning many assets including the Shop-Rite shopping center in Bound Brook which was built upon a landfill which they capped. They have done projects with Bayer Corporation in Morris Township with their consumer care and that site was on a TCE spill. Over the years, he said that they have been involved with literally 1,500 housing units and their company has owned, developed, and built more than 10,000,000 S.F. of office space. He said that they welcome the opportunity to work with the Township and are a company that wants to listen to the Township. He said that they will work through a lot of details and are very proud of a lot of the projects they have done in Somerset, Morris, and the surrounding areas and they would certainly like to see this as one of them. What they have experienced is that this type of project is really the type of project that attracts younger people that are youthful with the Township providing housing where they are located in a space where they can work in companies. What they have found from an economic development side so many times is that you may think that there is a lot of housing, but sometimes you are under housed for the type of properties that younger people want to live in. He felt that this is the type of project that would work quite well near transit where people would commute and he felt that the Township would be very proud of it.

Mr. Wolfson asked Mr. Coccoziello if there might be flexibility of design. He said that he knew from working with him on other projects that he does, in fact, become a partner with the municipalities and does accept input. To the extent that this is a very preliminary concept plan and a "first take" on what he would propose to provide an idea of what he has done before and what this could look like, he asked if it was accurate to say that he is flexible in the planning process.

Mr. Coccoziello replied that they have always looked at every community they are in as partners with them. He said that if there are certain issues with scale, they are "all ears". He said that they want to make this work economically so that it is not overwhelming to the community, but you want a project that can work financially so that the Township is very proud of it as well.

Mr. Cilino said that we do need something in that area – definitely, and that it is pretty much an eyesore. He asked what the project redevelopment would bring to the Township, financially, economically, etc.

From the standpoint of financially, Mr. Coccoziello said that it is a ratable and he felt that you will see that there are very few kids in some of these complexes. He thought that the most important thing is that you will find that you will attract the right type of citizen when you build a higher class project and that is what they are trying to accomplish here, as well as that it can be designed in when you are looking at affordables. He said that you also have the ratables from the retail so, all in all, he thought that the total impact is accretive to the community.

In response to Mr. Cilino, Mr. Coccoziello confirmed that the residential units would be rentals.

Mr. Cilino said that there is no income for the Township on the rental properties.

Mr. Coccoziello disagreed and said that there will be taxes. He said that apartments are always taxed by the community and you have a ratable that you are receiving (a tax payment).

Mr. Wolfson said that, in this case, the proposal is to use a PILOT mechanism. First of all, he said that the tax revenue generated by this site will be in excess of that which is currently generated by the site. Secondly, under a PILOT program, the County receives none of the revenue and the School Board receives no more than 5% of the revenue. The rest of the revenue comes to the municipality. Finally, the benefit (accretive) would be the immediate ability to deal with infrastructure issues that the municipality might otherwise have to pay for and bond with debt that would count against your balance sheet.

In response to Mr. Roshto, Mr. Wolfson agreed that the 5% going to the Board of Education would be a decision by the Township and that the Township can opt to pay more.

Mr. Cilino asked if this would be a stand alone community and if the proposal is to bring in residents who primarily use the mass transit (train) system and also would be affiliated with, work in, or utilize the retail shops that would be there?

Mr. Coccoziello said that you would find that, in the case of a restaurant, the residents and others in the community would visit the restaurant. He said that, from their standpoint, you would find people that are commuting and like living near transit and you will find at least 60% - 65% of the people will be commuters on the transit and the others will be residents of the community living and working within a 10-20 mile radius.

Addressing Mr. Coccoziello, Mr. Wolfson said that he felt that the experience he has had is that residents that move into his projects integrate and become active in the community and support other community businesses and vice-versa. He said that these shops will draw in existing Long Hill and other residents.

Mr. Coccoziello said that they will be very supportive, typically with supermarkets, shopping and dry goods.

Mr. Arentowicz asked for the projected number of children based on the number of units proposed.

Mr. Coccoziello replied that there are studies as to this, but he would like to go out in this marketplace and show exact examples. He said that he would be very surprised if you would see more than 10. He added that if they have 50 one bedroom units, you can eliminate that portion.

Mr. Roshto asked Mr. Coccoziello if it was typical in the properties he has developed to have the ratio of retail to residential that is in the present proposal.

Mr. Coccoziello replied that it depends upon the location which is the determinant. He said that in a more urbanized area, you will have more retail and also considering the size of the property. In this particular location, he said that you are looking more for a boutique type retailer and a restaurant, coffee shop, etc., but you are not going to have an anchor supermarket which would increase the percentages or dry goods like Kohl's.

Mr. Aroneo had questions about other potential uses in that area. He asked Mr. Coccoziello to talk about office use first and after that some other type of specialized use such as medical, or other technology type uses that do not include residential or retail.

Mr. Coccoziello said that he has owned a lot of office space and it is a very difficult commodity right now.

Mr. Aroneo interrupted and said that the applicant's headquarters in Bedminster is a perfect example and that it is a very nice area.

Mr. Coccoziello said that when he built those buildings, they cost about \$270 S.F., so he built to a high standard. At that time, he was getting \$36 S.F. in rent. Today, he said that he would have to kiss and hug a tenant forever and spend an additional \$40 - \$50 S.F. in tenant improvement leasing commissions to get somebody to rent for more than \$27 S.F. So in essence, rents have fallen by \$10 per S.F. He said that technology is really affecting the use of office space and if you have an I Pad you can work just about anywhere. He said that he just did a facility for Traveler's Insurance and they were at a ratio of 6 people per 1,000. He said that in Washington, D.C. the I.R.S. said that they were not going to have any more GSA leases, they want to have 5 people per 1,000 S.F. and even in some cases they are reducing the square footage smaller. He said that in this area there is a vacancy of more than 20% and it is a very, very difficult product. If you look at retailing, he said that boutique type real estate if designed properly will attract. When he looked at uses in the area, he found that what is really needed is apartments. He said that, at the end of the day, when young people that are coming from New York City and are looking for a place to live that has nice accommodations, where do they go? He said that young, well educated kids are the kinds of people that you want in communities. He said that he would not build an office building ever...or it would at least be a long time.

Mr. Aroneo said that he looked up a couple of projects that the applicant has built and they are nice. He looked up Cranford, and said that Harrison is Newark, and we are completely different from Hoboken. He also noted Morristown and Livingston which have populations of about 27,000-29,000 while we are at about 8,000. He said that it would have a very large impact on us, whereas to them it is maybe not even noticeable.

Mr. Coccoziello replied that he had done a lot of buildings in the suburbs. He noted that Long Hill is adjacent to a lot of communities such as Bridgewater and that it would be hard for him to define exactly where the town boundaries are. He understood that the scale of the project has to meet the community because you want it to fit it and be welcomed.

Mr. Aroneo said that we like to think we are more the country side of suburban and would at least like to stay that way.

Mr. Coccoziello felt that the proposal will meld very well, be a gateway to the community, and be something to be very proud of.

Mr. Wolfson introduced Mr. Lance Blake, licensed professional architect. He said that he has been involved with several redevelopment sites, mostly through the Advanced organization. He is currently involved with the Harrison, Hoboken, and Union projects and recently completed 130 units in Verona, therefore he is very familiar with this project type. He handed out copies of a colored exhibit which contained an aerial view of the subject site on the first page. The site in question is outlined in red bordered by Stonehouse Rd. and Division Ave. He said that an icon of the Millington Train Station is shown at its proper location. Behind the site there is an open green space which is the capped area that was discussed earlier about recreational uses. He said that you can see that the site is almost 90%

paved and has buildings that are aging and that are in disrepair. The 2nd page of the exhibit contains photographs looking down the street at the existing buildings. The photos show the state that the old industrial buildings are in. He believed that they were built in the 1960's with several additions constructed onto them over the years. They are mostly vacant and he believed that there are a few small tenants in the buildings, but the main uses were abandoned years ago. The 3rd page contains the Concept Plan and a series of 3 buildings totaling 190 units and 358 parking spaces. The buildings contain 3 stories and have pitched roofs. They range in numbers of units from 41 for Bldg. 1; 54 units for Bldg. 2; 67 units for Bldg. 3; and Bldg. 4 (located across from the train station) is a mixed use building in which there will be 14,800 S.F. of retail and 2 stories of residential on top. There is also a small ancillary retail 1 story building of 5,200 S.F. The buildings themselves ring the site. It is *not* a gated community and there is no fencing around it. There are free flowing traffic patterns throughout. In the center of the development there are amenities such as an open lawn and a clubhouse and a pool. In the clubhouse there will be numerous amenities such as a business center, club room, fitness room, billiards, and a theater. The clubhouse will contain approximately 4,000 S.F. – 4,500 S.F. He said that the main entry will be off of Main Ave. with a nice landscaped island and a center landscaped circular feature. At the corner of Division Ave. flanking the train station, he said that there will be an activated plaza (a real people space) with the potential of having a fountain, tables, and restaurant with a lot of pedestrian life. He said that there will be a mix of units including some studios, 1 bedroom units and 2 bedroom units. A majority of them will be 1 bedroom units (112). There will be 48 2 bedroom units and 30 studio apartments. Pgs. 4 of the exhibit is an architectural conception of what the buildings might look like. The first image is the mixed use building (retail and residential) that is across the street from the train station with a view of the plaza with tables, chairs, umbrellas, bollards and a fountain. The buildings are very warm in their residential character and have a combination of cultured stone, a warm colored stucco, colorful awnings, and a pitched asphalt shingled roof with copper details including pyramid roofs at the corners. He said that they are looking to create a rich vocabulary of detail and architecture, including shutters. He said that Pg. 5 is a view of what a purely residential building would potentially look like. The same materials would blend with the mixed use building – a combination of the cultured stone and the warm colored stucco, shutters, dormers, pyramid copper roofs, finials, and false chimney elements. He said that the buildings would be very warm and residential in nature. They will contain 3 stories and he did not believe that they will be imposing. Height wise, up to the eave line would be roughly at 35', with a roof on top. A typical 2 family house might be 35' to the mid-line of a pitched roof.

In response to Mr. Aroneo, Mr. Blake said that building height itself to the peak of the roof would be more than 35'. He said that, in 3 stories with the floor to floor height of a structure of this sort to the eave line would be roughly 33' and the pitched roof would be on top of that. Depending upon what the slope would be, it might be another 10'-12'.

Mr. Wolfson said that the redevelopment process also gives the municipality significant controls over aesthetics, whereas typically with a rezoning scenario you don't get into that kind of detail.

In response to Dr. Rae, Mr. Blake replied that the development that they are planning in Union has architecture that is similar to this. He said that the one he designed in Verona is also similar to this and has 3 stories. The first phase of that development contained 95 units and the second phase contained 130 units and they are all 3 story buildings. Those, in particular, have garages underneath and so there is a buried level. The units in Hoboken and Harrison are taller, mid to high rise buildings in the fabric of what would be more of an urban setting.

Dr. Rae noted that the streets and the homes around the present Tifa building are all fairly open. It seemed to him that the proposal is almost like a compound and he did not feel like it was a very inviting place necessarily for people from the outside, especially with the design of the copper and metal. He said that it might be a barrier to people from the outside coming in to use the restaurants.

Mr. Blake said that, particularly in terms of this being more of an open community rather than a gated community, the fact that Bldgs. 3, 4 & the retail building front the street, the facades would really activate the street more so. He said that it is true that the clubhouse and the amenities are more internal, but they would need to be because they are specifically for the residents themselves. He said that Bldg. 1 is really the only building that is tucked away and the other buildings sort of address the street (both Stonehouse Rd. and Division Ave.).

Mr. Wolfson said that the beauty of the redevelopment process is, if they went through the first steps and the property is deemed to be an area in need of redevelopment (which he said he heard a number of comments from the Board and he heard similarly comments from the Council that it is pretty clear that this property would meet one of those criteria and that the municipality feels that improvements at the site need to happen) – once you get through that and you get into the redevelopment planning, with the help of the Board Engineer and Township Planner, that is a dialogue with your planning partner and, as you have heard from Mr. Coccoziello, his approach to working with municipalities (which has been very successful) is to work with you and take that kind of input and incorporate it into the final design. He said that you then control that by the redevelopment plan and the zoning that gets incorporated to implement that.

Mr. Blake noted that this is the first look/pass at the concept.

Mr. Smargiassi asked if all of the buildings would be the same height – 3 stories with a pitched roof, so about 45' to the top.

Mr. Blake replied, "Yes".

Mr. Smargiassi asked if there was any specific reason, from an architectural standpoint, that the design is 3 stories versus 2 ½ stories.

Mr. Blake said that it would almost be like attic space and you would have a lot of dormers. The inside of the units would have several areas of sloped ceilings that would have to be boxed in until you get to a certain height. He said that those units themselves might be pretty compromised in terms of their layout and size. He said that the sizes of the studio units might be around 450 S.F – 550 S.F. and the 1 bedroom units might be around 750 S.F. – 800 S.F. and the 2 bedroom units would contain 950 S.F. to 1,100 S.F. He said that if they pushed the roof down, then he would really have to break that roof up with a lot of dormered type elements. That it is something that they could take a look at potentially.

Mr. Cilino said that is with the supposition that you are keeping the same number of units (or close to the same number). He asked Mr. Blake for his feel if was changed to 2-2 ½ stories without residents in the top half.

Mr. Blake replied that obviously the density would drastically reduce. He said that it was not his expertise to speak about the financials of what that means, it just means less units, or much smaller units but it is really market driven. He said that the market will drive what the size of the units need to be and what the costs and rents need to be.

Mr. Cilino asked Mr. Blake if he saw the aesthetics of the plan changing dramatically if it went to 2 stories as opposed to 3.

Mr. Blake replied that he did not see the look of the buildings changing drastically, although the scale of them will change and there will be a perceived difference in the height.

Mr. Arentowicz asked if, economically, 2 stories would work.

Mr. Blake replied that, again, he could not speak to that and it has to do with the number of units and the cost of the land and rent.

Mr. Wolfson said that they haven't done that total analysis to see what the minimum number or threshold would do going to 2 stories. He said that they would look at that but noted that the impacts, in terms of the number of units, have to be considered in conjunction with the total number of bedrooms. He said that the number of 2 bedrooms, for instance, is relatively low, whereas the number of studio units and other small units is relatively high. He said that they would be amenable to a discussion in terms of what is the density that works for Long Hill Township and does that work in terms of a project threshold perspective.

Mr. Cilino said that from an observational standpoint the applicant has obviously walked the site, looked at it, and studied it quite in depth. On the supposition that this plan is implemented, he asked Mr. Blake how he felt it stands as a balance (or does it balance) with the rest of the community in Millington.

Mr. Wolfson asked Mr. Blake if he believed that the proposal works aesthetically where it is as part of the Long Hill community.

Mr. Blake replied that he believed it could. He said that there are other communities that have similar products, even more dense. He said that he lives in Livingston which went through a major redevelopment several years ago and has two small business districts. One is on the north end of town (which is the new Livingston Town Center) and is heavier in retail but it has a mix of residential that are 3 and 4 stories. He said that Livingston is basically a bedroom community and a commuting town, mostly by bus, but it is a single family community as well.

Mr. Aroneo asked Mr. Blake if he had followed the Livingston redevelopment financially as well. He said that they had a unique financial arrangement with the town also.

Mr. Blake replied that he did not know how it was financed.

Mr. Aroneo said that they had a service agreement with the town and soon after the development was completed they came back and appealed the amount that they had to pay towards that service agreement. He said that he didn't hear the end of that story.

Mr. Blake said that, as he understood it, the problem was that the retail component just didn't work the way they configured it and the way they envisioned it. He was not familiar with the appeal or its result.

Mr. Wolfson said that the design of this project is partly driven by the fact that this is successfully being developed in other suburban municipalities and it is working for those municipalities. He said that that is not to say that that has to be the answer for Long Hill, but it is not a product that is not being built in a lot of municipalities that they believe draw reasonable comparisons to Long Hill.

Mr. Cilino wanted to make it clear that there are a lot of questions which need clarification. He felt that Long Hill Township has its fair share of retail stores for the size of the town. Putting more retail stores and cafes in an area that is fairly saturated with this economy made him wonder what that does to the retail stores that are struggling right now.

Mr. Wolfson replied that part of the answer is that he felt that a significant portion of Long Hill's retail stock is whatever age it is. He said that there will be a demand created for this retail space at this location and it will be attractive to retailers, which is a different location than any other location that your retailers have in town. He did not necessarily believe that this development of limited square footage (20,000 S.F. of retail), and the creation of a new market for that directly adjacent to, it is mutually exclusive from the benefits of the existing retailers in their existing locations. He felt that these residents who are young, prosperous professionals or empty nesters is more likely to lead to a net benefit for the entire municipality and its retailers because of the *type* of people that will be attracted.

Mr. Coccoziello said to keep in mind that the adaptability of this is professional offices, so you may not necessarily see all retail. You could have a doctor's office, veterinarian, etc.

Mr. Blake added that you could also have a realtor's office.

Mr. Coccoziello said that they would work with the Township on this. He said that you would want to meet a market demand, so you do the studies and you understand. He said that you won't see just a strip retail store, you would see some professional offices incorporated as well because of the sizes.

Mr. Roshto understood that it is a concept at this stage, but asked Mr. Blake how the parking spaces were selected. He felt they look very traditional and asked if any alternatives had been considered, such as shared parking.

Mr. Blake replied that you want the parking to be convenient to the people who live there being that this type of development will not support underground parking because of its cost. He said that the buildings themselves would have entrances front and back – they are double loaded buildings so that you have apartments in two fronts, so you really want to be able to park around the building and you want them to be convenient and as close as possible to the buildings that they live in. He said that this type of development could not support alternate parking structures.

Mr. Roshto was thinking of adjacent to the transit parking today. His concern, especially if the density remains what it is right now, is that there may not be adequate parking.

Mr. Blake replied that they believe that they do.

Mr. Roshto's concern was that we have access to that parking and it doesn't spill over. He said that the applicant may have the opposite concern – that the transit parking doesn't spill over into its property. He said that he would like to hear more about that should the Concept Plan go forward.

Mr. Wolfson said that their traffic engineer, who is *not* presenting a formal traffic study, is going to talk briefly about the benefits of a transit oriented facility and his experience with those that are up and running and successful in terms of the parking needs.

If the proposal moves forward, Mr. Roshto said that it would be very beneficial for the Board to understand what kind of concept you would have for the green space in the rear, especially along the Passaic River.

Mr. Wolfson said that their approach to that has been to invite input from the municipality. He said that they would do some research relative to what can take place there based upon the historic work that has been done there which would be made available to the municipality, but to the extent that it can be put to an open space use, or perhaps a more active use, they are totally open to that.

Mr. Nick Vedarici, traffic engineer, said that he is a principal at the firm of Dynamic Traffic. His history with transit oriented development is that he was the traffic engineer for a number of the projects that were mentioned such as in Cranford Crossing which was a mixed use development containing about 22,000 S.F. of retail and 55 residential units next to the train station in Cranford. He also worked on a number of strictly residential jobs in Bloomfield within one block of the Watsessing Train Station (a conversion of an existing industrial building into over 350 residential units). He was also involved with the Highlands at Morristown. In West Windsor he was hired by the Township to review parking standards and some traffic for a large redevelopment plan around their train station which has about 800 residential units and 100,000 S.F. of retail space on it. He has done other projects in Red Bank, Little Silver, Long Branch – both mixed use and residential projects in the area of train stations, as well as Harrison with Advanced, and other developers in that area. He said that this project has about 150 1 bedroom or studio units and 48 2 bedroom units. He said that that is generally the mix he sees around these transit oriented developments that gears themselves to studios and 1 bedrooms because you don't really have the need and the market driven need for 2 bedrooms or more because of the type of person you are attracting because you are near the train station. He said that that itself is reducing the amount of parking that is going to come onto the property and the amount of traffic that will be generated. With mixed use developments, because you put two different types of uses on the property, you get a sharing of parking. He said that this project in itself is a shared parking principle because there are two different uses that have different peaks. He said that you would actually have a number of different peaks because you will break up this 20,000 S.F. of retail into some different uses, whether they be daytime types of uses. He said that you will have a restaurant that has a later (evening) peak, where the residential highest time period is through the night time where the retail is getting no impact at all during that time, so they work well together and what you see is somewhere of a 20% reduction in parking actually needed. Then when you go to the transit oriented development portion of it, there are a lot of studies out there, and he has been applying principals over all those projects and he has seen it actually come to fruition where residential in the area of a transit village or train station

area, the requirements for parking is in the ballpark of 25% less than building that same project in a suburban community but away from a train station. The residential site improvement standards is what governs parking for residential developments. He said that their requirements are between 1.8 and 2.1 for 1, 2 & 3 bedrooms. When you reduce that 25%, you are in the ratio of 1.25 to 1.5 in that range. He said that this project, when you look at it as a whole, comes in at about 1.5, so he was comfortable with that. He said that the Cranford project had 1.3 spaces per unit and is currently operating and working. He said that he had some history at Gaslight Commons in So. Orange because he did some traffic work in that redevelopment area. He said that they have a project with 200 units. They built 1.675 units but the town did some studies afterwards because they wanted to understand and make sure that they were doing it right for the next projects that may come along. He said that they only had 1.05 spaces per unit which is on the lower end of the more suburban communities that they looked at. He said that Harrison is looking at only about .5. Their redevelopment plan is 1, but existing projects are about .5. In West Windsor, they used 1.4375 and they are creating a transit village by redeveloping an area where So. Orange, Cranford, already have infrastructure there and are infilling a lot of projects. He said that West Windsor is basically taking an area that is just parking lot and office space and converting it over to this mixed use, so they are comfortable with a number around 1.5. With regard to parking, he felt that what the proposal is going to work for the retail and residential mix at this location. With regard to traffic, he said that they are in a very preliminary stage. He said that he looked at trip generation for these types of uses and they already know that transit oriented development/mixed use generates 40% to 50% *less* traffic than the same development outside of a transit oriented or mixed use area. He looked at the adjacent roadways and oriented the project to be transit oriented and pedestrian friendly to bring pedestrian trips to the train station which will reduce the numbers. He said that Division Ave. is about 30' wide. The proposal has access to 3 different roadways (Division Ave., Stonehouse Rd., and one other that he could not recall) and it quickly disperses the traffic between the 3 areas. He said that 60% -70% of the traffic is going to orient itself to the south going towards Rt. 78. He said that there is a slight slope on the roadway but there are good sight lines and the traffic is relatively low on Division Ave., so he did not see any capacity issues through the area for traffic that comes onto the property. He said that they looked at what type of traffic they think it is going to generate and generally looked at the surrounding area to identify how the traffic is traveling currently. He said that there doesn't seem to be any real congestion and the only time there are any cars stopped in the area is when they are stopped for the train passing through. He said that these types of projects are traffic reducers from standard suburban developments.

Mr. Arentowicz asked Mr. Vedarici if he could generate any numbers, whether it be retail space or office space. He asked what 20,000 S.F. would require in parking.

Mr. Vedarici replied that the industry standards are about 1 per 250 S.F. for retail, which would be about 80 parking spaces for the retail. He felt that the Ordinance might require 1 per 200 S.F., so it would be somewhere between 80 ad 100 parking spaces.

Mr. Arentowicz replied that, if you did the 1.5 math, you are at 73.

Mr. Vedarici said that when you use 1.5 you have 285 then you add 80 so that it is 360, but then when you apply the shared parking principle it reduces that. He said that, if they were separate uses not sharing a parking field, they would require about 360, but when they share, you get a reduction because at 4 or 5 o'clock you have people starting to use the retail and the restaurant but some people are not home, out, or shopping, so you get that sharing which is the basic principle of this.

Mr. Smargiassi asked, if they are sharing, are there no designated parking spaces?

Mr. Vedarici said that they haven't gotten that far but generally they will designate 1 per unit.

Mr. Smargiassi asked Mr. Vedarici if he looked at other intersections such as Division Ave. & Valley Rd. where there is traffic and the line of sight is not terrific.

Mr. Vedarici replied, "Yes", and said that it is a County intersection so anything they did there they would have to submit something to the County to show the impact.

Dr. Rae asked Mr. Vedarici where he anticipated the young professionals to be commuting to, mainly New York City?

Mr. Vedarici said that it could be anywhere. He noted that Rt. 78 is to the south so that you can get east and west and you could have people going south towards the New Brunswick area and perhaps to Rt. 287 to the Morristown area or east to Newark or New York City.

Dr. Rae thought that with a transit village the majority of the people would be using the train as a main mode of transport, which he thought is true in Harrison and other locations that were mentioned where it is more of a pain to have a car and there is a reasonable network where you really don't need one, whereas, out here you probably *do* need a car for weekends. He said that there could also be other traffic and he wondered how that impacted Mr. Vedarici's ideas on the number of cars here.

Mr. Vedarici anticipated that every unit will have one car and some will have a little more. His recommendation was somewhere around 1.5 as a standard for this type of development.

Mr. Arentowicz asked for the projected cost to buy a 1 bedroom or studio unit.

Mr. Coccoziello estimated that *rents* will be in the \$1,000 - \$1,200 range. When talking about ratios, he said to remember how many studio apartments are proposed. He said that they will not have 2 cars to them and when you look at these numbers, they are a ratio on the total complex.

Mr. Aroneo said that when this presentation was made to the Township Committee the reason rentals were proposed over owner occupied was that mortgage financing would be difficult given the prior use of the site and what may still be there. He asked how much truth is in that and what kind of difficulties are we talking about. If the site was deemed acceptable after the Superfund Site was no longer deemed contaminated, why then would regulated mortgage banks not be forced to lend in that situation?

Mr. Coccoziello replied that they are not forced to lend, but people don't like to buy where there is a deed notice in the suburbs. He said that the small developer is gone and we are talking about the Pulte's, Hovanian's, etc. He said that when you have deed notices, he would say 90% of them do not want to build in the suburbs because it is so difficult to sell in this market that if you had a choice of buying a property with a deed notice versus buying a property without a deed notice, that will be the answer. He said that they studied this site and one of the few or only products that you could build here is rentals. The other component is that when you look at how transitory people are with jobs today and people graduating with a master's degree in business, they are looking at 4-6 jobs in their career, so you are looking at a strong demand for the long period of time the economy is globalized and transitory. He said that they believe that rentals are much more in demand and, if built at this kind of high quality with amenities, you attract a very affluent type person, so it is good for everyone.

Mr. O'Brien asked Mr. Wolfson, with 190 proposed units, what would their affordable housing component be?

Mr. Wolfson replied that the initial concept would be 10%.

Mr. O'Brien referred to the examples of Cranford, Morristown, Garwood, and Livingston given in the handout and asked Mr. Wolfson if he had any idea as to whether or not the retail space in those developments are rented and what their approximate occupancy is.

Mr. Wolfson replied that he did not, however he would be happy to look into that for him.

Mr. O'Brien asked the same question with regard to population density (number of people in the units). With the demise of the particular State grant for transit oriented development, he asked if there is additional State aid available for the project that the applicant would be seeking.

Mr. Wolfson replied that he did not know that they have determined that as of yet. He added that they would certainly explore anything that might be available, but said that this presentation is not dependent upon that at this time.

Mr. O'Brien then asked if he had done any particular studies to identify the retail need at this location, or was he presuming this based upon his past experience?

Mr. Coccoziello replied that part of the analysis is that it is done with past experience and part of it is that you are looking at disposable income. He said that whenever they talk about what they are trying to accomplish here, they want higher incomes. So, from that standpoint you have higher disposable income and a higher percentage on retail, so it is sized on that. Plus, looking at the overall community they think that 5,000 S.F. or 5,500 S.F. is designated for a restaurant and the other components would be higher end professional office such as a Weichert Realty or Coldwell Banker, or a wealth office for Smith Barney, for example. In his mind, he said that they are retail but not really retail.

Mr. O'Brien asked Mr. Coccoziello if he had any idea what the possible unit size would be amongst the 20,000 S.F.

Mr. Coccoziello replied that typically those units stand alone by itself, and the other building is about 15,000 S.F. He said that it would be somewhere between 1,000 S.F. – 5,000 S.F.

Mr. O'Brien said that Mr. Wolfson had emphasized the redevelopment aspect of the redevelopment process in developing this site from a Township point of view. He said that that would require a redevelopment agency to be declared by the Township, whether it be the Committee or some other body.

Mr. Wolfson replied that the Council could act in that capacity, so you would not have to go to the State Finance Board. He has had experience in representing the town of Morristown in doing that.

Mr. O'Brien replied that he understood and has done that in other municipalities as well. He asked if there was another mechanism that he could suggest to the community rather than a redevelopment agency that could accomplish many, if not all, of the goals that you seek and have in front of the Board currently.

Mr. Wolfson replied that they cannot achieve the PILOT and the RAB bonds without it.

Mr. Lemanowicz felt that the nature of the Concept Plan doesn't get into a lot of the details of the engineering end of it. There has been some discussion about traffic and the studies have not been made to be specific but obviously the traffic patterns of something like this would be significantly different from what is there now. He said that we are

going to have to make some assumptions as to how many people are taking the train and that will be farther down the design. With respect to utilities, he felt that that is probably one of the more significant issues because the water and sewer needs of this development versus an industrial or retail that is there now is dramatically different – probably several times the magnitude of what the demand is right now and, again, the developer has acknowledged that and it is something that we really have to be careful of if the development becomes an application. With respect to the environment issues of the cap to the rear, he said that there are a number of things you can do on contaminated areas. There is a process of capping and there are State regulations as to how thick the cap has to be versus certain uses and that is again far more down the design line than we are right now, but are things that are going to have to come into play. As to stormwater, he said that this will be a major development for stormwater design and he did not see anything for that as far as space allotted for detention, etc. He wondered if that has been considered.

Mr. Blake assumed that that would have to be handled underground, so in terms of other than that concept, he did not believe that there has been a lot of work done on it.

Mr. Wolfson said that some strategies for that could be underground detention but they are also greatly reducing the amount of impervious coverage that is on the site now, which he believed to be close to 90%. They will probably be closer to 65% - 75%.

Mr. Lemanowicz said that that will have to be addressed. He also said that there will be the water quality issue and the groundwater recharges may have impact on the contamination. He noted that there are certain types of contamination where you don't want groundwater recharge because you don't want to be flushing things through. He did not know if asbestos qualifies as that, but a lot of this is farther down the line.

Mr. Wolfson replied that they understand those issues and their obligation to meet the State standards for stormwater treatment and handling of that, as well as being sensitive to any other issues particular to the site. He said that they look forward to working with Mr. Lemanowicz on all those issues. He thanked the Board and apologized for exceeding the time allotted for his presentation. He said that he had not heard any disagreement that the site needs to have something happen there. Towards that end, he asked that the Board, in consultation with the Council, please consider looking at and having a study done as to whether this property is appropriate for redevelopment, which is the first step in the process. He said that that doesn't commit you to a particular plan or anything in particular. He said that they are at a certain point in their involvement with the property where they need to have some positive action going forward in order for them to continue the investments that they are making in the potential project. He understood that the applicant has a responsibility in the funding of such a study in order to deem the property in need of redevelopment and also consider entering into a preliminary agreement with this redeveloper that will allow them to enter into very preliminary discussions and will justify the expenses that they will have to incur both privately, as well as those expenses that the municipality would incur that they would reimburse. He said that those are the two actions that they would ask the Board to consider taking.

Mr. Cilino said that, from his perspective, there were a number of questions that went unanswered in order to provide the information requested. He felt it would be in the Board's best interest to have those questions answered as expeditiously as possible.

Mr. Wolfson said that he had taken some notes and will obtain a tape of the meeting as well to make sure that they didn't miss anything and will be providing that information as quickly as they can.

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

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Before going on to next agenda item, Dr. Rae said that Mr. Smargiassi had a question as a follow-up to the presentation that was just heard.

Mr. Smargiassi said that there was a lot of discussion about deeming the property in need of redevelopment and he asked Mr. O'Brien to explain exactly what that meant, who would do it, what is the benefit to the potential developer and to the Township, and what are the alternatives?

Mr. O'Brien said that this Board is used to operating under a set of rules and the set of rules comes off of the M.L.U.L. The M.L.U.L. is very specific on what Planning Boards and Zoning Boards of Adjustment do. However, he said that redevelopment also has its own set of rules from State statute and it is the N.J. Redevelopment and Housing Act and that tells municipalities how they do redevelopment and under what auspices. Redevelopment is a legal term and a specific term and it comes from a governing body and a Planning Board working on deciding whether or not a particular area should be redeveloped. The term "redevelopment" would come a study done that would be started by this Board. He said that the Planning Board asks for a study to be done of an area to determine whether or not it is in need of redevelopment. He said that if you think back to how you look at bulk variances from the M.L.U.L., you've got criteria – either a hardship based on the land or a special reason to approve it, and that gives you the ability to approve it because it meets the burden of proof. The State law on redevelopment lists a number of criteria under which a municipality can declare an area in need of redevelopment. He said that Mr. Lemanowicz had mentioned something about "blighting" - blighting underused properties or properties that are decayed or vacant and there is a whole list of criteria that you can use to declare whether or not an area is in need of redevelopment or, in the alternate, an area in need of rehabilitation. He said that redevelopment and rehabilitation

are two levels of what you can do, both of which require a study to be done by the Planning Board which would then declare that area and then a finding on the part of the governing body. The governing body would have to create a redevelopment agency which would then administer the actual redevelopment and enter into a contract with a redeveloper based upon the findings of the Planning Board. He said that the Township Committee itself could be the redevelopment agency, or it could create another agency like the Planning Board or Zoning Board of Adjustment, or the Environmental Commission and say that you are the redevelopment agency for the municipality. So, there are very specific steps that have to be taken, each of which has a legal component and each of which has a legal meaning that binds all of us to certain things depending upon what those findings are. He said that what Mr. Wolfson was suggesting to us was that the Township Committee declare itself a redevelopment agency; the Planning Board do a study on this particular property; and make a declaration as to whether or not it needs redevelopment or, in the alternative, rehabilitation which is not as great a burden to prove. Based upon that study, should one be done and should it be positive, then the governing body as the redevelopment agency could enter into an agreement and the benefits of that redevelopers agreement are the PILOT (payment in lieu of taxes), so that instead of paying taxes there is a time period of 10 years (or it may vary) under which the municipality would receive payment in lieu of those taxes and the County gets a certain percentage and the School Board gets a certain percentage, but the municipality gets the bulk, which many towns see as an advantage. He said that you are also able to bond through them, so there is a tax advantage that way. He said that you are getting into a very specific area here that has legal meaning and components that we need to understand and be very careful as we tread down that road.

Mr. Lemanowicz said that, personally, he has not gotten that involved with redevelopment although his firm has and has done work in Trenton, Camden, and Hoboken and, therefore, has that kind of expertise. From what he understood, once you determine, assign, or accept a redevelopment category it *does* give you some leeway in other State regulations. If you look into the Highlands Act, he thought there was something in there about if you are a development then this is your set of rules. He said that there are different rules and we would not be following the M.L.U.L. so much for detail, we would be following another set, in some cases. He said that when you have a development of this size, with the financial situation that Mr. O'Brien just described, you now have a developer that can deal with some off-site improvements, upgrades, etc. where we used to do that back when we were doing 50 or 100 lot single family residential subdivisions. He said that towns were getting fire trucks, sewer mains, and pump stations which were just part of the deal and you don't get that anymore because there is nothing that big to do that. He said that this kind of development, with the issue of the PILOT program, again towns getting those funds where it can do something, or you have the developer do that directly because they are causing the need for that off-site improvement. He said that it is a very different application that what this town has seen probably in a very long time.

Mr. Roshto asked Mr. O'Brien if there would be any impact on the study for the Highlands TDR?

Mr. O'Brien replied that there could be. There is definitely an impact because the study area is the same, so how it washes over he was not quite sure. He said that we wanted to have this meeting and then make some decisions as to how we were going to proceed with the Highlands Study and if they are indicating that they are willing to fund an area in need of redevelopment/rehabilitation and combine that with our Highlands Study, we would probably be able to do....

Mr. Roshto interrupted and asked if they might be complimentary?

Mr. O'Brien replied, "Yes".

Mr. Aroneo asked Mr. O'Brien if when he said "they" he meant potentially Advanced Realty would fund our study?

Mr. O'Brien replied, "That is correct" and that they would do it up front.

Mr. Aroneo asked what are our other alternatives should we decide that we do want that area redeveloped, but we don't want to go with a Redevelopment Zone. He said that we spent a lot of time here creating a Master Plan and the Land Use Elements and one for the Millington Transit Village. He said that we are talking about building heights and things that are not throughout the rest of the town.

Mr. O'Brien said that you still control all of the aspects through either a redeveloper's agreement or through whatever the various zoning requirements are. An area in need of redevelopment has its own rules. The zoning rules that underlie do not apply - you create your own your own set of rules for that. He said that here in Long Hill we have always treated our villages as separate areas in the Master Plan and given them their own zones. Millington has its own zone and its own Element in the Master Plan. He said that you could certainly re-examine that Element of the Master Plan for Millington with this type of development in mind and come up with new ordinances based upon your study of that entire area of the Millington business district and come up with appropriate ordinances that would buttress whatever you find in the Master Plan. You could do it through a combination of rezoning - it is more like an amendment to the zone that you would put in the particular requirements that you would like to put in in terms of height, bulk, setback, size and things like that. He said that you could do it that way but you don't get the PILOT, you get straight property taxes and you don't get any bonding ability from it. If you do it in conjunction with the Highlands Transfer of Development Rights, he believed that each unit is eligible for a (one time) \$15,000 municipal payment. To the best of his knowledge, he said that that payment would still exist even if you did it under redevelopment.

It seemed to Mr. Butterworth that with redevelopment the main use is where the property is owned by many people and you may have to condemn people in order to get them out. Here we have a single package, so that aspect is gone

and the only other aspect is the financing. He said that redevelopment should be very simple as far as the study and everything because we don't have to do any condemning or anything like that.

Mr. O'Brien said that it wasn't part of tonight's discussion, but an aspect of the whole redevelopment saga and that redevelopment statute is that a municipality has the power of condemnation through that redevelopment law but we weren't even talking about that.

Mr. Butterworth said that that is probably the main reason the law was passed.

Mr. O'Brien said that that is what most of the urban communities have used. He has worked on it in much smaller communities in Rahway and Clark where they have used it with both single owners and multiple owners and in terms of transit orientation, but each community has its own requirements.

Mr. Butterworth said that it seemed to him to be the driving force behind the law.

Mr. O'Brien agreed that it was definitely a major one.

Mr. Butterworth said that, for example, if we wanted to redevelop down on Main St. where Thermoplastic's is, we could put that as a redevelopment zone and they should condemn them. It could be done.

Mr. O'Brien said that you've got to meet the State statute requirements.

In response to Mr. Arentowicz, Mr. O'Brien said that PILOT stands for payment in lieu of taxes, meaning that they do not pay their property taxes like normal folks do. Instead, there is an agreed upon amount as part of a developer's agreement that the redeveloper will pay the municipality and the municipality then in turn pays a percentage of that to the County and the Board of Education. Those amounts are set as part of the agreement.

Mr. Arentowicz asked Mr. O'Brien if we are asking for trouble doing this with a whole new aspect of issues and regulations, noting that it is an asbestos area, or should we just go with the Highlands and our own village plan for Millington?

Mr. O'Brien replied that in the past when we have talked about any type of a dense development here, and this property has been mentioned for a new development going on 8 years, redevelopment was mentioned going way back. He said that it was also mentioned on Main Ave. in and around the train station going way back. Up until now, this Township has had no interest in redevelopment because the reaction he received from the Boards was that it was seem primarily more of an urban kind of thing and not something that we needed to do here. He felt that in this case, there *may* be advantages to a redevelopment study and there *may not be*. He said that he would want to hear the case on the money before he went too far down that road – as to how the money worked and, if we can be shown that there is a major financial advantage in doing it that way, then he would suggest that the Board stay open to the suggestion and see how it plays out.

Mr. Arentowicz asked if the study that would be engaged that the developer would pay for, would they come up with the money at that point, or would we have to do more things to come up with the financial analysis?

Mr. Lemanowicz said that the study is to determine if it is an area in need of redevelopment which is separate than from what are we going to get after we do that. It is in the process and he was sure that once we prepare the report saying yes this can be, that is something else that you obviously want to answer or maybe you would want to answer before you even get into doing the study, but it is not that study.

Mr. Arentowicz asked how we get to the financial analysis to make the decision?

Mr. Lemanowicz replied that with some time between Mr. O'Brien's and his office could probably provide a point by point of some kind to say that if you are a redevelopment you can do this, but you can't do it if you are not a redevelopment – to make a pro's and con's type of list.

Mr. Roshto said that that should come out of the study.

Mr. Lemanowicz replied that, in order to be a redevelopment area, you've got to satisfy the criteria which might be 10 items. He said that the study tells you whether you satisfy those 10 items. It doesn't say *if* you satisfy the 10 items what is the benefit?

Mr. Roshto said that he had not looked at those 10 items but had to believe that one of them is an economic analysis if you are talking about blighting an area.

Mr. O'Brien cautioned to be careful about the "blighting" because that is a specific legal turn.

Mr. Lemanowicz added that it was a term used years ago that actually scared people away.

Mr. Rostho retracted the word and said that he wanted to get back to the economics.

Mr. O'Brien said that the economics of the study – whether or not there is an advantage or disadvantage in *declaring* it an area in need of redevelopment/rehabilitation will come out in that study, not whether or not the Township is going to make out better one way or the other. That discussion has got to happen when we sit down again and thrash out whether or not we are interested in pursuing a study and whether or not the applicant is willing to fund it and discuss it in a concept type of meeting in which the principals would sit and hash out those what those details are. At that point, he felt that there should be some representations as to what the financial aspects are.

Mr. Smargiassi said that it is a pure negotiation and they don't use the study in any way to determine what that financial relationship is. He asked if the study just determines whether or not the site is deemed to be labeled as redevelopable.

Mr. O'Brien replied, "Primarily". The study will also say what it generates in taxes – for instance what it might generate in taxes under other circumstances.

Mr. Smargiassi said that it then just becomes a negotiation between the Township and the developer.

In response to Dr. Rae, Mr. O'Brien said that he thought that an aspect of it would take place when we sit and decide whether or not to proceed or not and that will be part of that discussion. Then the study follows that which brings up more of the financial concerning the property itself and then after that study is completed and the Board declares or does not declare it in an area in need of particular redevelopment, then that negotiation Mr. Smargiassi spoke about would happen. You do need to have some ideas before this all starts and the thought that happens in that first concept meeting when we discuss with the applicant, the principals are involved, where it is going to go, how it is going to happen, and lay it on the line as to what is for the town and what is not. He thought that you have a better idea *before* you embark on a study – at least a better idea than we do now.

Mr. Cilino said that he was making an assumption that we would discuss this amongst ourselves at some length to make sure how we each feel about this process moving forward, as opposed to just going to the first meeting with the developer.

Mr. O'Brien replied that everything has got to be discussed by the Board in public at a meeting, however it would like to decide – whether you would like to schedule a discussion on the idea is up to the Board.

Mr. Cilino said that there is a lot to think about in this whole process as opposed to just a "yes" or "no" answer. He said that to talk about doing the study is one thing, but he was not sure where anybody else stands. He said that he came here with a set of blinders on with his own thoughts, but after listening to the presentation our follow-up discussion, he thought that the area certainly needs *something* going on in there but he was not sure that there is any consensus to what we think should happen.

Mr. Roshto questioned what the downside would be to do a study?

Mr. Cilino guessed there isn't one.

Mr. O'Brien said that to do a study like they propose would mean that that redevelopment process would occur prior to that particular study for an area in redevelopment.

Mr. Aroneo asked, if we deem that it is in an area in need of redevelopment and commission a study, do we have to then follow through with the findings of the study? He said that the study may find that it *is* in need of redevelopment and the next thing we find ourselves locked in to some PILOT program that we may not be in favor of.

Mr. Roshto thought it was the reverse of that and felt that the study is to determine whether you are in need of redevelopment.

Mr. O'Brien agreed, but said that setting up a redevelopment agency or assigning it to the Township Committee or some other body is a whole separate process and he was not sure what the timing is on that in conjunction with the study. He said that the Board controls the study.

Mr. Roshto said that that is just process. In terms of a downside, he said that the cost of the study is going to be absorbed by the realty agency and there is no obligation on this Board, the Township Committee, or our town to say "yes" or "no" to the study.

Mr. O'Brien agreed.

Mr. Roshto said that the only thing he could see is a benefit. He felt that by doing the study it is going to help us with our Millington Element and give us more information that we did not have before which is a positive.

Mr. O'Brien said that he and Mr. Lemanowicz just have to look and see how the actual redevelopment process and whether or not there is a redevelopment agency component to that study prior to it being commissioned or while it is being done. He said that he would check that and find out tomorrow.

In response to Mr. Arentowicz, Mr. O'Brien said that the Planning Board actually engages someone to do the study. He said that he could do that, adding that he has done them in the past.

Mr. Cilino was still not clear. He said that we would talk about this and deem that there is the possibility for redevelopment.

Mr. O'Brien replied that the Board, as a first step of a study, would say that it would like to study this area and ascertain whether or not it is in need of redevelopment. He confirmed that there is no obligation on the part of the Board after that.

Dr. Rae asked if there is any time frame then for putting together a redevelopment agency?

Mr. O'Brien replied that he would have to look at that. He was not quite sure how they work with each other or if one is required before the other.

Mr. Lemanowicz said that if, at the end of the study, it says that this area is in need of redevelopment, the study doesn't say what *kind* of redevelopment.

Mr. Aroneo said that that was his fear – that it gives them leverage to come back and say that you said yourself that it is in need of redevelopment and now I want "this" and we say we don't want that and they say that we have to have something.

Mr. O'Brien said that the study would show you whether or not the current property and the current development on that property meets one of the "x" number of requirements in the statute, much like your bulk variance burden of proof. He said that you would have to meet one or more of the redevelopment criteria and it has nothing to do with what development goes there, it just meets that requirement. Therefore, it can be redeveloped and we say that it *should* be redeveloped. A second aspect to whatever that study is would then be what that redevelopment looks like, but the first study is "Does it need redevelopment or not?"

Mr. Arentowicz said that the developer is going to pay for this and then we can proceed or not proceed and do anything.

Mr. O'Brien replied that that is correct and that is exactly like a concept plan – that you have the statutory authority to hear. He said that anybody can come before this body and present a concept plan and they have to basically pay you to be here through a fee a put up an escrow and they are taking the chance. He said that that happens now and with a redevelopment it is a similar situation.

Mr. Cilino asked what advantage is there for them to have asked for that from us tonight?

Mr. O'Brien replied that they see an opportunity and an underutilized property and a train station that is maxxed out with parking, so he felt that they see this as an opportunity to do something here and there suggestion to the Board is the one that makes it easiest for them to proceed because the easy way in these kinds of proposals is to do a redevelopment agency because it is one stop shopping. He said that the redevelopment agency sets its standards, gets the study from the Planning Board, does the negotiations and you deal with one set of staff which makes life very easy.

Mr. Cilino said that decision process away from the Township Committee and the Planning Board and puts it in the redevelopment hands.

Mr. O'Brien added, depending upon who that is. He said that it *could* be the Township Committee if they so choose, or they could choose to set up a separate body. He said that it takes much of it out of this body's hands and then you get to review those applications but you don't get to say a lot about them.

Mr. Cilino said, "Unless we are doing the study".

Mr. O'Brien agreed, but said that after the study is done, the process then moves forward to negotiation and making the rules and standards and that is done by the redevelopment agency. He said that it could not be the Planning Board, but it could be the Township Committee or a separate organization.

Mr. Cilino said that we have to look at that pretty carefully too in a way that our decision process stays where it should stay and not slide into another agency unless the Township Committee is part of that. He said that the final decision is made by the redevelopment agency, so it is definitely not the Planning Board and if the Township Committee gives that to another group of people then that takes the decision away from the Township Committee and the Planning Board and it gives it to this other bunch of people which then we lose control of what we want there.

Mr. Roshto replied that he felt the Township Committee maintains control and so you have to trust the Township Committee to do the right thing.

Mr. Cilino replied that, unless he misunderstood, Mr. O'Brien was saying that once the Township Committee appoints the new Board, then the Township Committee is not in that decision process anymore. He asked if he understood that correctly.

Mr. Roshto said that the Township Committee could appoint themselves. He asked what questions were left on the table in order to decide whether or not we want to do the study?

Mr. Aroneo said that if, in fact, there is not entity created to determine that we need to do a study and that we actually have the authority here to commission a study and get those results without creating a redevelopment zone, a redevelopment authority, or any other type of entity and if it is truly a Planning Board study that is financed by the developer, he had no issues with that.

Mr. Roshto asked Mr. O'Brien if he knew that for a fact because he thought he heard them say that it was a Planning Board decision to commission the study. What he heard him say was that it was a mutual decision between the Planning Board and the Township Committee.

Mr. O'Brien replied that it is a Planning Board study and a Planning Board decision but what he did not know is what aspect a redevelopment agency has on the initialization of that study. He said that he would check that, but if the Board can do it on its own without a redevelopment agency, then you can proceed. But if for some reason a redevelopment agency is required to be the Board's partner to report to, then we may have to have one first.

Mr. Roshto said that it didn't seem right to him. It did not seem like this Board should be able to say "yes" we can commission a study for redevelopment when the Township Committee is going to be making the final decision.

Mr. O'Brien replied that the study is only whether it meets the criteria. If it doesn't flow over into the financing or the PILOT or the negotiation – it just doesn't meet the criteria in the statute, it says that it can be a candidate for redevelopment/rehabilitation.

Mr. Roshto asked Dr. Rae if the Board could come to a decision at the next meeting.

Dr. Rae said that that was what he was going to suggest in the interest of time this evening. He said that there are still outstanding questions that Mr. O'Brien is going to address in between and it could be put on the agenda for the next meeting.

Mr. Lemanowicz said that between Mr. O'Brien and himself they will get some points together.

Mr. O'Brien said that the "short guide" to redevelopment is quite thick from the Planning Association, but he said that they are going to find something that is easier as to how it works. He said that he would get the specific question as to the role of a possible redevelopment agency and the impact on authorizing a study.

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DISCUSSION

AMENDED MASTER PLAN VALLEY ROAD BUSINESS DISTRICT ELEMENT

Mr. O'Brien said that over the last several months this Board has rewritten the Valley Rd. Business District Element of the Master Plan and made a significant number of changes. Those changes were documented to the Board following our last meeting in two documents. The first showed all the changes that the Board made in a track changes document. The second was a clean version of that document that incorporated all of the changes that were made by the Board and that was the document that was put on the website and made available to the public, as well as to the Board for their consideration at tonight's hearing. Under the statute, the Board has notified the public through advertisement in the local newspaper, posting in Town Hall, as well as with notice to the adjoining Township Clerks and to Morris County. Therefore, the Board has the legal authority to consider a Master Plan revision.

Dr. Rae asked the Board members if they had any comments on the document.

Mr. Smargiassi believed that at the last meeting there were some various discussions about the maps and whether or not it would impact all of the properties within the Business District. He wanted to understand that what is proposed would apply with a blanket to everything within the Business District.

Mr. O'Brien said that that is what he walked away with from the Board. There was some discussion, in particular about the properties closest to Morristown Rd., but he understood the consensus to be that the Business District Zone was to extend to the area as shown in the map on Pg. 7 which includes the properties all the way to Morristown Rd. He said that it is up to the Board to tell him if that should be changed.

Mr. Smargiassi asked if it is the best thing to have a Business District go right up against residential zones. He asked if it was beneficial to have buffers around the core business zones before you get to residential.

Mr. O'Brien replied that currently it is business zoned and abuts residential uses and residential zones in many, many places. He said that all of our village districts are donuts surrounded by residential. The current B-2 Zone on Valley Rd. is surrounded by either residential or C (Conservation) Zones (which is also a residential zone) in many places.

He said that the Ordinance currently has very strict buffer requirements for a commercial use abutting a residential use. If a commercial building was to be newly erected, it would have to comply with the Ordinance buffer requirements of vegetation and fencing to separate a business use from a residential use. In regards to the properties towards Morristown Rd., currently they are zoned Office, so potentially a 2 story office building could go up at the corner of Morristown Rd. and Valley Rd. in an un-environmentally challenged location having met all the setbacks and gotten its proper approvals and it would have to have a buffer between it and the residential across the street.

Mr. Roshto said there is no secret in what he believed in terms of planning our Zoning Map relative to this Element that has been discussed for the past 2 months. From a planning perspective for the future, it seemed to him to be much more achievable to deliver on what we have been discussing with a smaller business zone. He said that the longer (in terms of from one end of Valley Rd. to the other end of Valley Rd.) to achieve what we are setting out to do in our Element and Plan, doesn't seem achievable. He felt that the more we can pull it in, the more we can focus the energy in the areas that we want to focus in. For him, it makes complete sense to move the O-Zone back and make a smaller Business District Zone.

In response to Mr. Arentowicz, Mr. Roshto said that, in February when he made the original proposal, he sent a map to the Board with his recommendation to remove the residential. He said that he was suggesting that we use that map and bring the 2 or 3 lots closer in (or however many it was) so that we have a tighter zone.

Mr. O'Brien thought it was the 4th lot, per our last discussion – whatever the original proposal said.

Mr. Roshto said that the map is in the document on Pg. 8.

Mr. O'Brien said that that doesn't split out the two B-3's.

Mr. Roshto said that the question that was asked of him was where the O-Zone would stop.

Mr. Arentowicz did not have the map from February in front of him. He asked if he looked on Pg. 6 and counted down from Morristown Rd., is he going to count down 4 lots (that are to be excluded)?

Mr. Roshto apologized saying that he did not have that map with him either. He asked if anyone had the larger map. To be specific, he said that it is exactly the Ordinance that was prepared by this Board in 2011. He said that the O-Zone properties he changed are the same as what is in the Ordinance.

Mr. O'Brien did not have that list because it was done prior to this discussion. The one that he did have lists all of the properties in the BD-Zone. That was part of the Ordinance discussion last year when one of the proposals was to keep the O-Zone and the properties closest to Morristown Rd.

Mr. Smargiassi asked what the planning impact would be of shortening or making the BD-Zone smaller. He asked if it would help us to focus redevelopment and encourage business development in that smaller space by having a more concise and smaller BD Zone and if it helped us encourage the redevelopment or development of the properties within the BD- Zone.

Mr. O'Brien replied that there are advantages and disadvantages. An advantage to having a smaller district is that you do focus development which means that in that particular area this is what's allowed. Looking at past development here in the Township in the almost 20 years that we have had an O-Zone, he said we have developed very few O buildings even though they were substantial areas in the Township. It did not work and he questioned if that was because it was office – more than likely. He said that there are over 20% vacancy rates in Morris County and throughout northern N.J. and that it was probably a bad bet at the time. He asked if you leave this particular piece as O-Zoned, where does that leave it? He said that the O-Zone is not going to work and we all know that because the few office buildings that we have built in the Township in the last almost 20 years have been nice but that is 2 out of a couple dozen property. He felt that it is safe to say that the O-Zone is not feasible because it is not going to get you anywhere. He asked if that means that putting it in the BD Zone is going to be better for it? It would open up opportunities for it and then you allow far more things to occur on that land, which means that Long Hill is not going to get an awful lot of development. He said that it takes years of somebody putting up money to be interested to come up with an application and make it happen and it is a slow process. So, if you leave it as O-Zoned is it going to affect it? It limits the possibilities in that all the things you say you can do in the BD Zone, you can't do on those properties, so it *does* limit that development. He asked if affects you in the short term? Perhaps not, given the odds that nobody is exactly coming in to develop these pieces except that the last thing we saw was something that needed use variances anyway. Would it have me the BD Zone? Not entirely, so it still would have needed special approvals, so there are advantages and disadvantages.

Mr. Smargiassi asked if we have the ability to strengthen the BD Zone, but then perhaps expand a modified O-Zone and allow some other types of buildings or opportunities that may be not as high an impact as what we would want in the BD Zone – to create some type of transitional area that is lower impact and maybe you do it on both the east and west side of the zone which are more residential which would allow us to shrink the zone?

Mr. O'Brien replied that you have that right. Referring to the west side in the vicinity of Main Ave., he said that there is some residential in that area but primarily it is business and it is surrounded by residential and it floods there.

Mr. Smarigiassi concurred with Mr. Roshto and said that since the beginning of this discussion he felt that the BD Zone was very large. He said that there are only so many dollars that developers have and only so much retail and shopping and other types of development that this town can support and that this town really wants and is proper for the town. He said that it has always been a concern of his and he still has that concern. He felt that there are lots of benefits to the town of seeing a very concise BD Zone where we want the development and we should let people go in and develop those properties and maybe there are better uses on the east and west side of this area that could be lower impact but we could still have maybe some more possibilities from what is there today.

Mr. Aroneo said that he concurred with what Mr. Roshto and Mr. Smarigiassi have said, especially when we consider the uses that would be permitted in this zone. For instance, more evening and night time uses where the buffer right now is 10'. He said that he didn't know many people who live here right now that want to be 10' from a night club or some type of bar, but that is really what we are looking at. So if there were a lower impact/lower intensity use in a transitional zone, he did not know what the distance would be (perhaps a few hundred feet), where it may be a doctor's office. He asked Mr. O'Brien if he saw that as good planning or not mattering.

Mr. O'Brien replied that transitions are always good.

Mr. Aroneo felt that it is really the sewer situation that is holding up developing in the O-Zone more so than the O Zone holding up the development in the O Zone. He was in favor of a transitional zone if the Board goes that route, although he did not know how much more work is involved to add that in, but he felt it was good planning.

Dr. Rae asked Mr. O'Brien what the Board would have to do in order to move in that direction.

Mr. O'Brien said that you may want to get a consensus of the Board or take a vote of the Board and, if the Board adopts that, he will amend the document.

Mr. Smarigiassi said that, if you were to do this, what else would you allow in the transitional zones? How would they work and how would it be different than the BD Zone?

Mr. Aroneo said that you would have to go through the list of permitted uses.

Mr. O'Brien felt that that would be a good way to start – to go through the list of the uses in the various business zones in the Township and see which ones you think would be appropriate in the O Zone and make a recommendation to the Township Committee that the Ordinance be changed to allow additional uses in that zone.

Mr. Roshto said that nothing that we are doing with this Element would need to change other than the Zoning Map, correct?

Mr. O'Brien agreed but added that there may have to be some language somewhere that says that this is what we have done somewhere and he would need to read through it.

Mr. Aroneo said that that was not his understanding. His understanding was that we were creating a separate zone as a transitional zone.

Mr. O'Brien replied that we are not doing that tonight. What is being done tonight is, by reviewing this map, you are deciding whether or not the BD Zone extends from Morristown Rd. to Main Ave., as suggested on Pg. 7, or if you are going to leave a number of properties in the current O Zone and, at some point in the future, you would amend the O Zone through the Committee to allow certain uses that you would approve.

Mr. Smarigiassi asked if, at that point, you would be able to move the line on this map of where that would be, or do you have to determine that now?

Mr. O'Brien replied that you could determine that later. It would be best for it to be done in conjunction with an amendment to the Master Plan that would support that change. He said that it doesn't have to be, you could actually go in and list the blocks and lots of what you would like to rezone, but the best way to protect the Township and the Boards is to do it in conjunction with a Master Plan.

Mr. Smarigiassi said that, across from Plainfield Rd., he did not know what the status of that building is, although he knew it was in front of the Board of Adjustment.

Mr. O'Brien said that that is the Walgreen's which was approved about 2 months ago with a number of conditions. It was a conforming application except for the drive-thru use of the pharmacy.

Mr. Lemanowicz agreed and said that there was also an issue with the access in that it was not directly off the road.

In response to Mr. Smarigiassi, Mr. O'Brien agreed that that was a retail establishment permitted in an O Zone.

Mr. Smarigiassi said that, if you are going to have a retail establishment in a transitional zone, he would want that transitional zone to start at the proposed retail establishment. He said that he would want the changes that have been proposed in the BD Zone implemented and did not want this to hold up the process because he felt that those

changes are the ones that we should make. At the same time, he was not sure that just saying where the current O Zone is, that would become the transitional zone. He was not sure that makes the most sense.

Mr. O'Brien agreed and said that part of the current O Zone becomes part of the proposed BD Zone.

Mr. Smargiassi said that he had not given a lot of thought about how much we may want to lop off the two ends that abut residential. He questioned how big of a transitional zone you need to make on both ends to make it work. If it one lot that is 5,000 S.F. on the west side, he felt it will not do anyone any good. He wanted to make sure that we have a transitional zone that is of enough size that you would actually get somebody to build something there. He also did not want to make it so big that you impair what we are trying to do with the BD Zone.

Mr. Roshto asked if the Valley Rd. Business District Element encompasses more than that? He did not think that anywhere our Element do we describe what we are affecting when we call it the Valley Rd. Business District.

Mr. O'Brien replied that, in the study documents in the back of the Element, the original study area was defined as Morristown Rd. to Main Ave., so that is where it started from. In the course of all those studies over the years, and your taking a look at it, the decision was to make it in the shape that it is shown on Pg. 7.

In response to Mr. Roshto, Mr. O'Brien said that, if we moved the line to make the BD-Zone smaller, the things outside of that line would *not* be a part of this Element. He said that the study area was the larger area, but the Element itself addresses just what's in the actual zone.

Mr. Roshto said that, to Mr. Smargiassi's point, his concern was *not* to hold this Element up and he said that he wanted to get it done tonight. He believed that a discussion about a transitional zone could be done later and not be affected at all by what the Board decides tonight about the Element because it is outside of the BD-Zone.

Mr. O'Brien agreed, however he said that the discussion right now is where you are going to draw that line. He said that, wherever you draw that line, on the one side is going to be your proposed BD-Zone and on the other side of that line is going to be whatever exists today and that will continue unless and until you change it in the future.

Mr. Arentowicz said that we are saying that there are 4 or 5 properties currently in the O-Zone by Morristown Rd. going south (directly across from Town Hall) and that we can keep them as zoned for office (O-Zone) and we don't have to make any other changes and we can do that tonight.

Mr. O'Brien agreed. He asked the Board members if there were any other issues other than the BD-Zone and O-Zone lines and noted that everything else in the document was satisfactory to the Board. (There were not comments expressed).

The meeting was opened to the public.

Mr. Dennis Sandow, Millington, said that he wished to address an item which came up today which is the question of truncating the BD-Zone to a shorter mileage. He was content to see it mapped and described as extending the full length and he saw no reason not to leave it that way. He said that economics will control and if someone has a plan for the lot across the street which is conformance with the BD- Zone and wants to be ½ mile away from all of the other businesses in the Zone, if they think they can make a buck at it, and it is conforming with all of the uses, he saw no problem with it. He felt that leaving it as an O-Zone is going to be a failure. He said that the only office building that has been built in the past 20 years in an O-Zone is the day care center next to the bike shop. It was originally presented as a professional office building and couldn't get filled up for that purpose, so a day care center moved in instead. He said that the bike shop is in the O-Zone and is not an office building. He said that the bank across the street is in the O-Zone (which is a permitted use in the O-Zone) and the car shop next to the bank (which has 100% lot coverage) is in the O-Zone (which is not permitted in the O-Zone). He said that we created an O-Zone at Barrett Roofing and put that owner through a tremendous amount of time and expense to reconfirm that his business is legitimate in the O-Zone even though we rezoned it out from underneath him. He said that we a brand new O-Zone in Gillette which wraps around in an L-shape around the Stewart's Root Beer which has never had anything done to it. He said that we have been a dismal failure at designating properties a O-Zones because that is the way we want it to develop. He said that designating something in an O-Zone in this town is "the kiss of death". He suggested that we allow the BD-Zone to go all the way to Morristown Rd. and see what the marketplace does for us instead of trying to artificially constrain it by saying that is has got to be office zoned or nothing. As far as transition is concerned, he said that quite frankly every one of our business districts butts up against residents. He said that we have people living in the backyard of the Millington Savings Bank and people living right across the street on both sides from Tifa. He said that there are no transition zones and you have Town Hall and the recreation field right across the street from the same houses that you are worried about. He said that we have the brightest lights in town in the parking lot of Town Hall and they are on until 1:00 AM, when they are on at all, and that doesn't seem to bother the neighbors across the street. He was sure that when a commercial builder gets in here and starts building environmentally sound practices and all of the constrictions that we anticipate on lot coverage – those few neighbors in the first block of Morristown Rd. aren't going to notice it anymore than they notice Town Hall right now. He said that you can't do a transition zone at the west end because there is simply no available space to declare for transition. He felt that that has been an argument that has been regurgitated enough times and we ought to just let economics take its course. Besides that, he said that we have taken out of the list of uses, used car lots, piggeries, and slaughterhouses, so there is hardly anything left that you could put on that lot that would be offensive to the people across the street.

He said that he had a number of suggestions for language changes. The first is at Sec. 4-1 (Pg. 2). He said that the first bullet reads “Change the prohibited uses list of the Land Use Ordinance to ensure that all appropriate business activities are encourage in Long Hill”. He felt that that probably intends to mean to change the *permitted* use list because it sounds like a rather positive statement until you notice that it starts out with the word “prohibited”. He said that our intent here is to expand the list of permitted uses in the B-2 and O Zones so that they become the new BD-Zone.

Mr. O’Brien asked the Board if it wished to accept the change.

Mr. Roshto said that the way he would read this is to look at the prohibited list because the more you add to a prohibited list, the harder it is to do anything.

Mr. Sandow replied that, in fact, the way the Ordinance is written now there is a list of permitted uses for Office and a different list of permitted uses for the B-2 Zone. He said that we are attempting to expand the list so that it is consistent and across the whole. He said that there really aren’t prohibited uses except those uses which prohibited throughout the whole town. He said that we are basically trying to encourage by expanding the list of permitted on that whole strip of land. It did not strike him that the word “prohibited” sets the tone that we are looking for.

Mr. Lemanowicz said that there are two ways of looking at it. When you list the permitted uses in the Zone, everything that is not permitted is automatically prohibited, and that is basically what Mr. Sandow is saying. He said that the other way to look at it is if you list the prohibited ones and someone has an idea that we didn’t think of under permitted uses (and it is a good one), that gives him the option to propose it, rather than to go for a use variance. He said that the way it is written is a little more open to something new – something that you didn’t think of. He said that the way it is right now, it allows someone to be inventive and propose something that is not specifically permitted but the Board might want anyway. It could go either way.

Based on the interest of time, Dr. Rae asked for a motion to continue the meeting until 11:30 PM.

Some Board members suggested continuing it only until 11:10 P.M.

Mr. O’Brien said that the Board may continue this to a subsequent meeting provided that such notice is made here publically this evening.

Dr. Rae asked for a motion until 11:15 P.M.

Mr. Smargiassi made such a motion which was seconded by Mr. Cilino.

Mr. Sandow said that he did not believe that he would be done by then.

Mr. Roshto said that it would have been great if the Board members were provided with Mr. Sandow’s comments *prior* to the meeting.

Mr. Cilino felt that the Board should listen to the public sector but felt it unreasonable to go on ad nauseum on issues. He felt that 30-40 minutes for a bunch of comments is unreasonable. He agreed with Mr. Roshto’s comment that, if the comments are going to be that long, they should be presented to the Board in written format so that members would have a chance to look at them so that the process could be expedited. He said that normally there is a 3-5 minute cap at Township Committee meetings. He said that the Planning Board respectively does *not* have a cap. He said that he felt that there *should* be a cap on public speaking.

Mr. Sandow replied that this is a noticed public hearing and not just a random comment session to get input on the document which has been presented for adoption.

Mr. Aroneo recommended that Mr. Sandow go quickly through his comments. If a Board member agrees or wants to comment, then they will stop Mr. Sandow at that point for discussion.

Mr. Smargiassi reminded that his motion (which had been seconded) was still on the table. All were in favor except for Mr. Aroneo.

Mr. Sandow said that he felt that the word “prohibited” should be changed to “permitted” because he felt it sets a better tone for the Board is trying to accomplish. He said that at the end of that sentence it says “encourage in Long Hill” and he felt it should be specifically encouraged in the Business District. He said that Long Hill is rather vague in this sentence. He said that the final bullet in that section states “Insure that the Land Use Ordinance allows permitted uses in the Valley Road business District that are substantially similar to the uses currently allowed”. He said that he hoped that that is a reference to the Poplar Dr./Bay St./Magnolia Ave. overlay zone and substantially similar to the uses there. He did not see the overlay mentioned anywhere in the document and said that we spent a lot of time over the past few years trying to come to grips with that and this one bullet was the only one he saw on the overlay zone and hoped that the Board intended to encompass the overlay zone.

Mr. O’Brien replied that there is no overlay zone as part of the document.

Mr. Aroneo’s recollection was that that would come up during the ordinance discussions.

Mr. O'Brien agreed and said that, factually, there is no reference to that.

Mr. Sandow then referred to Sec. 2 – "Community" and said that bullets 1 and 3 are redundant to one another.

Mr. Roshto moved to remove the first bullet item.

Mr. O'Brien said that that actually made it a little stronger in prohibiting single family detached residences because there are currently some in that area. He said that the idea was to prohibit them specifically and a specific prohibition is extremely strong in a Master Plan.

Mr. Roshto thanked Mr. O'Brien and retracted his motion.

Mr. Sandow referred to Sec. 3 – "Environmental Best Practices" and said that the first bullet states "Require dedicated open space for all new Valley Road projects with suitable street furniture where appropriate". He said that the use of the word "dedicated" left him cold because generally when we use that word we are talking about some sort of a dedicated easement. He said that when you say dedicated here he was questioning if we actually have to have an easement so that somebody could put street furniture out? He requested that the word "dedicated" be stricken. He then referred to the 7th bullet in Sec. 5 where it says "Encourage street furniture and pocket parks as gathering places". He said that he did not know whether we are going to *require* street furniture or *encourage* street furniture.

Mr. Aroneo said that dedicated open space is what is required and, if that is suitable, then we have street furniture. He said that in Sec. 5 it is "encourage" street furniture in pocket parks.

Mr. O'Brien said that the first one refers to new projects, meaning new development. He said that the second one is a very general one that could happen anywhere – public land or private land.

Mr. Lemanowicz said that it also says "require where appropriate" and not require flat out, so it softens it a little.

Mr. O'Brien added that "dedicated" refers to space on a site plan where street furniture or such would be "designated".

Mr. Sandow referred to Sec. 5, bullet #3 which states "Encourage parking to the rear of buildings facing Valley Road" and Sec. 6, bullet #2 which states "Allow parking only to the rear of buildings for buildings that front on Valley Road". He asked if we want to encourage parking to the rear or allow it *only* to the rear.

Mr. O'Brien replied that the second one only refers to those buildings that face Valley Rd. and the first one refers to encouragement for all buildings throughout the entire Township.

Mr. Sandow disagreed. He said that it says "Encourage parking to the rear of buildings facing Valley Road".

Mr. O'Brien agreed.

Mr. Cilino said that he would change Sec. 5 to read "Allow parking only to the rear".

Mr. Aroneo and Mr. Roshto were in favor of that change.

Mr. O'Brien suggesting taking the bullet out of Sec. 5 and just leave the one in Sec. 6. The Board members were in agreement.

Mr. Sandow said that the remainder of his comments had to do with the maps. He said that some are subtle, some have to do with the differences between the maps, and others have to do with the maps versus reality. He said that the Community Center is shown as being in the P-Zone on the current Zoning Map but it is listed as being in a C-Zone on all three of the pictures that we have now in front of us. He said that it troubled him because the Community Center is 100% lot coverage. He said that it is a big industrial shaped building and really doesn't belong in the C-Zone. He said that we will continue to keep it wrong as long as we have maps like these three. He felt that it should be in a P-Zone because there aren't very many restrictions on public buildings – they are whatever we decide we are going to pay for. He said that, in neither case, does it belong in the BD-Zone, but it stands out on this map. He said that the next one is Paulie's which is actually located on the Shop-Rite lot, which very few people realize. He said that it is separated from the Shop-Rite proper by a gully that runs down to the River. He said that he would like to propose that the BD-Zone follow the gully and include Paulie's in the BD-Zone along with the swim shop rather than associating it with Shop-Rite. He said that Dr. Garafalo on Warren Ave. is in a B-2 Zone today and the current picture shows him in the B-2 Zone, but the proposal shows him in the LI-2 Zone, which was never a part of the equation.

Mr. O'Brien replied that that was corrected but it didn't show up on this map because it has not been updated. He said that Mr. Sandow is correct on that point that it should be in the BD-Zone.

Mr. Sandow said that the Recorder Publishing building is in an LI-2 Zone and essentially because it is empty, he expected that sooner or later the building will be on the market and this would be an opportunity to decide whether we want an industrial use there or some softer use by rezoning it as part of the BD-Zone. He said that, as long as you

are rezoning Thermoplastics, you may want to rezone the Recorder Publishing, so that if that building every does get a new use, it would not be an industrial use.

Mr. O'Brien said that it is up to the Board.

Dr. Rae invited comments from the Board.

Mr. Butterworth said that, if you don't want light industrial there, it would be an obvious change to make.

Mr. Aroneo and Mr. Roshto said that they were not comfortable making that change. Mr. Roshto added, especially to the BD- Zone when it is the only property in the BD-Zone off of Valley Rd. He said that this is the one property where, to get to it, you would leave the BD-Zone and come back in and that didn't make sense to him.

Mr. Sandow said that the entire area on Plainfield Rd. south of the PNC Bank is shown as BD-Zone here but in many discussions we had agreed that all of those residential properties should go to the R-4 Zone and that is the way the Ordinance was written. He said that the 7 or 8 properties on Plainfield Rd., south of PNC Bank, and all of the properties on Metzler and the 2 properties immediately south of the Pathmark driveway were all slated to become R-4 because they are residences and we prohibit residences in the new BD- Zone. He said that they will never be anything but residences, so why not take this opportunity to put them in the residential zone. He said that that is the way the Ordinance had been written but these maps do not show it that way.

Mr. O'Brien said that Mr. Sandow is correct that properties were assigned to the R-4 residential district in the Ordinances that were proposed in December, 2011. He said that he did not have the block and lot numbers, so he did not know which ones they were.

Mr. Aroneo said that that was what he recalled.

Mr. Sandow said that, as long as we are prohibiting residences absolutely in the Zone, it is best to get them out of the Zone.

Mr. Aroneo said that he is usually not in favor of creating existing nonconforming uses when we don't have to and that is what we would be doing if this is made part of the BD-Zone.

Mr. Roshto noted that they are in the B-2 Zone today.

Mr. Aroneo agreed but said that they have problems because they can't do anything to their properties.

In response to Mr. Roshto, Mr. O'Brien agreed that some of those properties are in a flood zone.

Mr. Sandow did not think so.

Mr. Roshto said that, if you look at what was written in our Element, by doing what Mr. Sandow is suggesting he felt that it is contrary to our goals in the Element. He said that we are trying to limit residential and especially trying to pay close attention to the flood problem along Valley Rd. To him, this made perfect sense and he asked why *would* we encourage them to develop those properties. He said that, currently, if they want to develop their properties they would need a variance. He said that, if we change it, we are changing from B-2 to R-4, in which case they will be conforming and we are going to be encouraging them to develop.

Mr. Smargiassi generally agreed with Mr. Roshto but his understanding was that these properties are in the 500 Year Flood Zone, which generally does *not* flood. He noted a new residence being built on the border of Long Hill Township on the right hand side if you are going south for which the Board of Adjustment granted approval and is partially located in a C-Zone and a part of that property does border the Passaic River and does flood, but where the house is located does not. In this case, given the elevation that the existing houses are located, he said that he would be in favor of moving them to an R-4 Zone.

Mr. Sandow said that this is a discussion that was held many times and an agreement was reached and he felt it has gotten lost in the maps. He said that these maps are the only definition of the Zone in this document.

Dr. Rae asked the Board if there was agreement on moving the lots into the R-4 Zone.

Mr. Butterworth felt that the Ordinances the Board has started have already moved them. He said that the maps will be updated when the Ordinances are adopted.

Mr. O'Brien said that there were a lot of discussions going back and forth, as well as overlays.

Mr. Aroneo said that the issue is not resolvable in 5 minutes.

Mr. Roshto agreed that the issue must be studied.

Mr. O'Brien said that Mr. Sandow has made some very reasonable suggestions. He said that perhaps he and Mr. Lemanowicz should go back to the Ordinances that we are referring to (and were prior to this Board) and pull out

those suggestions since that seems to be of interest to this Board, put them on a map, and see what they look like. He said that we could then talk about them at the next meeting, which would require the Board to continue notice for this meeting to a date certain to continue the public hearing. He said that the discussion could be limited to the map issue and resolve everything else.

Mr. Sandow said that his last point has to do with the Kurz property. He did not want to get into a discussion about moving the border line. He suggested, however, that no matter what is done, the funeral home and the IMA should be in the BD-Zone. He said that to leave them in the Office Zone may hamper redevelopment.

Dr. Rae said that, given the time and questions raised on the maps, the Board may want to do as Mr. O'Brien suggested and push this discussion of the Master Plan Element over to the next meeting and limit it to the discussion of the subject of the maps.

Mr. O'Brien said that the Board would be making a motion to continue the noticed public hearing on the Valley Rd. Business District Master Plan Element to June 26, 2012, with no further notice.

Mr. Butterworth made the motion which was seconded by Mr. Smargiassi.

A roll call vote was taken. Those in favor: Dr. Rae, Mr. Arentowicz, Mr. Aroneo, Mr. Butterworth, Mr. Cilino, Mr. Roshto, and Mr. Smargiassi. Those Opposed: None.

Mr. O'Brien said that it was his understanding that the Board has adopted some changes in language which will be incorporated in the Element and distributed to the Board. He said that he and Mr. Lemanowicz are going to go back in their files and look at the various map proposals that have been out and will present them to the Board for its review at the next meeting.

Due to the lateness of the hour, the meeting adjourned at 11:28 P.M.

DAWN V. WOLFE
Planning & Zoning Administrator