

**MINUTES**

**AUGUST 13, 2013**

**Planning Board**

**LONG HILL TOWNSHIP**

**1. CALL TO ORDER AND STATEMENT OF COMPLIANCE**

Chairman Connor called the meeting to order at 8:00 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.

**2. MEETING CUT-OFF**

Chairman Connor read the following statement: Announcement is made that as a matter of procedure, it is the intention of the Planning Board not to continue any matter past 11:00 P.M. at any Regular or Special Meeting of the Board unless a motion is passed by the members present to extend the meeting to a later specified cut-off time.

**3. CELL PHONES AND PAGERS**

Chairman Connor read the following statement: All in attendance are requested to turn off cell phones and pagers as they interfere with the court room taping mechanism.

**4. PLEDGE OF ALLEGIANCE**

**5. ROLL CALL**

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

Excused:

Christopher Connor, Chairman  
Charles Arentowicz, Vice Chairman  
J. Alan Pfeil, Member  
Suzanne Dapkins, Member  
Ashish Moholkar, Member  
Guy Roshto, Member  
Gregory Aroneo, 1<sup>st</sup> Alternate  
Timothy Wallisch, 2<sup>nd</sup> Alternate

Brendan Rae, Mayor's Designee  
Barry Hoffman, Bd. Attorney  
Dawn Wolfe, Planning & Zoning  
Administrator

Kevin O'Brien, Twp. Planner  
Thomas Lemanowicz, Bd. Engineer  
Daniel Bernstein, Bd. Attorney

Mr. O'Brien advised Chairman Connor that he had a quorum and could proceed.

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**6. EXECUTIVE SESSION**

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

**7. APPROVAL OF MINUTES**

Mr. Pfeil moved approval of the minutes of the April 9, 2013 meeting. The motion was seconded by Mr. Moholkar and was unanimously approved by Voice Vote.

**8. RESOLUTION**

**1107 VALLEY ROAD, LLC**

Block 10514, Lot 1

#12-06P

Minor Site Plan

Mr. O'Brien stated that he did not have a list of eligible members and asked the members present if they could recall if they were in attendance on May 28, 2013. He stated that if they were present on that date, they would be eligible to move, second, and vote on the resolution. Mr. Arentowicz and Mr. Moholkar noted that they were not eligible to vote since they were not present at the May 28, 2013 meeting.

Mr. Roshto moved to approve the resolution of application #12-06P. Mr. Pfeil seconded. A Roll Call Vote was taken. Those in Favor: Mrs. Dapkins, Mr. Wallisch, Mr. Aroneo, Mr. Pfeil, Mr. Roshto, and Chairman Connor. Those Opposed: None. Motion carried unanimously.

**9. RESOLUTION**

**CLASSIC FOODS INC.**

1013 Valley Road  
Block 10601, Lot 7

#13-03P

Minor Site Plan

Mr. O'Brien noted that this application was heard on the May 28, 2013 also so the same members would be eligible.

Mr. Pfeil moved to approve the resolution of application #13-03P. Mr. Wallisch seconded.

A board member pointed out a typographical error on page 4 which Mr. Bernstein noted for correction.

A Roll Call Vote was taken. Those in Favor: Mr. Wallisch, Mr. Aroneo, Mr. Pfeil, Mr. Roshto, and Chairman Connor. Those Opposed: None. Abstained: Mrs. Dapkins. The motion carried unanimously.

Chairman Connor said that Mr. Bernstein was excused at this point since his participation would not be required for the remainder of the meeting.

Mr. Bernstein thanked the Board and left.

#### **10. PUBLIC QUESTION OR COMMENT PERIOD**

Chairman Connor opened the meeting to the public for questions or comments. Seeing none, he closed the meeting.

#### **11. MASTER PLAN REEXAMINATION—CRITERIA C**

Mr. O'Brien said that during the last meeting, the Board decided to pursue the Reexamination option with the goal of having the Reexamination done by the end of November 2013. The Board was asked to look at two (2) of the criteria for a Reexamination included in the Municipal Land Use Law (M.L.U.L.) that would move that document along. Criteria C and Criteria D are the parts are created from knowledge of this community. Criteria C in particular would identify the changes that had occurred since the Reexamination of 2003. Mr. O'Brien had asked the board members to come to the meeting prepared to discuss changes that they had seen over the last ten (10) years and to give their ideas for the writing of that aspect of the Reexamination. Those suggestions would then be put down on paper and given back to the board members for review at the next meeting when they would work on coming up with ideas as to what can be done about those problems that had been identified.

Mr. O'Brien said that he took the 2003 Reexamination and pointed out what was addressed under Criteria C and in Criteria D in 2003 so the board members could see what was done in the past as examples.

Mr. Arentowicz said that the township had undergone a series of historic storms in the last ten (10) years and he felt that that needed to be noted in the list of what had changed. In relation to that, he felt the board members should comment on subjects such as services, flood plains, stormwater, etc. He wanted to support state and county programs which would buy up those properties that had been heavily damaged.

Mr. O'Brien stated that Long Hill Township had undergone six (6) one-hundred (100) year storms since 2000 and agreed with Mr. Arentowicz that it had become a problem.

Mr. Arentowicz indicated that the township had submitted some properties to those programs.

Mr. Lemanowicz said that the Board should not narrow down the comment by listing the actual programs but instead use the phrase, "programs such as....."

Mr. Arentowicz said that there was some write up about removal of trees and he thought the Township Committee had taken care of that in their ordinances. He noted that the Shade Tree Commission had more access to zoning applications that might affect trees.

Mr. O'Brien said that there had been a Planning Board recommendation a couple of years ago to the Township Committee concerning permitting of tree removal and that it had not been acted upon.

Chairman Connor stated that that was developed jointly between the Planning Board and the Shade Tree Commission. As far as he knew, it was still at the Township Committee level since it was passed over to them for action.

Mr. O'Brien thought it had been returned to the Planning Board.

Mr. Arentowicz noted that on page 19 of the 2003 Reexamination, there was discussion about having a study on expanding the sewer plant. He said there already was an ongoing committee studying that. He felt that they just needed to continue that study, not initiate a new study.

Chairman Connor said that the study had been ongoing for a long time. He felt that this was clearly a "non-change" that impacted the township and wanted to know what the prospect was for having something done. He wanted to know when to expect to have the township off the Sewer Ban because that had had a significant impact on what the development looked like.

Mr. Roshto commented that the Township Committee had done quite a bit of work towards getting to that point. Funding had been recently passed for improvements to the sewer plant itself and a bond to improve the infrastructure was also close to passage. He said that they were improving and upgrading the pumps. There were no plans to expand because there had been no feedback from the sewer plant that that was necessary. Once there was some data from the "I and I", a decision would be made whether to expand or not.

Mr. Arentowicz said that the intent of the "I and I" was to reduce the flow into the plant so that it would have the capacity to handle additional connections.

Chairman Connor added that there was an attempt to rerate the plant to potentially get a larger rating. He wanted to know the status of that.

Mr. Lemanowicz said that there was a design flow for the sewer plant. That was not the permitted flow. It was rated for some number lower than that to provide a buffer. If the plant was rerated because of some positive data, it would not change the flow that it was designed for but it would allow a larger portion to be used. That was the difference between the design flow and the rating.

Mr. Roshto wanted to revisit the conversations concerning the River Walk. He felt it was important to connect the residents to the river in some way and wanted that recognized in the Reexamination.

Mr. Roshto also felt that the township was lacking in sidewalks especially to the schools. He wanted that issue highlighted in the Reexamination.

Mr. Roshto wanted the Board to consider abandoned properties especially in light of the flooding that the township had experienced. He added that there were properties that had not been touched or improved particularly on Main and Valley and he felt that there should be consideration given to how to either improve or remove them.

Mrs. Dapkins asked if the taxes had been paid or were they truly abandoned.

Mr. Roshto did not know whether the taxes had been paid on the individual properties.

Mr. Pfeil remarked that under "Utility Services" page 19, he would like to see a comment addressing the development of more responsive communication with the utility companies. He noted that it was common knowledge that communication with the utility companies that serviced the community was terrible.

Mr. Aroneo felt that the problem was not with Verizon but with the electric company, JCPL.

Mr. Pfeil addressed "Conservation" and "Recreation". He wanted to see more active purchasing of properties along the Passaic River for passive and active recreation.

Mr. Pfeil referenced "improving the visual appearance of Valley Road". He felt that improving the facades of some of the buildings in the business district should be included.

Mrs. Dapkins added the Valley Mall.

Mr. Roshto said that the Open Space Committee had received a grant for a property that adjoined the Passaic River. He wanted the Planning Board to know that the Township Committee was proceeding with acquiring property as noted by Mr. Pfeil.

Mr. Aroneo asked what properties were potentially available along the Passaic River.

Mr. Roshto answered that there were two (2) in Millington in addition to the one that the Township Committee was looking at.

Mr. Aroneo asked if the property Mr. Roshto was referring to earlier was land locked by other private properties.

Mr. Roshto affirmed that it was but that there was a road to the property.

Mr. O'Brien noted that as properties had come before both Boards for whatever reasons, easements had been granted to the township allowing the township to utilize land adjacent to the river for a river walk or other recreational activity. Even if there wasn't a contiguous public space along the water, there were a number of private properties that have granted access.

Mr. Roshto said that the vast majority of the properties were owned by the county and some by the state. In Millington there were a lot of privately held properties on the southern side of the railroad.

Mr. Roshto said that the properties held by the Morris County Park System were readily accessible however there was no "draw" so the Township Committee is discussing what can be put down there that would encourage people to use the park. Most don't even know that there is that availability.

A board member said that if it is city and county and state owned property, a walk could be installed however it would have to be maintained. In two years it could melt away because it would be part of the Wetlands. He wanted to know if state and county funding would be available to keep a park running.

Mr. Roshto stated that the state had passed legislation for millions of dollars to clean the Passaic River Basin. The township was actively trying to secure some of those funds.

Mr. Pfeil offered as a Planning Board objective that the river itself be cleaned and desnagged on a reasonably continuous basis. He felt that there should be a program to ensure that it would be an ongoing activity.

Mr. Aroneo had no comments at this time.

Mr. Moholkar added there should be some mention of providing emergency vehicle access during times of flooding.

Mr. Wallisch added that he was concerned about the vacancies in the Valley Mall. He also felt that consolidating the public buildings into one area (which was listed in the 2003 Reexamination) had worked out fantastically however the police department was still in its own "little island" literally during the floods.

Mr. Wallisch continued with "Land Use and Housing". He felt there was a potential conflict between "Multifamily Residential Development" and the "Development Plan for Millington".

Mr. O'Brien said that the accessory apartments in the Village Business Zone had been in existence for quite some time and most of them predated the 1996 Master Plan. Those documents did not refer directly to them but rather to additional multifamily residential development that would be built as a result of a COAH action.

Mr. Wallisch felt that that explanation resolved his conflict.

Mr. Wallisch also wanted emphasis placed on the walking and biking trails.

Mrs. Dapkins also expressed concern about the Valley Mall. She felt the sidewalks and parking lots should be cleaned up. She noted that some of the signs were hanging down. Even though the mall had lost tenants, the condition of the property should be maintained.

Mr. O'Brien said that that property was the subject of an application for this Board for site plan review when the new King's came in as well as new signage on Valley Road. A number of conditions were imposed in the resolution concerning additional landscaping and sidewalk repairs. Mr. O'Brien suggested that staff should review those conditions and ensure that they had been met as well as a general concern with overall appearance.

Mrs. Dapkins questioned the status of the Old Town Hall building in Millington. Mr. Roshto said a grant had been received recently and that the project was ongoing. There was a third phase that remained unfunded. The school room section would be used for small events. He noted that the township was funding the operation of the building but the Township Committee had not discussed future uses as of yet.

Mrs. Dapkins said that the sewer system had been examined and studied for decades and at this point she felt that the language in this Reexamination had to be stronger than in the past.

Mr. Roshto said that the township was actively spending money on the system so he felt the "studying and examining" phase had ended.

Mrs. Dapkins asked if the township was getting fined anymore.

Mr. Roshto said that the township had not been fined.

Mrs. Dapkins answered that years ago the township was fined.

Mr. Roshto said pumps were being replaced or upgraded. The filtering system was being changed. The infrastructure was being improved and rebuilt.

Chairman Connor asked how data would be collected at the end of the project for submission to have the sewer ban lifted.

Mr. Roshto recommended that the Board have experts attend a meeting to answer some of those questions. He suggested the Township Administrator as a good start.

Chairman Connor was concerned about the zoning particularly as it related to office zoning. Reports and data indicated that Morris County had a huge vacancy rate projected to become larger. He noted that there were several areas zoned for offices and he felt it would be highly unlikely that they would be developed as such for quite a long time. A review of those areas should be done. He stated that the Master Plan Subcommittee had gotten four (4) studies from the county and although they were not specific to the township, they indicated that the future for office development over the next ten (10) years was extremely limited especially for small offices. He wanted the data presented and analyzed so that an informed decision could be made.

Mr. O'Brien asked if these discussions had raised any other issues for those board members who had already spoken.

Mr. Lemanowicz commented on the *new* state rules for stormwater management on page 19. He noted that those rules were about twelve (12) years old and not new. He stated that there were three (3) prongs to the stormwater management program. The first was groundwater recharge. The second was water quality. The third was rate reduction. He felt that discussing one of them would give the impression that the other two were not that important. He asked the Board's permission to reword the passage to include all three (3) prongs. There was also a municipal component to the stormwater regulations which included the numbering of the inlets, passage of ordinances about pet waste, litter, connections, etc. He felt he could give the passage a little more description thereby illustrating a little bit more what the stormwater management regulations were.

Chairman Connor said that that sounded reasonable and useful.

Mr. Lemanowicz indicated it would not be more than three (3) or four (4) lines.

Mr. O'Brien stated that the next step would be to take all the comments and list them in writing. This would ensure that all the changes and assumptions discussed were addressed. They would be discussed at the next meeting to make sure that all the concerns expressed were covered. After that discussion, Mr. O'Brien stated that they would move on to Criteria D which would list what could be done to improve the situations of those various conditions.

Chairman Connor expressed a concern about COAH. He noted that COAH was not dead but that there was new legislation coming in dealing with construction in the Highlands. It was not called COAH by name but a need for low income housing was part of this legislation. It hadn't been set yet but it appeared that something was going to be passed because the governor and Senate President Sweeney both wanted to get a bill through. It might have something to do with low income housing and it might impact COAH. He felt that the board members needed to deal with how that legislation might impact the township.

Mr. O'Brien noted that there had been several bills that had been discussed both for the Highlands and for the provision of affordable housing as well as restoration of the shore and removal of a number of local regulations including various COAH obligations. There was a whole gamut of legislation but nothing had been passed at this point. He stated that the township must remain aware of the COAH situation because COAH is an obligation that constitutionally still exists in the State of New Jersey according to the New Jersey Supreme Court. Right now before the court is the question of how COAH obligations are to be divided amongst the towns. The last question that came up was whether or not COAH could be dissolved or not. That had been answered and it could not be dissolved. It must be maintained as a separate and independent agency with a mandate by the state to provide affordable housing. The mechanism is what is in question and it's been in limbo for the last four (4) years. Towns are struggling as the state tries to take the affordable housing monies that had been set aside by townships as part of development fees that were collected with the intention of providing affordable housing. Fortunately, in Long Hill Township there has been activity to protect those monies.

Chairman Connor summarized that the township should keep track of the status of the legislation and be aware that there will be a COAH which could have a significant effect.

Mr. O'Brien asked if there were any questions concerning the process or the timeline.

Mrs. Dapkins asked if there was any news from the swim club.

Chairman Connor answered that the indoor soccer application had been withdrawn. They advised the township that they were withdrawing their request for rezoning via email.

A board member said that the last communication he saw stated that they were going to *advise* the Board as to whether or not they were going to withdraw their application.

Chairman Connor felt that further investigation would be required to locate the actual email however, it was official that they had withdrawn. The email had been sent to the Planning Board and he was under the impression that it had been distributed to all the board members.

Mr. Roshto advised that he would bring it up at the Township Committee meeting the next night.

Mr. O'Brien said that the township had abated any enforcement action.

Mr. Roshto asked Mr. O'Brien if he would be sending out all the information shared at this meeting.

Mr. O'Brien responded that he would prepare a list of all the suggestions. The next step would be for the Board to review them and then they would be put into the proper language. Finally the Board would discuss recommendations on how to improve each of those conditions.

Mr. O'Brien said that that concluded the discussion of Criteria C.

Chairman Connor asked if there were any other items that the board members would like to discuss.

Mr. O'Brien said that the Open Space Plan Draft which was sent out to the Board reflected the changes that the Board made at the last meeting. The Board did accept that document for posting at the next noticed public hearing for adoption. He asked if there were any comments from the board members.

Mr. Roshto added that he had sent out an Open Space Map. He thanked Dennis Sandow for his review and suggestions for improvements.

Chairman Connor suggested that Open Space and Conservation Elements should be worked on at the next meeting.

Mr. O'Brien responded that it would not be possible since it required a great deal of preparation in noticing the public, the surrounding municipalities, and the county. He did not feel there was adequate staff at this time to successfully complete all those tasks.

A board member asked if the Planning Board should discuss staff support in Executive Session. He felt that if the statement from the Professionals was that the Board did not have adequate staff support at this time, it should be addressed in Executive Session.

Chairman Connor agreed. He suggested that they plan to do that at the next meeting because he felt that there was information that needed to be shared.

Chairman Connor said that Mrs. Wolfe was scheduled to return on September 3, 2013.

Mr. O'Brien noted that he had sent out a Status Review earlier that day and asked if anyone had any questions. He said that a number of things had moved off the Committee's agenda as related in that document. For example, the stormwater manual which was pursued first by the Environmental Commission and then adopted by the Planning Board was adopted by the Township Committee last month. It had been distributed to staff and he had requested that it be placed on the website.

Mr. Roshto said that the Township Committee did not adopt anything. Legal counsel advised that there was no need for the Township Committee to adopt it so it was just sent back.

Mr. O'Brien responded that he had not gotten that information and that he would check on it.

Chairman Connor clarified that it would still be used but that the Township Committee did not have to formally adopt it.

Mr. Roshto said that that was correct.

Mr. Roshto said that the second reading of definition of what a story is and what a half story is would be held by the Township Committee the following evening. It was passed on the first reading some time ago. Also, the Historic Preservation Advisory Committee had met and discussed the Historic Preservation Element. Once the Planning Board had time on its agenda, the HPAC would be ready to discuss the element. He noted that the element had been prepared two (2) years ago and required some refinements to bring it back up to date. He also said that Mr. O'Brien had reviewed it about eighteen (18) months prior.

Chairman Connor said that normally Mr. O'Brien would review the element with the committee and then it would come up before the Board.

Mr. Roshto said that there would be changes and once they were finalized, he would send it to Mr. O'Brien.

Chairman Connor said that the Recreation Committee was actively working on their Element.

Mr. O'Brien indicated that they had done an Open Space Inventory which needed to be reconciled.

Chairman Connor entertained a motion by Mr. Wallisch to adjourn. Mrs. Dapkins seconded the motion. A Voice Vote was taken and the motion passed unanimously. Meeting was adjourned at 9:15 P.M.

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CYNTHIA KIEFER  
Planning and Zoning Board Secretary