

MINUTES

PLANNING BOARD

APRIL 9, 2013

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Chairman, Mr. Connor, called the meeting to order at 8:06 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 the Echoes Sentinel and by filing a copy with the Municipal Clerk, all in January, 2013.

PLEDGE OF ALLEGIANCE

OATH OF OFFICE

Mr. Hoffman administered the Oath of Office to Suzanne Dapkins, as Class IV Member/Environmental Commission crossover member.

Mr. Hoffman and Mr. Connor welcomed Mrs. Dapkins and said that they looked forward to working with her.

ROLL CALL

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

Christopher Connor, Chairman
Charles Arentowicz, Member (arrived @ 8:52 P.M.)
Suzanne Dapkins, Member
Ashish Moholkar, Member
Alan Pfeil, Member
Brendan Rae, Member
Guy Roshto, Member
Gregory Aroneo, 1st Alternate
Timothy Wallisch, 2nd Alternate

Excused:
Dawn Wolfe, Planning & Zoning
Administrator

Barry Hoffman, Bd. Attorney
Kevin O'Brien, Twp. Planner
Thomas Lemanowicz, Bd. Engineer

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EXECUTIVE SESSION:

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

PUBLIC QUESTION OR COMMENTS

Mr. William Stroh appeared in reference to the possible rezoning of Morristown Road. He said that a month ago the matter was considered and the Board said they had run out of money to continue discussing his request. He said that the cost of the rezoning study was originally estimated to be \$3,000. and he had originally put up \$1500., however another party did not agree to put up the other \$1,500. He said that he was told that, rather than expending Township money, it would have to be done at the end of the year with the Master Plan. He said that he indicated he would check with his legal counsel and asked if he were to put up the remaining \$1500, would the Township move forward.

Mr. Connor did not see any reason the Board would not go forward if Mr. Stroh put up the additional money and said that he knew that Mr. O'Brien and Mr. Lemanowicz had looked at it. He said that the additional \$1500. would cover any additional work needed within reason, assuming the Board handled it expeditiously.

As Mr. O'Brien recalled, there were only a couple of things left to do with the study. He said that Mr. Delia, Zoning Officer, was conducting a study of current uses and, per the Planning Board discussion, was attempting to make a list of 1996 uses which would have been in effect prior to the change in the Zoning Ordinance. Following that study, he said that it will be forwarded to Mr. Lemanowicz and himself, as well as to Mr. Stroh and the other property owners on Morristown Road for their review and discussion by the Board and then the drafting of an ordinance would be the next step following the Board discussion and receiving direction. His guess was that, should the Board expedite it, the additional \$1,500. would be in the vicinity of what would be needed.

Mr. Connor said that the town employees, Ordinance Subcommittee, and Planning Board members do not charge for their services -only the Board’s professionals charge against the escrow. He felt that the Board should be able to come to a final decision (that Mr.& Mrs. Stroh may or may not agree with) with the additional \$1,500. and the Board can proceed.

Mr. O’Brien added that the original offer was made to the Township Committee and a subsequent offer, in his opinion, would have to go back to the Township Committee for their receipt and acceptance as well as their direction to go forward.

Mr. Roshto said that when the Township Committee had discussed this it was sent back to the Planning Board to make the decision if the Board wished to move forward with the project out of its own budget or Mr. Stroh’s pocket.

In response to Mr. Connor, Mr. Roshto said he could bring it up at tomorrow night’s Township Committee meeting, but he felt sure that the answer will be that it is the Planning Board’s decision.

Mr. Connor said it made sense since two alternatives were given and the second alternative has been met.

Mr. O’Brien said the monies would not be given to this Board, but to the Township, so they would have to be accepted by the Committee or whatever your administrative procedures allow.

Mr. Stroh said there was an escrow account which was posted with the Township Clerk.

Mr. Roshto said that he would bring it up to the Township Committee.

In response to Mr. Stroh, Mr. Connor felt it would be better to wait a couple of days to let the Township Committee meet before contacting the Township Clerk.

Mr. Roshto said he knew there had been issues before with this so he would personally ask the Township Clerk to contact Mr. Stroh.

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

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ACTION ITEM
HORSE FARM REZONING

Mr. O’Brien reported that the Ordinance Subcommittee reviewed a draft ordinance adding equine activities as a permitted use in the C-Zone last week. They made a number of suggested changes by staff and Ms. Annis (who is representing herself as one of the horse farm owners). He said that the Board may recall that all the other horse farms were to be contacted and the Township did send letters to them and invited them to the meeting to offer comments and to review what we were doing, however we have not heard from the other two identified horse farm owners. He said that there is one other horse farm but it is on a nonconforming lot which does not qualify under the current draft ordinance and so that owner was not contacted. He noted that Mr. Bonner and Ms. Annis’ were present this evening. He said that the draft ordinance was sent to the Board following its recommendation by the Subcommittee with one notation which was on the 3rd Page of the draft, under Equine Related Activities, Sec. 124.14 (g) 10. There is an open item as suggested by the Ordinance Subcommittee.

Mr. Connor noted that the Subcommittee did agree with the language with the exception of Item 10. He said that, if there are any questions about the ones that the Subcommittee *has* agreed upon, he would invite comments on those items. He felt, however, the one issue that needs to be decided is the question of living quarters for a farm manager and asked why the applicant felt the ordinance should include living quarters for farm managers.

Mr. Michael Bonner, attorney appearing on behalf of Brigid Annis and Willow Pond Farm (and *not* the other horse farm owners), replied that as explained to him by Ms. Annis, she sees it as an issue of safety. Thinking about the major storms we have had in the past few years, he said that having a full time farm manager living on premise leads to better safety for the horses, people on site, quicker repairs of fences so horses don’t escape, etc.

Mr. Connor asked if what is being proposed is unusual or normal on a horse farm.

Mr. Bonner replied that Ms. Annis explained to him that in horse farms over a certain size (and hers is certainly large enough to do that) it is usually part of the compensation package for the horse farm manager. He said that we are not talking about a luxury apartment but something that will be built as part of a barn structure or one of the other buildings that is already on site. He said it is not unusual but fairly commonplace for commercial horse farms, especially ones of this size or bigger.

Mr. Connor asked for questions from the Board.

Mrs. Dapkins said this was a Board of Adjustment matter years ago and she thought there was adequate room for a manager and the applicant talked about building an additional building. She asked what has been done with the buildings that are already there.

Mr. Bonner said there was discussion at the time but it was not part of a prior application. He guessed that part of the analysis was that it might have been construed as an expansion of a nonconforming use and he didn't think they wanted to do that at that time. He said that that application had been a long and complex one that was bifurcated between the nonconforming issue and the bulk standard issues. He didn't know if there are specific plans yet as to where or how large the apartment is.

Mr. Connor asked Ms. Annis to join Mr. Bonner.

Mr. Bonner said that, to his knowledge, nothing was done at the time.

Mr. Connor noted that the Ordinance Subcommittee toured the facility. He asked, Ms. Annis where in those current buildings she would put the residence and what sort of expansion it might entail.

Ms. Annis, owner of Willow Pond Farm, said that to the left of the barn there is another structure and on the top of that they used to store hay and it's got two small levels and that is where they would probably put an apartment. It would not require any external expansion of the building but would be a re-use of current space. She added that there is plumbing and a heater in the building already.

Mr. Roshto asked Mr. O'Brien if, by adding this line in here, what does that do in terms of what would be allowed to be developed on this farm for a residence. Is it just like a single family home and how does it work?

Mr. O'Brien said the way this is worded now is that; if it met all the other requirements of this Ordinance, a structure could be built that would allow someone to live in it.

Mr. Roshto asked if it could be a three room home and a family could move in.

Mr. O'Brien said it could be or they can re-use what exists or take the home that is there and assign that to the manager – there is no limitation.

Mr. Roshto asked if the Board wanted to limit it to just a single individual who would be the farm manager to protect the horses? He said then we could probably add some language to do such a thing and it could only be a small apartment.

Mr. Hoffman felt that the best way to handle this in terms of flexibility for monitoring what would be allowed there, and checking that it is not going to constitute additional housing as such but merely an ancillary use to the horse farm, is by making a series of conditional use standards or criteria so that administratively that can be verified without the complexity of going through a hearing to determine if it's an allowable use or not.

Mr. O'Brien advised Mr. Roshto that the Ordinance currently allows one roomer or boarder per residence. That would be in an existing building so a single person could be allowed to live in an existing residential building.

Mr. Hoffman asked if the roomer or boarder that would be allowed is incidental to the residential use.

Mr. O'Brien replied affirmatively and said that it has nothing to do with the farm use.

Mr. Hoffman asked if there could be dual or double ancillary uses then.

Mr. O'Brien replied he was pointing this phrase out because we currently have a limitation, much like he was suggesting in the Ordinance, so if you wish to go down that road with this particular use....

Mr. Roshto said that we could put something in there that is similar. He questioned Mr. Hoffman on the ancillary use and asked if that meant that someone could have two apartments?

Mr. Hoffman said that you could have an ancillary use to the primary use of the property which is residential. There is also a business component which could have its ancillary uses.

Mr. O'Brien said that if the Board so wished to make a limitation it could be put under the living quarters phrase.

Mr. Hoffman agreed that that would presumably cover it and the living quarters shall be for a person involved in the care/management/training of the horses.

Mr. Connor asked Mr. Bonner and Ms. Annis if, in their experience, the farm manager facility is usually for a single occupant or a family.

With regard to Mr. Hoffman's and Mr. Roshto's comments, Mr. Bonner said that living quarters for a farm manager is already a qualifier in that it would not be just any roomer or boarder. However, he said that he did understand their concerns about a bunch of people moving in. He said he asked Ms. Annis that question earlier and she said they were not interested in a family, they would consider a married couple, but were ideally looking for a single person.

Dr. Rae asked if the apartment size could be limited to possibly a studio apartment, one bedroom, or in square footage.

Mr. Bonner replied that you could limit the square footage.

Mr. Connor questioned the allowable square footage for a small apartment which he felt could be about 900-1,200 S.F.

Mr. O'Brien referred to a business zone which allows apartments from 500-1,000 S.F. on the second floor and said that they are not limited by the number of people.

Mr. Connor said obviously by limiting size you will preclude children.

Mr. O'Brien said accessory apartments in accessory buildings (Sec. 124.3) allows a gross floor area of 350 S.F. and not exceeding 800 S.F. and it calls for an accessory unit to have living/sleeping space along with kitchen and sanitary facilities. It should consist of not less than 2 rooms, one of which is a full bathroom, and shall have no more than 2 bedrooms.

Mr. Connor felt that that sounds more like what Ms. Annis is looking to do.

Mr. Moholkar said that the verbiage mentioned above should take care of the concerns of the numbers of boarders in that particular location.

Mr. Lemanowicz said the structure shown on the plan titled Variance Plan, Block 25, Lot 14.701, dated 4/28/10, prepared by DPK Consulting is labeled as a one story masonry stable and is located closest to the existing 1.5 story frame dwelling. There is also a frame garage and larger masonry stable to the rear. He said that, using the dimensions on the drawing (footprint of the entire building), it comes to 1,050 S.F.

Mr. O'Brien said that the second floor is reduced in size.

Ms. Annis said that they have been using it as a hay loft.

Mr. Moholkar said that if you take the 1,050 S.F. and put a staircase in and a front door, 800 S.F. is probably a reasonable number to be at.

Mr. Lemanowicz thought it would depend on the structure and roof pitch and how far up the walls go up before the roof starts.

Mr. Moholkar felt it couldn't be 1,000 S.F. unless it was all the way up because you would have stairs coming up and you would lose some section for the staircase.

Mr. Roshto asked Mr. O'Brien to give a shot at how this could be modified.

Mr. O'Brien said that under Item 10, he would do a "Section a" and take the language that we have already for the accessory apartment/building (Sec. 124.3c) and put it in there. He said that he would amend it and call it the farm manager's living quarters rather than an accessory dwelling unit. There would be no limitation on whether it is existing or whether it is new. If they wanted to put a new building up and they could conform to the Ordinance they could do so but it could only be this size for the residential aspect.

Mr. Lemanowicz said there was apparently a misunderstanding as to which building Mr. Bonner was pointing to. He said that the building that they are proposing for the manager residence is a 2 story masonry frame garage which is immediately behind the 1.5 story residential and that comes out to 1,510 S.F. in footprint.

Mr. Bonner said that he had an important correction to make and said that only a *portion* of that has a second floor.

Mr. Connor thought that in any case they would have to limit the living space on the second floor to 800 S.F. and, if there is additional space, it could be used for storage but not living space.

Mr. Bonner said that his client would have no objection to that because she feels that the part that actually has a second story contains 800 S.F. *or less*.

Mr. Connor polled the Board.

Mrs. Dapkins thought it was a great idea and the remaining Board members were also in favor of it.

There being no further questions or comments, Mr. Connor said that he felt that Item 10 was resolved. He asked for a motion that the Planning Board adopt and recommend the ordinance to the Township Committee, as amended, including Item 8a as discussed. Mr. Wallish made the motion which was seconded by Mr. Pfeil.

A roll call vote was taken. Those in favor: Mr. Connor, Mrs. Dapkins, Mr. Moholkar, Mr. Pfeil, Dr. Rae, Mr. Roshto, Mr. Aroneo, and Mr. Wallisch Those opposed: None.

Mr. Connor said that this recommendation will go to the Township Committee and they must have a first reading, then it will come back to the Planning Board for review and then it will go back to the Township Committee for a second reading.

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DISCUSSIONS

MASTER PLAN/STATUS REPORT

Mr. Connor said the next items on the agenda would pretty much merge into a single item. He said that he was not sure how many people had looked at the 1995 Master plan, but it has a series of elements and studies of various types. He felt the one that he would like to focus on is the overall organization of the Master Plan and the fact that even though this was adopted in 1995 some of the Master Plan elements, such as the Valley Rd. Business District, were actually adopted in 2008, so it is somewhat of a living document. He said that the Land Use Element, which is the one that we have to have completed by the end of the year, is a requirement and we have redone some of these Master Plans and we may need to do some others. He noted that there is a list that we have already started working on and there is also a series of backups, some of which may need to be redone. He asked Mr. O'Brien to give an update on the process because where we want to get is an overall plan of how we are going to address this, when we will address it and believed it is the objective of the Board to try to finish all of the Master Plan work that is currently underway, some of which is almost finished.

Mr. O'Brien said that the Master Plan was adopted in 1996 and the Zoning Ordinances had been revamped in accordance with that Master Plan in 1996 and 1997. At that time, there was a statutory 6 year re-examination period according to the M.L.U.L. The Township re-examined the Master Plan on schedule in 2003 and that was a limited re-examination for the primary purpose of looking at the 1996 Master Plan and finding that the goals and assumptions of that document were still viable and still applied to the Township in 2003. According to the current statute in 2013, the Township is due to re-examine the Master Plan and the Board has a few options that are available. For instance, back in 1995-1996 the Planning Board, over the course of several years, conducted background studies which are included as part of the Master Plan and, using those studies, a Master Plan was freshly written from the prior document which dated to 1985-86. He said that this Board could choose to restudy a number of the background studies performed as part of the original Master Plan and rewrite the Master Plan as a whole document. He said to remember that the Master Plan consists of the Land Use Element which guides the development of the Township as a whole, which is required. Also required, although there are exceptions, is the Housing Element as well as the Stormwater Element. He said that both of those elements have been adopted since 2003, so they are current, but the Land Use Plan has to be done and whether or not you do the ancillary plan (circulation, open space, etc.) would be up to the Board – whether or not it wants to revamp the *entire* document to include those other elements. Another option available to the Board would be for a re-examination. He said that the re-examination that you are familiar with from 2003 is one example of a re-examination and that example shows a limited, cursory look at the original Master Plan for the sole purpose of finding that the goals and objectives that were in existence originally still existed in 2003. He said that the Board could do a re-examination that calls for a more comprehensive look at the element without having to write the entire Master Plan. For instance, according to the MLUL, a re-examination of the Plan has to consist of five things:

1. A statement to the major problems and objectives relating to land development in the Municipality since the adoption of the last re-examination and so some thought has got to be given as to what existed at the time of the last re-examination.

2. Stating the extent to which those problems and objectives have been reduced or increased since the last re-examination.
3. A statement as to the extent to which there have been significant changes in the assumptions, policies and objectives in forming the basis for that Master Plan. He said that, if you recall, the Land Use Element has a statement of goals and objectives in the beginning of that document.

(Mr. Arentowicz arrived at 8:52 P.M.)

4. A recommendation of specific changes for the Master Plan or the development regulations - so a statement of what those changes should be based upon your findings of what significant changes to the assumptions, policies and objectives have occurred.
5. The recommendations of the Board concerning the incorporation of redevelopment plans. He noted that we don't have any re-development plans in the Township.

He said that that is the second alternative and, with both of the alternatives, you can conduct as many or few background studies as you wish because a number of elements have been prepared since 2003 and would be considered current and you may wish to leave some of those alone such as Valley Rd. or Meyersville. Should the Board decide to do the entire Master Plan, he said that the members may wish to take a look at those elements again. He said that the two basic options are to completely rewrite the Master Plan, or prepare a second re-examination which still can be very comprehensive but does not have to be as thorough as a complete review.

Mr. Connor asked Mr. O'Brien to talk about the optional plans that are under development which gets back into the section that he provided to the Board in his status report. He said that clearly there are a number of elements that are in various stages, some of which he believed are pretty much ready to come before the Board, and how those would be included. He said that they are not required, but are ones we have had in the past and are updated.

Mr. Hoffman asked for clarification. He thought what he heard from Mr. O'Brien was that with a full new re-examination, there is a new 10 year time clock until the next general re-examination is required. Whereas, with the shortened version the only focus is on certain elements we measure from the 10 years of the adoption of those elements.

Mr. O'Brien agreed that the Land Use Element is 10 years and the other optional elements that have been prepared will stand on their own for a 10 year period.

Mr. Hoffman thought the difference can primarily be reduced to one of timing when we are looking out for the future needs, planning-wise, of the municipality. He said that we look at what has been passed and what may first be introduced.

Mr. Connor asked that the issue of what we currently have underway be addressed.

Mr. O'Brien said that, over the last several years, the Board has worked on a few of the elements and some work was done on many of them but we have not quite finished any of them except for one. He said that the one we did finish was the Conservation Element which the Board accepted in September of 2012 with the understanding that when we had another element of two finished that we would have a noticed public hearing for several elements at one time. He said that the other elements that have been worked on include the Community Facilities Element; Historic Preservation Element; and the Open Space and Recreation Element. He said that Stirling and Millington were also activities undertaken by the Board.

Mr. Connor said that the Open Space and Recreation Element was actually broken into two and it was his understanding that we have an Open Space Element whose Chairman feels is ready to bring before the Board.

Mr. O'Brien replied that it has to go back to Open Space.

Mr. Connor agreed we need to do this. He knew there had been work on a Recreation Plan and those are two that are in various stages of completion and we need to find out the status of them.

He asked for questions from the Board. None Heard

Mr. Connor said that the next related item was that the Mayor had announced a Subcommittee to assist the Planning Board in the Master Plan process. The purpose of this Subcommittee is to provide support to the Board and its subcommittees in the development of the required or Master Plan segments in the priority as this Board sees. He said that they also have agreed to do the program management and they would like to take on the task of looking at all the various Master Plan Elements that we are or should be working on and setting up a schedule of when they need to be accomplished. Managing that schedule and

essentially insuring that schedules are met and do all the management needed for these processes. Given that we may have continuing problems in staffing right now, he felt it was a great thing that they can do. He said that the third purpose of this particular group is also to work with us. They will be appointed by the Mayor with the Township Committee's agreement. He said that it is to ensure that both the Planning Board and the Township Committee are working off the same page. He passed out a document that Mr. Roshto had submitted and explained that there had been a meeting with a subgroup which included Mr. Roshto, Dr. Rae and himself just to talk about what the Board might do. He said that the meeting was held on Saturday and there was agreement that there needs to be at least a draft schedule on when we can bring various packages before the Board. He said that this is obviously something that is flexible, for example, Burger King has come in for a site plan request and it has been seen as completed; they have paid their fees and probably will come before the Board on May 14th. He said that, hopefully, some of these things will be quick but obviously when we have someone coming before the Board with a site plan, that has to take precedent. He said that this is a proposed schedule and there is another piece of it. He said that this focuses on the Master Plan and we have various ordinances in stages of near completion. He said that we took care of the horse farm, so that one is done. He said that we have the fees and escrows ordinance which was sent up preliminarily to the Township Committee but there appears to be more comments on it. He said that, when we passed that, the Board had agreed to certain changes in the document and once the changes were made, it was sent to Township Committee. He said that there have been a couple of other suggested changes and asked how should we handle this new input? He said that the question is – do we ignore the recommendations or revise them because we have adopted certain changes. He said that he preferred not to redo this but, if we need to redo it, we need to flip it over quickly because this is an area where the ordinances need to be right.

Mr. O'Brien said the document, as approved by this Board, was forwarded to the Township Committee and there have been emails concerning a request for a track changes, as well as a suggestion that a preamble or introductory statement be made, plus various background information be accompanying the proposed ordinance. None of those items were in the document. He suggested that the Board decide what it wants to add to the document and then pass it again and forward it to the Township Committee in whatever form it would like it to be.

Mr. Connor asked Mr. Arentowicz to address this.

Mr. Arentowicz said that, in November, the Subcommittee agreed to a paragraph that said "legislative intent". He said that he thought that it was originally sent out and resent it today and the Subcommittee has agreed to it. In the email today from the Chairman of the Zoning Board, he said that there was a lengthy discussion about the process that we are going to go through every September. If this Board recalls at our last meeting, he said that we went to great lengths with direction to Mr. O'Brien on what the wording should say given the fact that the responsibility for any adjustment to fees and escrows comes from this Board. He said that, obviously, it is going to take input from the Board of Adjustment. As far as what documents are available, he said that he had on his computer notes that were taken at each meeting that we had that could be made available to the Township Committee. He said that he has a "changes on" feature that one could look at, but as Mr. O'Brien pointed out in his email, what we agreed to do because of the massive changes, was to accept the changes and work from that document. He said he would let the Board decide. He said that he had a change document but it is very rigorous and there is a lot of changes to it that it would be very difficult to read, however he was more than willing to give it to the Committee. The other thing that he felt was critical to the Township Committee is the study that Mrs. Wolfe put together of 18 applications, however the problem is that we don't have that electronically. He felt that that analysis of the historical applications that closed over the last three years over both boards would be beneficial reference material for the Township Committee so they could see that as well. He said that we also have in hard copy the fees and escrows from Berkeley Heights, New Providence, Basking Ridge, Warren, and Watchung. He felt that the Subcommittee concluded that it was very difficult to compare apples to apples from one town to the next on looking at what those fees were in escrow. He said that his recommendation was *not* to present that as he thought it would add to the confusion because you can't compare apples to oranges. In summary, he felt the Board needed to include the legislative intent, the electronic minutes of the meeting, and the eighteen closed projects. He said that he would provide the Township Committee with the changed version and said he would let the two member of the Township Committee comment on that. He said that you have seen what they look like and he was more than willing to share it.

Mr. Roshto said today he had sent out a modified version to the Chairman and Vice Chairman that compares the existing ordinances with the changes sent to the Township Committee. He felt that if someone could look at that and review it, he thought it would serve the Board's needs.

Mr. Connor asked Mr. Arentowicz if he felt there was any reason for the Planning Board to take any more action or if he felt it has been properly submitted to the Township Committee for their review. He said that, obviously, they will look at it and can come back with a "yes" or recommendations. He asked Mr. Arentowicz if he felt there is any more Planning Board action needed before the Township Committee can rule on it outside of the fact that they need background information.

Mr. Arentowicz replied that he didn't think the Board needed to take any action and what they have can go forward with some additional documents.

Mr. Roshto agreed.

Mr. Connor then felt it was resolved and said that the Planning Board will leave it as it is and it will go to the Township Committee and they will come back with any changes they feel need to be made and then the Planning Board will look at it to see if it is consistent.

Mr. Roshto asked for clarification of what he was agreeing to. He said that the preamble, the changed document showing the pre and post ordinances, and Mrs. Wolfe's background material needs to be sent to the Township Committee.

Mr. Connor said it appeared to him that the Board had done the necessary work to send it to the Committee but we were going to provide some additional background information that has been discussed here.

Mr. O'Brien said that, since we have only sent to them the actual ordinance language itself, should the Board wish to add the background information and a preamble, as well as a tract changes document, two out of three would need approval from this body, particularly the preamble.

Mr. Arentowicz apologized and said he had sent the preamble or legislative intent out this afternoon to everyone on this Board, the consultants, and the Zoning Board.

Mr. Connor thought we may need to take one more step. He had not seen the preamble and thought the Board should look at it.

Mr. O'Brien said the language is part of the proposed ordinance so this Board should pass on it. He noted that there were several electronic devices at the table and suggested a possible recess to review this for discussion.

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Mr. Connor said that most of the members have read this and to reiterate this language reflects some of the comments of Dr. Behr.

Mr. Arentowicz said this had been reviewed by the Subcommittee in November. Dr. Behr was the author of it, with contributions from Dr. Rae, Mr. Roshto, and himself and it reflects all the changes from the Subcommittee forwarded on to the Planning Board.

Mr. Connor asked if there were any questions. Hearing none, he asked if anyone wanted to move that the revision be added.

Mr. Lemanowicz referred to the fifth paragraph starting with "This ordinance Revision seeks to establish" and said that it goes on to talk about the reasoning and then it says "while simultaneously seeking to avoid significant supplemental billings during the course of or at the end of that process". He felt it would be more accurate to say "avoid significant supplemental deposits" because that is what we are asking for at the end because there is not enough to finish and we are asking for more deposits into the escrow accounts as opposed to billing.

The Board members agreed that that made more sense and the modification was included.

Mr. Arentowicz moved the legislative intent, as changed by Mr. Lemanowicz (with deposit vs. billings) which was seconded by Dr. Rae.

A roll call vote was taken. Those in favor: Mr. Connor, Mr. Arentowicz, Mrs. Dapkins, Mr. Moholkar, Mr. Pfeil, Dr. Rae, Mr. Roshto, Mr. Aroneo, and Mr. Wallisch Those opposed: None.

Mr. Connor said that the amendments will be included in the recommendation sent to the Township Committee, along with the background information that the Subcommittee will provide to Mr. O'Brien to forward. He then referred to the Planning Board schedule and said that it does talk about the Master Plan Elements and he thought there is still some outstanding ordinance work to be done, specifically the Valley Road Business District. He said that Fees and Escrows Ordinance is fine. Besides the Valley Road Business District, he asked Mr. O'Brien what other ordinance work is underway or incomplete.

Mr. O'Brien replied that the Environmental Ordinance was being worked on by our engineers.

Mr. Lemanowicz said that that was the Land Disturbance Ordinance and was intended to provide a mechanism by which when a construction does *not* have to come before this Board, and it is handled administratively, that it still reflects back to the ordinances to require drainage allowances. He said that it basically sets up so that we have a little more control over non-board matters. There is escrow set up; fee set up; limitations so that we don't have wholesale disturbance which can cause issues. He said that if you have a site up on Long Hill Road and the property owner decides to clear his rear yard, the man below him will get a lot more water and that is the kind of issue we are trying to address. He noted that a lot of Long Hill has sewers now but a lot of times a new septic system installation changes the grade of the property which can cause drainage issues. It is to catch all those annoyance projects. He said that he will be contacting Mr. Ferriero to go over that because the Township Engineer actually administers that. He said that he would contact Mr. Ferriero to get a date when he is available and would e-mail it to Mr. Connor.

Mr. Connor said his intention with this discussion is to establish priorities. Obviously, with the entire Master Plan, he said that portions will be a priority and each individual element may have different priorities. He said that he needed to understand if there is other work that should be included in the priority list.

Mr. Wallisch noted that Mr. Stroh had just indicated that he was going to put an additional \$1,500. so that he could get some consideration before the Board goes through the entire Master Plan.

Mr. O'Brien said that that would go back onto the open items list, noting that it is substantially completed.

In response to Mr. Lemanowicz, Mr. Connor said that with regard the Land Disturbance Ordinance, he felt that it would be done in the normal way which is to send it to the Ordinance Review Subcommittee for the members to review and recommend to the Board.

Mr. Lemanowicz replied that he would meet with Mr. Ferriero to make sure that he did not have any issue with it and then refer it to the Ordinance Review Subcommittee before it would come to the Planning Board.

Mr. O'Brien said the only other item is Valley Road and he said that he sent out a draft last week to the Board for its review based upon recommendations made by the Ordinance Review Subcommittee. In terms of ordinances before the Board, he said that we have three open items which are substantially done and very close to completion.

Dr. Rae said that on Saturday they had discussed the Master Plan and it was right, front and center of the activities and any ordinances or any other work that was deemed to be unnecessary would be put off until we've made the progress that we needed to make on the Master Plan. He asked if we are now saying that we are swapping ordinances that are nonessential in place of Master Plan work.

Mr. Connor said we are opening a discussion on that issue to the entire Board. He said that clearly the Master Plan is our priority. He felt that there is agreement amongst the entire Board that completing the Master Plan and completing the work involved by the end of the year is a priority and this particular document gets you there as a draft and a suggestion. He said that the real question is, if there is a minor amount of work on some of these things, do we address them and put them on the agenda?

Dr. Rae thought that with what we have on our plate right now we should try to avoid that and that is why anything that is not essential and doesn't absolutely need to be done we should put it on the back burner and really bring the Master Plan up. He said that if we are saying it is a priority but not acting as it is then we are saying we will throw in an ordinance or two.

Mr. Arentowicz thought the question was can those three ordinances could wait until after November.

With regard to the Land Disturbance Ordinance, Mr. Lemanowicz said he was not sure if the Township Committee is getting complaints about such things. He said that he could ask Mr. Ferriero and Mr. Delia and ask them if there have been any issues. He said that, once he gets that information, he could still solicit and talk to Mr. Ferriero and get his issues put away so that when they do sit down with the Subcommittee, at least that is one step off the process.

Mr. Connor felt it took a while in the Subcommittee stage, so it may be appropriate that the Subcommittee take a look at it, but that doesn't mean that they have to bring it forth unless there is a real reason to do that, but at least the Subcommittee has taken a look at it and provided its recommendations. He said that maybe if there is a place on the September meeting where something is pushed off they could bring it aboard, although not as a priority item.

Mr. Pfeil did not disagree with Dr. Rae but said that the Board just told Mr. Stroh that if he pays \$1500. into the escrow account, we will start working on it.

Mr. Connor replied that the professionals have done most of the work and this one was referred to us by the Township Committee and it seemed to him that that item will take a discussion. He said that we have a requirement to serve the public on this particular issue and it has been around for some time.

Mr. Lemanowicz said that the issue on the Morristown Road is that it is a pending zoning violation that that ordinance would address, so it has its own little caveat.

Discussion ensued regarding Morristown Road. Mr. Connor asked Mr. O'Brien to give a summary of the history of Morristown Road.

Mr. Roshto respectfully pointed out that the subject on the table is the Master Plan. He said that he was very concerned that every time the Board starts talking about the Master Plan, it always goes back to ordinances.

Mr. Connor said his intention was to get rid of what we are going to do on all three of those which will then allow the Board to focus on the Master Plan.

Mr. Roshto replied that he felt that the Board had made a commitment to a resident tonight that we have to meet and said that it is as simple as that and he did not think it needed to be discussed.

Mr. Connor agreed and said he just wanted to make sure we are there on ordinances and the work's done.

Because of the commitments made tonight, Mr. Arentowicz said that the Board will look at Morristown Rd.

Mr. Connor said that the Land Disturbance Ordinance discussed by Mr. Lemanowicz will be held and Valley Rd has not really been discussed, but he felt it is pretty much done by the Ordinance Review Subcommittee. Going by the rational, he said that when the Planning Board wishes to bring that onto the agenda, we can do that at any time. He asked the members if they had a problem in delaying the Valley Rd. Business District Ordinances.

Mr. O'Brien replied that the Board adopted a Master Plan Element concerning Valley Road last June and there are no ordinances to back up that Master Plan Element. He believed that the sooner that is done the better the Township will be.

In terms of where the Board is with the Master Plan, Mr. Arentowicz asked Mr. O'Brien for help on prioritization and a recommendation.

Mr. O'Brien replied they are both very important and both need to be done.

Mr. Roshto said that the Land Use Element still needs to be done and, through that deliberation process, he said that it could change parts of adjoining zones to the Valley Rd. Business District. For example, if the Board decided that it wanted light industrial overlays, we could decide to do that. If the Board wanted to change how we use Office Zones, he said we could do that. He said that those examples, and there are more, could affect the Valley Rd. Business District.

Mr. O'Brien said that, if you were to put an overlay district in the Valley Road Business District, then it would affect Valley Road. If you were to do something in the existing Office District, which is not part of Valley Road, then it would not affect Valley Road.

Mr. Roshto said if it was adjoining Valley Road it would have an impact on Valley Road in some way and we could decide to develop office space in a different way and create more density and cause more traffic on Valley Road. He said that we also could decide to keep open space and make everything conservation, lower the density which would affect Valley Road. He said that he would much rather we come to a decision on what we want to do in our town – Land Use Element wise – and then come back to revisit the Valley Rd. Business district and decide if we want to make changes to it.

Mr. O'Brien replied you can make changes to any element at any time after a noticed public hearing. You can make changes through the Land Use Element to a particular zone, should you wish. He said that the problem we have now is that you have an adopted element that is unsupported by ordinances and that is a hole that has to be filled. Should you wish to change that Master Plan document down the road, then subsequent ordinances that will follow that Master Plan will then support that Master Plan and changes will be made in the future. He said that he was just pointing out that there are no ordinances to support a Master Plan Element that has been adopted for 10 months, and that is a problem.

In response to Mr. Connor, Mrs. Dapkins said that, in her opinion, it is a legal problem. She felt that the Board has to do both and that it is important.

To clarify, Dr. Rae said that we have had an Element for 10 months with no supporting ordinances and we are talking about another 6 months to finish the Master Plan. Given the 10 months that we have had the problem, he asked what could actually happen to us in the next 6 months.

Mr. O'Brien replied that you would run the risk of an application coming before one of the Boards for something that the newly adopted Element calls for, but the existing Ordinance does not allow. Should that application not be successful, he said that would be a potential legal problem for the Township.

Mr. Moholkar thought it could also be the opposite of what Mr. O'Brien stated. It could be something that the plan prohibits but the current Ordinance allows.

Mr. O'Brien felt it was more likely to be an applicant but it is very possible that an interested party could also bring a suit. He said that that assumes a lot of things – an application comes, is reviewed, and is voted on by one of the Boards.

Mr. Roshto said he was had pressed to see how the Board could do both. He said that he had looked at all of the things that need to be done and we created a schedule that looks very packed. He said that we know that the Chairman just mentioned Burger King coming before us and others may very well, as well. He asked Mr. O'Brien what the impact is if we do not finish the Master Plan in 10 years?

Mr. O'Brien replied that the impact would be negative one that grows in time, meaning that the day after the 10th anniversary hits, the earth does not crash into the sun. But, as time goes on, it becomes more and more of a disconnect, particularly if there are ordinance's out of sync with the Master Plan - that is a primary disconnect that is of most concern. But, if the ordinances and the Master Plan are in sync, then there is a cushion. It is not statutory and does not exist anywhere but it, too, hinges on someone applying for something and having that application be directly affected by a non-change or a change in the Master Plan.

Mr. Connor thought that everyone agreed that the Land Use Plan Element is a high priority. He said that he looked through the Table of Contents of the 1995 Master Plan and saw various elements. He noted that that is not a complete list and noted that there should be a Stormwater Plan and probably an Environmental Plan. He said that we need to check and make sure that we have a complete list and, as was indicated, that we finish the Meyersville, Valley Rd., Business District, and Conservation Elements. He said that we are looking at Community Facilities and Recreation, but to him the ones that make the most sense to be addressed are the Land Use Element, and the Millington Development Plan. He said that we have nothing to update Gillette and Stirling and he felt they needed to be looked into. He said that some of the other items are the Historic Preservation Element and Recreation Element as they are important, but if we are going to prioritize what we want and give that priority list to the Mayor's Subcommittee that is designed to assist here, that would allow us to work and address how we can fit this in. He said that, one of the other items mentioned and that has been approved is the Conservation Element. He said that the idea that we can have these plans addressed and ready for approval and then at a meeting to be selected whatever elements have been before the Board we can have one hearing to cover all of them. He said that they need to be packaged into sets and there may be some ways to compress some of the work so we have room for the rest. He said that, with the help of the Subcommittee formed by the Mayor, they could come back with recommendations on how to do that and we just have to give them the priorities. He said he would like to discuss that based upon the current Table of Contents which may be incomplete but, if so, the additions are probably fairly new. He said that what *is* in the Master Plan is the Introduction and its Goals. He said that the Land Use Element, Housing Plan, Circulation & Sidewalk, Utility Services, Community Facilities, Recreation, Conservation, Historic Preservation, Recycling, the Millington, Meyersville, Gillette, and Stirling Plans and the Valley Road Business District – those are the ones that are there now, noting that some of them need updating and others may be a lower priority.

Mr. Roshto thought the schedule that's in front of us right now for 2013 was built off of Mr. O'Brien's Status Report of what is still to do. He said that the only one he was questioning is that there was nothing in the Status Report on our Utility Service Element, which he felt is an important aspect of our town, nothing that wastewater is always a topic.

Mr. O'Brien said that the current Utility Service Plan dates back to 1996. Whether the Township is ready to make some change in that area, he said that he knew there was a lot of work going on with wastewater.

Mr. Roshto felt it was something this Board should talk about. Where do we want to go? What do we want to do in terms of wastewater long term (in the next 5-10 years)?

Mr. O'Brien said that this Board may want to rely on the expertise that has already been developed in the Township and that it depends on which way you want to go. He said that, if you want to do the entire package, you should do it as one. One option is just doing the Land Use Element and another option is the Re-examination.

Mr. Connor felt there was a middle ground and that is that we look at certain pieces that he felt should have high priority, particularly the development plans for Millington, Gillette and Stirling. He said that Millington has had considerable work, and Gillette and Stirling have not, but maybe they are okay, although he doubted it. To him, that is an area he would like someone to look at and decide whether it is a minor revision or not.

In response to Mr. Moholkar, Mr. Connor said that the Planning Board schedule was put together by the Saturday group. He said that Mr. Roshto summarized what they thought (looking just at the Master Plan) we would do on the Master Plan. He said they did not deal with ordinances.

Mr. Moholkar suggested that someone check with the Subcommittee to see how quickly they will be ready to bring things to the Board.

Mr. Roshto felt the schedule reflects that. He said that all the ones you see up front are ready to go.

Mr. Connor thought it was clear that Millington will take some time and Gillette and Stirling will take longer.

In response to Mr. Moholkar, Mr. Roshto said that, in his opinion, the Millington, Stirling and Land Use Elements are the ones that need some background studies done that will help the Board drive towards where it wants to go. He felt that the Planning Board needs to set some high level goals and then direct the Subcommittee to start working on some studies.

Mr. Connor said that he had a discussion today with the Ms. Harrington who is the Chairman of the Master Plan Committee and they are meeting tomorrow. He said that her intent is to understand the Board's priority and then come back before the Board at its next meeting with a preliminary report of what their intentions are, incorporating the Board's priorities. He said that they will then address the problems of where and when, etc. The other intent is for that Subcommittee to briefly update us at each meeting as to where they are and take additional direction. He suggested that we start by presenting them with several priority items they need to work on. He said that, on the bottom of the calendar of agendas, we have "standing items" where hopefully they will attend an answer any questions/suggestions etc. that we may have.

Discussion ensued regarding the appointed Mayoral Subcommittee, scheduling, jurisdiction, interaction, etc.

Mr. O'Brien provided a definition for a Citizen's Advisory Committee per the M.L.U.L. He said that it is a permissible committee with no power to vote or take other action required of the Board.

After further discussion, Mr. Roshto and Dr. Rae agreed to speak with the Mayor tomorrow regarding the matter.

Mr. Connor asked if there was any further discussion on the Master Plan. No members responded. He then asked if anyone had any New Business. No members responded.

Mr. O'Brien said that he wished to point out that there were a number of things on the April 23rd agenda. He asked the Board what it wanted to discuss (and have him ready to discuss) at that meeting.

Mr. Connor suggested discussing the Master Plan Subcommittee Introduction.

Mr. O'Brien said that we would then be inviting the Mayor's Land Use Committee to the meeting.

Mr. Connor agreed and said that Ms. Harrington will probably have at least a half hour on the agenda to talk about what they are doing and receive feedback from the Board. He said that the second item is the Master Plan Objectives and Principles. Referring to the 1995 Master Plan, he said that Pgs. 1-10 talk about what the goals are and what we want to accomplish and Pg. 11 talks about the Land Use Element. He felt that the Board needs to discuss those very items - what are our goals? He said that he felt that that would take up the rest of the meeting. He also noted that Mr. Peter O'Neill, Chairman of the Open Space Committee contacted him before the first of the year and advised that they were ready to go however, because of other priorities, Mr. O'Brien advised that he would have to review the document. He said that, if possible, he would like to have that available at least in some sort of introductory version in such a way that the Board can have some discussions and we would have to be fairly rigid on what the time frame is going to be.

After further discussion, Mr. Roshto said that when the Saturday Group discussed the Open Space package, it was really more for Mr. O'Brien to put together whatever materials would be invaluable to the Planning Board as a package and that *he* would present it for about 15 minutes at the April 23rd meeting and then Mr. O'Neill could appear at the May 14th meeting.

Mr. Connor said that that would work if the Board heard the Master Plan Subcommittee Introduction first, followed by a 15 minute segment, and then finish with the Master Plan Objectives and Principles because that will take a *significant* amount of time.

Referring to the Master Plan Objectives and Principles on Pgs. 1-10 of the 1996 Master Plan, Mr. O'Brien said there are different pieces to the goals that are presented there, many of which come from the actual elements that are referred to. He said that some of the elements have been replaced and some have been added. He said that he would like to lay out the existing Land Use and Housing goals to the Board to try to make it as logical as possible and add in the goals from the other elements that have been done since 2003 (such as Stormwater, Meyersville, and the Valley Rd. Business District) because they are still good. He said that he would then add for the Board's review the other elements that were referred to back in 1996 and those goals. He said that those goals should not be in the Land Use Element unless you have got an element that is supporting them. He said that, if you leave the element alone and continue it in the current Master Plan, those goals are still good. However, if you change the element or rewrite it, perhaps you will have new goals and perhaps you won't, but you will find that out as you go along, but they still have to be addressed.

Mr. Connor asked for further items/suggestions. There being none, the meeting adjourned at 10:35 P.M.

DAWN V. WOLFE
Planning & Zoning Administrator