

MINUTES

OCTOBER 22, 2013

PLANNING BOARD

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

Vice-Chairman Arentowicz 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.

MEETING CUT-OFF

Vice-Chairman Arentowicz read the following statement: Announcement was made that as a matter of procedure, it was 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 was passed by the members present to extend the meeting to a later specified cut-off time.

CELL PHONES AND PAGERS

Vice-Chairman Arentowicz 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.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Excused:

Charles Arentowicz, Vice-Chairman
Suzanne Dapkins, Member
J. Alan Pfeil, Member
Guy Roshto, Member
Timothy Wallisch, 2nd Alternate

Christopher Connor, Chairman
Guy Piserchia, Mayor
Brendan Rae, Mayor’s Designee
Ashish Moholkar, Member
Gregory Aroneo, 1st Alternate

Michael Blacker, Bd. Attorney
Kevin O’Brien, Township. Planner
Thomas Lemanowicz, Bd. Engineer

Barry Hoffman, Bd. Attorney
Dawn Wolfe, Planning &
Zoning Administrator

Mr. O’Brien advised Vice-Chairman Arentowicz that he had a quorum and could proceed.

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EXECUTIVE SESSION

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

PUBLIC QUESTION OR COMMENT PERIOD

Vice-Chairman Arentowicz opened the meeting to the public for any comments other than the David Carn Application. Seeing none, he closed the meeting to the public.

PUBLIC HEARING

DAVID CARN

343 Somerset Street
Block 11605, Lot 7

#13-10P
Minor Site Plan

The Applicant, David Carn, a principal in **Carn Real Estate Holdings, LLC**, had applied to the Long Hill Township Planning Board for minor site plan approval involving a change in occupancy of an existing one-story industrial building in order to utilize the building as a food distribution warehouse and for the storage of prepackaged dry goods, such application relating to property known as Block 11605, Lot 7 on the Township Tax Map, located at 343 Somerset Street, which premises are in an LI-2 Zone. The property was owned by **Carn Real Estate Holdings, LLC**.

The Applicant sought minor site plan approval in order to utilize the existing one-story industrial building on the property as a food distribution warehouse and for the storage of prepackaged dry goods, which uses are permitted in the Limited Industrial (LI)-2 Zone of the Township, pursuant to Section 122.9(a) of the Long Hill Township Land Use Ordinance (the “Ordinance”).

The Applicant’s proposal was more particularly depicted on a Plan of Survey for Carn Real Estate Holdings, LLC prepared by Control Layouts, Inc., Land Surveyors, dated June 3, 2013.

The Applicant testified that he did not plan on making any changes to either the exterior or interior of the existing building.

Pursuant to Section 122.9(b)(4), the number of vehicles allowed to be stored overnight on a site was a matter to be determined by the Planning Board during site plan review.

The Applicant testified that there currently existed 18 parking spaces on the subject property but that rarely had there been more than 10 vehicles parked on the site. Thirteen (13) of the eighteen (18) parking spaces were located on the west side of the building and five (5) were located on the east side of the building. Mr. Carn stated that his business used vans that measure 18 feet in length; that six (6) to eight (8) vans were parked overnight on the property; and that customers did not come to the site.

There were several pre-existing nonconformities on the property from the bulk requirements of the Ordinance, including lot area, lot width, front, side and rear yard setbacks, maximum lot coverage and driveway width, but none of these conditions would be intensified by the present application.

The Applicant had requested waivers from Items 11, 12, 13, 14, 15, 17, 26, 29, 30, 31, 32, 33, 34, 37, 38, 39, 41, 42 and 43 of the checklist requirements for site plan submission.

Several interested citizens voiced their support for the application at the hearing.

The Board had also considered reports on the application from the Township Planning Consultant, the Board's Engineering Consultant, the Township Traffic Safety Officer and the Morris County Planning Board.

The Planning Board found that the eighteen (18) on-site parking spaces identified by the Applicant should be adequate for the proposed usage.

The Board also found that there should be no significant problems with parking, traffic circulation, lighting or drainage by reason of the proposed use.

The Board was satisfied with the proposed site plan, subject to the conditions set forth below.

The Board was of the opinion that it would be appropriate to grant the requested checklist waivers since the property was improved and was not proposed to be altered by the present application.

Vice-Chairman Arentowicz requested a motion to vote on the application. Committeeman Roshto made the motion and Mr. Pfeil seconded the motion. Vice-Chairman Arentowicz requested a role call vote to grant approval of the application subject to the following conditions:

1. Applicant shall submit proof of payment of real estate taxes through the fourth quarter of 2013.
2. The plans shall be revised in the following respects, or documents, data and calculations shall be supplied, all of which shall be satisfactory to the Planning Board Engineer (except, where indicated, satisfactory to the Township Planning Consultant):
 - (a) Add signature lines for the Planning Board Officers and the Board Engineer on the Plan of Survey of the applicant.
 - (b) Applicant shall provide thirteen (13) parking spaces on the west side of the building.
 - (c) Applicant shall provide five (5) parking spaces on the east side of the building.
 - (d) Applicant shall re-stripe the parking spaces in the lot with hairpin striping.
 - (e) Applicant shall provide one van accessible handicapped parking space with appropriate signage.
 - (f) Applicant shall provide a stop sign and stop bar at the driveway intersection with the street in accordance with the Manual on Uniform Traffic Control Devices if found to be required by ordinance.
 - (g) Applicant shall replace the dead shrubs in front of the building with new plantings which are acceptable to the Township Planning Consultant.
3. Applicant shall post funds with the Township to satisfy any deficiency in the developer's escrow account
4. The applicant hereby granted the right to store vans on the property, effective as of October 22, 2013, but all conditions to this approval shall be completed within 60 days of the date of adoption of this Resolution and that, in any event, no Certificate of Occupancy or Zoning Permit may be issued until the conditions have been met.

Motion to approve the proposed application with conditions as outlined above was made by Committeeman Roshto and seconded by Mr. Pfeil.

A Role Call Vote was taken. Those in favor: Mrs. Dapkins, Mr. Pfeil, Committeeman Roshto, Mr. Wallisch, and Vice-Chairman Arentowicz. Those opposed: None. Application was approved.

Application was granted subject to the conditions listed above.

Motion was made by Mr. Wallisch to allow parking on-site immediately per the approval that was just granted with a 60 day limit to meet all conditions and seconded by Committeeman Roshto.

A Role Call Vote was taken. Those in favor: Mrs. Dapkins, Mr. Pfeil, Committeeman Roshto, Mr. Wallisch, and Vice-Chairman Arentowicz. Those opposed: None. Motion to allow immediate implementation of application passed unanimously.

Vice-Chairman Arentowicz called for a recess at 9:30 P.M.

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FINAL DISCUSSION
CRITERIA C & D OF THE MASTER PLAN REEXAMINATION

Mr. O'Brien referred to three (3) memos he had written dated 10/04/13. The first one was, "Master Plan Reexamination Criteria C Discussion Items" which revised the discussion items per the Board's review at a prior meeting.

The second memo was titled, "Ordinance Subcommittee Report to Planning Board". There were nine (9) specific changes that the Ordinance Subcommittee felt should be included in the Criteria D Discussion Items, Criteria D meaning specific recommendations for change.

The last memo was the "Master Plan Reexamination Criteria D Discussion Items" which took the items that had been discussed under Criteria C and made them into action items thereby putting them under Criteria D. A number of items that had not been discussed yet were placed towards the end of that memo for the Board's review and decision.

Mr. O'Brien referred to the Master Plan Reexamination Criteria C Discussion Items for the Board's review:

Flooding and Stormwater - there were no corrections, additions, or deletions.

Sewer - there were no corrections, additions, or deletions.

Recreation - there were no corrections, additions, or deletions.

Community Improvements - there were no corrections, additions, or deletions.

Utilities - there were no corrections, additions, or deletions.

Zoning - there were no corrections, additions, or deletions.

Planning - there were no corrections, additions, or deletions.

Mr. O'Brien indicated that since there were no comments or changes from the Board, the Criteria C Discussion Items were considered finalized.

Mr. O'Brien referred to the Criteria D Discussion Items which was a list of action items based on the items just reviewed. These criteria took the wording from the original issues and made them into specific recommendations for the Master Plan or the Development Regulations.

Flooding and Stormwater - A board member wanted clarification as to the background of the issue" Remove abandoned properties and structures in the flood plain".

Mr. O'Brien stated that there was a discussion about "abandoned properties" and what to do about them but that was more of a legal question. It was agreed that it should read, "Remove structures *from* abandoned properties in the flood plain" and to not further discuss "abandoned properties" since there was a township wide process for handling those properties.

There were no further comments, corrections, additions, or deletions on the items listed on pages 1 and 2 of the "Master Plan Reexam Criteria D Discussion Items" dated October 4, 2013.

Mr. O'Brien stated that the three (3) items on page 3 were added subsequent to earlier discussions. These matters were from the 2003 Master Plan that had not yet been addressed and the question was whether the Board felt that these were still open items or if they had been addressed and should not be a part of this.

The first, "Establish a complete streets program which would identify areas of concern where sidewalks and other measures should be considered to make a street safer for all users" was a discussion item at the last meeting. The consensus was to include it under Community Improvements.

Mr. O'Brien stated the second item, "whether to expand the C Zone to the area of Warren Avenue and Union Street..." had been discussed. He suggested that the wording be changed to "*investigate* whether or not to expand..." There were no objections to including that verbiage in the Zoning category.

The third comment, "Consider expanding the C Zone to include some of the larger properties in the R-2 Zone along Valley Road." The last discussion was that it was more specifically the south side of Valley Road fronting the river.

The words "south side of" and "west of Main Avenue" were added by consensus of the Board. The comment then read, "To consider expanding the C Zone to include some of the larger properties in the R-2 Zone along the south side of Valley Road and west of Main Avenue."

Mr. O'Brien stated that that concluded that memo.

Mr. O'Brien stated that the third memo was the "Ordinance Sub-committee Report" which referenced nine (9) items that had been discussed previously. He asked if the board members had any questions.

A board member asked for the definition of an awning sign.

Mr. O'Brien stated it was a sign that came away from the building with some type of canvas or fabric and was supported by a frame. In many of the traditional downtown areas, awning signs are preferred because they give an "old time downtown" type of look.

Vice-Chairman Arentowicz asked to discuss each point individually.

If there were no objections Mr. O'Brien explained that he would take each one, rewrite it as an issue to be added to Criteria C and then added as an action item to Criteria D.

1. “Awning signs should be allowed in commercial and industrial areas (Community Improvements).” “ There were no objections.

2. “Single family homes should not be exempt from critical area setback requirements for both principal and accessory uses and there should be no building in a critical area (Stormwater).” Mr. O’Brien noted that there are exemptions for building in the critical areas and there are setback requirements that exempt single family homes. This proposal was to consider whether or not that critical area setback should apply to single family homes and to eliminate that exemption for single family homes in the critical area.

Mr. O’Brien stated that it was an issue in terms of building in areas of the township where everything else states there should be no construction. He noted that the Master Plan and Zoning ordinances consistently call for no building in critical areas with accompanying setbacks for all uses in every non-residential area and there are some carve-outs for residences in the ordinance currently. The thought of the Committee was that the exemptions that allow certain building in a critical area as well as a lessening of the setbacks to the critical areas by residences would have a negative impact in terms of stormwater and a negative impact upon those critical areas. So it’s an area that the sub-committee felt should be investigated by the Board to see if the current standards are appropriate or not with the thinking that the critical areas need our protection for the benefit of everyone in the township.

Vice-Chairman Arentowicz asked if there were any objections to including this. There were none.

Mr. O’Brien stated that the action item would be that the Board consider and review this issue. He stated this would not change anything at the moment except that the Planning Board should consider this when and if development regulations are revised. Should they be revised as a result of a Master Plan recommendation and the ordinance be rewritten, it would then have the force of law.

Mr. O’Brien stated that there are many aspects to this exemption. As an example, he cited a fairly large exemption for single family homes that was enacted recently and a question has arisen as to whether that exemption was appropriate given the state of the township’s stormwater and flooding issues.

A board member expressed concern as to the wording and Mr. O’Brien indicated that the wording should be changed to, “the Board should *investigate* whether single family homes should be exempt from critical area setbacks”.

The Board was satisfied with that wording.

3. “The code should be amended to allow accessory buildings within reasonable setbacks on through lots (Zoning).” Mr. O’Brien defined “through lot” as a lot that runs between one street to another street. Therefore, that residence has two (2) front yards. As a result somebody’s backyard which is now a front yard on the back street has a number of prohibitions including the deployment of accessory buildings and other structures that are not allowed in the front yard. The suggestion had been that the Board should *review* whether or not there should be reasonable setbacks on through lots.

Mrs. Dapkins suggested that “review” be changed to “investigate” also.

Mr. Pfeil asked if corner lots were included in that and Mr. O’Brien indicated that they could be included. He also felt the words, “The code should be amended” should be removed. Mr. Pfeil felt that during discussions in the subcommittee, there was discussion about designating one yard as the front yard.

Mr. O’Brien stated that they were not recommending how to handle it, just that it needed investigation. Designating one yard as a front yard would be a possible option as to how to handle it.

After further discussion, Mr. O’Brien changed the statement to read, “The Board should discuss how to appropriately regulate all structures and buildings on through and corner lots.”

There were no objections to that wording.

4. “Drywells should not be defined as critical areas in 146.6 as this creates a hardship for homeowners attempting to mitigate stormwater (Zoning).” Mr. O’Brien stated that currently, drywells are defined as a critical area which meant that they have to meet certain setbacks from all other structures. He noted that variances had to be granted to residential applications because the drywells were within that setback. The discussion was that they should not be defined as critical areas and to redefine them as an accessory structure.

Mr. Pfeil asked if the same logic applied to all of these points: that the Board should *discuss or investigate*.

Mr. O’Brien affirmed that.

Mr. O’Brien “The Board should investigate whether drywells should be defined as critical areas in section 146.6...” and the rest remaining the same.

5. “The R – MF and townhouse zones should be studied for possible consolidation and uniformity in the ordinance (Zoning).” Mr. O’Brien noted that there are significant similarities between the multi-family and townhouse zones particularly in section 131 which lists all the bulk requirements and the subcommittee suggested that the Board should take a look at those three (3) or four (4) zones and see whether or not they should be consolidated into one or two zones.

6. Graphics be included with ordinance definitions wherever possible (Zoning).” Mr. O’Brien stated that the consensus was that diagrams could be included in the definition section of the ordinance. It should be rewritten that “The Board should *investigate*...”

7. “Define building coverage in the Ordinance (Zoning).” Mr. O’Brien stated that there is no definition for building coverage in the Ordinance although there is a “requirement” that limits building coverage in section 131. A definition could be added to appropriately regulate that.

8. “Lot sizes in residential zones should be studied as many lots are substandard (Zoning).” The wording, “The Board should consider whether or not the lot sizes in the various zones are appropriate.” was accepted.

9. “The ordinance should be amended to refer to the current ADA code and not specify handicapped parking standards that have changed over the years (Zoning).” Mr. O’Brien noted that the current ADA code was not up to date in the township’s ordinance and he suggested that the township should refer to the original legislation and let that govern.

Mr. Lemanowicz stated that the township was not empowered to alter the ADA so it would be more expedient to refer to their document in whatever current form it was in.

Vice Chairman Arentowicz suggested that that be included.

Mr. O’Brien indicated that the Board has reviewed the nine (9) points as outlined in the Ordinance Sub-Committee Report” and changed the language to be more declarative in that the Board should *consider* or the Board should *review* the various items. He stated that he would identify the various sections where he believed these items belonged and rewrite them so that the issues would be in Criteria C and the action items would be in Criteria D for final review.

Mr. O’Brien indicated that he would provide a draft of items A (Introduction to Planning in Our Community), B (Review of where the township has been and where it has to go), and E (redevelopment efforts which there are none of in the township) for review at the next meeting.

Vice Chairman Arentowicz asked if this would meet the deadline of November 23, 2013 for the Reexamination.

Mr. O’Brien indicated that it would not because there must be a noticed public hearing for adoption. If there was a draft available and approved at the November 12, 2013 meeting, there would still not be enough time to get notice out to the publications and surrounding communities.

Vice Chairman Arentowicz asked if there was any exposure on this by not having it completed by the 23rd.

Mr. O’Brien stated when there is a disconnect between what the Master Plan say and what the Zoning regulations say, the Zoning ordinance is presumed not to be effective. He did not feel that being a couple weeks late would not represent a realistic threat.

Mrs. Dapkins asked if there were any applications pending.

Mr. O’Brien indicated that there were however, because they hadn’t been decided on by the Boards, the Applicant could not say there was a disconnect and that that was the reason the application was denied.

Mr. Lemanowicz indicated that the following Tuesday was an open date and the Board could schedule a special meeting however, Mr. O’Brien did not feel he would be able to supply the necessary information on A, B, and E to the Board in time.

After discussion and a subsequent voice vote, the Board decided to notice for a meeting on November 26, 2013 for the three elements, Conservation, Open Space, and Reexamination. The Recreation Element is not complete as of yet.

Vice Chairman Arentowicz opened the meeting to the public on any comments on the Master Plan Reexamination. There being none, he closed the meeting.

DISCUSSION
MILLINGTON ELEMENT

Vice Chairman Arentowicz noted that the draft and maps of the Millington Village had been distributed to the board members earlier. Background studies including five (5) Exhibits, two (2) tables, and fifteen (15) maps were also distributed earlier. He indicated that the sub-committee spent a lot of time discussing downtown Millington. Landowners and business owners had input along with the E.P.A., the D.E.P. and the county.

Vice Chairman Arentowicz referenced Map 15 “Zones as of April 2013” which showed the current zones as follows: Millington Zone, the Light Industrial Zone (TIFA property), Office Zone, and Conservation Zone and Public Zones (mainly the Millington Fire Department). The conversations indicated a desire to promote businesses and retail uses in this area. It was felt that the driver and input from the community was that the light industrial zone was the critical

area that needed review. There was input from Morris County and from the Chairman and from the appointed Master Plan sub-committee on the Office Zone and where that was headed.

He then referenced Map 14 where the Millington Village had been expanded to include the Light Industrial Zone that was in the Millington area and all the Office Zones. It was proposed to eliminate the Light Industrial and the Office Zone and to come up with the Millington Village Zone, a mixed use zone which would commercial, retail, and other businesses.

It was originally thought that the property adjacent to the TIFA property should be a conservation area. There were discussions about what should be done with the two R-3 zones by the Old Mill Road. There were discussions with Open Space and the County. It is proposed that those two (2) properties remain R-3.

Vice Chairman Arentowicz stated that the densities within the township for all condos townhomes and apartments were also studied and currently, density is five (5) units per acre. Through the MLUL it is proposed that the mayor appoint a economic development committee to advise as to what should be done basically with the TIFA property. Based upon that recommendation, an overlay zone would be created for that area. The density of that area would be more than five (5) units per acre but the sub-committee was unsure as to what that density should be and that it was the best avenue to proceed. The Board could also decide to make a recommendation. The subcommittee felt a more in-depth study was required on what the density should be. The subcommittee did agree that that area should be included in the Millington Village.

Mrs. Dapkins asked if Semerad Road was in the C-Zone because of the steep slope (on Map 14). She also asked how far up it extended.

Mr. O'Brien referred to Map 11 called "Exempt Lots" which showed a county government owned lot from the southwest intersection of Semerad and Old Mill extending to the north and suggested that that might be part of the reason.

After further discussion, Mr. O'Brien felt that the zone which was shaded in green should be amended to follow the center line of the road as the markings do elsewhere.

Mr. Pfeil reiterated that the major focal point of the discussions was the Light Industrial and how best to explore alternatives to the current use. The subcommittee suggested that this mayoral appointment of a citizen's advisory committee collaborate with the Planning Board to actively solicit options for development. Once a proposal is made, the Planning Board should create an overlay zone within the Millington Village along with appropriate bulk standards as well as permitted and conditional uses specifically for that overlay zone. There was dialog with E.P.A. and D.E.P. in terms of carving a 300 ft section along the Passaic River that is currently within the Light Industrial Zone and included that in conservation with the idea that that could be an area for walking trails and passive recreation which would satisfy some of the goals that were set forth in improving circulation patterns. On page 4 point #6 lists facilitating the redevelopment of a park and walking trails along the river.

Vice Chairman Arentowicz stated that the E.P.A. outlined in detail that they want to see engineering plans. They did not want to disrupt the cap and stated that there was ongoing monitoring taking place that would continue. Approval from the N.J.D.E.P. would be required for this as well as any future development in the former L-2 Zone. Digging or disruption of asphalt would also require approval by the E.P.A. and D.E.P. This was outlined in Exhibit 3 and in the exhibit in the back, "Ongoing Environmental Controls and Maintenance". He reminded the Board that there are probably seven (7) monitoring wells there that will continue to be monitored every five (5) years.

Mr. Pfeil asked if there were any questions or comments on the permitted uses and specifically the not permitted uses.

A board member asked if the primary take out restaurants would not be permitted because the Board was trying to encourage people to stay down there.

Vice Chairman Arentowicz affirmed.

Mr. Pfeil stated that there was general feeling that the Millington Village Zone would be approved with the addition of more eating and shopping establishments but specifically ones where the patron could sit and eat as opposed to take out.

Mrs. Dapkins asked if they were proposing office zone for the Barrett property.

Vice Chairman Arentowicz said no, that it was proposed that it be part of the Millington Village. The Office Zone was being eliminated from that area with the one exception as noted earlier.

Mrs. Dapkins asked what the zoning would be for Millington Village.

Vice Chairman Arentowicz it would be a mixed use zone on the Barrett property also.

There was some discussion about possible historic buildings. Mrs. Dapkins pointed out that there was one eligible property listed on the historic map.

Vice Chairman Arentowicz asked if there were any questions especially from the professionals. Mr. O'Brien requested the opportunity to speak with the subcommittee or its designee in reference to some suggestions. Mr. Pfeil volunteered to work with Mr. O'Brien.

Mr. Lemanowicz offered to contribute as necessary.

Mr. Pfeil asked if the Board agreed with the four (4) goals listed in the draft.

1. Enhance the physical appearance
2. Improve circulation patterns
3. Establish the village zone usage
4. Rezone the Millington Zone.

A board member asked if there was a specific location in mind when "Purchase and develop public green spaces" (Section 1.1.4.1.d) was created.

Vice Chairman Arentowicz stated that some of the property was along the river. The subcommittee spoke to the Open Space Committee and to the County.

Committeeman Roshto stated that the parking behind to the north side of the railroad tracks off of Division, by the auto repair, is property that has an easement that could be utilized if the Board wanted to. Behind the Long Hill Road businesses there was some open area and there was a possibility of shared parking in there.

Board member asked who owned the parking located next to the words "Passaic River" on the map.

Committeeman Roshto indicated that the property was owned by TIFA.

Mr. O'Brien added that to the north, the property was owned individually by residents.

Mr. Wallisch made a motion to extend the meeting by five (5) minutes to finalize the next steps. Mr. Pfeil seconded the motion. A voice vote was taken and the motion was passed unanimously.

Mr. Pfeil stated that the next step would be to meet with Mr. O'Brien.

Mr. O'Brien indicated that the subcommittee should review any changes suggested and decide whether to conduct committee meetings or come back to the Board itself.

Mr. Pfeil felt that there should be another subcommittee meeting and Vice Chairman Arentowicz agreed that once the professionals contribute their input, another subcommittee meeting was in order to decide on how best to proceed.

Vice Chairman Arentowicz asked when the element would be finalized by the Planning Board.

Mr. O'Brien answered that the subcommittee had to finalize their recommendation to the Board for the Board to consider.

The board members agreed to try to get the draft of the Element approved by the Board before the end of the year.

Vice Chairman Arentowicz asked for a motion to adjourn. Motion was made and seconded. A voice vote was taken and the motion passed unanimously. Meeting was adjourned at 11:05 P.M.

CYNTHIA KIEFER
Planning and Zoning Board Secretary