

**AMENDED MINUTES**

**APRIL 8, 2014**

**PLANNING BOARD**

**LONG HILL TOWNSHIP**

**CALL TO ORDER AND STATEMENT OF COMPLIANCE**

Chairman Pfeil called the meeting to order at 7:37 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**

Chairman Pfeil 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 10:30 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.

**CELL PHONES AND PAGERS**

Chairman Pfeil 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:

J. Alan Pfeil, Chairman  
Suzanne Dapkins, Vice-Chairman  
Ashish Moholkar, Member  
Guy Roshto, Member  
Gregory Aroneo, Member  
Timothy Wallisch, Member  
David Hands, 1<sup>st</sup> Alternate

Guy Piserchia, Mayor  
Brendan Rae, Mayor's Designee  
Barry Hoffman, Bd. Attorney

Kevin O'Brien, Twp. Planner  
Thomas Lemanowicz, Bd. Engineer  
Cynthia Kiefer, Board Secretary

Ms Kiefer advised Chairman Pfeil 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.

**APPROVAL OF MINUTES**

The regular minutes of June 11, 2013 were approved as written on motion by Mr. Moholkar and seconded by Mrs. Dapkins. Mr. Hands was ineligible to vote since he was not a member of the Planning Board at that time.

The regular minutes of June 25, 2013 were approved as amended on motion by Mrs. Dapkins and seconded by Mr. Wallisch. Chairman Pfeil was ineligible to vote since he was not present at the meeting. Mr. Hands was ineligible to vote since he was not a member of the Planning Board at that time.

The regular minutes of July 9, 2013 were approved as amended on motion by Mrs. Dapkins and seconded by Mr. Moholkar. Mr. Hands was ineligible to vote since he was not a member of the Planning Board at that time.

The executive minutes of July 9, 2013 were approved as written on motion by Mr. Wallisch and seconded by Mrs. Dapkins. Mr. Hands was ineligible to vote since he was not a member of the Planning Board at that time.

The regular minutes of August 13, 2013 were approved as written on motion by Mrs. Dapkins and seconded by Mr. Wallisch. Mr. Hands was ineligible to vote since he was not a member of the Planning Board at that time.

The regular minutes of September 10, 2013 were approved as written on motion by Mr. Wallisch and seconded by Mr. Moholkar. Mrs. Dapkins was ineligible to vote since she was not present at that meeting. Mr. Hands was ineligible to vote since he was not a member of the Planning Board at that time.

The executive minutes of September 10, 2013 were approved as written on motion by Mr. Wallisch and seconded by Chairman Pfeil. Mr. Aroneo and Mrs. Dapkins were ineligible to vote since they were not present at the meeting. Mr. Hands was ineligible to vote since he was not a member of the Planning Board at that time.

**PUBLIC QUESTION OR COMMENT**

Chairman Pfeil opened the meeting to the public for questions or comments on any topics not listed on the agenda. Seeing none, he closed the meeting.

**MEMORIALIZATION OF RESOLUTION**

**FIRST PRESBYTERIAN CHURCH**

158 Central Avenue  
Block 13004, Lot 20

**#13-01P**

Minor Site Plan

Chairman Pfeil asked if there were any questions or comments on the resolution.

Ms. Kiefer noted that on page 4 of the resolution, line 2, “on this 27<sup>th</sup> day” should read “on this 25<sup>th</sup> day”.

Mr. Moholkar motioned to approve the Memorialization. Mrs. Dapkins seconded. A Roll Call Vote was taken. Those in Favor: Mr. Aroneo, Mrs. Dapkins, Mr. Moholkar, Committeeman Roshto, Mr. Hands. Those Opposed: None. Chairman Pfeil and Mr. Wallisch were ineligible to vote since they were not present at the meeting of February 25, 2014 when the resolution was approved.

**DISCUSSION – FEES AND ESCROW DEPOSIT ORDINANCE**

Chairman Pfeil introduced the discussion and stated that the Ordinance Subcommittee had spent a great deal of time working on the ordinance revisions. He noted that Committeeman Roshto had done a tremendous amount of work on it. He then asked Mr. O’Brien what would be the best way to go through the document. A draft of the ordinance as well as a spreadsheet of fees and a comparison of actual fees and escrows charged had been distributed to the board members.

Mr. O’Brien suggested that the Board might want to look at the language in the proposed ordinance since that was where the bulk of the changes were located. A review of the actual figures would follow. He indicated that Committeeman Roshto had met with the Planning and Zoning Administrator, Dawn Wolfe, and the Township Administrator, Neil Henry, to work on those figures.

Committeeman Roshto stated that they had spent a great deal of time on the figures. He explained that they took into account how many hours the officials spent on any one of the line items and from that, they developed the fee structure. He noted that when they looked at the fees, some actually went down, some stayed roughly the same, and some went up.

Mr. O’Brien suggested that the Board discuss the language in the first several pages before they discussed the actual figures. He said that the Board first looked at this approximately 18 months ago because there were a few applications that were of concern to the Township Committee and the Planning Board, in reference to the proper amount of fees and escrows. Approximately one (1) year ago, the Board had worked on some revisions. That document was sent to the Township Committee and it was found that there were some irregularities. The Township Committee sent it back to the Planning Board to review it. Over the last two (2) months, the Ordinance Subcommittee had been meeting regularly to go over the language to ensure that the ordinance would address all anticipated problems. The actual numbers and categories were left for Committeeman Roshto and the administrators to address.

Committeeman Roshto noted that there were a couple of items which had changed dramatically that the board members should review. The first was that originally, the ordinances themselves were intermixed with the fees. In this document, they are split out so that the ordinances are now located in the first section, Section 181, and the fees are in Section 182 in a spreadsheet type format so that they can be changed whenever necessary.

Committeeman Roshto stated the second thing that they noticed was that the process did not match the ordinance. After discussion with the zoning officials, they revised the ordinance so that it matches what actually occurs in the office.

Committeeman Roshto noted that the third thing was that the process followed for escrowing monies was flawed. The township was under-collecting the amount up front. If there was a situation where an applicant withdrew an application and walked away, there was a deficit in the escrow and it was very difficult to get the applicant to pay. That had been remedied. There is a fairly new section, Section 182.5, that deals with handling of escrow accounts and it replaced the old approach of replenishing the escrow account when the escrow dropped to 20%. Now the escrow looks forward, as escrows should. It reflects the amount of money that the applicant is going to need in the escrow account and then asks the applicant to fund it appropriately.

Chairman Pfeil explained that they highlighted the fact that when an application comes before the Board and it is going to extend beyond one (1) meeting, the escrow fees won’t be sufficient. Now, a good faith estimate will be given to the applicant after the initial meeting to let them know that they must get those monies in before the next hearing so that the escrow remains sufficiently funded.

Mr. Wallisch recalled that there had been an issue with closing out escrows in a timely manner and asked if there had been any expectations set as to how that would be handled.

Chairman Pfeil referred to Section 181.6(c) which read, "All escrow funds not expended shall be refunded to the applicant within thirty (30) days after satisfaction of conditions of approval. The Township shall also provide the applicant with an accounting of the escrow funds." He emphasized that the refund was not tied to the passage of the resolution but to the date that the conditions are met.

Mr. Wallisch noted that the ordinance was much easier to read than the original.

Chairman Pfeil agreed stating that Committeeman Roshto did a great job organizing the schedule so that the first things on the list are site plans followed by subdivisions, permits, hearing expenses, and finally miscellaneous. He explained that the next step would be for the Planning Board to move this along to the Township Committee.

Mr. O'Brien said that the usual procedure was to send it to the Township Committee. Ms Kiefer would send it to the Municipal Clerk saying that the Planning Board and the Ordinance Subcommittee have recommended this to the Township Committee. The Township Committee would then introduce it on first reading and in accordance with the Municipal Land Use Law (M.L.U.L.), it would be referred back to the Planning Board for a finding as to whether it is in conformance with the Master Plan. After the Planning Board's response to the Committee, there would be a second reading on the ordinance.

Chairman Pfeil asked the board members if they had any thoughts on the ordinance revision.

Committeeman Roshto noted that in Section 182, the Schedule of Fees and Escrow Deposits, the Zoning Administrator, Mrs. Wolfe, felt that #13 was unnecessary. Mr. O'Brien agreed with that so he asked that #13 be stricken which would mean possible renumbering in Section 181.

Committeeman Roshto also pointed out that Item No. 20 went up by 700%. He discussed this with Mrs. Wolfe who had done an excellent job of explaining why the escrow accounts had been severely under-funded. The old escrow was \$500 and the new escrow is \$3,500.

Mr. Wallisch asked if that was the most notable increase or decrease.

Committeeman Roshto affirmed that it was.

Mr. O'Brien said that the discussion at the Ordinance Subcommittee meetings was to ensure there was enough escrow in place to handle what was expected. In the past, when another hearing was required and the escrow had been expended for the first hearing, there were no funds for the next hearing. It was a major concern of the subcommittee.

Chairman Pfeil said that if the board members looked at the spreadsheets that contained the actual fees and escrow deposits, they would see that the actual costs were even higher than the \$5,000 being asked for as a deposit.

Mr. Aroneo asked if the subcommittee referenced neighboring towns this time.

Committeeman Roshto answered that they did not. They did not feel it was necessary.

Mr. O'Brien said that it had been done last time and there was a lot of back and forth. Those final numbers were in front of the subcommittee when this revision was being worked out.

Mr. O'Brien asked Committeeman Roshto, in Section 181.2(a) and 182.26 for Special Hearings going on to 181.2(b)(1) and 182.27 for Additional Hearings, if the Board wanted to be that specific for the line item when that schedule may change over time. He asked if it might be better just to say "Section 182" because it would be listed there with a heading.

Committeeman Roshto felt that that was a good idea. It would make it a lot easier since it would never change.

Chairman Pfeil felt that it made sense. He asked if there was anymore discussion on the proposed changes. There was none from the board members. He then opened the meeting to the public for input. There was none.

Mr. Moholkar stated that he was in favor of moving forward with the ordinance as amended. There was discussion amongst the board members to move and second a motion.

Mr. Lemanowicz questioned the deletion of Item No. 13 on the Schedule of Fees and Escrow Deposits which referred to non-residential subdivisions. He felt that without that item, if there was a non-residential subdivision application, the township could potentially have an application for which they did not have a fee.

Committeeman Roshto said that the statement in the emails was that it never happens and therefore was unnecessary.

Mr. O'Brien asked if Item No. 13 was deleted, should Item No. 12 read "Major, Preliminary approval" and leave off the word "residential".

Mr. Lemanowicz noted that although it hadn't happened in the past, looking at the Walgreen's property, there might be a possibility of subdivision there.

Mr. O'Brien added that there were two (2) or three (3) possible lots there.

Committeeman Roshto asked if the word “residential” was struck from Item No. 12, how would the Board address the fact that non-residential is per square foot and the residential is per lot.

Chairman Pfeil suggested that Item No. 13 be left in. The board members were in agreement with that.

Committeeman Roshto said that would mean that no changes were necessary unless the board members wanted to go back and change the numbers as suggested by Mr. O’Brien. For example, in 181.2(a) it said, “the fees specified in Section 182.26”. Mr. O’Brien suggested that the “.26” be deleted so that it would simply say as “specified in Section 182.” However, there would be no harm in leaving it this way since it was going into an ordinance that has to be changed later anyway.

Mr. O’Brien said although it may change down the line, it seemed cleaner not to do it so specifically.

Mrs. Dapkins said that the Township Committee may have thoughts on changing something.

Mr. Hands added that it would come back to the Planning Board for review after that.

Committeeman Roshto clarified that if reference was made to Section 182 generally as opposed to being specific, referring to the example of Section 182.26, the ordinance would not have to change each time there was a change on the Schedule of Fees and Escrow Deposits. It would be cleaner.

The board members agreed and Committeeman Roshto stated that he would make the appropriate changes.

Mr. Moholkar emphasized that the changes must be made across the board.

Committeeman Roshto agreed. There was a question as to whether reference to Section 182 should be stricken as a whole.

Mr. Aroneo felt that there should be some reference to a fee within the ordinance.

Mr. O’Brien compared it to the Zoning Ordinance where in Section 131, there is listing of all of the bulk requirements. Section 182 lists all the fees and escrows. Throughout the Zoning Ordinance, reference is made to Section 131. In similar fashion, Committeeman Roshto is stating that if there is a fee, reference Section 182.

Committeeman Roshto wanted clarification as to whether, if in 181.1 “General” it references Section 182, in 181.2(a) should the entire reference be struck since it’s already referenced in 181.1 or should it be left at Section 182.

The board members felt it should be left. There were discussions amongst the board members and the consensus was that the ordinance was ready to be moved forward. Several members stated that there had been a motion and a second earlier. Mr. O’Brien suggested that Mr. Wallisch, who seconded Mr. Moholkar’s earlier motion, revise his second to include the revised draft. Based on that, Mr. Moholkar motioned and Mr. Wallisch seconded the motion to approve the revised document.

A Roll Call Vote was taken. Those in Favor: Mr. Aroneo, Mrs. Dapkins, Mr. Moholkar, Committeeman Roshto, Mr. Wallisch, Mr. Hands, and Chairman Pfeil. Those Opposed: None. Motion passed.

Committeeman Roshto stated that he would make the changes and forward the ordinance to Ms. Kiefer who would then forward it to the Municipal Clerk along with a letter from the Planning Board to the Township Committee.

Mr. O’Brien congratulated Committeeman Roshto and the Ordinance Subcommittee for their good work.

**DISCUSSION – SECTION 150 DEVELOPMENT DESIGN STANDARDS**  
**GENERAL RESTRICTIONS 155.1(l) “PORTABLE SIGNS”**

Chairman Pfeil said that the next topic of discussion was Section 150 “Development Design Standards”, specifically the general restrictions on portable signs. He asked Committeeman Roshto to brief the Board as to what the driver was on this topic.

Committeeman Roshto said that there was a suggested ordinance that was placed in front of the Township Committee for discussion, *not for a reading*, to allow for, in certain business zones and in the office zone, the ability to place what the ordinance was calling “sandwich board signs” also called “A-frame signs”. Through that discussion at the Township Committee level, two things happened. The first was a vote to hold in abeyance the enforcement of sandwich board signs so that businesses could place them out now and up until sometime later in the fall. By allowing them to do that and not enforcing the current ordinances which do not permit sandwich board signs, the Township Committee would be able to determine how important or viable this was and how it would affect the community. He had only seen a couple signs so far and felt that more might come out during the summer. From the discussion, the Township Committee agreed that they wanted to hear from the Planning Board and ask them to develop an ordinance or some suggestions on the correct framing of an ordinance. The Planning Board would review it and see how it fit with the Master Plan to see what would be appropriate or whether it would not be appropriate at all. They would then craft an ordinance and take it back to the Township Committee.

Mr. Wallisch asked what drove this discussion in the Township Committee in the first place.

Committeeman Roshto answered that the businesses in town had approached one of the Township Committee members or vice versa and it was then proposed by one of the committeemen.

Mr. Aroneo asked if this was considered a trial period between now and September.

Committeeman Roshto answered that it was.

Chairman Pfeil said that that decision had already been made.

Mrs. Dapkins asked how the businesses were made aware of this.

Committeeman Roshto said it had been publicized in the newspaper and he wasn't sure if it was on the website. He added that the Chamber of Commerce had been doing a good job of communicating with their members.

Mrs. Dapkins said that a lot of people don't read the Echoes and asked if it could be put on the website.

Mr. Aroneo said that this ordinance might not be something that the township wanted.

Committeeman Roshto stated that he had voted against holding up enforcement of the current ordinance. He felt that the trial period would not tell the township one way or another whether it would be a good thing or a bad thing. He added that his vote did not mean that he was voting against signs.

Chairman Pfeil opened the meeting to the public for comment and input.

Dennis Sandow, representing the Chamber of Commerce, stated that the ordinance which he assumed that the board members had in front of them (they did not) was drafted by the township attorney based on work that he had done for other towns. It was circulated through the Chamber of Commerce for comments. Most of those comments were reflected in the draft which was discussed by the Township Committee. Because of the fact that there was some discussion which had to do with rural character and standards, it might have dragged out for a long period of time and the summer season was approaching. He proposed that the township simply forbear from enforcement of the current regulation. For the record, the attorney called it "ministerial discretion". The Township Committee voted that the ministerial discretion would be to not enforce the current ordinance. The current ordinance that is being referred to, talks about "portable signs". It is not specific to "A-frame" or "sandwich board signs". For a six (6) month trial period, the Township Committee has decided to not enforce the current ordinance against "portable signs". This would include the sidewalk signs. He referred to some pictures that Mr. O'Brien had on his desk and asked that they be passed around to the board members. There was discussion among the members that they were in possession of the pictures already however Mr. Sandow said that they were not the ones he was referring to.

Committeeman Roshto stated that, for the record, the board members had a packet of three (3) documents consisting of 15 different town ordinances, pictures from surrounding towns, pictures of various options, and also a list of 25 questions that the Planning Board should go through to help determine how they should proceed.

Mr. Sandow indicated that he had put together just the four (4) pictures that were taken recently. He noted that of the four (4), only two (2) were sandwich board signs or A-frame signs. As a matter of convention, he felt that they should start talking about these as sidewalk signs because two (2) of the four (4) are straight-up-and-down. Generically, however, they are sidewalk signs. The intent of the ordinance was to make them lawful at any time without any special permit. As long as the business is open, the sign could be out on the sidewalk in a place where it wouldn't interfere. The sign that is buried in snow banks at the gift store in Stirling was the first one to go out lawfully on March 1, 2014. The sign in front of St. Vincent's Church, a homemade sign of 2-by-4's, is sturdy and will not blow away. The other two (2) are fairly recent. The purpose is to give the businesses in town a little bit of a leg-up on advertising. He understood the arguments that could be made against clutter however he felt that there was a compromise somewhere. He pointed out that the two (2) signs in front of churches would become unlawful if this ordinance as written were to go into effect because those two (2) churches are in residential zones and the ordinance only applies to business zones. It is an issue that should be on the discussion list as to where the signs will be permitted.

Committeeman Roshto indicated that two of the signs were using replaceable lettering which is not permitted in the proposed ordinance.

Mr. Sandow stated that in the final draft that the township attorney, Jack Pigeon, put together, that phrase was bracketed. He wasn't sure whether to leave it in or take it out since it was something that he had borrowed from another town.

Committeeman Roshto clarified that he didn't place the one from the Township Committee in the packet because it was almost word-for-word with one of the ones that he did put in the packet. So almost the entire ordinance was taken from another town and that was what was in the packet.

Mr. Sandow cautioned the secretary to circulate the most recent version of the ordinance that the Township Committee attorney proposed because it had at least nine (9) changes that were proposed from the original draft.

Committeeman Roshto indicated to Ms. Kiefer that that request was made and he did not know if it had gotten to the Board or not.

Ms. Kiefer stated that to her knowledge, she had not received it, and it had not been distributed to the Board.

There was some confusion as to which version was distributed in Ms. Kiefer's email of April 7, 2013.

Mr. Sandow stated that the most current version lists the zones in the first paragraph. If it includes the Meyersville Hamlet Zone, then it is the most current.

Mr. O'Brien indicated that the version distributed the previous day by Ms. Kiefer started with definitions and hence, was *not* the most current.

Committeeman Roshto indicated that the email originated with the Municipal Clerk, Cathy Reese, and was sent to Mrs. Wolfe as a single attachment.

Mr. O'Brien asked if the 2013 Sign Ordinance is the current ordinance.

Committeeman Roshto affirmed that it is current as of today.

Mr. O'Brien asked if the conversation topics were something that came from the Township Committee.

Committeeman Roshto stated that they had not come from the Township Committee. He had put them together. He said that none of the packet had come from the Township Committee.

Mr. Sandow asked if the board members had the document from the Municipal Clerk with the version that was on the table at the Township Committee meeting.

Committeeman Roshto answered that it was in their mailboxes and he would make sure that it was forwarded.

Mr. Sandow said that presumably that was the document that the Township Committee wanted the Planning Board to deal with.

Chairman Pfeil said that the email would catch up to the board members before the next meeting.

Mr. Sandow indicated that there was no particular urgency because of the fact that the township had given "ministerial discretion" to not enforce the current ordinance and that that discretion extends through October (he believed). The ordinance that would legitimize the signs would not have to be on the books until then. That gave the Planning Board months to pay attention to what they observe on the streets and attempt to build a framework in their own minds as to what would detract from the ambiance of the town and what would support the ambiance of the town.

Mr. Sandow wanted to make the distinction that they were not talking about lawn signs. He explained that lawn signs are planted in the ground. Sidewalk signs are *not* planted. Lawn signs need a permit. Sidewalk signs would *not* need a permit (in the proposed ordinance). Lawn signs have a life expectancy of 30 days plus two (2) days after the event. Sidewalk signs would have *no* time limit except when the business is open (in the proposed ordinance). Lawn signs have size limits the majority of which are 24" X 18" since that is commercially available and inexpensive. Sidewalk signs would be limited to 30" X 50" (in the proposed ordinance). He asked the board members not to look at lawn signs or political signs. He then thanked the Board for their support.

Chairman Pfeil asked the board members if there were any questions.

Mr. Hands asked, without the ordinance in front of him, if there were standards adopted for the trial period. He asked if the signs were conforming to the ordinance and were they being monitored so that the trial period would be fair.

Mr. Sandow said that portable sign restriction was not being enforced so there are no standards. Presumably, a business person could come in with a monstrous sign in gaudy psychedelic colors. The members of the Chamber of Commerce had been encouraged to be discreet as to what to do since it is a trial and they didn't want to offend anyone. At this point, there technically is no restriction as to what can be used as a sign.

Mr. Hands was concerned that once something was allowed, people would feel it should be in the ordinance when it wasn't there in the first place.

Mr. Sandow said that a number of officials in the Chamber of Commerce had appointed themselves as a vigilante committee.

Mr. Hands asked if, during the trial period, the signs are taken indoors when the business is closed.

Mr. Sandow affirmed that that is what is proposed. He noted that the two (2) signs in front of the churches would not come inside. They are in the residential zone which is beyond the scope of the proposed ordinance. They are, however, lawful for the trial period. Someone would have to decide how to create language to finesse those points. He noted that the Episcopal Church states that its doors are never locked so theoretically they're open 24 hours a day

and that could be extended that to say that their sign is permitted 24 hours a day. These are issues that need to be worked out.

Mr. Hands asked if there were any exclusions to the type of businesses that would be able to put a sign out.

Mr. Sandow answered that the draft is specific to the business zones, the office zones, the Millington, Stirling, Gillette, and Meyersville zones, and the business zones on Valley Road. In that regard, there are only a small handful of residences that are left abandoned in those zones and he doubted that any of those homeowners would want to put it sign out so de facto, it's only in front of businesses except for the churches which are all in the residential zones.

Mr. Aroneo asked if there was any enforcement in any residential zone.

Mr. Sandow answered that there is no enforcement, period, of the portable sign rule.

Mr. Aroneo said, "A period of anarchy."

Mr. Sandow said presumably anyone could have a sign of any size advertising anything on their property as long as it's not nailed down. The Zoning Officer will not come after them but the vigilantes might.

Mr. Aroneo said that there has always been an exception for real estate signs.

Mr. Sandow said that those are lawn signs that are planted in the ground. He pointed out that there is an exception for Help Wanted, Fill Wanted, and all political signs. Those are not at issue here.

Committeeman Roshto asked if in the ordinance, those were called "temporary signs" not "lawn signs"

Mr. Sandow said that that was correct. He explained that they were nailed down.

Committeeman Roshto stated that according to the ordinance, they did not have to be nailed down. A "temporary sign" also included a sidewalk sign. It does not have to be nailed down.

Mr. Hands asked what would happen at the end of the trial period.

Mr. Sandow said that at the end of the trial period, the Zoning Officer would go back to enforcing the current ordinance unless it has been amended by the Township Committee on the advice of the Planning Board.

Mr. Hands asked if the Chamber of Commerce could come up with some suggestions during the course of the trial period.

Mr. Sandow said that the Township Committee had deferred to the Planning Board on that matter.

Mr. Hands asked if, since the business owners would be the ones using the signs and have some experience, they would come up with some suggestions.

Mr. Sandow said that the Chamber of Commerce would be happy to discuss it with the Ordinance Subcommittee.

Mr. Hands felt that it would make some sense to have some input from the Chamber of Commerce.

Mr. Sandow said that they would probably back into this by noting the things that they *didn't* like and try to restrict those. The generic concern seems to be disturbing the rural ambiance. He noted that given the look of some of the intersections around election time, one would wonder what that really is all about. He used St. Vincent's Church as an example since they had a couple of signs on their lawn, all of which fit into different categories—advertising, lawn signs, sidewalk signs, free speech signs. He recalled an incident about four (4) or five (5) years ago where the Meyersville Inn put a big banner on the side of its building without seeking a permit advertising some festival that they were holding. It escalated out of control and the owner ended up taking it down. That was not good for the business community but he felt that there had to be a standard somewhere that would allow businesses to advertise and yet wouldn't affect the ambiance of the community. That is the balance that the Chamber of Commerce is seeking. If every business on Main Avenue and every business on Valley Road put one of these out, he would be concerned also but he suspected that they would not. He cited the example of outdoor dining which was restricted. A few years ago, the same "ministerial discretion" to not enforce the restriction was applied and only three (3) restaurants actually took advantage of it. The ordinance was rewritten because, of the 26 restaurants in town, it only influenced three (3) of them to actually try it. He noted that two (2) of those three (3) are now out of business.

Chairman Pfeil asked if the Chamber of Commerce investigated the surrounding towns to see what their position was.

Mr. Sandow answered that they have not done that.

Mr. Wallisch said that they had a copy of Harding Township's ordinance.

Chairman Pfeil added that they had a list of six (6) surrounding towns that do not allow them under any circumstances.

Mr. Moholkar said that they should come up with concerns such as hours of use, size, colors, things that the board members would want to discuss with the Ordinance Subcommittee. He asked Mr. Sandow if that would help the discussion.

Mr. Sandow felt that good taste could not be legislated.

Mr. Moholkar clarified that he was referring to issues such as hours of use—sun up to sundown, as an example.

Mr. Sandow said that the draft states, “When the business is open.”

Mr. Moholkar said that topics of concern such as hours would be discussion items for the Board to consider.

Mr. Hands asked, if this trial is deemed successful by whatever standard will be used, would the Chamber of Commerce expect the ordinance to follow quickly or would a two (2) or three (3) month gap of time be of no concern. He wanted to know if, at the half way mark, the Board should be considering the ordinance.

Mr. Moholkar felt that the Board should start consideration now regardless of the outcome of the trial. He referred back to Mr. Sandow’s example of outdoor dining. Although it was available to 26 eateries, only a few actually took advantage of it. He felt that the Board should consider it sooner rather than later and not wait for any success criteria. The Board should consider whether it wants to do this or not and under what guidelines, regardless of the success criteria.

Chairman Pfeil felt that that is why it is before the Board now. The trial period has started and this should be moving at least in the Ordinance Subcommittee with input and concerns from all the board members.

Mr. Sandow said that signage is always an issue on an application for site plan and an issue that is discussed at length in the ordinance. There is a standard of carved wood however on the drive from one end of Valley Road to the other, one could count the number of signs that actually comply with that part of the ordinance versus the number of signs that have been granted variances because the business involved in the application made an urgent case that this is the way their sign must look. Most of those signs had been installed long before the ordinance. He used the sign in front of Walgreens as an example of a sign that is not made of carved wood. So although there is a standard which reflects the ambiance of the community, the township is willing to accommodate the needs of the business. He felt that this was another case where accommodations could be made. He then thanked the Board for its help in achieving that goal.

Committeeman Roshto wanted to clarify that the email entitled “321-14 Sandwich Board Sign Ord.doc” was sent April 2 from Cathy Reese at Mr. Roshto’s request to the Planning and Zoning Administrator and it was not forwarded to the Planning Board.

Mr. Aroneo felt that Mr. Hands made a good point and that the board members should hear from the Chamber of Commerce on this.

Mr. Hands felt that they could give the board members some guidance and input for discussion of the ordinance. He didn’t want the Planning Board to do anything that would contradict what was wanted.

Committeeman Roshto pointed out that Mr. Sandow was representing the Chamber of Commerce.

Mr. Sandow said that the initiative for this came from a member of the Township Committee who is also a member of the Chamber although he is not specifically involved in a business that would use one of the sidewalk signs. He felt the need to satisfy the Chamber by bringing this to the Township Committee. Comments from other members of the Chamber along with those of Mr. Sandow have been included in the draft that was presented to the Township Committee and which should be seen by the Planning Board because that is the fundamental document that has already had one (1) round of review.

Committeeman Roshto disagreed that the draft had had one (1) round of review. He noted it was sent to the Committee’s legal advisor and one (1) committeeman.

Mr. Sandow corrected his statement to mean that the original draft had a round of review between the members of the Chamber, one (1) Township Committeeman, and the attorney and that many of those review points are included in the newest draft.

Mr. Aroneo asked if Mr. Sandow was authorized and speaking on behalf of the Chamber of Commerce or was he a member of the Chamber expressing his own views.

Mr. Sandow clarified that he was Direct Government Liaison for the Chamber of Commerce.

Chairman Pfeil asked Mr. O’Brien if he had any comments or questions.

Mr. O’Brien noted that in the recent past the Promotions and Enhancements Committee was looking at off-site signage which would have benefitted a number of businesses that were not located on a major street. He asked what had happened to the review of that.

Mr. Sandow answered that off-site signage began eight (8) years ago with a promise to a business that it would be allowed to place signs for the business off-site. As of now, the ordinance only allows business signage to be located on the business' property. He noted that it had gone back and forth between the Township Committee, the Planning Board, and the Promotions and Enhancements Committee, of which he was also a member. It last surfaced about two (2) years ago in the fall when a disgruntled business owner asked why it was taking so long. The Township Committee told him that they would get on it and referred it to the Planning Board. After going through another process, last summer it came back to the Township Committee and the Committee wanted some alternatives. Before additional signs were placed along the major roads, the Committee wanted to know which, if any, existing signs could be removed. That led to an inventory of some 1700 road signs in Long Hill. After discussions with the Police Department and the Public Works Department as to which signs could be removed, it turned out that there were precious few that could be removed. There are only two (2) businesses in town that are actively pushing for off-premises signage (on Valley Road) pointing to their businesses off of Valley Road. By Mr. Sandow's count, there are a maximum of 14 businesses in town out of hundreds that would qualify for the proposed ordinance for this. He felt that there had been a lot of time expended over the past eight (8) years in an attempt to get this ordinance on the books. It has been dormant since last summer because there had been no initiative anywhere to bring it back to the surface. He thought it was in the hands of the Promotions and Enhancements Committee to respond to the Township Committee as to which signs could be removed. Other than taking down signs that say "Lion's Club" since there is no longer a Lion's Club in the township, there are the church signs which are all non-conforming. Will the church signs be made to conform? He didn't have a suggestion on that and he was not sure how to put that on the table and that is why it's dormant.

Mr. O'Brien reiterated that it was in the hands of the Promotions and Enhancements Committee.

Mr. Sandow said that the Promotions and Enhancements owed the Township Committee an answer as of last August. They had met with the Police Department and a lot of the signage in question is county signage which meant that the Police Department had to ask County Police and County Highway to negotiate the removal of signs. It was a lot of work but the Township Committee wanted to know what could be removed if the Chamber wanted to add more.

Mr. O'Brien asked if the businesses located off the major roadways that were the intended target of off-site signage would benefit from a portable sign in front of their business.

Mr. Sandow answered that they would not because their businesses were located off the main drag. He noted the barber shop and medical supply shop located on Poplar behind the gas station and stated that no one knows they're there. They would like to see--

Mrs. Dapkins added that there was a florist located there.

Mr. Sandow said that there was a dentist behind Jaegar Lumber on North Warren. He noted that in Meyersville on Whitebridge Road there was a garden center. This was off the circle where portable signage would be permitted. There were 14 businesses altogether that would qualify if they were interested. Mr. Sandow said that any business located on the main drag, which because of zoning was almost all of them, would not qualify. He noted that in Gillette, there was an insurance broker and hair salon on Mountain Avenue who might qualify for a sign however they might not even be interested. Those were examples of the niche that is being discussed in off-premise signage. He felt that there had hundreds of hours spent on this over that past eight (8) years and he was reluctant to take the next step although it was something he would like to see happen. If it could be wrapped up in one big overhaul of signage, he was all for it.

Committeeman Roshto felt that it was possible. He had read through the current ordinance and felt that there were a number of things that were ambiguous and that some of the definitions were bizarre and needed fixing.

Mr. Sandow agreed and offered to discuss that if the Board wanted to spend a few more minutes on the subject.

Committeeman Roshto wasn't sure that that was something that the Planning Board was trying to accomplish that evening but still felt that it was something that should be discussed.

Mr. Sandow asked if religious organizations have special exemptions. He noted that there wasn't any verbiage in the ordinance about free speech signs but the township attorney gets very nervous every time there is an attempt to enforce a free speech sign. He said that there are lawn signs on front lawns that could fit the township's free speech issues that have never been enforced because of First Amendment issues. He asked what the difference was between a free speech sign and an advertisement sign.

Mr. O'Brien answered that it was the commercial aspect.

Mr. Sandow said that that was true except when it was in front of a church which isn't commercial. He noted that churches were allowed a great deal of latitude than the business community and they don't pay taxes. This is one of the issues that could be fixed in the sign ordinance although it would be a very delicate maneuver.

Chairman Pfeil thanked Mr. Sandow for his input.

Committeeman Roshto said that there were a couple of things that Mr. Sandow mentioned that would be valuable for the board members to discuss. One would be what standards would the Board want to see if they were to go with the A-frame sign or whatever the designation would be for now. Size, materials, restrictions on advertising, etc. are all issues. He noted that the first picture in the packet in front of the board members advertised beer. Would that be

something that the Board would want or would they want to restrict in some way. Would the Board want to allow plastic signs? How does it want to proceed or does it not want signs at all.

Chairman Pfeil stated that from his perspective, the first step would be to find out what was in the Master Plan to guide the board members in discussion. He then wanted to compare that with what is in the Master Plans of Berkeley Heights, Warren, Harding Township, Summit, and Watchung Boro that directs them to ban these signs completely. If Long Hill Township was going to be the first in the Valley Road corridor from Summit to allow these signs when everybody else doesn't—

Committeeman Roshto stated that Chatham Boro does allow them.

Chairman Pfeil agreed but noted that they were not on the Valley Road corridor. He said that the first step was to ask how to reconcile what is contained in Long Hill Township's Master Plan with allowing signage that isn't allowed now. What's the driver behind that? Gathering that type of input should come before assuming that the Board is going to allow the signs and begin work on the detail.

Committeeman Roshto agreed and asked Mr. O'Brien if he had any insight as to how this is addressed in the Master Plan.

Mr. O'Brien answered that there is quite a bit of wording in the Master Plan concerning the rural ambiance of the township and the desire of the Master Plan and the township to keep a rural oasis as an island surrounded by vast swaths of overdevelopment. He hadn't looked specifically in the Master Plan but that is the general thrust of the plan—to keep Long Hill as rural as possible recognizing that there are specific districts in Long Hill where business is allowed and encouraged and are given special rules that allow them to proceed. A number of the elements in the Master Plan specifically target those business and commercial areas. The overall Master Plan talks a great deal about how Long Hill is a rural oasis.

Committeeman Roshto asked Chairman Pfeil if he could ask a question of Mr. Sandow.

Chairman Pfeil didn't see any reason why not.

Committeeman Roshto asked Mr. Sandow if the Chamber of Commerce talked about signs designed for walking traffic versus vehicular traffic.

Mr. Sandow answered that that had been a discussion. The general consensus seems to be that there isn't that much walking traffic even on Main Avenue in Stirling. So the slow drive-by traffic is being targeted. The Millington Café sign and the sign in front of the jewelry shop on Main Avenue are oriented in size and so on to the slow drive-by traffic. Presumably walkers could look in the store window to see what is on sale. The discussion had come up, however there had been no specific position taken except that the drive-by is where the Chamber is aiming because drive-by traffic can't see the store name on the façade as they drive by. Therefore, businesses have to catch their attention at the curb line.

Committeeman Roshto clarified that by slow drive-by, Mr. Sandow didn't mean the 35 mph big sign saying, "Come In."

Mr. Sandow felt that that had been an issue on Valley Road. Many of the applicants on Valley Road have argued that they need signs larger than standard because of the fact that they are dealing with 35 mph traffic. Valley Mall, the Greek restaurant in one of its earlier incarnations, and Walgreens have all argued in favor of larger signs because of the higher speeds. In his opinion, the sidewalk signs won't have much attraction on Valley Road. It would be mostly in the smaller business districts.

Committeeman Roshto said that the reason for his question was that the Master Plan talks about wanting some of the business areas to encourage walking and strolling. If the Board is looking at signs to support the Master Plan, it would seem to him that it would want to encourage that kind of walking traffic—sit and stay-- as opposed to driving by—park and go—as it has been characterized before.

Chairman Pfeil asked if there were any other comments.

Mr. Hands wanted to return to the procedural process and decide how to continue. He felt the Ordinance Subcommittee should take a look at it.

Chairman Pfeil felt that first the Board needed some input from the board members, just to review the ordinance that was proposed which the board members had not seen yet. He felt the board members should have a chance to review that first.

Committeeman Roshto said that 95% of that ordinance was in their possession. It was taken from another town.

Chairman Pfeil reiterated that there had been approximately 15 changes made to the document that the board members currently had. He suggested that the board members review the updated document over the next two (2) weeks and discuss it at the next meeting.

Mr. O'Brien advised Chairman Pfeil that Committeeman Roshto had developed conversation topics and raised issues for discussion. Between the proposed ordinance, Mr. Roshto's topics, and a review of the Master Plan, the Board

might be prepared to discuss this at a subsequent meeting. Once the Board has given its comments, the Ordinance Subcommittee could place it on its agenda for more specific wording.

Chairman Pfeil felt that that was appropriate. He asked the board members to review the documents and be prepared to discuss them at the next meeting since there were no applications scheduled for that meeting.

Committeeman Roshto asked if it was going to be placed on the next agenda.

Chairman Pfeil said that they would try.

Committeeman Roshto wanted to encourage the public to come out and offer opinions as well as members of the Chamber.

Chairman Pfeil asked Mr. O'Brien to update the status of active and inactive items.

Mr. O'Brien noted that he had sent out a Status Recap the day before, in both a track changes document and a clean document. He referred to the track changes document and noted that he had taken away the introduction under Planning Initiatives Status Report which told the Board what he was doing in terms of that report.

Mr. O'Brien said the under Status Recap, Item B, the Fee and Escrow Draft Ordinance was removed because that was no longer under review by the Ordinance Subcommittee and in fact the Planning Board took action on this evening. He added the item "Master Plan Issues" which is something that the Ordinance Subcommittee is going to look at as they get to it. These are the issues that were raised in last year's Reexamination of the Master Plan where the Board suggested specific changes to the development ordinances of the township.

Mr. O'Brien moved to Item D, "Open Issues Before the Planning Board" where he had crossed out the Fees and Escrow Deposit Ordinance which would be forwarded to the Township Committee.

Chairman Pfeil said under "Open Issues before the Planning Board" Morristown Road Rezoning was listed. He asked for a recap as to where the Board was with this issue. He felt it had been moving forward and then stopped when the Planning Board spent a large amount of time on an application.

Mr. O'Brien said that as of mid to late last summer, Thomas Delia, the Zoning Officer and one of the neighborhood's residents had given input and he had reviewed uses and past ordinances. The material was gathered together and he was awaiting further instructions from the Board as to when it would be on the agenda. Due to the level of activity of the Board towards the end of last year, it never made it to that level. When the Board is ready to review it, it should be placed on the agenda. He suggested that the Board give them at least three (3) to four (4) weeks so that everything is prepared. The board members would receive the background report and the information would be reviewed. If the Board so wished, Mr. Delia could be in attendance as well as the neighbor who is helping with this.

Chairman Pfeil asked if this could be done for the first meeting in May.

Mr. O'Brien indicated that it could.

Bill Stroh, Morristown Road, indicated that he would not be available for the first meeting in May.

Chairman Pfeil expressed concern that there were several applications in queue.

Mr. O'Brien stated that perhaps there would be time either before or after an application.

Mr. Stroh indicated that it was his understanding last March that Mr. Delia was going to do the study and that Mr. O'Brien was going to get together with his planner, Mr. John Leoncavallo, and put a report together.

Mr. O'Brien stated that Mr. Delia had finished a draft report last summer. Mr. O'Brien had met with Mr. Leoncavallo once or twice last summer and there is a draft available. He was waiting for the Board's instruction to finish it.

Mr. Stroh asked if it was a draft of a zone ordinance proposal.

Mr. O'Brien indicated that it was for consideration and discussion purposes. He would share whatever was prepared by the township with Mr. Stroh and his staff as well as with the Board and anyone else.

Mr. Stroh asked if his attorney should be present along with Mr. Leoncavallo during the Board hearing.

Mr. O'Brien advised him to review what is prepared and if he had any concerns or questions, he and/or his representatives could ask those questions or make a presentation. The Township findings may be that these are the various uses that are there and these are the uses that the Board is aware of historically. These are the zoning ordinances that have been in effect in this area and Mr. Stroh may feel that it might be important for the Board's discussion to give his personal history of what has happened. Mr. O'Brien emphasized that now was the time to make sure that the Board had all the information. The report from the township would be a factual report—this is what's happening, this is what the Board has to decide. Anything that Mr. Stroh could provide to the Board either by himself or through his representation would be welcome by the Board and would be helpful in their discussions.

Chairman Pfeil asked Ms. Kiefer for the meeting date.

Ms. Kiefer answered that it was the 27<sup>th</sup> of May.

Mr. O'Brien moved on to Page 2, "Ordinances". Under the Ordinance Subcommittee, Item B, he had added that the Ordinance Subcommittee is currently reviewing the draft and the concept of the Land Development Ordinance. Mr. Lemanowicz had discussed this at the last meeting. The Land Development Ordinance is part of various environmental ordinances that have been discussed. It is something that is in front of the Ordinance Subcommittee.

Mr. O'Brien moved on to Page 3 where he had added the Fee and Escrow Deposits Ordinance which would now be deleted.

Mr. O'Brien then noted that on the top of Page 4 there is an update from the Recreation Committee. As Committeeman Roshto pointed out, the Recreation Committee has worked on an element to the Master Plan. This is another document that must be worked on and brought to the Planning Board for discussion. As soon as the Board is ready to calendar it, it could be finished up.

Chairman Pfeil asked for an update as to when the Recreation Committee would be ready.

Mr. O'Brien said that the Recreation Committee had submitted a draft and as soon as he knew what the Board's intentions were, he would work with that Committee on revising the draft and then present the Board with a revised draft.

Mrs. Dapkins asked if the board members would get to see the draft in its present form or did they have to wait for the revised version.

Mr. O'Brien answered that if the board members would like to see the current version, he would provide it.

Chairman Pfeil felt that that would be a logical place to start.

Mr. O'Brien said that that would be one way. The other way would be to wait until he had made the appropriate changes based on the Master Plan and past practices.

Chairman Pfeil and Mrs. Dapkins both expressed the desire to see the draft element in its current form so that they could get an initial read. Chairman Pfeil said that it was his goal to get all the elements completed by the end of the summer.

Committeeman Roshto said that the Historic Preservation Element might not make it by the end of the summer. There was a new member who was excited to work on the element. It hadn't been touched for over a year and needed to be updated. He did point out that it was very close but the new person might have some additional input.

Chairman Pfeil said that he was referring to anything that was ready for the Planning Board should be moved through.

Mr. O'Brien said that if anyone wanted to see the past proposals, he would be more than happy to provide whatever he had in his archives.

Committeeman Roshto then referred to the Millington Element.

Chairman Pfeil said that that was still on his desk.

Committeeman Roshto said that that was the Millington TDR Study which was different.

Mr. O'Brien said that they were all in the same group.

Committeeman Roshto asked Mr. O'Brien if he was lumping them both into the Millington Element. Committeeman Roshto said that they talked about finishing the Millington Element and then working on the TDR.

Mr. O'Brien said that the element would feed the TDR. Last year it was called a TDR Study Group so he had just kept that same designation.

Chairman Pfeil said that it was being worked on. He had to reconvene that subcommittee.

Mr. O'Brien said there were a number of meetings last year but what was needed was an update as to where they were.

Chairman Pfeil said that Dr. Rae is on the subcommittee now and Charles Arentowicz is no longer on the subcommittee.

Mr. O'Brien noted that there were a number of real conceptual decisions that needed to be made as part of that review.

Chairman Pfeil said that he had inherited the files and he was in the process of organizing them.

Committeeman Roshto said that he had served on the subcommittee at one point but was no longer on it. He also stated that he would be unable to rejoin the subcommittee.

Chairman Pfeil asked if there were any volunteers to serve on the subcommittee.

Committeeman Roshto asked how close they were to finishing.

Chairman Pfeil said that Mr. O'Brien had given them a list of comments that had been partially reviewed. He said that he would get in touch with Dr. Rae to see what his opinion was.

Chairman Pfeil asked Mr. O'Brien if someone who is *not* on the Board could serve on the subcommittee.

Mr. O'Brien answered that they could.

Committeeman Roshto said that he would double check that.

Chairman Pfeil said he thought that members of the public could serve.

Committeeman Roshto said that he had never read anything but he had heard.

Mrs. Dapkins indicated that it had been done in the past.

Mr. O'Brien said that there had been a group last year that had been established—

Committeeman Roshto said that that had been established by the mayor and that he had the authority to do that. He didn't think the Planning Board had that authority.

Chairman Pfeil said that it was unnecessary to take up the full Board's time on this question and asked Mr. O'Brien if it was possible.

Mrs. Dapkins asked if it would be in the Municipal Land Use Law (M.L.U.L.)

Mr. O'Brien said the M.L.U.L. allows the township to appoint an advisory committee to the Planning Board.

Chairman Pfeil asked if there was no further activity on Item 4 "Inactive".

Mr. O'Brien said that the New Jersey Supreme Court recently found that since COAH had not met for over four (4) years and had failed to establish the standards that the Supreme Court required them to set last October, they have given them an additional six (6) months to come up with those standards.

Chairman Pfeil asked if any board members had any old or new business to bring up before the Board. Seeing none, he requested a motion to adjourn. Mrs. Dapkins moved and Mr. Wallisch seconded. A Voice Vote was taken and the motion was carried unanimously. The meeting was adjourned at 9:20 P.M.

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CYNTHIA KIEFER  
Planning and Zoning Secretary