

MINUTES

JANUARY 13, 2015

PLANNING BOARD

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

Ms. Kiefer called the meeting to order at 7:35 P.M. She 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 on December 18, 2014.

PLEDGE OF ALLEGIANCE

OATH OF OFFICE

Ms. Kiefer administered the Oath of Office to new appointees Guy Piserchia, Guy Roshto, Gregory Aroneo and David Hands.

ROLL CALL

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

Excused:

J. Alan Pfeil, Member
Suzanne Dapkins, Member
Guy Piserchia, Member
Ashish Moholkar, Member (arrived 7:55 p.m.)
Guy Roshto, Member
Gregory Aroneo, Member
Timothy Wallisch, Member
David Hands, Member

Brendan Rae, Mayor

Kevin O'Brien, Bd. Planner
Thomas Lemanowicz, Bd. Engineer
Dan Bernstein, Bd. Attorney
Cynthia Kiefer, Bd. Secretary

Ms. Kiefer asked the Nominating Committee of Mrs. Dapkins and Mr. Hands for their report. Mr. Hands stated that the committee recommended nominating Mr. Pfeil as Chairman once again. There were no further nominations. Mr. Roshto motioned to nominate Mr. Pfeil and Mr. Wallisch seconded the motion. A **Voice Vote** was taken and Mr. Pfeil was unanimously re-elected as Chairman for 2015. Ms. Kiefer congratulated him and handed him the gavel.

Chairman Pfeil asked the Nominating Committee for its recommendations for the position of Vice Chairman. Mr. Hands stated that it was the consensus that Mrs. Dapkins be nominated to continue her role as Vice Chairwoman. There were no further nominations. Mr. Roshto motioned to nominate Mrs. Dapkins and Mr. Wallisch seconded the motion. A **Voice Vote** was taken and Mrs. Dapkins was unanimously re-elected as Vice Chairwoman.

8. APPLICATION REVIEW COMMITTEE

Chairman Pfeil asked for volunteers to serve on the Application Review Committee. Mr. Wallisch and Mr. Moholkar volunteered to serve on the committee again as well as Chairman Pfeil. Chairman Pfeil moved approval and Mrs. Dapkins seconded. A **Voice Vote** was taken and the motion was unanimously approved.

9. ADMINISTRATIVE SITE PLAN WAIVER SUBCOMMITTEE

Chairman Pfeil asked for volunteers to serve on the Administrative Site Plan Waiver Subcommittee. Chairman Pfeil and Mrs. Dapkins volunteered to serve on the subcommittee again. Mr. Roshto agreed to remain on as the Alternate. Mr. Wallisch moved approval and Mrs. Dapkins seconded. A **Voice Vote** was taken and the motion was approved unanimously.

10. ORDINANCE REVIEW SUBCOMMITTEE

Chairman Pfeil asked for volunteers to serve on the Ordinance Review Subcommittee. Mr. Hands and Chairman Pfeil volunteered to serve on the subcommittee again. Mr. Roshto volunteered to remain on the subcommittee until someone else could be found to serve. No vote was required since this was a subcommittee appointed by the Chairman.

Chairman Pfeil asked for comments or discussion from the Board on Items 11 through 15 on the Agenda (Planning and Zoning Administrator's Appointment, Planning Board Secretary's Appointment, Attorney's Appointment, Planning Consultant's Appointment, Engineer's Appointment) as listed below. There being none, he asked for a motion to approve these items in a single vote. Mr. Wallisch motioned approval of Items 11 through 15 and Mrs. Dapkins seconded. A **Roll Call Vote** was taken. Those in Favor: Mr. Aroneo, Mrs. Dapkins, Mr. Hands, Mr. Piserchia, Mr. Roshto, Mr. Wallisch and Chairman Pfeil. Those Opposed: None. Motion to approve Items 11 through 15 was passed unanimously. Mr. Moholkar was not present at the time of the vote.

11. PLANNING & ZONING ADMINISTRATOR'S APPOINTMENT

BE IT RESOLVED by the Planning Board of Long Hill Township that Dawn V. Wolfe is appointed Planning & Zoning Administrator of the Planning Board until the Organizational Meeting of January 12, 2016. The Planning &

Zoning Administrator will hold office hours at Town Hall, 915 Valley Rd., Gillette, N.J., Mondays, Tuesdays and Thursdays 8:30 A.M. to 4:30 P.M., Wednesdays 8:30 A.M. to 6:30 P.M. and Fridays 8:30 A.M. to 2:30 P.M.

12. PLANNING BOARD SECRETARY’S APPOINTMENT

BE IT RESOLVED by the Planning Board of Long Hill Township that Cyndi Kiefer be appointed Secretary of the Planning Board until the Organizational Meeting of January 12, 2016. The Planning Board Secretary will work 27.5 hours per week including all night meetings of the Planning Board.

13. ATTORNEY’S APPOINTMENT

WHEREAS, the Long Hill Township Planning Board requires professional legal services which shall include but not be limited to attendance at meetings, preparation of administrative documents and correspondence, miscellaneous legal research, consultation with the Board Members, Board Administrator, and other municipal personnel, as well as with legal representatives of applicants, and miscellaneous legal services (except for litigation and certain other types of services such as (a) Any litigation handled for the Board; (b) Any extensive or major redrafting of Township ordinances; (c) Drafting of resolutions; and (d) Review of easements, deeds, agreements or documentation pertaining to formation of a planned development, condominium, homeowners’ association, or the like; (e) Other matters requiring attendance at conferences, work sessions, etc., out of the office. Other types of legal services would also include the preparation of administrative documents and correspondence, miscellaneous legal research, consultation with the Board Members, the Board Administrator and other municipal personnel; and

WHEREAS, the anticipated term of this contract is (1) one year; and

WHEREAS, the Law Firm of Bernstein & Hoffman has submitted a proposal dated October 10, 2014 indicating that it provide the legal services at a rate of Five Hundred and Fifty (\$550.00) Dollars (or \$183.33 per hour) for attendance at meetings, and an hourly rate of \$162.00 for other types of legal services including those embraced hereinabove and those set forth above in Items (a) – (e); and

WHEREAS, the Law Firm of Bernstein & Hoffman has completed and submitted a Business Entity Disclosure Certification which certifies that the Law Firm of Bernstein & Hoffman has not made any reportable contributions to a political or candidate committee in the Township of Long Hill in the previous one year, and that the contract will prohibit the Law Firm of Bernstein & Hoffman from making any reportable contributions through the term of the contract; and

WHEREAS, in addition, this contract is for professional services and may be awarded without public bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township Chief Financial Officer, in accordance with N.J.A.C. 5:34-5.1, has certified in writing to the Township Committee the availability of adequate funds to pay the maximum amount of the contract;

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Township of Long Hill, in the County of Morris, State of New Jersey as follows:

1. A professional services contract with Bernstein & Hoffman, Attorneys at Law, 2253 South Avenue, Suite 8, Scotch Plains, N.J. 07076 is hereby authorized.
2. The Board Chairman and Planning & Zoning Administrator are authorized to sign a professional service contract with Bernstein & Hoffman, in accordance with the following terms and conditions:
 - A. Term: A period not to exceed 12 months
 - B. Rate: \$550.00 (or \$183.33 per hour) per meeting and \$162.00 per hour for other legal services as stated in Items (a) – (e) above
 - C. Services: The firm shall provide professional legal services
3. The Planning & Zoning Administrator, in accordance with the provisions of N.J.S.A. 40A:11-5 (1)(a)(i), is directed to publish a notice once in the Echoes-Sentinel stating the nature, duration, service and amount of this contract.

The Planning & Zoning Administrator shall make copies of this Resolution available for public inspection at the Municipal Building, 915 Valley Road, Gillette, New Jersey, during regular business hours.

4. This contract shall be charged to 01-2015-0020-0180-2-00236. The certification of available funds by the Township Chief Financial Officer shall be attached to the original Resolution and shall be maintained in the files of the Planning & Zoning Administrator.
5. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.

14. PLANNING CONSULTANT’S APPOINTMENT

WHEREAS, the Long Hill Township Planning Board requires professional planning services which shall include but not be limited to attendance at Application Review Committee Meetings prior to regularly scheduled Board meetings, attendance at Board Meetings; field work, research and writing; and any other task assigned by the Planning Board; and providing advice as a non-fair open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the anticipated term of this contract is (1) one year; and

WHEREAS, the firm of Shamrock Enterprises, Ltd. has submitted a proposal dated October 21, 2014 indicating they will provide the planning services at a rate of Five Hundred and Fifty (\$550.00) Dollars per meeting; and an hourly rate of \$125.00 for all other planning services, including field work, research and writing; and any other task assigned by the Board; and

WHEREAS, the Firm of Shamrock Enterprises, Ltd. has completed and submitted a Business Entity Disclosure Certification which certifies that the Firm of Shamrock Enterprises, Ltd. has not made any reportable contributions to a political or candidate committee in the Township of Long Hill in the previous one year, and that the contract will prohibit the Firm of Shamrock Enterprises, Ltd. from making any reportable contributions through the term of the contract; and

WHEREAS, in addition, this contract is for professional services and may be awarded without public bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township Chief Financial Officer, in accordance with N.J.A.C. 5:34-5.1 has certified in writing to the Township Committee the availability of adequate funds to pay the maximum amount of the contract;

NOW, THEREFORE BE IT RESOLVED by the Planning Board of the Township of Long Hill, in the County of Morris, State of New Jersey, as follows:

1. A professional services contract with Shamrock Enterprises, Ltd., Madison House, Ste. B., 866 Madison Ave., Rahway, N.J. 07065 is hereby authorized.
2. The Board Chairman and Planning & Zoning Administrator are authorized to sign a professional service contract with Shamrock Enterprises, Ltd., in accordance with the following terms and conditions:
 - A. Term: A period not to exceed 12 months
 - B. Rate: Meeting rate of \$550.00; and \$125.00 per hour for all other work including field work, research and writing and any other task assigned by the Board
 - C. Services: The firm shall provide professional planning services
3. The Planning & Zoning Administrator, in accordance with the provisions of N.J.S.A.40A:11-5(1)(a)(i), is directed to publish a notice once in the Echoes-Sentinel stating the nature, duration, service and amount of this contract.
4. The Planning & Zoning Administrator shall make copies of this Resolution available for public inspection at the Municipal Building, 915 Valley Road, Gillette, New Jersey during regular business hours.
5. This contract shall be charged to 01-2015-0020-0180-2-00221. This certification of available funds by the Township Chief Financial Officer shall be attached to the original Resolution and shall be maintained in the files of the Planning & Zoning Administrator.
6. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.

15. ENGINEER’S APPOINTMENT

WHEREAS, the Long Hill Township Planning Board requires certain technical and/or professional services hereinafter described as Engineering Consulting Services which shall include but not be limited to the following: serve as the general engineering consultant to the Planning Board; attend all meetings of the Planning Board as requested; advise the Planning Board on all engineering matters under their jurisdiction; the Consultant shall be available for consultation by telephone at all reasonable times; represent the Planning Board as its Professional Engineer pursuant to N.J.S.A. 40:55D-24; review site and subdivision plans, as requested; prepare special reports, plans, studies, applications, and similar work, as requested; testify on behalf of the Planning Board before Commissions, Agencies, or Courts of the State of New Jersey, as requested; and perform any other related engineering work, as requested; and

WHEREAS, the anticipated term of this contract is (1) one year; and

WHEREAS, Remington, Vernick & Arango Engineers has submitted a proposal dated October 23, 2014 indicating they will provide engineering services at a rate of One Hundred Eighty Three Dollars and Thirty Three Cents (\$183.33) per hour to attend night meetings. An hourly rate of One Hundred and Twenty Five Dollars (\$125.00) will be billed for engineering services for all other work including field work, research writing, and any other task assigned by the Board;

WHEREAS, the Firm of Remington, Vernick & Arango Engineers has completed and submitted a Business Entity Disclosure Certification which certifies that the Firm of Remington, Vernick & Arango Engineers has not made any reportable contributions to a political or candidate committee in the Township of Long Hill in the previous one year, and that the contract will prohibit the Firm of Remington, Vernick & Arango Engineers from making any reportable contributions throughout the term of the contract; and

WHEREAS, in addition, this contract is for professional services and may be awarded without public bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township Chief Financial Officer in accordance with N.J.A.C. 5:34-5.1 has certified in writing to the Township Committee the availability of adequate funds to pay the maximum amount of the contract;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Long Hill, in the County of Morris, State of New Jersey as follows:

1. A professional services contract with Remington, Vernick & Arango Engineers, 300 Penhorn Avenue, 3rd Floor, Secaucus, NJ 07094 is hereby authorized.
2. The Board Chairman and Planning & Zoning Administrator are authorized to sign a professional service contract with Remington, Vernick & Arango Engineers, in accordance with the following terms and conditions:
 - A. Term: A period not to exceed 12 months.
 - B. Rate: \$183.33 per hour to attend night meetings; and \$125.00 per hour for other engineering services as stated above.
 - C. Services: The Firm shall provide professional engineering services.
3. The Planning & Zoning Administrator in accordance with the provisions of N.J.S.A. 40A:11-5(1)(a)(i), is directed to publish a notice once in the Echoes-Sentinel stating the nature, duration, service and amount of this contract.
4. The Planning & Zoning Administrator shall make copies of this Resolution available for public inspection at the Municipal Building, 915 Valley Road, Gillette, New Jersey during regular business hours.
5. This contract shall be charged to 01-2015-0020-0180-2-00237. The certification of available funds by the Township Chief Financial Officer shall be attached to the original Resolution and shall be maintained in the files of the Planning & Zoning Administrator.
6. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.

Chairman Pfeil then asked for a single motion to approve Agenda Items 16 through 22 (Meetings – Executive and Regular, Robert’s Rules of Order, Calendar Order of Business, Notice of Publications, Notice of Meetings, Minutes, and Membership). Ms. Kiefer pointed out that there was one date on the calendar for 2016 and that was January 12 which would be the reorganization meeting. By adding this date, no notice would be required in December. A motion for approval of Items 16 through 22 was made by Mrs. Dapkins and seconded by Mr. Wallisch. A **Roll Call Vote** was taken. Those in Favor: Mr. Aroneo, Mrs. Dapkins, Mr. Hands, Mr. Piserchia, Mr. Roshto, Mr. Wallisch and Chairman Pfeil. Those Opposed: None. Motion to approve Items 16 through 22 was passed unanimously. Mr. Moholkar was not present at this time to vote.

16. MEETINGS – EXECUTIVE AND REGULAR

BE IT RESOLVED by the Planning Board of Long Hill Township that meetings, in general, will be held on the second and fourth Tuesdays of each month with the following exceptions: in July, August and December, the Board will only meet on the second Tuesday. Unless otherwise scheduled, all regular meetings will begin at 7:30 P.M. (or immediately following an executive session if deemed necessary) in Town Hall, 915 Valley Road, Gillette, N.J. Following is the Regular Meeting Schedule. If deemed necessary, Executive Session meetings of the Planning Board will be held in Town Hall, 915 Valley Road, Gillette, N.J. on the same dates as listed below at 7:30 P.M. *prior* to the regular meeting.

2015 PLANNING BOARD CALENDAR

All meetings to begin at 7:30 PM unless otherwise noted below:

<i>January 13, 2015 – Organizational Meeting</i>		
January 27	May 12	September 22
February 10	May 26	October 13
February 24	June 9	October 27
March 10	June 23	November 10
March 24	July 14	November 24
April 14	August 11	December 8
April 28	September 8	January 12, 2016

17. ROBERT’S RULES OF ORDER

BE IT RESOLVED by the Planning Board of Long Hill Township that Robert’s Rules of Order shall govern the deliberations of the Planning Board except when they conflict with any of the established rules of the Planning Board. Special committees and commissions may be created from time to time as directed by the Chairman or a majority of the Planning Board. Any or all standing committees shall be appointed by the Chairman and approved by a majority of the board. It shall be considered unlawful for any person to disturb any meeting of the Planning Board or any committee thereof; any person violating the provisions of the rule may be summarily ejected from Town Hall, the committee room or other meeting place. No person other than the Chairman of the Board shall address that body at any regular or special meeting except upon recognition of the Chairman or a majority of the members present at the meeting.

18. CALENDAR ORDER OF BUSINESS

BE IT RESOLVED by the Planning Board of Long Hill Township that the Calendar Order of Business shall be mailed or given to each member of the Board on or before the Friday before each designated meeting. The Chairman and any member of the Board shall have the right to place any item on the agenda.

19. NOTICE OF PUBLICATION

BE IT RESOLVED by the Planning Board of Long Hill Township that the following newspapers are designated to receive Notices as required by the Open Public Meetings Law: Courier News and Echoes-Sentinel. All notices required by the provisions of the Open Public Meetings Law shall be furnished to the newspapers designated for such purposes.

20. NOTICE OF MEETINGS

BE IT RESOLVED by the Planning Board of Long Hill Township, pursuant to the authority of the Open Public Meetings Law that the sum of \$20.00 annually is hereby fixed as a reasonable sum to be prepaid the Planning & Zoning Administrator of the Planning Board by any person desiring notice of all Meetings to cover the cost of providing said notice. All requests are to be made to the Planning and Zoning Administrator.

21. MINUTES

BE IT RESOLVED by the Planning Board of Long Hill Township that the minutes of the regular public meetings shall be sent to the Planning Board members and that a copy of said minutes be posted at the Town Hall. By this procedure and/or the unanimous agreement of the Board Members, the reading of said minutes shall be waived. Copies shall also be sent to the Planning Board Attorney, the Township Engineer, the Township Planning Consultant, and the Long Hill Township Library. The CD recordings of all public meetings of the Planning Board shall be retained for two years from the date of said meeting or until after the conclusion of the appeal time or the conclusion of any litigation, whichever is later. Arrangements for transcripts can be made through the Planning & Zoning Administrator. The cost of providing copies of audio recordings of meetings to any person desiring the same will be as determined by Township Ordinance.

22. MEMBERSHIP

BE IT RESOLVED by the Planning Board of Long Hill Township that the Board approves the application for membership for 2015 in the New Jersey Planning Officials at the established annual fee for 2015.

23. 2015 BUDGET

Mr. Wallisch asked if the Board knew what the expenditures were for 2014. Chairman Pfeil answered that they were in line with the budget and directed Ms. Kiefer to have the Leonard Ho, C.F.O, forward a breakdown of expenditures to the board members. Mrs. Dapkins motioned to approve the proposed 2015 Budget and Mr. Hands seconded. A **Roll Call Vote** was taken. Those in Favor: Mr. Aroneo, Mrs. Dapkins, Mr. Hands, Mr. Piserchia, Mr. Roshto, Mr. Wallisch and Chairman Pfeil. Those Opposed: None. Motion to approve the proposed 2015 Budget was passed unanimously. Mr. Moholkar was not present to vote.

BE IT RESOLVED by the Planning Board of Long Hill Township that the following proposed budget is hereby recommended to the Township Committee for inclusion in the 2015 municipal budget.

PROPOSED 2015 BUDGET

ACCOUNT NUMBER	ITEM	2014 BUDGET	2015 BUDGET
01-2015-0020-0180-2-00201	Miscellaneous	\$ 100.00	\$ 100.00
01-2015-0020-0180-2-00203	Office Supplies	1000.00	1,000.00
01-2015-0020-0180-2-00206	Printing	200.00	200.00
01-2015-0020-0180-2-00209	Conventions/Conferences	150.00	150.00
01-2015-0020-0180-2-00211	Equipment/Ser. Agreements	400.00	400.00
01-2015-0020-0180-2-00213	Legal Advertising	150.00	150.00
01-2015-0020-0180-2-00214	Publications	150.00	150.00
01-2015-0020-0180-2-00219	Dues/Memberships	250.00	250.00
01-2015-0020-0180-2-00221	Planning Consultant	18,000.00	18,000.00
01-2015-0020-0180-2-00236	Legal	2,000.00	2,000.00
01-2015-0020-0180-2-00237	Engineering	11,000.00	11,000.00
01-2015-0020-0180-2-00271	Educational	2,150.00	2,150.00
TOTAL		\$ 35,550.00	\$ 35,550.00
01-2015-0020-0180-1-00101	Salary - Full Time	\$ 38,000.00	TBD*
01-2015-0020-0180-1-00105	Salary - Part Time	\$ 27,000.00	TBD*

*To be determined in consultation with the Township Administrator.

24. MEETING CUT-OFF

Mr. Wallisch motioned approval of Item 24 and Mrs. Dapkins seconded. A **Voice Vote** was taken and the motion was unanimously approved.

BE IT RESOLVED by the Planning Board of Long Hill Township that, as a matter of procedure, it is the intention of the Planning Board not to continue any matter past 10:30P.M. at any regular or special meeting of this Board unless a motion is passed by the members then present to extend the meeting to a later specified cut-off time. Further, that this notice shall be made part of published operating procedures for applications to this Board and shall be made part of published operating procedures for applications to this Board and be announced at the opening of each regular and special meeting.

X X X X X X X

APPROVAL OF MINUTES

Chairman Pfeil asked if there were any comments or corrections concerning the minutes for the November 11, 2014 meeting. Mrs. Dapkins noted that on page 4 paragraph 19, the word “to” should be added after “Mr. O’Brien advised that the next action to be taken would be...” Mrs. Dapkins motioned approval of the minutes as amended and Mr. Hands seconded. A **Roll Call Vote** was taken. Those in Favor: Mr. Aroneo, Mrs. Dapkins, Mr. Hands, Mr. Roshto, Mr. Wallisch and Chairman Pfeil. Those Opposed: None. The minutes of November 11, 2014 were approved as amended. Mr. Piserchia was ineligible to vote since he was not present at that meeting. Mr. Moholkar was not present to vote.

Chairman Pfeil asked if there were any comments or corrections concerning the minutes for the November 18, 2014 meeting. Mrs. Dapkins noted on page one, “he” should be changed to “she” in the second sentence. Mr. Hands questioned the term “reducing salon” on page 5, second paragraph. Ms. Kiefer stated that this was what she heard on the tape however she would go back and listen again. Mr. Hands noted that on page 11, paragraph 5, it should read “in a Meyersville” rather than “in Meyersville”. Ms. Kiefer said that she would check that also.

Ms. Kiefer noted for the record that Mr. Moholkar had arrived (7:55 p.m.). Mr. O’Brien summarized the three (3) changes to the minutes for Mr. Moholkar’s benefit.

Mrs. Dapkins motioned approval of the minutes as amended and to authorize Ms. Kiefer to make any other changes necessary. Mr. Hands seconded. A **Roll Call Vote** was taken. Those in Favor: Mr. Aroneo, Mrs. Dapkins, Mr. Hands, Mr. Moholkar, Mr. Roshto and Mr. Wallisch. Those Opposed: None. The minutes of November 18, 2014 were approved as amended. Chairman Pfeil and Mr. Piserchia were ineligible to vote since they were not present at that meeting.

PUBLIC QUESTIONS OR COMMENTS

Chairman Pfeil asked if there were any questions or comments from the public on items **not** on the agenda.

RESOLUTION OF MEMORIALIZATION

BRIGID ANNIS	#13-14P
532 Meyersville Road	Minor Site Plan, Dev. Permit
Block 14701, Lot 25	Waiver, Bulk Variances

Mr. Bernstein noted that there were two (2) corrections. On page 7, the date should read “January 13, 2015” and on page 3, number 9, should read “ECLC” rather than Essex County.

Mr. Hands asked about an underscore mark at the end of Item 8. Mr. Bernstein said he was hoping find out what the second association was from Michael Bonner, attorney for the applicant, however he never got the information. The “and ___” would be removed.

Mrs. Dapkins motioned approval of the resolution as amended and Mr. Hands seconded. A **Roll Call Vote** was taken. Those in Favor: Mrs. Dapkins, Mr. Hands, Mr. Moholkar, Mr. Wallisch and Chairman Pfeil. Those Opposed: None. The motion to approve the resolution as amended was passed unanimously. Mr. Piserchia, Mr. Aroneo and Mr. Roshto were ineligible to vote since they were not present at that meeting.

RESOLUTION OF MEMORIALIZATION

RESTORE MEYERSVILLE, LLC.	#14-01P
596 Meyersville Road	Preliminary/Final Site Plan
Block 14701, Lot 27	Dev. Permit

Chairman Pfeil recused himself from discussions pertaining to these issues. He noted that he had inserted an agenda item right after this which was a request for a status update from Mr. O’Brien. He then left the room.

Mrs. Dapkins assumed the duties of Chairman at this point.

Mr. Bernstein stated that John J. DeLaney, attorney for the applicant, had wanted to make a statement however he had advised Mr. DeLaney that the time for statements was over. This was the time for the Board to adopt the memorialization resolutions. If it was in order for Mr. DeLaney to speak, it would be in order for all the members of the public as well as Gerard Legato, attorney for “Concerned Citizens of Meyersville.”

Mr. DeLaney wanted it on the record that he was present at this proceeding. He had problems with the resolutions however he was aware that Mr. Bernstein was not going to allow him to object to the form of the resolutions. He wanted it noted for the record that he disagreed with Mr. Bernstein’s statement that he was not being allowed to speak. He also noted that the applicant’s name should be spelled correctly.

RESOLUTION #1

Preliminary Findings and Decision that the use is a permitted Retail Service, a Fitness Center in the M-H Zone.

Mrs. Dapkins, Mr. Moholkar and Mr. Wallisch were eligible to vote. Mr. Wallisch motioned approval and Mr. Moholkar seconded. A **Roll Call Vote** was taken. Those in Favor: Mr. Wallisch, Mr. Moholkar and Mrs. Dapkins. Those Opposed: None. Motion was approved unanimously. Mr. Aroneo, Mr. Hands, Mr. Piserchia and Mr. Roshto were ineligible to vote.

RESOLUTION #2

Reiteration that the use is a permitted use in the M-H Zone and therefore not a substantially similar use.

Section 122.11b9.

Mr. Aroneo, Mr. Hands, Mr. Moholkar and Mr. Roshto were eligible to vote. Mr. Hands motioned approval and Mr. Moholkar seconded. A **Roll Call Vote** was taken. Those in Favor: Mr. Aroneo, Mr. Hands, Mr. Moholkar and Mr. Roshto. Those Opposed: None. Motion was approved unanimously. Mrs. Dapkins, Mr. Piserchia and Mr. Wallisch were ineligible to vote.

RESOLUTION #3

Determination that the amount of required on-site parking is 68 spaces.

Mr. Aroneo, Mr. Hands, Mr. Moholkar, Mr. Roshto and Mr. Wallisch were eligible to vote. Mr. Wallisch motioned approval and Mr. Hands seconded. A **Roll Call Vote** was taken. Those in Favor: Mr. Aroneo, Mr. Hands, Mr. Moholkar, Mr. Roshto and Mr. Wallisch. Those Opposed: None. Motion was approved unanimously. Mrs. Dapkins and Mr. Piserchia were ineligible to vote.

RESOLUTION #4

Denial of waiver under Section 151.2h.

Mr. Aroneo, Mr. Hands, Mr. Moholkar and Mr. Roshto were eligible to vote. Mr. Moholkar motioned approval and Mr. Hands seconded. A **Roll Call Vote** was taken. Those in Favor: Mr. Aroneo, Mr. Hands, Mr. Moholkar and Mr. Roshto. Those Opposed: None. Motion was approved unanimously. Mrs. Dapkins, Mr. Piserchia and Mr. Wallisch were ineligible to vote.

RESOLUTION #5

Applicant not entitled to relief from parking requirement of 68 spaces for requested facility.

Mr. Aroneo, Mr. Hands, Mr. Moholkar and Mr. Roshto were eligible to vote. Mr. Hands motioned approval and Mr. Moholkar seconded. A **Roll Call Vote** was taken. Those in Favor: Mr. Aroneo, Mr. Hands, Mr. Moholkar and Mr. Roshto. Those Opposed: None. Motion was approved unanimously. Mrs. Dapkins, Mr. Piserchia and Mr. Wallisch were ineligible to vote.

RESOLUTION #6

Denial of Application

Mr. Aroneo, Mr. Hands, Mr. Moholkar and Mr. Roshto were eligible to vote. Mr. Aroneo motioned approval and Mr. Hands seconded. A **Roll Call Vote** was taken. Those in Favor: Mr. Aroneo, Mr. Hands, Mr. Moholkar and Mr. Roshto. Those Opposed: None. Motion was approved unanimously. Mrs. Dapkins, Mr. Piserchia and Mr. Wallisch were ineligible to vote.

Chairman Pfeil returned to the courtroom. He then asked Mr. O'Brien to review the Status Update that he had provided to the board members. Prior to the meeting Chairman Pfeil met with Mr. O'Brien and agreed that the Ordinance Review Subcommittee would get into more detail and meet just before the next Planning Board meeting.

Mr. O'Brien said that he had prepared the Status Report for the Planning Board's December meeting so that the board members could see where the Board was at the end of 2014. There had been no developments since the last meeting so even though it was dated December 9, 2014, it was current. On page 5, the accomplishments of the Board in 2014 were listed including Item A "Lounsberry Meadow was funded for their improvements through the development money from the Affordable House Fund." The TIFA sidewalk agreement was reached with the owners and the county. The Master Plan Committee was formed and had been working since June. The updated Fee and Escrow Ordinance was adopted by the Township Committee. The Planning Board Membership Ordinance was adopted by the Township Committee. The Fee and Escrow Report was sent to the Township Committee in accordance with the ordinance. The Millington TDR Economics and Demographics were discussed by the TDR Committee late last year. A Clarification Ordinance which took up a number of imperfections in the Land Use Ordinance was forwarded to the Township Committee. It was his understanding that it would be introduced in the current session which started in January.

Mr. O'Brien then brought the board members' attention to pages 1 and 2 where he had listed the current status of the various initiatives of the Board. That included a number of things that had been finished and would be taken off this list in the future. He gave several examples and noted that the open issues were the Morristown Road Rezoning which was scheduled for the next meeting and the A-Frame Sign Review (Ms. Kiefer said after discussion with Dennis Sandow and Chairman Pfeil, it was decided to move that to the second meeting in March).

Mr. O'Brien noted that the Master Plan Committee was reappointed by the Township Committee at their reorganization meeting earlier in January. He said that they were working on the Valley Road reexamination.

Chairman Pfeil asked Mr. Roshto who was the Chairman of the Master Plan Committee, if the group was going to address Architectural Standards as part of its process.

Mr. Roshto answered that they had not discussed how they were going to address this however it was not part of the Master Plan. Chairman Pfeil said that if that subject belonged with the Planning Board, he wanted to get it on the agenda. Mr. Roshto said that it was largely done so it made sense to move forward on it.

Mr. Roshto said that at this time it made sense that the Master Plan Committee take all the elements and incorporate them.

Chairman Pfeil asked if there were any other questions or comments on Mr. O'Brien's report.

Mrs. Dapkins asked if Mr. O'Brien would be sending any information to the board members in reference to Morristown Road Rezoning.

Mr. O'Brien answered that this matter was originally scheduled in September and adjourned at the request of the applicant. Prior to that, he had prepared a report. Mr. Lemanowicz added that he had done some work also in reference to the wetlands and the flood plain some time earlier. He asked if she would like those reports reissued.

Mrs. Dapkins answered that she would. She added that the Environmental Commission had indicated that they would like to ask questions at the open public hearing on January 27, 2016.

Mr. Bernstein asked if his presence was necessary. He did not feel that it was.

Chairman Pfeil agreed.

Mr. O'Brien stated that the applicant would be represented by an attorney.

Mr. Bernstein said that he would be available if the Board wanted him to attend. He added that he did not think that an attorney was always required.

Mr. Hands asked if it was a complicated issue. Mr. O'Brien gave a brief description of the situation and rezoning request. The applicant was requesting that an area on Morristown Road be rezoned from Conservation to something that would allow the current non-conforming uses that had been in existence since the area was rezoned in 1995.

Mr. Bernstein said that he could attend and that he had some strong opinions concerning rezoning an entire area to satisfy a single site.

It was the consensus of the board members that Mr. Bernstein should attend.

Chairman Pfeil asked if Thomas Delia, Zoning Officer, had prepared an inventory of what was on those sites.

Mr. O'Brien answered that he did and that it had been part of Mr. O'Brien's report.

Ms. Kiefer asked Chairman Pfeil if he would like Mr. Delia to attend the meeting

Chairman Pfeil said that he would.

Ms. Kiefer advised that she would extend the invitation to him to see if he was available.

Mr. Aroneo asked what the non-conforming uses were.

Mr. O'Brien said that it had been zoned "Economic Development" through the 1995-96 Master Plan. Then it became Conservation which was primarily a residential zone. The former allowed a lot of commercial activities. He then outlined some of the uses. He noted that a list of a number of the current uses was prepared by the applicant. Mr. Delia also prepared a report of what he could see was happening on those properties.

Mrs. Dapkins added that Lombardo's Market was there by variance.

Mr. Piserchia said that this was not an application but a request. He asked if this Board had heard this request because this had gone back to 2011 or 2012.

Mr. O'Brien answered that it had never officially come before the Board. There had been several attempts to get it on the agenda last year.

Mr. Piserchia said that he would strongly agree with Mrs. Dapkins that Mr. Bernstein be present.

Chairman Pfeil asked if there was any new business. Seeing none, he entertained a motion to adjourn. Mrs. Dapkins motioned and Mr. Wallisch seconded. A **Voice Vote** was taken and the motion was unanimously approved. The meeting was adjourned at 8:25 p.m.

CYNTHIA KIEFER
Planning and Zoning Secretary

Date