

MINUTES

PLANNING BOARD

MAY 24, 2011

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Chairman, Mr. Connor, called the meeting to order at 8:02 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, 2011.

ROLL CALL

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

Christopher Connor, Chairman	A. J. Batista, 1 st Alt.	<u>Excused:</u>
Mead Briggs, Vice-Chairman		Brendan Rae, Member
Mayor Nanette Harrington, Mayor	Barry Hoffman, Bd. Attorney	
E. Thomas Behr, Member	Kevin O'Brien, Twp. Planner	
Donald Butterworth, Member	Thomas Lemanowicz, Bd. Engineer	
Kevin Dempsey, Member	Dawn Wolfe, Planning & Zoning Administrator	
Guy Piserchia, Member		
Michael Smargiassi, Member		

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PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

The minutes of March 8, 2011 were approved as written on motion by Mr. Butterworth and seconded by Mr. Dempsey. Dr. Behr and Mr. Briggs abstained as they were not present at that meeting.

PUBLIC QUESTION OR COMMENT PERIOD

The meeting was opened to the public for questions or comments.

Mr. Dennis Sandow, Millington, said that he believed at the end of the last meeting there was a very short discussion about carrying the Zoning Permit Ordinance to the next meeting (which would be this evening). He asked if is subsumed in one of the other agenda items or scheduled for some future meeting.

Mayor Harrington said that she needed to schedule a meeting with Mrs. Wolfe and Mr. Delia to go through Mr. Sandow's comments, update the flow chart, and contact Mr. Pidgeon with any changes that need to go into the document. She said that she has yet been unable to schedule the meeting and that is what the Zoning Permit is waiting for.

Mr. Sandow asked if there will be a problem with the 35 day clock?

In response to Mr. Hoffman, Mayor Harrington said that it has been introduced on first reading and was continued to the June 8, 2011 Township Committee meeting and she said she is hoping to get the work she had described done by then.

Mr. Hoffman said that, as long as the Township doesn't take action, it could be dealt with by way of review with this Board even beyond the 35 days.

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

Mr. Connor announced the Planning Board rebroadcast schedule.

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DISCUSSION

PROPOSED CHECKLIST

Mr. O'Brien said that for the last couple of months, a committee consisting of Mr. Batista, Dr. Behr, Mr. Connor, Mr. Lemanowicz and himself have been working on revising the checklists and the ordinance accompanying the checklists for revision. He said that the checklists are a series of requirements that an applicant is to comply with when they present an application to the Township for development. There are different checklists for site plan development, a subdivision, or for variances and they take up quite a bit of space. As we were approaching how to deal with the time of decision problem, he said that his conversation with Mr. Pidgeon indicated that what we should be working on is the definition of a complete application because that is what the statute refers to. He said that they have been working on what constitutes a complete application and are writing a complete application to mean that all of the things on the checklist have been complied with, as well as all of the fees put into the Township that are required. That way, the clock will stop when a *completed* application is presented to us. What the Board presently has in front of it is the last revised ordinance that introduces the checklists and defines a complete application and the checklists that go along with it. He said that the checklists are now in a table form and on the left hand side of the table are the stars that indicate whether or not that item is required per the relief that is being requested. He said that there are certain requirements that everybody has to provide, such as things like a survey, title blocks, and other useful items that are needed to review an application. He commended Mr. Batista for his unflinching determination

to get this done as quickly as we possibly can and said that he has been an enormous help to the committee. He welcomed the Board members to review the checklist and give him any feedback and said that he hoped to have a final draft to the Board by the next meeting.

Mr. Batista said that what this does, generally, is that it puts the 7 or 8 checklists that we have been using into a 6 page document which is a lot easier and more concise to deal with. In addition, the status is included on the right side of the document. Previously, applicants would put “N/A” if they did not provide something. In the new checklist, applicants are required to either say they are complying by providing it, or asking for a waiver and then giving the reasons why they want a waiver so that there is not a lot of “back and forth” between Mrs. Wolfe and the applicants and it can be dealt with up front.

Dr. Behr said that for the better part of a year it was clearly apparent, first to the Board of Adjustment and then to the Planning Board, that the process for applications, particularly for homeowners, had gotten more complicated than it needed to be and, therefore, more expensive than it needed to be. He said that, over a 3 or 4 year period, the amount of time and cost it took a homeowner to get a simple application through the Board of Adjustment doubled. It was the feeling of the subcommittee that that was unconscionable, particularly at a time when money is so tight for everybody. He said that this sits in the context of a couple of other things. One is an attempt to make sure that when an applicant shows up for the first hearing, everything they need to have in order for that application to be properly heard is present. The other part of it is that eventually this gets folded into an applicant’s brochure which is going to be an attempt to write, in the simplest possible language accessible to homeowners, an explanation of what they have to do in order for this process to work as smoothly and cost effectively for them as possible. He said that that is the larger context behind all of this – to try and make it easier for applicants and more cost effective to work with the system and get through things.

The meeting was opened to the public for comments.

Mr. Sandow noted a problem with the pagination of the checklist.

After a brief discussion, Mr. O’Brien said that it is a draft and the problem will be fixed.

Mr. Batista said that the final format is 5 pages.

In response to Mr. Connor, Mr. O’Brien said that this ordinance language introduces the new checklist into the actual ordinance because currently the ordinance is written in separate chapters for each requirement, so we are lopping several chapters from the ordinance and placing it in one small ordinance followed by the checklists to make things much simpler and eliminate the 25-30 pages from the Ordinance. Among the proposed changes is to add a Technical Review Committee to the process of determining completeness of an application which can be done at the discretion of the Administrative Officer who is the Planning & Zoning Administrator. By including a Technical Review Committee at the Administrative Officer’s discretion, it doesn’t have to happen for every simple application. We then have the opportunity to catch a lot of things up front and have a discussion with the applicant. He said that this will primarily happen on anything that is of a complex nature or, most definitely, of a commercial nature.

Mr. Connor noted that this process started last year and that Mayor Harrington used her skills of planning and charting and her contribution to get this initially organized was a very important start to the process. He also noted that Mr. Batista, Dr. Behr and others also contributed greatly.

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DISCUSSION

REVISED PROPOSED ORDINANCE RE: VALLEY ROAD BUSINESS DISTRICT

Mr. Connor recalled that the last time this was discussed we had finished comments from the Board and the public on whether or not residential should be included. It was recommended that it be deleted, at least by the Township Committee. He said that it is safe to say that there was a myriad of opinions and a general concern with residential, although he did not think there was a consensus, nor will there be one tonight. He said that he wanted to go over the other items of discussion that were brought up by the Township Committee. He noted that, although it is *related* to residential but a separate issue, senior citizen housing as a permitted use and affordable housing as required by COAH or by statute, were deleted. He asked Mr. O’Brien what he felt the impact of deleting those two items will be on the ordinance as well as the legal position on the Township.

Mr. O’Brien said that currently we have senior citizen/handicapped housing in the community. He said that the impact of removing it from Valley Road will be that there will be no other place to put it except in those zones where we currently have it, such as Lounsbury Meadows, but basically it is developed. He said that, if you want senior citizen housing, it has to go somewhere and, if it doesn’t go to Valley Road, then where would it go? That is a decision for the Board to make. He did not see a negative one way or the other if you are providing it elsewhere and there is room for expansion. He believed that there should be a reference to COAH mandated housing and Valley Rd. is probably an appropriate place for it because it would be denser housing than is typically allowed elsewhere in the Township. He said that there is some vacant land along Valley Rd. and there is opportunity to consolidate parcels along Valley Rd. If the State continues its mandate that affordable housing *must* be provided, he said that you will need to look at the Township in its totality and ask where that housing would appropriately go. He questioned if it would fit into the single family zones in the residential areas, the village districts, or the commercial

areas of the Township? That is a policy decision that the Board must work through. He felt that it is a good idea to have it allowed some place, because we don't know what the future of COAH holds. The last movement in COAH was that the State appealed the methodology that the third round of COAH used in determining the allocation of affordable housing – the growth share routing that they were using and how that affected each municipality and the numbers that were provided to each municipality. That appeal is at the Supreme Court level right now. His estimation was that, no matter what happens at the Supreme Court, whether they shoot the State down or change it or start all over again, there is going to be some kind of affordable housing component that municipalities are going to have to deal with and whether we have to provide “x” amount because we have to, or whether we have to provide another amount based on the growth that we have in the future – we don't know what the methodology is going to be. But whatever it is, the State for the last 30+ years has mandated municipalities to provide affordable housing. He felt that the likelihood of that mandate going away, looking at the trends, is remote.

Mr. Dempsey said that one of the big factors is not allowing us to buy our way out. He asked if that is still part of what is up there?

Mr. O'Brien replied that it is all up in the air. He said that the municipalities asked what does it matter *where* the affordable housing is provided and, in fact, doesn't it make sense to provide affordable housing in places where there is infrastructure, transportation, and job concentration so that people who need affordable housing can be in places where they can live and work? On the other hand, there are those who advocate that affordable housing should be in places such as our community and neighboring communities because not everybody has a high paying job and there are people who work at low paying jobs and need places to live in the vicinity of where they work. He questioned if that is 25% of our housing and who is going to give us those numbers, and that is what is front of the Supreme Court right now. He advised that he believed that we should have some component in our Ordinance that does address that either COAH, State statute, or whoever the successor may be, if we are mandated to have housing, we should have it someplace in the Ordinance.

In response to Mr. Smargiassi, Mr. O'Brien said that it is currently allowed in several zones.

Mr. Smargiassi said that the Valley Road Business District today does not include residential, so he was assuming that COAH is included in some other zone or village district. He also said that he would like some background as to the rationale or thinking behind why the Township Committee decided to eliminate COAH in the list. He asked Mayor Harrington or Mr. Piserchia if they had anything they could share with the Board.

Mr. Piserchia said that the intent of the Township Committee wasn't to remove COAH, in fact, he believed the general consensus of the Township Committee was that Valley Road is the perfect place for it. On the advice of Mr. Pidgeon, he said that their understanding was that the definition of what would be required is not coming any time soon. In absence of a real understanding of what would be required of every town in New Jersey – that is why it was removed. He said that, if we believed that some definitive list of what would be required was imminent, it would have been removed.

Mayor Harrington said that they were removing it with the understanding that when they did fully understand what was going to be required of us to meet our COAH obligation, they would clearly have to revisit where COAH was in the Township and come back at it. She said that we could decide that we want to include something now and then modify it when and if we find it is not adequate, or it is more than adequate, or modify it based on what we learn or not put anything in now and wait and see what our obligation is. She said that it was the thought of the Township Committee that we would wait.

Mr. Hoffman said that he would agree and, basically, this is a strategy issue or question of should a town not knowing, because we really don't, where this affordable housing and to what extent there will be some type of affordable housing component required by some entity, be it COAH or a succeeding agency, should we be pro-active and adopt something given that the likelihood is there will be some obligation and the something that might be considered in that vein would be “x” number of units of such and such type, or such greater amount or higher density as the State may mandate, so that you are taking the initiative – that is “Strategy A” – to provide for something and it is a demonstration of good faith and seriousness of intent to provide some type of housing of that nature. Or, as he suspected most towns have been doing, letting it go to “Strategy B”, saying if the State doesn't know where it is going, how could we expect to realistically be able to discern what the obligation may be, when it may be, so let's leave the first move up to the State and, not that we are shirking our responsibility, but we don't know and why should we get into a “morass” and, instead, let's wait to find out what, in fact, the legal requirements will be and then we will deal with it. He said that there is no right or wrong in an absolute sense between “A” and “B” strategy – it is a matter of judgment.

Mr. Piserchia said that the second part of what Mr. Hoffman said is exactly why he believed the Township Committee did what it did. However, he said that the Township Committee might look to this Board to tell it where they may be remiss on something. He said that it was an easy decision to make for exactly the reason Mr. Hoffman said – why get into it when we have no guidelines from the State? But, he questioned if there is a danger in doing what was done? He believed that Valley Road is the perfect place for affordable housing, as opposed to a developer coming in and saying that we don't have any such areas and then take us to court and put it on Meyersville Rd. or on Main St.

Mr. Dempsey said that at the time we started this, all through it, and at the time when we started writing it up, and maybe not when we passed it, there was a clear number that we had to meet. It wasn't until after we decided how we

were going to meet that number that they took it to court and it is up at the Supreme Court and actually the Governor did what he had to do to stop COAH. He said that there is a clear number and the only place this Township could put it was there to meet future growth.

Mr. Batista's recollection from the public meetings was that it was the only place that didn't cause an uproar, as opposed to the village of Stirling and the various other villages.

With regard to our credits, Mr. Briggs asked if there is any risk of losing them, or is that is an unknown too?

Mr. Hoffman replied, "Largely". It seemed to him that in any major litigation involving these types of issues, a town would be the first one to forcefully argue and present its credits that it has accrued as a demonstration of good faith and willingness to go into further development, but request recognition for what we have done to date.

Given that we have that "padding", Mr. Briggs asked if we would be able to have wording such that we recognize there might be a co-obligation, but given the fact that we do have this credit. He said that we don't have to be that forceful in designing our wording.

Mr. O'Brien replied that that is what we did with the Housing Element at the end of 2008 which is what was required under the statute to comply with COAH (to rewrite the Housing Element). At that time, he said that we had a credit in the vicinity of 80 or so units. The initial COAH obligation for Growth Share gave us around 110-120 units and then they revised that and somehow it miraculously became 170 or 180. So, either way we were going to be on the hook for something and our strategy at that point was to judiciously use those credits for our commercial development, so that if a new store or a new commercial development wanted to come in, that obligated us to new housing. So we would use the credits on that side of the ledger and, if we started building additional homes, we would have to provide an affordable unit for every four market units and we would make that happen through the Ordinance that if you build four houses, you must give us one and we would use the credits on the commercial side. Where that is right now, we don't know. He said that the underlying structure that has been there for 30+ years, he could only imagine will exist in some form so that we can recognize what comes out of the litigation and what the Governor and Legislature do. To answer Mr. Smargiassi's question, he said that currently COAH housing is allowed in the senior citizen zone which is the Lounsbery Meadows development. He believed that one of the reasons it was expanded to the Valley Rd. Business District was because Lounsbery had very limited ability to expand.

Mr. Connor said that there are currently 51 units in Lounsbery Meadows.

Mr. O'Brien said that they could expand to another 15-20 units or so.

Mr. Connor did not believe that there is much space to expand there without buying additional property.

Mayor Harrington, who is a member of the Lounsbery Meadow Board, said that they talked about that order of magnitude (15 or 20 potential units).

Mr. Dempsey said that in the last revision of the COAH requirements, you couldn't satisfy your COAH requirements with just this type of housing. You had to have apartments, houses, and seniors and you had to have a percentage of everything, so we couldn't say that we have ourselves a senior housing complex and we are done.

Mr. O'Brien said that, even though it was a senior citizen zone, the COAH allowance subverted that so that you could have handicapped and lower income units which he felt was another reason that the Board decided to let it go to Valley Rd. so that it would not interfere with the integrity of Lounsbery Meadows.

Dr. Behr referred to the Kraft application of some years ago. He said that one of the arguments they were successfully able to make was that additional senior citizen housing was justified in Long Hill Township because we hadn't provided enough of it. They said that, since it was necessary that it be built, they went on to say that there was no place in town that had been designated and, therefore, the Kurz property was an appropriate place for it. He *believed* that that argument prevailed and they got the approval to build senior citizen housing, although there was no agreement on the exact number or size of the units.

Mr. Hoffman said that his distinct recollection of the Kraft application is that it was proposed at all times to be market rate, if not even luxury, housing for many or perhaps even all of the units.

Dr. Behr said that he was not suggesting that those units were affordable. It was age restricted 55+ housing and their point was that we didn't have sufficient type of senior citizen housing for which there was a need. He asked Mr. O'Brien or Mr. Hoffman if they could contemplate a developer coming into Long Hill Township with something similar to that with the situation we are in now?

Mr. O'Brien replied that he believed that the Kraft application of 2005-2006 had an element of affordable housing in those units. He thought that it was about 300 age restricted units in total and that, within that, there were 12-20 units that were going to be affordable.

Mr. Hoffman added that that was at a time when affordability of units was virtually understood and they were minimally and reluctantly agreeing to provide them.

Dr. Behr said that the key question is, as we look at where we are right now, can we contemplate a developer coming in and basically putting a demand on Long Hill Township that we might find hard to argue against?

Mr. O'Brien replied that that is a very interesting question and there is a lot of market analysis going on about that – as to whether the senior citizen complexes are marketable as such. What has happened statewide recently is that the Legislature changed the approval process so that if a town had approved an age restricted development and found that they could not market it, the developer could then make it open to all ages and that was based upon market conditions. He said that that tells him that there had to be some market analysis behind that or enough places that we're having a hard time marketing to seniors solely so that they had to open them up. He asked if that means it is in trouble right now because of market conditions that seniors cannot get either the prices they need based upon the mortgages that they have, or the prices that they want in order to afford them the lifestyle they wish in the future – all individual questions.

Dr. Behr said that the thrust of his question is, is there any danger to the town from a developer coming in and saying that they believe that they have a right to develop because we don't provide adequate provision for it elsewhere?

Mr. Smargiassi said that he thought that the thrust of Dr. Behr's question is:

- Is COAH anything that could be required under that 5-6 acres?
- It's on Valley Rd. and it's a busy road.
- I've got a sewer hookup.
- You don't provide for it anywhere and I'm going to put it here and I know that the State is in flux, but you are going to need it someday, so I'm sticking it here.

He asked if we will lose that?

Mr. O'Brien replied that they don't have the right to do that at this moment because the regulations are in flux and there is nothing definitive. He said that COAH exists, but they have no teeth until the Court decides what they are going to do. In the past, and perhaps in the future, what has happened is that a developer can come in with what is called a "builder's remedy", where if the town did *not* provide appropriate, affordable, housing, and enough of it – if it wasn't provided for in the Ordinances and the Master Plan, a developer could come in and get the 6 or 60 acres, whatever it may be, and basically go right to Court and say that this town is not allowing affordable housing and I am going to go in and build it for them. In the past, he said that they would be allowed to do that.

Mr. Hoffman said that, as long as it is not permitted under the zoning, certainly the Township would be entirely reasonable in saying that you've got to go to the Board of Adjustment. Without making predictions, he said that he could simply say that that could take quite a while to hear a major application of that sort.

Mr. O'Brien said that, if it is a major application of that sort, there could very well be an argument that that is a rezoning by variance that should really be anticipated in the Master Plan and the Township should rezone it accordingly – that could work either way.

Mr. Connor said that COAH was developed to combat the builder's remedy and that that was the answer initially, even though sometimes the cure is worse than the disease.

Mr. O'Brien said that the Township got protection from the builders by doing everything COAH said.

Given the recent Supreme Court decision on education funding, Mr. Connor asked for the status of that suit and asked if there is any estimate on when it might be decided?

Mr. Hoffman did not believe that oral arguments have been held yet.

Mr. Piserchia said that he was pretty sure that, in their answer, was the word "indefinite".

Mr. O'Brien said that it is in the process.

Mr. Connor said that, when they have had this for 30 years, he tended to think it is not "whether", but "what type".

Mr. O'Brien said that this particular legal action goes back to last summer when it was kicked up from the Appellate Division and the Supreme Court.

Mr. Hoffman said that then the Governor invalidated COAH.

Mr. O'Brien said that it is a recent development and they are not like the U.S. Supreme Court in that everything gets decided by the middle of June.

Mr. Connor said that he understood that, but it is certainly something that is on the list. The educational funding one wasn't kicked up that long ago either. He said that Governor Christie kicked both of them up at about the same time and lost on one. He assumed that they are working quite diligently on the other one.

Mayor Harrington said if group homes can be used to satisfy COAH housing?

Mr. O'Brien replied, "Yes" and said that that is part of our Master Plan – that we do advocate for group homes.

Mayor Harrington asked if our COAH obligation could be satisfied....

Mr. O'Brien replied, "Only a portion of it". He said that before that, it was partially senior citizen, and so we could do partially group homes, with some very low income, some moderate low income – it was a mix of different groups. He said that the view of the group home was that, by statute, you are allowed to have up to 6 individuals in a group home that can be in any residential area and you got credit for 6 units.

Mr. Hoffman added that it is deemed to be a permitted use by statute.

Mr. O'Brien agreed.

Mr. Connor said that there is another piece of it that meets a portion of it and that is that the village zones allow for apartments above commercial. To the extent that they are built in the village zones and new ones are built and those apartments qualify as low or moderate income housing, some of those could qualify towards COAH, but again they would have to be built in those areas such as Meyersville, Millington, and Gillette.

Mr. O'Brien said that, currently, we don't allow that and that density is an issue. In order to make them affordable, you've got to build more.

Mr. Connor said that the one he was thinking of is in Gillette where there is a strip mall with apartments above and he assumed that the apartments above qualify as moderate to low income housing. Nevertheless, he said that they are already there so they don't count. You would have to build new ones in the various village districts to have them count. He said that we would have to have more commercial in the village districts with over the commercial, which is clearly an option, although he was not certain that is the preferred option.

Mr. O'Brien said that that is allowed today.

Mr. Piserchia said that there is a distinct difference in the definition of time that he was getting here as opposed to what he was getting during the Township Committee meetings. He felt that if the Township Committee believed that the school issue was decided and now they will get on this and decide this one, they never would have removed it. It was his understanding at the Township Committee meeting that this was indefinite, as in maybe years. He said that the Township Committee may rely on the advice of this Board and if it were to come back and say to hold on a second and that they feel the Township Committee may have misunderstood "indefinite", he believed that they may look at it differently, noting that *he* would.

Mr. O'Brien said that *it could* very well go on for years – we don't know that. However this gets decided at the State level, somebody may decide that it violates the Federal Fair Housing Act and kick it to the Feds. We don't know. Or, it may be remanded back to the Legislature.

Mayor Harrington said that, if that is the case, if we don't include something we would be scrambling to try and include something. She assumed that once it's decided, there would be some regulations or time frame that would give us the time to revisit all of our planning and zoning to accommodate whatever the courts decide.

Mr. Connor said that you would assume that, but it was decided in the educational one less than a week ago when we just lost a half a billion dollars to 31 towns, and that took a week. He said that you can bet on these things, but it depends upon how you want to bet.

Mr. O'Brien said that, when the latest go-around in COAH came out, they took about 8 or 9 months to prepare us and told us what we needed to do and finally came up with the forms and the guidelines, and then they changed everything and didn't give us time, forms, or guidelines. So you don't know what is going to happen which is why, in his opinion, to protect the Township, he felt that a COAH obligation should be assigned someplace and right now where it is assigned is the Senior Citizen Zone where Lounsbery Meadows is and it is insufficient to take care of any of the recent obligations that we have had.

Mr. Piserchia said that, if an affordable housing component is included and then for whatever reason the State decides that there is no longer COAH, because we included it, but now it is not required and the only reason we included it was that we believed it was required, what happens then?

Mr. Batista said that the word in the statute is "affordable housing required by the New Jersey Council on Affordable Housing".

Mr. Connor said that what was deleted said "Affordable housing required by the New Jersey Council on Affordable Housing, or State statute". It said that we would put it there if it was required by a statute or by COAH.

Mr. O'Brien said that it would be useless words on a piece of paper that don't mean anything.

Mr. Batista said that it seemed like this is an exercise in futility because the number one place where we we're going to put this is on Valley Road. He said that we have heard those with single applications of putting a COAH unit above a few years ago and there were issues with that.

Mr. Piserchia said that he felt that the Board is making a compelling case for including it.

Mayor Harrington agreed.

Dr. Behr said that we are discussing a very specific part of the Township Committee's draft Valley Road Ordinance. He asked Mr. Connor if there will be an opportunity to discuss and question other aspects of it.

Mr. Connor replied, "Certainly". He said that once we get the Township Committee's suggestions done with, we will have a more open meeting on any other comments and changes.

Dr. Behr replied that his comments are specifically directed towards the Township Committee's Zoning Ordinance. It was his understanding that they presented an Ordinance to the Planning Board and it is the Board's responsibility to give its opinion as to whether the Ordinance they present is in keeping with the Master Plan.

Mr. Connor replied that they did not vote or recommend this Ordinance. At the meeting, they informally decided to demure and just return it with Mr. Pidgeon's recommendations, but they did not adopt this at the reading. They also passed some sort of Resolution about not having any residential which is the sense of the Committee but that was independent of the actions that they took in returning this. He said that the Planning Board is free to do what it wants and is under no obligation to return it within a certain time period. He said that what we need to return is our best recommendation. If we then return it, and they change what we have and send it back to us formally, we would have to take a motion on whether or not it is consistent with the Master Plan, but that is at least two meetings from now.

Dr. Behr asked if it would be useful to give the Township Committee, since two members are present, a sense from the Planning Board as to what extent this particular language does or does not accord with the intent of the Master Plan?

Mr. Connor replied, "At some point after we're done going through with each of the individual ones, because I just want to understand where we are first". He felt that there may be a consensus of the Board that retaining affordable housing, if required, might be a smart thing to do. Before asking for more questions, he said that he would like to open the meeting for any comments on the specific issue as to whether or not senior citizens housing or affordable housing that is required by COAH or State statute should be included.

There being no comments, the meeting was closed to the public.

Mr. Connor asked for a sense from the Board.

Mayor Harrington said that she would defer to the advice of our professionals. She felt that it does help to protect the Township to keep that language in the Ordinance (for *both* senior citizens housing and affordable housing).

Mr. Piserchia said that the frustrating thing is that he was almost certain the word used was "indefinite" and the Township Committee took it that night to mean a long time. He was getting the feeling that it may be a long time, but it may be a lot shorter. Since we don't allow what is required by statute, it seemed to him that that language should be put back in.

Mr. Briggs agreed.

Mr. Butterworth said to leave it in and be prepared.

Mr. Dempsey said that his frustration was reading in the paper that the Township Committee voted for nothing limiting mixed use across the street, but yet we are talking about the entire Valley Road business corridor, so now our initial plan in the Master Plan was a single business zone and now we either have to do overlays or zone it out. He did not want to say anything on this because he thought that we need to start all over because, if not there, then why down there and we aren't having that conversation. He said that, if the Township Committee is telling him not to do it across the street, and then we go and say fine we will do it down where Thermoplastic's is, a month later they will come back and tell us "not there". He felt that we need to redo the whole thing.

Mr. Smargiassi said that his thought is that this is the logical place to put it (Valley Road). He did not see any downside in including it, but he agreed with Mr. Dempsey that, if we are going to include it, we need to put some thought into where and make those decisions.

Mr. Dempsey clarified that the Township Committee told us they are not going to allow it across the street.

Mr. Smargiassi said either you want it or you don't and, if we want it, maybe we can find some common ground by deciding where it makes the most sense.

Mr. Batista did not think this Board's duty is owed to the Township Committee, nor should its decisions be swayed by it. He said that the Board's decisions are to be made in the best interest of the Township and its citizens and the Township Committee should take into account what this Board says in those best interests. As far as this consideration, he said that while there may be a benefit as to Strategy 1 versus Strategy 2 in other towns, he didn't see any compelling argument to leave the language out with regard to senior citizen and affordable housing because we know that is the first place we are putting it if it is required of us.

Dr. Behr agreed with Mr. Batista in saying that the language should stay. He also felt that there is a larger context here. His sense was that implicit in the thinking of the Planning Board was that in specific locations where it made sense, mixed use residential/commercial development was a desirable thing for Valley Rd. He said that he has heard nothing to date that convinces him that that is still not a good idea, but if the Township Committee is going to basically be saying “no residential uses on Valley Rd. – no mixed use”, we have to go back and redo the Master Plan because the two are simply not compatible. He said that that is taking 4 years of an awful lot of work and, after we go through all of the discussion all over again, coming back to exactly where we are right now – having to make the same decision. To get back to the Chairman’s specific question, he said that he would leave the language in.

Mr. Connor said that he thought there was a consensus that it ought to be in and there isn’t a consensus about residential and we certainly have more work to do. He said that the next items that were addressed are on Pg. 23, which are bulk standards. He said that the recommendation was that the business districts have a maximum height of 3 stories and 40’ and was reduced to 2 stories and 35’.

Mr. O’Brien said that, primarily, the reason for the 3 stories and 40’ was to accommodate residential over commercial and he believed that the Planning Board had in mind design standards so that we weren’t looking at constant decks of flat roofs and the Planning Board had in mind some type of interest in those roofs and in the upper stories of the buildings if they were to go that high. Without a residential component, the question then is do you need that?

Mr. Dempsey said that what he heard multiple times was more the height and the appearance of the height and the additional 5’ that the Planning Board passed. He said 2 stories and a height of 35’ was more appealing from what he has heard from the masses that come out than 3 stories. He said that it was more the 3 story look than anything. He said that it was Dr. Behr who convinced him that the extra 5’ was a good idea.

Dr. Behr said that you can get peaked roofs and the ability to make it look attractive rather than just flat all the way across.

Mr. Dempsey said that the 3rd story was also a big anti-push from the people who spoke.

Mr. Batista said that that was the decision - to make to make it somewhat economically viable for even a small scale developer to come in or someone who owns a small property along Valley Rd. to redevelop their existing property. Simply being able to put one level of residential of commercial on the first floor, the Board did not believe was enough to incentivize someone to build. He said that we believed, studied, and had meetings and we believed that a 3rd story was necessary to spur on that small scale development. Because of the project that came before the Board, everyone is scared of what they are going to be looking at on this massive scale of buildings. He felt that it was biting off our nose to spite our face for us to write it off altogether from Valley Rd. He said that, if you look at the area of Valley Rd. west of Plainfield Rd., there is a lot of room there for small scale redevelopment and of those existing properties that would be insignificant as far as the residential numbers that could be created there. To simply say that we are not going to do any residential there, we have had that argument and will continue having that argument, but for those properties, that 3rd story is necessary. That is what is going to make the difference between someone redeveloping those small size properties, or not.

Mr. Smargiassi said that he respectfully *completely* disagreed. He said that the Marty Shoes property was redeveloped and it does not have flat roofs or 2-story residential. The developer found a way to do it and it worked and looks appealing. He said that it can be done and you are making it sound like it’s a choice between flat roofs or utopia – which he felt is a false choice. He said that there are buildings in Warren and other towns that are built without residential over top and developers found a way to get it done. He said that you don’t have to have it. The in price is what matters and, if a developer gets a price right, they can basically put whatever they want in there. He said that this was a big issue for him in November when the Board voted on it (and he voted “no”). He said that when he drives through Berkeley Heights and sees 3 story buildings, he did not see how it fits in with Long Hill Township and what his or others’ understandings of what the town is trying to be.

Mr. Hoffman said that they haven’t sold or rented in Berkeley Heights for years.

Mr. Smargiassi said that the market will change and what works today might not work tomorrow and he did not believe that you should zone exactly to what the market says is going to work today because if you do that, you will end up with a hodge-podge of stuff that will look awful.

Mr. Hoffman said that Berkeley Heights’ experience is a testament why that supposedly desirable mixed use hasn’t proven to be particularly marketable.

Mr. Batista said that we are a lot more stringent in what we are proposing and drafting here. He said that when we are talking about uniformity on Valley Rd., what uniformity is there? He asked what we are afraid of building there that is not going to fit in with the Delta gas station, Thermoplastics, Mike’s Music, the car wash, or the live-in veterinary split level? He said that there just isn’t any uniformity and we are trying to plan for 20 years.

In response to Mr. Connor, Mr. O’Brien said that the current village districts allow for 2 stories and 35’.

Mr. Connor said that we have seen a number of developments requiring use variances and the end result was that most are 2 ½ stories/35’.

Mr. O'Brien said that in Stirling, in particular, "yes".

Mr. Briggs recalled that the extra ½ story in Stirling was used for mechanicals rather than residential.

Mr. Dempsey recalled that the building contains one story of residential.

Dr. Behr felt that it would be very interesting to inspect that building and see exactly what is on the third floor.

Mr. Briggs felt that one of the positive things that came out of it was that, architecturally, it looks very nice.

Dr. Behr said that that applicant completely reneged on what he promised to the Planning Board in terms of how that building would be constructed and the decoration. He said that, if you go to that building and take a look at the architectural drawings that were approved by the Planning Board and compare them to the building that was put up, you will see that in some very important instances the developer/builder simply chose not to comply with what he had promised he would do and that promise that this was going to be a really attractive building was a major part of the reason why he got approval. He urged the Board to take a look at the drawings and said you will see that he got away with not doing what he said he would do. He said that, although he respected Mr. Brigg's comment about it being attractive, it is *not* what the applicant said he would do and what he promised the Board.

Mr. Briggs said that the point of his story was going to be that the added story or half story could be for the architectural design. He said that he wanted to avoid the flat roofs. He said that beauty is in the eye of the beholder and from what it was to what it is now, he said he would err on the side of better. He said that, theoretically, you could have 3 floors and have flat roofs too and that we have to figure out exactly what we intend for that half floor/third floor and the limitations. His bias had been more towards peaked roofs and to allow for that ability to have that décor and something we will like and appreciate as opposed to a third floor. He said that his bias also has been toward the architectural view of giving the latitude to people constructing something that we would appreciate. He also believed that the constrained lots on the Stirling side of things is exactly where he visualized the need for having business with apartments as a way of viably being able to create something. He did not foresee it being across the street with a multitude of 3 stories, because they don't have those kinds of constraints. He suggested considering something where you have a design based upon lot size. He added that he would like to see the former Zizzors site recreated into something. He said that we do want to see the single family businesses recreated into something and consider the fact that they may not consolidate lots. They may create something that is uniform to theirs and that might be what they can afford. He felt that that needs to be put in as a consideration.

The meeting was opened to the public for comments.

Mr. Roy Russen, Gillette, said that when you are talking about flat roofs and commercial buildings with tenants above them, he would like the members to take a ride to the Gillette Post Office strip mall and take a good hard look at the rear of the property, which he envisioned as "Tijuana". He said that his business is pest control and he treats that building. He said that there are picnic tables, trash, chairs, fire pits, and big outdoor hearing units. He described it as "a disaster". He said that you should all take a look when you are talking about commercial buildings with low income housing, and that he would hate to see our town turn into that. He said that he moved from the Westfield area to get away from congestion and traffic and he felt that the Master Plan is turning into a "Disaster Plan".

Mr. O'Brien suggested that the Board direct Mrs. Wolfe to send the Zoning Enforcement Officer there as soon as possible.

Mr. Connor replied, "Fine".

Mr. Hoffman said that some of those issues may be other than within the purview of the Zoning Enforcement Officer, noting that if it involves public health, that is a different regulatory agency.

Mr. Connor replied that we can start with the Zoning Officer and he was sure that he would refer it to the proper person if he sees a public health problem.

Mr. Mike Stingone, principal of Greenhill Development, said that Mr. James Luke was unavailable to attend this evening. He said that Greenhill appreciates the fact that the Board and the public are struggling about what to do with your town and one of the things that they went out of their way to do when they brought in a planner and had engineers look at where you are at is to understand not just what the goals of the Master Plan are, but what they have been hearing when they sit at these meetings, which is why they went to the trouble of bringing in their professionals after having them prepare for a lot of hours to get a handle on not just what might work for the Township and what the Master Plan says and draft ordinances have said, but also he heard a few members recognize that, if you are going to have some development there, it also has to work as a development. To highlight that, he said that there has been some focus on some of the height issues and he thought that some of the height issues are very different between what you are talking about in architectural standards and what you are talking about in flat out height limitations. He noted that residential and commercial development have different impacts and he felt that Greenhill has put enough information in front of the Board on where they think a development can work with these heights in terms of residential versus commercial heights and they have also proposed some ideas about some architectural standards to deal with some of the appearance issues you have. He said that his appearance is to highlight that and point out that they don't feel you can paint the height situation with a very broad brush – either wholly one standard for both or in trying to accomplish, as the Board Planner has been astute in picking up these things, not trying to use

one height standard for both situations, but take advantage of your planner's knowledge and also the things that they have gone out of their way to suggest that the Board consider on architectural standards.

Mr. O'Brien said he felt it important to note that the discussion this evening is in reference to overall Valley Road Ordinances that the Planning Board sent to the Township Committee last year that the Township Committee has asked the Board to look at again and that is *not* a result of Greenhill's concept to the Board and to the Township Committee. While any ordinance on Valley Rd. would certainly impact the Greenhill concept, the particular discussion going on now is really that overall discussion as to whether or not ordinances should be in place for a Valley Road business district and, if so, what it should say. While Greenhill is sort of subsumed into that overarching discussion, it is not the specific "meat" of what we are talking about this evening.

Mr. Stingone said that he did not mean to imply that this was about Greenhill. He said that a lot of their commentary with their planner, Mr. Burgis, was about the 3 or 4 draft ordinances and the Master Plan for the whole corridor. He said that Mr. O'Brien's comments are well taken.

Mr. O'Brien said that he just wanted everyone to be clear that we are not specifically responding to Greenhill in this.

Mr. Batista said that Greenhill's concept application sets a good example for what we are looking at. He feared that if we bar residential outright, we are not going to get any meaningful development whatsoever, nor will we increase our tax base without giving some residential. He said that the fact is that we may scare away developers and that we will lose our opportunity for creative planning by working with developers. He said that we saw their project and it may not be something that the Township Committee/residents agree with, but we were just talking at that point. Since that point, he said that they have provided us with additional documentation with a prototype idea – something that is brand new that we haven't seen around this area. He said that, if we bar residential completely, we may not get a chance to see those ideas.

Mr. Sandow said that he was confused by the fact that we don't have in front of us a picture of what we are talking about when we are talking about residences. He said that we are making cavalier judgments and decisions about what we could live with and not live with without a precise knowledge of what the residential situation is or could be or should not be on Valley Rd. He said that we are talking about senior housing and asked if we are talking about the generic Ocean County golf course senior housing? Are we talking about assisted senior housing, which is a beneficial use in all zones by State law, even though it might be very pricey and upscale, as was the situation across the street a few years ago? He asked if we were talking about low income housing, which is age restricted, which is Lounsbury? He said that they are 3 entirely different universes of "senior housing". When we talk about housing in general, he said that we have the Greenhill proposal which was stand alone townhouses like we have at about 5 locations in town already. He said that the issue there seems to not allow that on Valley Rd. – that was a market priced development. He said that there is the height question, having to do with stand alone – do we want 3 story townhouses? He said that we've got some in town that look like they could be within a few inches of the 35' limit, but those are market units and Greenhill's proposal was essentially a market unit development. The Board on the other hand, in the Master Plan, was talking only about housing over retail as opposed to stand alone. He was not sure how we got to housing over retail but not stand alone. He knew how we got to housing and COAH obligations and low income, but was not sure how it became housing over retail and to the exclusion of stand alone housing.

Mr. Dempsey recalled that it was a natural attrition. He remembered it all the way back to the Twenty-Twenty Conference and what they didn't want was a townhouse development on Valley Road.

Mr. Sandow said that this was based on the confluence of not wanting stand alone, a need to provide COAH and, therefore, the only way to handle that if we were going to do it on Valley Rd. was to do it as an over retail. In addition, he said that we've got the ambiguity as to whether these units over retail would be market units or affordable units, and the third choice is the upscale units over retail. He said that he did not know what that would look like, but there was a time a year or two ago when people on the Board were saying that it would not be a problem because the units will be upscale. He said that the reminder is that they were never intended to be upscale, they were intended to be affordable and the middle ground is just plain old market units, as he believed we have in Gillette.

In response to Mr. O'Brien, Mr. Sandow said that he wanted to see a road map with about 16 different cells on it that explain the various kinds of housing that we are talking about with regard to Valley Rd. so that we can essentially vote on each cell and figure out what we can deal with. He thought what he heard in the earlier session tonight was that we will allow affordable housing over retail, 2 stories only, if anybody wants to build that. He asked if that is a summary of where we have come in the past 1 ½ hours?

Mr. Connor replied that we have had discussion and you have identified a number of issues that the Board has to deal with. He did not think that the Board has come to a conclusion that what they are going to do is replicate the strip mall in Gillette on Valley Rd. He felt that, clearly, they are not going to go in that direction. He said that he has driven behind the Gillette strip mall and has an idea of what it looks like.

Mr. Sandow said that he wished to change the subject briefly to driving behind there. He said that we've got residences over businesses all over town, a lot of which is in downtown Stirling, and a little bit of it in Millington. He said that those other properties don't have the same complaint. On the other hand, he said that he could point to a

lot of single family residential properties in town that look a whole lot worse than the back end of that strip mall. He said that this is strictly an enforcement issue. It may have to do with absentee landlord versus local landlord. It may
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have to do with more finely tuned selection criteria for the tenants. He said that he knew of some landlords in town who actually hire screening agencies before they will entertain a rental to a tenant. Clearly, he said that you cannot judge the entire residence over retail by that one episode and you cannot judge that all single family houses are going to be much cleaner than that. He said to lets keep these things in perspective and that we cannot deal only with the worse case and build our plans from that. Before we reach additional conclusions on residences on Valley Rd., he would like to see this grid of all of the possible combinations. He also wanted to talk about the issue of economics. He said that no business on Valley Rd. is going to add residences over an existing structure. The individual property and business owners each have their own set of economics and desirability, but if you were a business owner on Valley Rd. and thought that there was some merit in adding residential to your property, however big it might be, the first thing you've got to do is tear down your existing business. In order to do that, you've got to go out of business, and then you've got to fight your way through the Boards and then you've got to rebuild your property and your business. He said that the only business that has done that in recent times is Marty's. He said that it is not probable that you will get the existing businesses into this residential mode except maybe anecdotally one per year, or less. He said that that issue has to be kept separate from the issue of what you do with the vacant properties and there are really only 3 vacant properties in the Valley Rd. business district that we need to deal with. There is the Kurz property and, with it, Spiro's property. There are the 5 small lots at the western end on the south side of the street next to the Speedy Mart which are ripe for redevelopment and where there is no loss of existing business to get on with doing it. He said that the third is the big pine tree lot on Poplar Dr. which is now an auxiliary Little League parking lot, assuming that the zoning is right. He said that, unfortunately, anything you want to put on that lot today that would make sense won't fit in the B-2 Zone and so there is nothing that will happen there until and unless we get some different zoning, whether it is residences or some overlay usage or a retail use. He could not think of any other property on Valley Rd. in that strip that would be willing to totally close itself down and go out of business for the length of time it would take to build residential over businesses.

Mr. Connor felt that there are two others – the car wash and the Elks property.

Mr. Sandow agreed and added that they both have a price and arrangements that seem to get in the way of development.

Mr. Briggs said that there is nothing to say that businesses are going to go out of business and then the property owners decide to do something based upon the current Ordinance.

Mr. Connor said that, if Thermoplastics ever moves, that would be another redevelopment.

Mr. Sandow replied that we have not made it attractive for anybody to come in and replace Thermoplastics and Thermoplastics is one of 95% of the LI-2 businesses in town which are on undersized lots. So, even if Thermoplastics went out of business today and, even if they could get variances to do something else there, it is still an undersized lot because the LI-2 Zone requires 2 acres.

Mr. Connor said that the Valley Road Business District Ordinances changes that.

Mr. Sandow agreed it would fix that, except that the reason we started this whole thing 4 years ago was to fix the zoning for businesses and we have spent about 96% of our time in the past 18 months talking about the residential aspect, rather than the need to get on with fixing the business issues.

Mr. Batista said that those drafts have been done for the rezoning and are in the wire to be presented to the Board after these most pressing issues. But the goal is to make most of those areas conforming or as conforming as possible.

Mr. Sandow replied that he knew that, but must say that the residential issues are not the most pressing issues on Valley Rd. right now. He said that the business issues are the most pressing issues and we seem to be spending an awful lot of time talking about the residential issues when the residential issues are only an issue because you have made them an issue.

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

Mr. Connor felt that that covers some 34 or 35 pages and he did not believe that there are any more informally recommended changes to the proposed ordinance. He said that he would like to call a recess and then open a discussion more generally on the ordinances and what we might consider over and above what has been recommended by the Township Committee.

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Mr. Dempsey said that we have a F.A.R. and he was not sure it will be impacted and we might end up with something that we don't want if we don't keep that in mind. He said that, as we move one piece, it might move multiple things, which goes back to his stance that he felt that we need to do this all over again, however he said that he would leave that to Mr. O'Brien.

Mr. O'Brien said that the way that the bulk standards were developed were such that each standard in and of itself was a limiter on development on an individual lot. As been pointed out in past public hearings, he said that it was

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very difficult for any developer to develop a particular lot completely, given the bulk standards, unless they were allowed to go to the 3 floors, met that F.A.R., and then were able to get the landscaping bonus. He said that it is possible, but only under certain circumstances that are not normal. Most people who are developing would be limited by one or more of the bulk standards. As you move any one of them, he said that you have to consider where you want to wind up in terms of development.

Mr. Connor said that that will be dealt with in the future, but right now he wanted to get feedback from the Board members on what they would like to say in relationship to the proposed ordinances.

Dr. Behr referred to Pg. 13 of the document and reminded everyone of the purpose that the Business District Zone contemplated for Valley Rd., which is to provide a place where people will come to stroll, walk, talk, work, attend cultural and entertainment events, buy food and drink, conduct civic and other business, and live. The downtown should be planned to develop over time into a thriving, economically sustainable commercial center that provides many of the goods and services that residents need on a daily basis. He said that the downtown should evoke a sense of place on a human scale that is consistent with the semi rural nature of the Township. That was the goal that we were heading for and he thought it was important because the discussion in the last couple of weeks sometimes has contemplated things for Valley Rd. that this Board has never intended. He said that there are really two models for commercial development on Valley Rd. One is the model of the last 50 years, which is an automobile based highway model – that people get in cars and drive from where they live to a store to do their shopping and then they leave. That kind of model is predicated on the need to draw traffic *into* Long Hill Township from outside of the Township in order for any new commercial activity to be viable because there is only so much of the kind of retail that we can manage to sustain in our Township. He said that this model certainly contributed to the suburban sprawl that we see in New Jersey. The other model (against that) is the smart growth or new urbanism model which has a very different contemplated style and that is that people will live in the context of retail and commercial sites that provide them with a lot of the needs that they have on a daily basis so that they don't have to get in the car and drive. He said that there are places where that has worked very well. He said that the Board does not have the ability to say which one of the two models is going to be more possible and productive in the future for Long Hill Township because none of us have a crystal ball. But for better or worse, in looking at Valley Rd. in 20 years, and imagining a Valley Rd. that will once again be tree lined, that would have a sense of community, and not simply be a highway place (because that is what it is), we contemplated something that would still be small scale and very natural, but be able to combine people living where they were also able to shop. He said that if we say that there will be no residential units in Valley Rd., we are basically saying that we are betting that the future of Long Hill Township and Valley Rd. is going to stay with the automobile model and that is certainly not what we contemplated over the last 3-4 years. If we are going to go ahead and say "no residential units on Valley Rd." and cut out the live-work units and a lot of other things that were taken out, then we really need to re-think the whole Master Plan because we are changing the concept of what we said we wanted. He said that we are saying "no" to the whole notion of Smart Growth and everything that represents what is looking forward in terms of the best thinking for community development. He did not know which of the two models is going to work out, nobody does, but that is the choice we made – to have a more bold, visionary imagination for what Valley Road might be that would allow it to once again look like it belonged to Long Hill Township and to attract the kind of developers that would collaborate with us in making that happen.

Mr. Smargiassi said that he heard where Dr. Behr has laid out his arguments but he was not sure that the ordinances, as proposed, get us to where that vision is based on the concept and things that could be built across from Town Hall. He said that they used the draft ordinances that we gave them to come up with their concept.

Dr. Behr said that his understanding was that the draft ordinances that we created would preclude them from building what they proposed.

Mr. Smargiassi said that a number of small adjustments (and he would not say if they were economically viable or not), for instance the retail space - if he was to subdivide what was proposed as seventy thousand square feet and make it into three twenties and a ten, there would be no "issue" there under our ordinances because it would fall under thirty. He said that, if he was to take the back, for which the concept was stand alone residential, and put retail underneath and put two stories of apartments, that could happen.

Mr. Batista said that that would be completely different from what their application was.

Mr. Smargiassi said that, as far as the density, the look, and the feel, would not be very dissimilar from what the proposal is. He said that that was the picture that he paints in his mind. He said that he understood what the concept was to get here and he felt that it was a miniature version of Rt. 22.

Dr. Behr asked Mr. Smargiassi to spend time looking at successful examples of the New Urbanism in action in Smart Growth and what you see is much greater attention to landscaping and greenery and the integrating of living, working, and commercial spaces with the landscape. He said that it is exactly the *opposite* of Rt. 22. He said that it does not mean that we can't take a look at the ordinances and see if they need to be tightened and strengthened. He felt that that is a valid point. He felt that the idea that we take a look at Valley Rd. and say "Where does this work best and where does it not seem to work best?" He said that that would seem to make a lot of sense also. He said please do not label New Urbanism or Smart Growth with a Rt. 22 label because that simply doesn't hold up in fact.

Mr. Smargiassi said that he was talking about the concept plan for across the street. He said that he also believed that, even if you were to get a New Urbanism proposal here, it still will generate traffic and people. Without a
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crystal ball, he could not say if it would generate less. With regard to lot coverage, he said that several of the lots on Valley Rd. have land that is wetlands and/or conservation. He said that we allow lot coverage of 60%, but the picture you get when you drive down Valley Rd. will not be 60% - it will be greater because they are going to use the land in the back as the calculation of their lot coverage. He said that the feel you get will be *greater* than 60% because all of the development is forced to the front, and that is a concern for him. He said that, to him, lot coverage defines how a community feels and looks. Referring to the western end of Valley Rd., he said that maybe the 6-8 zones that we had before is ridiculous and maybe one does not fit all. He said that we know it floods and that it floods across the street and it will flood again. According to the Army Corps of Engineers and the Township hired engineer, it will flood whether the flood wall is built or not, at least as bad as it did earlier this year. He said that that was the testimony provided to the Township Committee. He felt that the Board should consider maybe reverting back to 40% lot coverage and maybe greater setbacks. He asked if we really wanted to encourage redevelopment at a larger intensity in that area? He felt that that is something to consider since the town is planning on spending money on a structure for the flood wall. He did not feel that that really makes sense. He also questioned if a 30,000 S.F. store makes sense on the eastern end of Valley Rd. and said that he would say "maybe". He questioned if it would make sense on the western end of Valley Rd. where there are smaller lots and said "maybe not". He said that maybe we want to pick where we want larger scale retail and where we would rather see smaller development in regards to residential. He preferred that we pick where it goes and maybe have a transition area out of Stirling or some of the other residential areas, but right now it is going to be "pot luck" – somebody else is going to decide on Valley Rd. where residential is going to go. Overall, in regards to the Master Plan, he said that it is the vision and the statement that Dr. Behr read is a vision statement. He said that there are lots of "truisms" in there, or "universal truths". He asked if anybody does not want a vibrant hub of community activity or a place where people come and stroll – all those things are true. He said that you can still have those things. He did not believe that you need to just start over with the Master Plan. He said that there were lots of things done in the last several years which are a solid core and a great foundation and that maybe we need some tweaking versus throwing it out. He believed that you can take the live/residential aspect out of the ordinance and not have to throw out all of the work that was done. He said that the word "live" is one word in the vision statement at the end and, if you take it out, he believed that the vision statement still makes sense and still stands on its own. In regard to residential, he said that it was just noted to him that the largest community input device that we had was definitely the Future Search Twenty-Twenty conference. He said that he was asked to participate but was out of the country. He found it interesting that out of the summary recommendations, there was no summary recommendation on residential on Valley Rd. He felt that it has to say something.

Dr. Behr said that the summary recommendations that Mr. Smargiassi was referring to where those where 8 out of 8 groups all agreed. He said that he was very right that 8 out of 8 groups did not agree on residential on Valley Rd., however 5 or 6 out of 8 did. However, the summary recommendations that were presented were only those recommendations where 8 out of 8 groups agreed.

Mr. Smargiassi said that he was shown a letter which indicated that Dr. Behr had drafted that basically said that residential was discussed, but there was no definitive conclusion as to what it is.

Dr. Behr agreed that there was no 8 out of 8 conclusion for residential.

Mr. Smargiassi replied that, then you added that 5 out of 8 agreed on residential, which implied that the majority was in favor even though there was not a consensus.

Mr. Batista said that he had those reports because he actually read the Twenty-Twenty report, although he was not a part of that conference. He said that he also looked at the slide presentation, as well as the group returns. He said that he could provide them to Mr. Smargiassi and noted that he thought that the Township also has them.

Dr. Behr said that there was not misrepresentation of any kind whatsoever and, since there have been people who have claimed that, they have no idea what they are talking about and they are not being factual. He said that he, too, would be happy to provide copies.

Mr. Smargiassi said that he still stood by his point that there was no semi-recommendation and he was not surprised, given the concepts and the fact that we have been fortunate enough that Greenhill has come here and taken the draft ordinances. He said that, if you read the Master Plan, it has big picture/vision language and, until you get an ordinance and until somebody puts an actual picture on a board, he was not surprised at all about the level of community input we've had at recent meetings or about the fact that he is basically approached everywhere he goes. He said that he concurred with what Dr. Rae said at the last meeting when he stated what seemed to be his position as far as not having an issue with no residential component being part of it.

Dr. Dempsey said that we just talked about the COAH requirement which is residential. He said that that is why he suggesting going back and looking at all of this. He said that this is our chance to go back and then you either have it or you don't.

Mr. Smargiassi suggested that, if we have it, we should have a discussion on where we want it and not just have it anywhere.

Mr. Dempsey replied that that is why he is saying to go all the way back and do it over again.

Mr. Smargiassi felt that you can address that section and still ring true to the vision and a lot of the things in the Master Plan. He did not think that you would have to throw the whole thing out.

Mr. Connor said that he was taking “do it all over again” as looking at the residential and deciding whether to have it or not, and the heights that are associated with it.

Mr. Dempsey said that he was also saying to take a look at if it is 1, 4 or 12 zones. He said that that is going all the way back to our first concept.

Mr. Connor agreed to some extent, but he said that we’ve got 40 pages and we are talking about 5 of them to start. In general, he did not think that it bleeds back as far as Mr. Dempsey thought it might. He said that, should there be a single zone or should the business district have more than one zone, is one option. But he said that we have not the time to go back, noting that the time of decision is coming up. He said that, by the end of the summer we ought to have something out there and approved, otherwise we are taking some risks that we shouldn’t have to take and which aren’t prudent to take.

Mr. Batista said that we are being bogged down by a proposal that was made in concept alone that did not satisfy the ordinances as they were written. What we got from the community was that they didn’t want such a large scale development and that it was going to be passed in the dead of the night. Truthfully, he said that there were not only misconceptions about the project, - they were just flat out lies that were put in people’s mailboxes about what this Board was going to do. He said that, obviously, that is something that we have to take into account, but to scrap residential when all we have to do is shape how much we want to allow there, seemed a bit far fetched to him. He felt that there is a way where we can provide for potential residential/commercial/ mixed use development as of right along the Valley Rd. business district juxtaposed to our Master Plan mandate that residential and mixed use is necessary to spur the development of Valley Rd. He said that there are compromises that can be made and he felt that one of those is to perhaps make residential extremely limited. He said that we can make it a conditional use and perhaps can limit it to a maximum of 4 units per acre to allow those smaller properties to be able to do it as of right and to have a larger project have to come before Boards so that there can be a lot of public input and public hearings. He said that if we can do it on a small scale, we should absolutely do it – we can’t lose this opportunity and can expand it at a later time. He asked Mr. O’Brien if he could speak at all to making the residential/mixed use aspect conditional uses?

Mr. O’Brien replied that the Planning Board would have the ability to make them a conditional use and the conditional use *would* impose a number of rules and regulations on that residential, as Mr. Batista pointed out how you could do it by density, size, number on a lot, by location, or by any conditions the Board would like to limit the ability to develop.

Mr. Piserchia asked Mr. O’Brien what he meant by limiting by location.

Mr. O’Brien replied that the Board had put in an overlay zone for the industrial area on Poplar Dr. which is currently zoned B-2 and we were going to keep all of the uses that are there, as well as the light industrial uses that are allowed elsewhere in the Ordinance. He said that you could do an overlay zone and say in this particular area under these circumstances, we would allow this type of residential and plug in the blanks all along the way. He said that it is certainly possible.

Mr. Batista added that the conditions would control the development.

Mr. O’Brien said that, just as the bulk standards control what you can put on a lot, the conditional use standards control what is allowed and they have to meet those conditions. If they don’t meet each and every one of those conditions, that application becomes a use variance which then goes to the Board of Adjustment and the Board of Adjustment has to vote on it with a super majority.

Mr. Batista asked Mr. Smargiassi if that wasn’t one of the things he wanted to have control over - to perhaps limit those types of developments?

Mr. Smargiassi replied, “Definitely”.

Mr. Piserchia thanked Mr. Batista for being very clear as to what he described regarding Greenhill Development, although he felt that several Board members, including himself, may have slipped and called it an application. He clarified that it was never an application and Greenhill made it clear it was not an application and, so what was presented before the Planning Board and Township Committee was always a concept and was very welcome, in retrospect. He also addressed

In response to Mr. Piserchia, Dr. Behr acknowledged that he had used the terms Smart Growth and New Urbanism.

Mr. Piserchia noted that Mr. Smargiassi had brought up Summit. He asked Dr. Behr if he could name a similar instance that does not involve a train station.

Dr. Behr said that he would be happy to research and felt that Mr. O’Brien would also be happy to do so.

Mr. O'Brien replied that they exist without transit and there is a subset of Smart Growth called Transit Oriented Development that revolves around either train or bus stations.

Mr. Piserchia recalled the term transit villages and said that it is hard to call it that anywhere along Valley Rd.

Mr. Dempsey said that he did not believe this was ever called a transit village, which are places right next to a train station.

Dr. Behr said that the term transit village was *not* used for Valley Rd.

Mr. O'Brien agreed that transit villages were talked about in Stirling and Millington.

Mr. Piserchia said that this is a very challenging project and he understood why it took 4 years to reach this point and he understood the frustration. He felt that it is complex.

Dr. Behr said that it is important to distinguish what the Master Plan and ordinances call for and whatever is being contemplated for the Kurz property because they are very, very different and should not be combined. He felt that the public sometimes allowed itself to get confused in thinking that the Planning Board is in favor of something like what was presented conceptually and, in fact, the Planning Board hasn't said anything of that kind at all.

Mr. Piserchia said that, across the street we have 70 acres, granted only 20 are developable, as opposed to what comes west of that. He said that this is not a simple solution and he applauded the work that has gone into it and the dialogue that is going on now.

In response to Mr. Piserchia, Mr. O'Brien said that about 25 acres is developable.

Mr. Piserchia said that, to Mr. Smargiassi's point, if 60% lot coverage is permitted (roughly 42 acres), in theory you could blacktop the whole thing. To get it closer to Mr. Smargiassi's vision, he asked if the lot coverage could be limited to what can be developed? He asked if we could be more specific.

Mr. O'Brien replied that the answer is, "Yes". He said that he and Mr. Pidgeon had a discussion about that recently. He said that there are a couple of court cases and some ordinances that have allowed municipalities to limit the area of development to the area that was developable. So, of the 70+ acre tract across the street, if only 25 acres are developable, then that means that you would only have lot coverage of 60% on the 25 acres, not the 70+.

In that case, Mr. Piserchia said it would be 15 acres.

Mr. O'Brien agreed. He said that it would have to meet all of the other setbacks and buffers and the F.A.R. It would all have to work together to limit the development so that, although 60% may be permitted, by the time you put those setbacks and a F.A.R. in, as well as landscaping, you may not be near that number.

Mr. Piserchia said that he felt what Mr. Smargiassi said makes a lot of sense.

Mayor Harrington agreed with Mr. Smargiassi on a number of points. First, she did not think that we need to throw out the work that has been done, noting that she believes it serves as an excellent foundation. She said that the suggestions that are starting to come out now are indicators that we can do that. She also believed that there is not a "one size fits all" zoning for Valley Rd. and that we really need to consider the different areas of Valley Rd. because they are significantly different. She said that it might make some sense to carve out the Kurz property because that is the most significant piece of undeveloped property in town. She felt that we need to have considerably more public discussion about what that ultimately looks like and what goes there. However, in the interim, she felt that we can concentrate on the *remainder* of Valley Rd. and begin to talk about all of the issues that we have talked about. She felt that there is a place for residential on Valley Rd. She said that the notion of residential over retail, she keeps flashing up in her head the strip mall where the Gillette Post Office is and she had a great concern about that. She said that maybe that is the wrong vision overall for residential. She liked the notion of conditional uses and being able to define specific areas. She said that we should be very specific about how we want to see that and she felt that we can have that discussion and come to some consensus. She felt that the Kurz property, in particular, will require a whole lot more discussion and public input and that will define, to a large extent, what our town looks and feels like from this day hence forward. She said that she did not want us to bog down because of what might happen on the Kurz property for the rest of Valley Road. She said that, with time of decision and everything else, it may be worthwhile to carve that out and leave that as it is and talk about the rest of Valley Rd., which may be a way to move forward and get some consensus on what to do.

Mr. Briggs said that, much like Mr. Smargiassi, wherever he goes he gets a query about this. He said that if he steps back and asks the counter question of what do you like best about Valley Rd., he has heard the new Marty's building, the diner, and open space. As far as dislikes, he said that he has heard pretty much the rest of it. He felt that of the new ordinances that are being introduced, the concept is to fix that and give latitude to owners to recreate what they have. He felt that there is a place for residential above businesses down by Stirling and he believed that conditional uses will allow for more control, however he said that we can see what has progressed for the past 10 years around here and it has been very limited. He said that we will get more of that unless we do something to address that,

which is what the past 4 years have been about. He said that he could understand where the Mayor is going with regards to isolating a property. He was not sure if it is legal to do that for one, but he could also see that there are

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other lot consolidation that could probably equate to as many acres, therefore it should be looked at from that perspective. He felt some latitude should be given, especially to the smaller lots, to create something. He said that we see where we are right now down there and it is just getting worse. He also liked Mr. Smargiassi's view with respect to lot coverage and excluding wetlands and looking into that which goes into the whole open space concept that is one of the 3 things that people do like about Valley Rd. He felt that it gives the green aspect that Dr. Behr is talking about as far as people enjoying where they are.

Mr. Connor said that he listened to all of the comments and felt that traffic is a concern of everyone. He said that it is clear that the traffic has gotten worse and one of the reasons it has gotten worse is that this is one of the places you drive through, rather than to. He felt that Dr. Behr was saying that it would be nice if, instead of being a "drive by" it would be a "stop by". He believed that it would be certainly possible to develop downtown Valley Rd. and downtown Long Hill in such a way that there might be more cars, but there would be more cars parked and, if there is a way we can develop the road in some of the concepts and some of the things we have seen proposed, we might actually be able to reduce that problem and not make it worse. He agreed that any major proposal is going to have to deal with the traffic issue, which is an important one. He said that the second issue that hasn't been mentioned is the flooding. He said that Valley Rd. and Morristown Rd. flood and he said that there is a question there that we need to make sure that the flooding is controlled in a way, depending upon the proposal. He felt that the idea of some sort of proposal that defines what kind of use can be put where is useful and a conditional use is certainly one, and some sort of overlay. He agreed that the development area, based on the area that can be developed, is probably something that is reasonable to do with the understanding that there may be certain areas in order to develop it at all, you would either have to relax that or the other thing. He said that we have always talked about having a way of coming into the town where it looks nice and that might be a place that if somebody decides the town is going to buy that and basically make it natural such as some sort of little park, most of which will be under water when it is there, but it certainly could be something that would make entering the town attractive. He said that, if Thermoplastic's disappears, that could be a completely different entrance to town. Because he believes that you have to have a viable residential development in order to make this whole plan work in the long term, he suggested making requirements that on any buildings facing Valley Rd. or Plainfield Ave. are residences only, or combined with residential as a conditional use and, for any other streets other than Valley Rd., allowing more freedom on residential development, perhaps townhouses. He felt that the real concern is, when you come down Valley Rd. or Plainfield Ave., you like to have a decent looking business area if the properties are deep enough and have some development capabilities, having residential units behind them on a separate access road (not on Valley Rd. itself). He said that, although we have had feedback and ideas, at this time we don't have consensus. He said that he would like to open the meeting to the public for any general comments on the development of the Valley Rd. business district.

The meeting was opened to the public for comments.

Mr. Sandow said that he would like to dispel some of the motions about the bulk that have been talked about tonight. He said that the notion of the formula for what's buildable to the dry buildable land is very troubling because somebody owns that land in the back that is wet and somebody's been paying taxes on it all along and the reason that they have been paying taxes on it is because it has value and the value of that wetland is that it does participate in the calculation. He said that if you say that that wetland cannot participate in the calculation for the dry land in the front, then you are essentially making that land valueless to the current owner and that is a taking and there has got to be compensation involved in that. He said that there are 50 undevelopable acres across the street and the reason that he pays a tax bill in the high five figures every year is because that acreage has value in the calculation of what he can build on the dry land. He said that that applies to most of the properties on the north side of Valley Rd. between Warren Ave. and Morristown Rd. and to the properties on the south side east of the Shop-Rite, which all have wetlands in the back. He said that you cannot take away the value that those property owners have been paying taxes on by removing it from the calculation. As long as they satisfy the wetland criteria of not building on the wetland, he said they should be allowed to exploit their own asset. With regard to bulk, he said that he has modeled every single property on Valley Rd. with regard to the various limitations. He said that the only factor that matters is the 60% lot coverage and all of the other factors are irrelevant. He said that, if you are building retail, you are required to provide 1 parking space for every 200 S.F. of building and 1 parking space in this town costs you 500 S.F. He said that the ordinance says that parking areas shall be 191 S.F., but that is the parking only and if you build a long parking lot, 1 car wide, and parked them bumper to bumper, first in last out, you could get by with 190 S.F. per parking space. In reality, by the time you figure aisles where people can back out of their spaces, including major aisles, fire lanes, truck access, and dumpster areas, the real true coverage on average on Valley Rd. is about 500 S.F. per parking space (roughly 3 times the required space for 1 parking area). He said that the worst case, by actual measurement, is something like about 800 S.F. of paved parking area per parking space. He said that he used 500 S.F. of parking for 1 space, so for every 200 S.F. of building, you have 500 S.F. of parking which means that, as a very practical rule, for a one story retail building to occupy 60% lot coverage, you will have 17% building coverage. He said that you can't ever get up to 30% building coverage if you are going to provide a practical parking layout. He said that the same applies to the F.A.R. – if you have a one story retail building that is "maxxed" out at 60% lot coverage, with parking, if the building occupies 17% then the F.A.R. is going to be .17. It doesn't matter that we've raised it to .50, there is no possible way you can get there.

Mr. Piserchia said that, although he did not doubt that Mr. Sandow's math is correct, then the property across the street would actually have *less* lot coverage as a result of the conditions he had just mentioned. He said that 17% of 70 acres would be 12.

Mr. Sandow said that they are also constrained by the wetland issue. Although according to our Ordinance they could do 60% of 70 acres, they can't because of the wetlands, but at least they can put the wetlands into the formula.

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If you take the wetlands out of the formula and say you can only have 60%, then you have essentially devalued their land.

Mr. Piserchia replied that, if Mr. Sandow's math is correct (and he did not doubt that it is), then *include* the wetlands.

Mr. Sandow agreed. He said that, if you have a second story residence, you are required to have 2 parking spaces per apartment and we "maxxed" the apartments at 1,200 S.F. So, essentially, for every square foot of residence, you are going to have to have a square foot of parking. He said that that reduces the maximum building coverage that you can achieve from 17% to 14%. It makes your retail smaller and gives you less room on the second floor for apartments because you need more room for the parking for the apartments and then it begins to interact because if your retail is smaller, you need less parking for retail. If you actually had a third story, he said that you max out at about 11.5% building coverage when you account for the parking for 2 stories of residence, assuming that all of the residences are built to the 1,200 S.F. maximum. If you have a 3 story building at 11.5% building coverage, and multiply that by 3, you'll come up with 34% F.A.R. which again, we have given them a .5 F.A.R. – you can't possibly ever get to .5 – the most you could do with 3 stories is .34. He said that Greenhill pointed this out to us in their presentation last month. He said that our numbers don't quite hang together and that the only number that counts is the lot coverage number of 60% - all the rest are way too generous and can never be reached. With respect to Mr. Smargiassi's statement about a 30,000 S.F. box building at the west end of Valley Rd. – to put up a 30,000 S.F. building with parking, you need 4 ½ acres and there are no 4 ½ acres (except for Shop-Rite) at the west end of Valley Rd., and so it would be physically impossible, even if it were all dry and all exploitable, it would be impossible to put up a 30,000 S.F. building west of Shop-Rite and it then becomes a moot issue as to whether or not we want one. He said that the nearest 4 ½ acre lot, other than Shop-Rite, would be the car wash and the car wash has wetlands in the back which makes it probably unexploitable to put in enough parking for a 30,000 S.F. building. He said that there is almost no place you could put a 30,000 S.F. building except across the street. He said that parking is what eats us alive and what keeps us from looking like Summit or Madison. He said to look at all of the towns that we envy for their walkability – those stores don't have to provide their own parking places. He said that it has been suggested that that is not a problem because we have allowed shared parking and common driveways in this ordinance and this is true. He said that the problem is that, if there is additional parking on Lot B, then you shrink the building size on Lot A. You devalue the development potential of Lot B by making him take on the parking burden for Lot A. He said that there is no free lunch. If Building A wants to overbuild and share his parking with the adjacent property, he has got to compensate the adjacent owner for restricting his building capability. He said that a transfer of rights is like water in the far west and, therefore, we have made the individual property owners from the 10,000 S.F. property that is a dry cleaner to the 70 acre property, we have essentially made each one of them take care of himself – one size fits all. He said that we need to nurture the consolidation of lots and, to do that, we really have to get rid of zone boundaries that are making it impossible to consolidate obvious consolidations. He said that we have to get rid of the fact that almost half of the acreage in Valley Rd. is zoned office and nobody is building office buildings. He said that the business aspects of this plan have got to march forward as quickly as possible if we want to see some/any development. With regard to residential, he said that he sympathized with both sides of the coin but we do not have a stake in that. He said that the business owners aren't clamoring for residences because they realize that, in order to put a residence on their property, they would have to shut themselves down and rebuild. He said that it is only external forces that are clamoring for residences and you have got to get the current property owners to buy into that and that is the big problem that we haven't really addressed and that really moots this whole emotional issue of 1,000 housing units on Valley Rd. He said that you can't get there from here unless the property owners buy into it and they aren't going to do that because they have to go out of business first. He said that, if we get 50 housing units on Valley Rd. he would be surprised, even if the language is left as is. He said that he was not suggesting that the Board do that, he felt that they have to deal with the public interest and pressure and make it a conditional use, as Mr. Batista suggested, and make the developer who wants it jump through 2 more hoops to get there. He said that the whole bulking of Valley Rd. is not going to be an issue as long as we build it for cars and, if we want it to be a destination in the absence of trolley lines along Valley Rd. all the way out of Summit and in from Liberty Corner, it has to accommodate cars. If it has to accommodate cars, it will never be a Madison. It will always look like a miniature, struggling version of Rt. 10. He felt that we have to face that reality. He said that, no matter what we do, if we require parking, we will have small buildings and parking lots. He said that if anybody wants the detailed numbers – the lot by lot workup that he has done, he would be glad to put it in the record.

Mr. O'Brien noted that the Board did consider at great length the limiting features of the various bulk requirements, including the parking requirements, and the Board decided as they discussed those elements, that because shared parking would exist with the proposed residential and commercial, that that would *not* be a limiter on development because not as much parking would be needed.

Mrs. Tracy Aroneo, Millington, said that she looked up neighborhood new urbanism by states on line and in New Jersey they include Baldwin's Run, Camden; Elizabethport, Elizabeth; Gateway at Carteret; Landings at Harborside, Perth Amboy; Liberty Harbor North, Jersey City; Livingston Town Center; Ocean Front Asbury, Asbury Park; Washington Town Center; and Westmont Station, Woodbridge. She felt that none of those towns seemed to fit with Long Hill Township at all. She also said that she attended the Twenty-Twenty Conference and there were 80 people there, including developers, politicians, Chamber of Commerce members, and Township volunteers and only 20 residents at large. She said that she was in one of the five out of eight groups that considered looking at residential, which didn't mean that they *wanted* it. She then clarified that *only* her group discussed senior housing/over 55. Out of her group, she said that only 3 people considered it and so they put it in to say that there were some people in their

group that like it – it was *not* a majority. She said that, to say that this is coming out of Valley Rd. Twenty-Twenty, was very upsetting to her because that is *not* what came out of that conference.

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Dr. Behr said that he hadn't said that and did not know who did. He said that the Twenty-Twenty Conference was an input into the Master Plan, it was not the only input, and didn't determine – it simply was information people contemplated. Secondly, he said that if you go back and take a look at the report, residential uses did not appear as one of the consensus findings because it wasn't. It was a finding of a number of the groups, but not all of the groups and he felt that the report accurately presents that information. He said that he would take a look at other examples of new urbanism and that it may well be that it has been tried in places in New Jersey that simply don't match our community at all, but it is a pretty big country and it doesn't mean that it may not be existing in other places that are closer to us.

Speaking to Mr. O'Brien, Mr. Connor said that he has heard over the last two meetings input from the Board and residents specifically on the ordinances (not on the concept), and some requests for information and ideas. He asked him if there was a way for him to organize this so that, at the next meeting, the Board can discuss and hopefully come to some sort of conclusion on the various issues that have been developed?

Mr. O'Brien replied that, perhaps a way to do it would be to gather the thoughts that have been announced by the public and the Board tonight and note the open issues at this point in the ordinance.

Mr. Connor said that would be fine and requested something in 10 days. He advised that Board members who may wish to assist Mr. O'Brien individually may do so.

Mr. O'Brien said that the discussion would be the ordinance that Mr. Pidgeon has asked the Board to review.

Mr. Connor replied that that framed it, but the discussions regarding conditional uses and about 5 different items which he, himself, had noted were generally related to that. He invited the Board members to provide Mr. O'Brien with comments or direction.

The meeting adjourned at 11:00 P.M.

DAWN V. WOLFE
Planning & Zoning Administrator