

**MINUTES
SEPTEMBER 11, 2012**

PLANNING BOARD

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Chairman, Mr. Connor, called the meeting to order at 8:02 PM. He then read the following statement: Adequate notice of this meeting has been provided by posting a copy of the public meeting dates on the municipal bulletin board, by sending a copy to the Courier News and the Echoes Sentinel and by filing a copy with the Municipal Clerk, all in January, 2012.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Christopher Connor, Chairman
Brendan Rae, Vice-Chairman
Charles Arentowicz, Member
Donald Butterworth, Member
Jerry Aroneo, Mayor’s Designee (arrived at 8:16 pm)
Guy Roshto, member
Michael Smargiassi, Member

Excused:
Joseph Cilino, Member
Sandi Raimer, Member
Barry Hoffman, Bd. Attorney

Ashish Moholkar, 1st Alternate

Daniel Bernstein, for the Bd. Attorney
Kevin O’Brien, Twp. Planner
Thomas Lemanowicz, Bd. Engineer
Dawn Wolfe, Planning & Zoning Administrator

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

APPROVAL OF MINUTES

The minutes of March 27, 2012 were approved as written on motion by Mr. Butterworth and seconded by Dr. Rae. Mr. Roshto and Mr. Moholkar abstained as they were not present at that meeting.

The minutes of April 10, 2012 were approved as written on motion by Dr. Rae and seconded by Mr. Smargiassi. Mr. Moholkar abstained as he was not present at that meeting.

PUBLIC QUESTION OR COMMENTS

The meeting was opened to the public for questions or comments. There being none, the meeting was closed to the public.

RESOLUTION OF MEMORIALIZATION

ALL SAINTS EPISCOPAL CHURCH

5 Church Road
Block 12502, Lot 1

**App. No. 12-08P
Minor Site Plan
Bulk Variances
Parking Variances**

The Planning Board memorialized the annexed Resolution of approval on motion by Mr. Butterworth and seconded by Dr. Rae.

A roll call vote was taken. Those in favor: Dr. Rae, Mr. Arentowicz, Mr. Butterworth, and Mr. Connor. Those opposed: None.

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VALLEY & PLAINFIELD ASSOC., LP

977 Valley Road
Block 10501, Lot 8

**App. No. 12-05P
Minor Site Plan
for Alteration to Bldg.
Bulk Variances**

Present: Edward Croman, principal of the applicant
Arnold Chait, attorney for the applicant
William Riedel, sign maker
Matthew Morris, landscape architect/planner
Tony Cerbo, landscaper

Sharon Palmer, certified shorthand reporter

This is a continued hearing.

Mr. Arnold Chait, attorney for the applicant, said that his client is seeking a variance for a second freestanding sign and the Board requested them to offer an alternative to what was proposed. He said that they are offering two alternative sign *types* with two alternative sign *locations* for the second sign. He also said that a landscape plan will be presented for the Board's review and comments.

He presented the following which were marked into evidence as follows:

EXHIBIT A-3 – Copy of an Application for Sign Permit

EXHIBIT A-4 – Copy of a Resolution for App. No. 93-26P, adopted August 13, 1993, granting a variance for the existing freestanding sign at 20' (although he said that the existing sign is at a little less than 20' in height).

Mr. Chait recalled Mr. Edward Croman, principal of the applicant, who was previously sworn, to give a brief outline of the application.

Mr. Croman felt there is a need for a second freestanding sign because his shopping center is large and the stores facing Valley Road directly are located approximately 850 ft. back from the R.O.W. or 850'-900' away from the oncoming traffic. He said that the tenants feel that a pylon sign or monument sign would be a very significant advantage for them. For other tenants in the leg that is perpendicular running from where BlockBuster was back to Radio Shack and past what was Pathmark, the stores angle away and they can't be seen at all from the road. Because of the nature of the distance and angles, he said it is important that the stores have some representation to the public with some type of signage. He said that in 1996 they received approval to construct a freestanding building which contains Starbucks and Panera Bread.

Mr. Chait said that there are existing tree plantings in the parking lot and additional tree plantings are proposed, all of which affect the view from the street of the stores. In addition, he said that there are fairly mature trees all along the frontage of Valley Rd.

In response to Mr. Chait, Mr. Croman said that his existing and prospective tenants have *strongly* requested a presence on a pylon/monument sign.

A photo reproduction of the proposed sign modifications to the existing sign was marked into evidence as **EXHIBIT A-5**. Mr. Croman said that the modification keeps the basic structure and stone columns but eliminates two PVC pipes for the white vertical designs on both sides of the center which happen to mimic what used to be in front of Pathmark, but no longer exists. He said that the Board suggested eliminating the existing A-Frame cap and replacing it with a curved cap which picks up and echoes the roofline of Kings. He said that the old white cap will be replaced with a dark colored curved cap which will fit in with the color of the Kings roofline. The height, including the cap, would be 18.34' which is a slight reduction of what presently exists.

(Mr. Aroneo arrived at 8:16 P.M.).

A Pylon Sign Detail Plan which was marked in red to show proposed sign Locations A & B was marked into evidence as **EXHIBIT A-6**.

Mr. Croman said the existing monument sign was in the middle of the frontage and the two main entrances. The third driveway is from the rear and is a truck exit with a right turn out only to leave the premises. The first location (which is the preferred location) is labeled as Location "A". Presently at Location A, there is a low sign that says Valley Mall with an arrow. He said that if that location is approved by the Board, the new monument sign would replace that. The reason the sign exists is just to mark the entrances. This would *not* be necessary if Location A is picked, as it will be replaced. He said that Location A is at the most westerly portion of the property near the driveway entrance and is set back a good distance from the R.O.W. He said that Location B is the only other location he could find that would have any visibility that wouldn't be blocked by trees or interfere with sight lines from the driveway exits. That location is between the easterly major exit and the first aid squad building between 2 large locust trees and a utility pole with guy wires. The sign is located approximately 90 ft. from the easterly property line.

A Pylon Sign Detail Plan containing the same survey information, but with hand drawn sight triangles added, was marked into evidence as **EXHIBIT A-7**. Mr. Chait said that, because it was reduced to the point where it is hard to read the words, Mr. Croman will be use a blown up version to address any questions.

Mr. Lemanowicz, Board Engineer, asked who drew and determined the sight variables.

Mr. Croman said he had called Control Point (his engineers/surveyors) and asked them to provide the information requested. They drew it on large paper with a legend under each one which says it was done in accordance with Morris County standards. He said that in the middle of the property there has been a dedication and the R.O.W. is larger than it is as you go closer to the First Aid Squad building.

Mr. Chait noted that the R.O.W. area curb line near the first aid squad extends out into the street further than the rest of the R.O.W. Because of that difference, that permits trucks to exit at that point further out into the R.O.W. and have increased visibility.

Mr. Croman said the sight triangle that affects Location A on the previous exhibit (near the Valley Mall sign with an arrow) between his property and Dunkin' Donuts is a little dotted triangle pointing in the westerly (opposite) direction. He said that you can see it starts just near the little tear drop concrete island in the middle of the two lane exit. It extends west and clears the proposed location of the sign by 6 ft.±.

Mr. Chait said that the easterly proposed sign Location A is in the same location as the ID sign which is on the survey and it will be placed so it doesn't interfere with the sight triangle. He said that the drawing we have tonight is incomplete but will be updated and submitted to the Board Engineer for his approval. He said that it should be noted that there will not be a sight distance problem from any of the driveways caused by either of the proposed sign locations.

Discussion ensued regarding sight triangles, measurements, etc.

Mr. William Riedel, sign maker, was previously sworn. He presented a sketch of a stationary sign which was marked into evidence as **EXHIBIT A-8**. He said that it has dimensions of 10.9' or 10.11' by 14.11' (grade to roofline) which mirrors Kings existing roofline. It is a conventional twelve panel changeable acrylic sign that is internally illuminated. The sign box size is 8' by 12.5' which is the same size as the existing sign. The sign composition is aluminum and acrylic. The supports will be powder coated aluminum poles with an arch canopy to match the poles. It will be done either with aluminum or PVC or a combination thereof and will be approximately 24" deep (which is similar to what is there now). The sign is designed so that the panels can be periodically changed.

Mr. O'Brien asked if there was going to be uprights that appear to be like piping.

Mr. Riedel replied that there would be two structural aluminum posts with the powder coating finish. It could be rectangular or round. It will not have the stone facing due to cost. The stone would surround the existing steel which could be an additional \$15,000.00. A new stationary sign would cost approximately \$40,000.00 and a programmable sign would cost about the same. He then presented a sketch of an alternate programmable sign which was marked into evidence as **EXHIBIT A-9**. It would have aluminum posts on the sides with aluminum structural going across as a roof similar to the existing sign. The sign in the center is approximately 3' by 8' and is a black powder coated aluminum frame. The area dimensions of the sign are 3' by 8'. The overall height of the sign from the grade to the top of the roofline is 7'2.76" and the length is 10'4.32". The illumination is by LED's (20mm) and is capable of having a few lines of copy. The programmable sign shows two lines of copy that are approximately 6". The sign also has the capability to have 3 lines of copy but the size of the copy would be slightly reduced. This would be used for the tenants only and not for sales, public announcements, or promotional purposes. The Ordinance prohibits flashing and live action signs. He said that flashing signs could be something that pulsates, has stars bursting, etc. What is proposed will not be doing that but will just show a message and then disappear until the next message appears. Live action could be a car racing, or a person walking. Scrolling of words is something different but has motion to it. He said that none of that is proposed here. He said that what they propose is the capability of going from 3 seconds up to 365 days before it changes. He noted that highway signs are between 5-8 seconds before the sign changes. If it were set at 15 or 20 seconds per change it would allow for traffic on a local street to read it. The lighting is adjustable for brightness and is proposed to turn off 11 p.m.

Mr. Arentowicz asked for comments on the size of the lettering on the existing sign compared to the programmable sign. He asked if it is two or three lines and how large the letters will be compared to the existing sign.

Mr. Riedel said that the proposed lettering would be a little smaller but not much. He believed that the minimum letter height is 6".

Mr. Arentowicz referred to **EXHIBIT A-9** and asked if, for example, would Radio Shack and Children's Place light up in its entirety and then go out, be blank for a second or two, and then the names of two more stores would appear.

Mr. Rydell demonstrated on his iPad what was being discussed.

Mr. Connor said this was a 7' sign and you are using a 3' x 8'. He asked Mr. Reidell why he didn't use a 4' x 8' to get more signage?

Mr. Rydell advised that it was because of budgetary reasons.

Mr. Aroneo asked how many tenants were in the shopping center and was advised by Mr. Croman that at full rental there could be up to 30 tenants depending on their size. Mr. Aroneo said that if they were to use a combination of the existing stone on the proposed option fixed sign, that would allow enough space for 19 tenants and the others would not have signs.

Mr. Croman agreed, but said that the idea of putting up the second sign would be so that those signs could be changed. He said that all those tenants have it in their leases that they will be up there permanently. He said that they want to give the other tenants some kind of representation and they don't feel that the Board will allow enough signage to allow 24 tenants, so they are proposing to put up 12 and change them on a periodic basis put the other tenants up as well.

Mr. Chait said if you went to a non-programmable sign and you tried to get 24 tenants on it, the lettering would be too small and it would defeat the purpose of the second sign.

Mr. O'Brien questioned the smallest sign that would be recommended for someone going 35 miles per hour.

Mr. Riedel thought 4.5"-5" letters as long as the type was legible. You could have 12" letters with very skinny letters that would not be legible and will do nothing. He said that you could have 6" lettering which is extremely legible from 600 ft. away. He felt that with too many things going on within the sign people would tend not to read it and less is better.

Mr. Bernstein asked how long the message would be on the programmable sign.

Mr. Riedel thought 15 to 20 seconds which he compared to time/temperature signs.

Mr. Lemanowicz asked if a distance of 150 ft. at 35 mph takes into account the fact that both locations for the programmable signs are substantially *beyond* the driveway that you would have to turn in to.

Mr. Riedel said the signs were double faced and would be more visible than what is existing. He said that you would also see the main sign with the anchor stores listed. He said that the sign would be very readable from 150 ft. away at 35 mph.

Mr. Chait said that his client has a large frontage, a lot of tenants, and 3 driveways. He said that it will not be possible, unless they plaster the entire property with signs, for every tenant to be visible at 150 ft. from every driveway - that is the reality. He said that his client has said that he prefers Location A for the reasons being addressed but they wanted to offer the Board alternate locations as is a matter of compromise. He said that there is no perfect way to achieve signage for the entire shopping center at every entrance.

Mr. Lemanowicz asked, if you have a static sign and knew that there was a particular store there and then drove by one day and the sign was gone, wouldn't that imply that the store was no longer there?

Mr. Riedel replied that that was possible.

Mr. Chait added that this was part of the compromise of trying to address the needs but being reasonable.

Mr. Roshto was not clear what the need is.

Mr. Chait said that his client has a shopping center with a significant setback. Within the setback is a freestanding sign. For the viability of the shopping center, to get tenants to lease space in a facility which is not in close proximity to the road, it is their market requirement that they have some type of visibility adjacent to the road. He said that they are trying to do that in a reasonable manner. The configuration of the building, the setbacks of the buildings as well as other factors create a hardship for a unique circumstance which doesn't prevail at other shopping centers. He said that this was recognized in 1993 even before the addition to the center.

Mr. Roshto said it has been a number of years where the client has had roughly the same number of tenants. He questioned what has changed to create this hardship.

Mr. Chait replied that it was the market conditions - competition from shopping centers with the kind of tenants and stores that this applicant is trying to maintain in this community. To compete, he said that he has to offer some amenities and that it is apparent that malls decline in terms of occupancy and caliber of tenants. That happens when there is another location that is more attractive. He said that his client feels this is a premier mall in terms of appearance, maintenance, and quality of tenants and he would like to remain competitive in that market place, but that has changed since 1993.

Mr. Connor asked if different stores will be shone on each programmable sign. He was advised that there would be. With 3 per sign, the print would be approximately 5". After doing some calculations, he thought there was reasonable time for each tenants.

Mr. Arentowicz asked if the tenants in the back complained about visibility when the freestanding buildings were built in 1996. He asked if there were there any proposals to put up additional signs since then.

Mr. O'Brien recalled that the freestanding building was constructed in 2004-05.

Mr. Croman said that it was about a year before that. He said a center like this generally does have a freestanding building, and possibly 2-3. From the very beginning when they had a site plan, he said that they always had a freestanding building in there and every tenant that ever signed a lease there had a site plan attached to it that showed that he was allowed to build the center in the L-shape that they eventually did and that they could also put a freestanding building up front. He said that here were no tenant complaints as they were aware of their expectations.

Mr. Arentowicz asked if the applicant had proposed, since then, to put up more signs to represent the other stores.

Mr. Croman said that this was the first time it had been proposed/requested, although they have had the need all along. Because of their awareness of the Township's concerns regarding signage, he said that that is one of reasons they prefer the small programmable sign. He felt it was less invasive and would be able to get everyone up in a reasonable sequence. He said that his preference is the programmable sign in Location A. He said that the only reason alternate Location B was presented is because their neighbor asked to see the signs and, after some consideration, thought that the proposed sign at Location B was too big. He said that, because he was going to advise the Board that he thought the smaller one was best, he felt that he had to provide an alternative because that is what he was asked for.

Mr. Arentowicz asked the Board's professionals if Location A was in violation of any setbacks.

Mr. Lemanowicz said that if the Board was inclined to consider one of the signs we would need dimensions as far as where it is off the property lines, etc.

Mr. Connor asked for an estimate of what the vacancy rate was in 2006 and 2012.

Mr. Croman advised that in 2006 it was very close to zero and in 2012, it is approximately 30+%. He said that he tried to make the package as incrementally attractive to potential tenants as possible. He felt that Kings and Jos. A. Banks will help and that another sign will also help along with all other little improvements that they continually try to make. In response to Mr. Roshto, he said that he believed that the sign will measurably reduce the vacancy rate.

Discussion and calculations ensued regarding vacancies as of this date.

Mr. Smargiassi felt there was some value in having uniformity in the appearance of the signs. He thought that there is benefit in keeping some of the stone structure and keeping the signs as similar as possible.

Mr. Croman said that if Location A was selected and it was desired to have stone, there is no reason he could not do the stone on the programmable or static sign. He said that there is a drawing for Location A with a stone face (which was marked into evidence as **EXHIBIT A-10**). He felt it would detract too much at Location B.

At Mr. Smargiassi's request, Mr. Reidell passed around his i-Pad and a drawing for review. The i-Pad showed a changeable sign of the same size as proposed with multiple messages which go on or off at different times of the day. He said that it is up to the user to select their colors. Some show different backgrounds, logos, and letter styles. He said that it also has a time/temperature unit which would be useful for the Township.

In response to Mr. Connor, Mr. Reidell said that the Township could put an emergency message on the sign and that it is capable of displaying amber alerts, weather warnings, etc.

In such cases, Mr. Aroneo asked if such announcements are displayed by the end user or does the Township has access to post such messages.

Mr. Reidell said that it usually done remotely via the internet and the end user can have a link to the emergency warning stations. He said that the end user would put in the information that the Township wants to have displayed.

Mr. Aroneo asked if it was conceivable to have the *Township* have access.

A short discussion of responsibility followed. Mr. Reidell said that all it would take would be a phone call and the message could be typed in instantaneously.

Mr. Aroneo said that he was thinking of weekends and holidays, 24 hours per day, etc. He questioned, if it was necessary to post a message at midnight, where is that person?

Mr. Reidell said that it would be up to the end user to allow the Township to have access.

Mr. Bernstein felt the question was very appropriate and suggested asking Mr. Croman, since he was present.

Mr. Croman replied, "Absolutely" and said that, under the reasonable emergency conditions that were mentioned, he would be very happy to let the Township have whatever technology enables for access to put up an emergency message.

Mr. Aroneo asked, of the two options, is there any combination of the two plus a small sign in Location B that would accommodate all of the tenants or enough to satisfy (which would equate to 3 freestanding signs).

Mr. Chait replied that the problem with that is that they were trying to be responsive to their neighbor who objects to the large sign in Location A.

Mr. Bernstein asked if notice was given for *two* signs (where only one is allowed). If so, he felt that new notice may have to be served in order to consider *three* signs.

Mr. Chait said that Mr. Croman felt that the two signs that were requested will meet the needs that he is trying to address.

Mr. O'Brien addressed Mr. Riedel and said that counsel was very diligent in eliciting testimony from him as to flashing signs and action signs being words of art in his profession. He asked if it is possible, when the Township Ordinance was written concerning signage in the B-3 Zone that an electronic sign such as what was described this evening was not envisioned under those terms and perhaps the terms flashing signs or live action sign may have been meant to encompass all types of signs that are changeable?

Mr. Riedel said that, back then, most townships encompassed lighted neon and bright chasing lights and flashing signs. He said that LED's have been out since the early 1990's but were not used often because of affordability.

Mr. Chait felt that the other side of that is that we have had a long period of time that these signs are available and, if the Township wanted to specifically include them, they could have done that.

Mr. O'Brien replied that, if he understood Mr. Riedel's testimony correctly, he seemed to be saying that because towns did not anticipate this type of sign, that this language of flashing signs and live action signs could encompass the type of sign being proposed.

Mr. Chait disagreed.

Mr. Riedel said the towns aren't considering these signs as flashing signs, per se. Once they started putting them up on highways, the DOT deemed them to be safe. They found that anything blinking or flashing (which signs really don't do) wasn't a driving hazard. He said that some towns felt that neon was a driving hazard because it is too bright compared to a fluorescent lamp. He said that they felt that signs such as this that were individually lit up were too bright for the driver and could cause an accident. However, this was found to be incorrect in all of the studies.

Knowing some of the people that probably wrote the Ordinance in 1993, Mr. Aroneo said that they were *very* against that type of sign and neon and anything that showed motion or was chasing. He said that when the Delta gas station signage was erected, there was even question as to whether or not that sign was going to conform to the Ordinance.

Mr. O'Brien said that the existing Delta sign is its second sign and the first one that was approved was a very different sign. He said that there were some opinions that said that the second sign should have required amended site plan approval and there were other opinions that said it did not. He said that it was a distinct change in signage for the Township.

Mr. Connor said that he made a note regarding electronic signs for the Ordinance Subcommittee because it is obvious that we do need to address it.

Mr. Lemanowicz noted that Mr. Reidell had said that there was a DOT study and that they have deemed to the proposed sign to *not* be a flashing sign and that it is safe.

Mr. Reidell agreed and added, especially in the State of Nevada where a majority of such signs are. He said that the United States Sign Council along with the DOT conducted a study. He said that this was always a question when you went to a township for a permit for such a sign and it would automatically send off a red light saying that they are flashing signs. He said that he would try to provide a copy of the study

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Mr. Chait said that wished to make a point of clarification. He said that the Board received an e-mail from the Shade Tree Commission which starts off stating that they are delighted with the proposed improvements for the property. He said that they then go on to talk about the need for plantings in an existing recharge basin near Dunkin’ Donuts. He clarified for the record that the recharge basin is not on the subject property and, therefore, is not relevant. He then introduced Mr. Matthew Morris, Landscape Architect and Planner.

Mr. Morris, sworn and reviewed his educational and professional background. He presented a Landscaping Plan dated August 22, 2012 which he prepared and was marked into evidence as **EXHIBIT A-11**. He described the new plantings which are proposed. He said that there are a number of trees along the main aisle that need to be removed. There are also newer proposed trees in an island near the Plainfield Road exit. He said that between the property and the First Aid Squad there are a number of existing evergreen trees which are about 20-40 ft. high, many of which are scraggly looking. As a goodwill measure, he said that these trees are going to be removed and replanted so that an evergreen screen can be re-established. He said that a copy of the planting detail (**EXHIBIT A-11**) was distributed and addresses comments that were contained in the Planner’s report. He noted that it specifically shows what will be planted around the existing pylon sign and the proposed sign.

He gave a brief description of the proposed design and plantings. He said that the two container sizes marked as 10” in diameter and three marked as 12” in diameter relate to gallons. He selected the Frontier American Tree because of its shape and growth rate and because it acclimates well and provides a little diversity compared to the Honey Locust.

Mr. Chait introduced his last witness, Mr. Tony Cerbo, a nurseryman/landscaper, who he said will actually be doing the work.

Mr. Cerbo was sworn and reviewed his educational and professional background. He said that he currently supplies and installs trees for 30 municipalities in northern New Jersey and that he has experience with Shade Tree Commissions and Boards. He said that he has worked on the subject property since 1996 and felt that the list needs to be expanded to have more than four or five trees going out in the treescape. He noted that there are some existing trees on the site which are not performing such as the Ginkgo trees which are not broad enough. He felt there should be something bigger and grander. He said that he loves Zelkova’s, however in last October’s snow storm, it split a Zelkova and actually splayed it open because of the scaffold branches being so diminutive compared to the bold scaffold branches of an Elm tree. He said that he was happy that plant research we now have Elm available to be used again. He said that the American Elm is known for its vigor, growth and strength. He said that if we had to pick a tree to represent the United States, he thought the Elm or the Oak would be candidates. In this setting, he said that the compound small leaf is desirable as it will not clog storm drains or be a maintenance nightmare. He submitted pictures of the American Elm for the Board’s review which was marked into evidence as **EXHIBIT A-12**. When questioned about runoff, it was his opinion that runoff would be *decreased*.

Mr. Connor asked for comments from the Board’s professionals. There were none.

The meeting was opened to the public for questions. There being none, the meeting was closed to the public.

In summary, Mr. Chait said that the top part of the proposed ground sign has been modernized to match the roofline as the Board requested. He said that the applicant hopes it has demonstrated to the Board a willingness to participate in a very positive way in this process. He said he is using the best and most qualified landscapers and has presented a landscape plan which goes beyond what the Board had addressed. He said that the applicant felt it necessary to improve the buffer by the First Aid Squad. When the Board asked if he could provide a mechanical programmable sign with stone work he agreed as well and has agreed to make the sign available for emergency messaging from the Township. He said that his client has always tried to address the needs and preferences of the community. He felt that the variance relief being requested is appropriate. He said that this is a large property with frontage on two streets and because of the trees and free standing signs there is a need for second sign and the most

efficient way to do that without over signing the property is to have a programmable sign. He felt that the sign itself is modest in size and said that even the existing sign substantially complies with the Ordinance. He said that there are no negative impacts to the proposal. He noted that no one objected to the proposal as long as the sign that is immediately adjacent to the Dunkin' Donuts property is not the larger size sign. In addition, he felt that there will be a lot of positive benefits from the granting of this variance. Not only does it underpin the viability of the shopping center for the future, but the fact is that motorists will be able to readily identify and find the tenants. There will also be a new element of the community to post messaging on this property and the landscaping will be significantly upgraded, which will benefit all.

Mr. Connor felt that the Board has to decide on at least three issues. First: Do we want a programmable vs. stationary sign? Second: What location - A or B? Third: Do we want an aluminum based or stone based structure? If there are additional issues, he said they can be added.

Mr. O'Brien thought the more fundamental question was whether or not the Board would allow a second sign. If a second sign is allowed, at what location would you want the second sign? After the Board discusses the *type* of sign, then it should discuss the programmable sign.

Mr. Arentowicz asked Mr. O'Brien if, in his opinion, the elements to approve this bulk variance have been met (hardship and/or Flexible C).

Mr. O'Brien said the Board has to make a decision as to whether or not the variances requested meet either of the proofs. The proofs that have to be met are: Flexible C – do the benefits outweigh the detriment? The second criteria would be hardship which is based on the size and shape of the lot. He said that, after the Board goes through whether the benefits outweigh the detriments and is there a hardship based on the size and shape of the property, then the last thing it has to look at is the negative criteria. Is there a negative impact on the Master Plan or Zoning Ordinance, and is there a negative impact upon the neighborhood and the Township as a whole?

Mr. Bernstein said that with respect to C-1, it is practical difficulty and undue hardship. He said there was an amendment to the Land Use Law in the 1980's and, prior to that time, a hardship only applied to the land and with the amendment (Sec.40:55-D70c) says a hardship is related to the land *or the structure*. He said that the applicant has argued that you can find that by virtue of the shape, distance from the street (visibility), that there is a hardship in not having visibility. He said that you don't have to find that there is enough testimony there. You could also find on C-2 that certain of the purposes of the Municipal Land Law have been satisfied. One of them is the free flow of traffic. One could find that there is a difficulty in identifying a tenant. Drivers with poor visibility could have difficulty noting the tenancy and by virtue of having a sign visibility would be improved with better traffic circulation. If the Board wanted to approve it, he said that there are grounds to justify it.

Mr. Smargiassi was in favor of the second sign and said he would be in favor of Location A with an electric type sign and the stone structure façade.

Mr. Moholkar agreed. He felt that you would be able to see both signs from any angle, so they would have to match.

Mr. Butterworth agreed with everything said but was neutral on the stone façade.

Mr. Aroneo thought that by using the criteria that was explained by Mr. O'Brien, the benefits definitely outweigh the detriments. He felt that with the proposed landscaping and tree plantings it would definitely have a positive affect both aesthetically and environmentally. He did not think the proposal negatively impacts the Zoning Ordinance or Master Plan. He was in favor of the additional sign but would be more in favor of the stationary sign in Location A. He said that it might be a challenge, but if the stone work could be matched that would be a plus.

Mr. Roshto expressed concern that a business neighbor is objecting to Location A, which he felt should weigh into the discussion. In terms of the number of signs, he was not necessarily unopposed to having a second sign although he agreed with Mr. Aroneo that a programmable sign is probably not uniform to where we want to go as a Township. He said that the Valley Road Business District Element actually says that the desire is that we have a uniform sign system along Valley Road and he would be against the programmable sign for that reason. He also felt that the non-programmable sign is a smaller sign and is in scale of our kind of town so he appreciated that the applicant looked at that and considered that it was very favorable. He wasn't too convinced that there is a tremendous need here. He understood that in these economic times any little bit will help, but the economy changes and comes and goes. At this time, he said that he agreed that we should be considering a second sign but was not convinced that there is a need. Finally, he said that he would say that the hardship part of whether or not there is an L-shape or how far back you are - he did not know if he would agree with some of his colleagues. He said that whether it is a moving sign which changes every few seconds or you change a fixed sign once every day or week is not going to change that hardship. He said that he would support the second sign, but would be cautious about putting it in Location A.

Mr. Arentowicz said that, looking at the elements of the benefits outweighing the negatives, he thought that because of the property and its location, there is a hardship and a need for the second sign. He agreed that there should be consistency with the signage along Valley Rd. He was happy to see the proposal on the programmable sign and said that it is certainly a lot smaller but he did not think that that will be consistent with the existing Valley Road signage. He said that he would be in favor of the second sign in Location A, with the standard sign with a similar foundation or some stone as to the existing sign. He felt that the proposed landscape plan will bring value to the town and the property.

Dr. Rae was in favor of the second sign and was in favor of a programmable sign at Location A.

Mr. Connor thought there were more benefits. He felt that one of the potential benefits was the chance for additional tenants in the Valley Mall. He had a problem with the stationary sign because it is almost 15' tall vs. the programmable sign which is 7' tall. Therefore, he said he could not support the large sign in Location A, nor would the property owners right behind it prefer that. He said that he definitely preferred the programmable sign, with the stone façade, in Location A. He felt that everyone was in favor of the fact that the applicant needs a second sign with a stoned base consistent with the current sign. He said that the Board members have all agreed to Location A. As to stationary vs. programmable, he said that five members like the programmable and three like the stationary. Although not a unanimous decision, he said that the majority of the Board appears to be in favor of the programmable sign. Given that, he called for a Resolution, subject to certain conditions, that would allow the Board to go forward and grant the application.

Discussion ensued regarding the preparation of a Resolution, with conditions, to be memorialized at a later date.

Mr. Aroneo made a motion to approve the amended site plan and associated variances with conditions as discussed. Mr. Roshto seconded the motion.

Discussion followed as to the conditions of approval which were discussed.

A roll call vote was taken. Those in Favor: Dr. Rae, Mr. Arentowicz, Mr. Aroneo, Mr. Butterworth, Mr. Roshto, Mr. Smargiassi, and Mr. Connor Those Opposed: None.

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DISCUSSION ITEMS:

CONSERVATION ELEMENT

Mr. O'Brien said that the Board is in possession of a revised Conservation Element of the Master Plan. Some of the members made some revisions which were accepted and reviewed by the Board at the meeting of 6/26/12. The revisions were placed in a new edition. He said that Mr. Roshto reviewed the revised plan and made a number of suggestions and comments which are contained in the most recent document which is before the Board.

Mr. Roshto said that basically he tried to identify anything that was ambiguous or wordy and tried to make it clear and concise. The only substantive thing he could recall changing was at the top of Pg. 3 where he added one goal to the Conservation Plan which reads "To encourage ecotourism and promote river hiking, biking, and leisure activities in addition to providing a direct economic benefit. Ecotourism fosters a positive conservation attitude". He said that the intent in adding that to the Conservation Element is really to raise some awareness to some of the recreational possibilities, especially when we have a river as long as we do, and that we should be leveraging that in some way

Addressing Chairman Connor he asked if we should address each individual item or if the Planning Board has reviewed it and wants to comment on some of the recommended changes.

Mr. Arentowicz said that there were a couple questions that remain in the document and suggested perhaps focusing on those. On Pg. 4, Item 2, the comment was "this is not a benefit so we should move it" so his question is *where* should we move it? He said that he added the comment about supporting the Resolution from the Township Committee. He said that, if we don't need to put that in there and we put in there about the State's 15 Point Plan, that is fine.

Mr. Roshto said that he did not have a preference if it is in here or not in here, or where it belongs other than his statement that it is not one of the stormwater management benefits.

Mr. Arentowicz agreed that it is not a benefit, but said that he would like to incorporate those four points from the Flood Advisory Commission somewhere in the document.

Mr. O'Brien suggested that it might be better off under Conservation Goals and Recommendations in Section 2.

Mr. Arentowicz referred to Pg. 5, Item 7 and asked Mr. Lemanowicz to address the first comment.

Mr. Lemanowicz said he did look for that and went back into the original BMP that Dr. Hamilton put together and had no idea how he came up with that number. He suggested taking those numbers out and putting in a more generic phrase - for instance, "BMP'S have several significant physical benefits and the construction cost for infrastructure is typically less than existing practices ". He said that things we are coming up with now are less expensive because we are using different methods to make them blend in better.

Mr. Arentowicz referred to Pg. 2 under "challenges" and said that at the last bullet we talk about 2 Superfund sites. He asked if we need to identify them?

Mr. O'Brien replied that they can be identified or left as it is – it is up to the Board.

Mr. Aroneo said that one was removed in 2010 (the Tifa property).

Mr. Connor suggested deleting the word "two".

Mr. Roshto referred to Pg. 4, and read Item 3. He said that, in his opinion, it should be removed if we cannot cite the source and, therefore, he struck it out.

Mr. Lemanowicz thought the third sentence was rather strong. He said that, if the Board wants to acknowledge that, it could be softened (or removed).

Mr. Roshto felt it should be removed.

Mr. Arentowicz agreed.

Mr. Lemanowicz asked if the Board wanted the second sentence removed (versus removing the whole thing) because without it he did not feel that it sounded that bad.

Mr. Roshto said that it is already out. He then referred to the last page which read "This Conservation Element is the product of innumerable hours of time contributed by many". While he did not doubt it, he said that we have no background material to support such a statement and, therefore, he suggested that that line be removed as well. To clarify, it will read "The Conservation Element is the product of many members of Long Hill Township".

Mr. Connor asked for any other comments.

Mr. O'Brien said that there are a number of other comments in the document that have not been addressed. He asked if he should assume that the Board is in agreement with the other deletions and changes.

Mr. Roshto said that when he previously asked that question the Board members seemed to be nodding "yes". He then made motion to recommend this final draft to the Board to present to the public at a noticed public hearing in the future (as soon as possible) which was seconded by Mr. Butterworth.

A roll call vote was taken. Those in favor: Dr. Rae, Mr. Arentowitz, Mr. Aroneo, Mr. Butterworth, Mr. Roshto, Mr. Smargiassi, Mr. Moholkar, and Mr. Connor. Those opposed: None.

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CONTRACTS FOR PROFESSIONAL STAFF:

Mr. Connor said he would like to address one item which was brought up at the last meeting which was a question on how we were going to work with, evaluate, or put out for bid the contracts for our professional staff. He said that the Board received a note from the Board of Adjustment which indicated that they have decided to go forth with the evaluation process that would put in a plan where there would be a scheduled annual re-evaluation based upon criteria that is currently being developed. It seemed to him that that is step one in any process we want to have and he felt it would make some sense for the Planning Board to do something similar and at least have cross discussions with the Board of Adjustment because many, if not all of the items that our Planner works on are touched to some extent by both Boards, although the Board of Adjustment may have some very specific requirements which the Planning Board does not. He asked for some feedback because he felt that, if the Planning Board is going to do that, it should at least start some informal discussions with the Board of Adjustment as soon as possible given that they have some dates by which they want to develop criteria over the next couple of weeks.

Mr. Arentowicz said that when he read the Board of Adjustment's response it seemed to him that they would like to act very quickly on it and yet we are open to the concept of still going out to bid this year for one position, or whatever. He did not think that the Board of Adjustment precluded that from what they are looking at, but they are saying that they want to perform this evaluation quickly over the next couple of weeks.

Mr. Roshto didn't get that message from that correspondence. On the contrary, he said that he thought they were saying that they would like to do reviews of our professionals and *not* go out to bid either this year or even in the future.

Either way, Mr. Aroneo said that the evaluation process is worthwhile. He said that we should do that for everyone anyway in everyone's best interest. He said that we talked about opening up the positions for outside people, not that we have to replace them but at least somebody else should have a chance to have a professional position here, whether or not we like the performance. The way he understood it, he said that it is not performance related, it is more of a matter of policy.

Mr. Connor agreed and asked for other comments.

Mr. Roshto said that, in general, when he had read the e-mail from the Board of Adjustment, his first reaction was "Wow, this is amazing – the thought that they put into it and the clarity in which they wrote it". He felt that it was a sound, thoughtful approach that he felt the Planning Board should either agree to go with (a similar approach) or say that the Planning Board has different interests and move in a different direction. In his opinion, he felt that what they are suggesting we do is reasonable which is this year start at "A" which is to do a review of our professionals (an assessment) and *not* consider the topic of replacing or going out to bid.

Mr. Connor agreed and said that he would say that we would only go out to bid this year if somehow in the review of the professionals we found that one of the professionals did not meet the criteria successfully and, at that point in time, we would consider doing that. Assuming that they all met the criteria and were favorably evaluated, he thought that you then address the matter maybe in the following year. He said that the following year we would be in a position of deciding, even though all of the professionals have been positively evaluated, do you still want to go out to bid – which is the second question. But before doing the evaluation process, he did not see how you could do that.

Mr. Smargiassi concurred with Mr. Connor. Doing a review process, if you do get to the point of going out to bid, he thought would be beneficial for the Board to have that background of having going through the review, what is required, and what are the skill sets that are necessary. He said that he has only seen 5% - 10% the work that the Board's professionals do that he is exposed to. He said that there are lots of other things that go on behind the scenes. He felt the Board should do a review first which would be educational in itself and would be helpful if it is determined to go to the bid process.

Due to the lateness of the hour, Mr. Connor asked for a motion for a ten minute extension of the meeting.

Mr. Smargiassi made such a motion which was seconded by Mr. Arentowicz. All were in favor

Mr. Arentowicz said that he was extremely surprised when he got the e-mail about what the Board of Adjustment had agreed upon. That there was no evaluation process in place at all with the Planning Board or Board of Adjustment. Secondly, he said that he agreed with Mr. Aroneo in that he thought there were separate decisions here. He said that we can still do the evaluation and separately go out to bid. He did not see where you have to do one and then the other.

Mr. Aroneo said those two things can be done concurrently. He said that the evaluation process can begin now (in September) via a subcommittee which could run from now until its end. At the same time, he said that we can solicit interest from other professionals and we can compare the evaluation results with the results we get back from other professionals and make a decision that way.

Mr. Connor said that the issue is, shouldn't we do the evaluation *only* this year and consider putting out to bid next year, or should we do them concurrently this year. He asked the Board members for a "yes" or "no".

Mr. Roshto said he heard a third approach which he felt is compelling and that is to do the evaluations and, if the evaluations show some type of issue that we feel needs to be addressed, *then* go out to bid.

Mr. Connor agreed that that is one option and then consider going out to bid under any circumstances the next year, *or* do evaluations and bids concurrently. He said that those are the two options that he saw.

Dr. Rae asked, if we do go out to bid, obviously we would have to map out a process and it was his understanding that it is a fairly complex process that would take a certain amount of time and that must be figured into any recommendation the Board is going to make.

Mr. Connor felt that the constraints in going out to bid simultaneously could be difficult, although not impossible.

Dr. Rae agreed with Mr. Roshto that the Board should perform the evaluation and if any significant problems arise then the Board should consider the vetting process. He felt that the process should be repeated next year but maybe do an evaluation in mid-year to 3rd quarter so that we would then be in a position to start the bidding process for next year. He felt that going through the bid process twice is a very valuable educational experience for whenever the Board does go out to bid.

Mr. Aroneo said that he was still in favor of soliciting interest from other professionals. He said that you can concurrently run an evaluation process which should probably be done anyway and should probably be a mid-year evaluation so that everybody knows where they stand at that time with a chance for improvement if necessary for the year end evaluation. He felt that an evaluation should probably be done twice a year.

Mr. Butterworth felt that the Board should perform evaluations and if a problem comes up, then we could go out to bid.

Mr. Moholkar agreed with Mr. Butterworth.

Mr. Smargiassi said that his personal preference would be to do the evaluation process and then make a determination. If a need to go out to bid was determined, it could be done immediately and, if not, the Board could discuss what we want to do at that time.

Mr. Connor said it seemed to him, although not necessarily the consensus, that the majority of the board would go forward to doing the evaluation prior to the end of the year and then address the issue of going out to bid no matter what the results of that evaluation indicate.

Mr. Roshto pointed out that it was past mid-year and felt we should be doing evaluations now.

Mr. Connor said he was speaking of mid-year 2013 - somewhere between July and August. For now, he asked the Board's permission to speak with the Board of Adjustment and find out what they are doing and discuss it again at the next meeting. He said that the Planning Board will have its own committee and evaluation criteria but we just want some consistency.

Mr. Roshto noted that the Board of Adjustment stressed quite well in their e-mail that the work they are doing is very different than the work that the Planning Board does. He suggested that the Board, either at the next meeting or the meeting following that, going into executive session to have a discussion there about what we believe to be performance issues.

Mr. Connor felt that there were a number of common and individual elements.

Mr. Roshto clarified that he was not disagreeing with Mr. Connor talking with the Board of Adjustment and, in fact, he felt that was a good idea. He said that he was suggesting that this Board needs to sit down and talk in executive session and work through *our* issues.

Mr. Connor added that the Planning Board will have a separate evaluation and criteria, but there will be some core consistency between certain sections. If agreeable, he said that he would be in contact with Dr. Behr or Mrs. Raimer and then consider how to proceed at the next meeting. He said that it may be appointing a subcommittee.

Mr. Roshto said that there was some disagreement on his part. He said that he was not talking about establishing a joint committee.

Mr. Connor said that he was not talking about that either. He said that he was talking about a subcommittee of the Planning Board (not a joint committee between the Board of Adjustment). He said that there would be information exchange with the Board of Adjustment, but the Planning Board would have its own committee and its own evaluation criteria, there would just be some consistency between the two.

Mr. Roshto then understood and asked if the Planning Board would roughly follow the same date as the Board of Adjustment.

Mr. Connor replied that we need to look at the dates and set a time to get together after the next meeting and map out how we get to the end.

Mr. O'Brien reminded the members that there is a subcommittee meeting next Tuesday (Sept. 18th) at 6 pm on Millington.

The meeting adjourned at 11:15 P.M.

DAWN V. WOLFE
Planning & Zoning Administrator