

MINUTES

PLANNING BOARD

OCTOBER 9, 2012

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Chairman, Mr. Connor, called the meeting to order at 8:04 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  
Jerry Aroneo, Mayor's Designee (arrived at 8:25 pm)  
Donald Butterworth, Member  
Joseph Cilino, Member  
Guy Roshto, member  
Ashish Moholkar, 1<sup>st</sup> Alternate

Excused:

Sandi Raimer, Member  
Michael Smargiassi, Member  
  
Barry Hoffman, Bd. Attorney

Kevin O'Brien, Twp. Planner  
Thomas Lemanowicz, Bd. Engineer  
Dawn Wolfe, Planning & Zoning Administrator

X X X X X X X X X X

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

APPROVAL OF MINUTES

The minutes of May 22, 2012 were approved on motion by Mr. Butterworth and seconded by Mr. Roshto. Dr. Rae 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.

DISCUSSION

DRAFT OPEN SPACE ELEMENT

Mr. O'Brien said the Board received a number of documents concerning the Open Space Study. The first was a resource paper from the Association of NJ Environmental Commissions (known as ANJEC) and is called the Open Space Plan. He felt it would be helpful to the Board so that the members would understand the purpose and requirements of an Open Space Plan. He said he then sent out two other documents which included the draft Open Space Element, as revised by the Open Space Committee, as well as the original 2009 draft Open Space and Recreational Element of the Master Plan. He then provided a history of the Element. He said that this year it came up again and Mr. Aroneo, who is a liaison to the Open Space Committee, worked with them over the past summer to bring this document up to date from an open space perspective. The Open Space Committee took a look at the original document, removed a number of passages they thought were not germane to it, and has presented that document to us. He reviewed the original document as well as the one presented to the Board and made suggestions to the Board in the document labeled "Revised by the Open Space Committee". He said that it is a track changes document with his comments and suggestions. He said that he made a number of suggestions that he thought would strengthen the document. He thought that when the Open Space Committee removed various parts, perhaps some of what they removed may be useful to the current document or may be updated in some way to make them useful. With a small amount of tweaking, he felt that we can have a document that reflects the wishes of the Board as well as reality on the ground here in the Township. He pointed an article that he had sent to the Echo Sentinel dated 8/17/12 entitled "Ballfields, Casual Play Areas are in Long Hill Concept Plan". He said this was a concept plan that was discussed and it sounded like an application was made to the Open Space Trust Fund of the County and there are certain goals to that application. He said that none of that was discussed in our Open Space Plan and we should find out a little more about this and make sure that what is currently going on is reflected in the plan.

Mr. Connor said that members of the Open Space Committee were invited to attend tonight's meeting, although none were present. He felt it was best to start with Mr. O'Brien's version which consists of material from the Open Space Committee along with his comments.

Mr. O'Brien said he had tried to make specific recommendations to the Board in those comments and the Board can advise him if they would like him to pursue them or not.

Mr. Arentowicz referred to the opening paragraph and noted that it said every 6 years and he thought that should read every 10 years.

Mr. O'Brien confirmed that it was 10 years.

In response to Mr. Connor, Mr. O'Brien said that he didn't go through the document line by line and make changes, but tried to make broad statements to specify what should be done. For instance, he said that:

- His comment on Pg. 2 says "Must be updated with Planning Board and Open Space Committee details" which would include everything under the fourth "Whereas" which states (in part) that the Township Open Space Committee was requested to contribute expertise to this effort, said committee meeting four times...." He added that he did not know how many times they have met and that kind of information needs to be updated, as well as whatever the Planning Board has done;
- On Page 3 he suggested adding a table of contents;
- On page 4 under Item 1A – "Findings", he said that those numbers date back to 2009 and should be updated with current numbers;
- Item 2 – "Introduction" - At the first paragraph where it reads "The OSP establishes the vision for the community's open space and identifies those parcels with significant characteristics that warrant preservation". His comment was that we should include a list as the various lists that were in the original document were excluded from the current document.

Mr. Roshto added that pictures and maps were invaluable to him. He suggested that, rather than a list, we should look into creating maps as well.

Mr. Lemanowicz said we had the G.I.S. capability to create any map you might need. He said that information can be obtained from the County and whatever you ask for he can map. The only thing that would have to be added is the tax data which will indicate the land which the Township owns and that government entities own.

Mr. Roshto suggested that we ask the Open Space Committee to pick one or two critical maps that would add value to the Element and then discuss what is entailed to make that happen.

Mr. Lemanowicz said there is a way through various open space grants and the Environment Commission would have to get involved. He said there is money available to do some of this mapping because it will be based on a town map. The information for the Open Space Committee would be a layer or two over the main map. He felt it may be worth considering getting the main map (which would be a Township Committee issue) at least started. As open space comes up and recreation comes up, he said we can simply add that next layer to the map.

Mr. Connor thought it sounded like a good idea and asked Mr. Lemanowicz if he had any idea what the cost might be.

Mr. Lemanowicz said he would review his information and try to break it out for the base map.

Mr. Roshto suggested going back to the Open Space Committee and asking them exactly what would be valuable and, from that, Mr. Lemanowicz could give a cost.

Mr. Lemanowicz replied that he could do that.

Mr. Roshto thought it would be good to ask them for one or two maps and include them.

Mr. Butterworth said this had been discussed before and a lot of this mapping we already have in this building. He said that someone was supposed to find out what layers are already available here in Town Hall. He did not feel that the cost should not be that much to add additional layers.

Mr. Arentowicz said if our tax records are correct and they feed the County it should be a minimal cost.

Mr. Lemanowicz said it is simply a matter of gathering the pieces and putting them together. When it gets into more detail then obviously it is then custom. He said that he had already spoken to the Environmental Commission and what they have has been superseded.

Mr. Connor asked if the Board wanted to have the maps imbedded or as an addendum that can be changed without going through and redoing this particular plan.

Mr. Lemanowicz said that once it is all in a format that is consistent, it is not that difficult to swap it.

Mr. Connor said felt that we would need to have the maps as an attachment that could be changed rather than imbedded.

Mr. O'Brien agreed and added that that would save on reproduction costs.

Mr. Lemanowicz said that we could make one document of text and then a separate book of just maps.

Mr. O'Brien said that the Board and Open Space Committee may wish to consider something along the lines of the current open space that is in the Township and then the various lists that are elsewhere in the open space document such as possible open space thoughts and acquisitions. He said that we will run it by them to see how they feel about it. He then read the paragraph at the bottom of Pg. 6 and said that his comment there was that we should update the 2010 census numbers which can very easily be plugged in. Referring to Item No.4 - "Inventory of Existing Open Space", he said that he suggested that we update the figures.

Mr. Connor questioned "Goals and Policies" as he wanted to make sure that the Board is in agreement on upon. He asked if there were any suggestions or changes in the wording. (There were no comments)

Mr. O'Brien suggested the following:

- That the figures be updated in Item 4 on Pgs. 9 & 10.
- At the bottom of Pg. 12 under Item 4E – "Township Lands" he read his track changes note. He said that they are on Pgs. 12 and 14 of the original plan and suggested that an abbreviated version of that original list, leaving out the recreational lands, may complete that section.
- Referring to the bottom of Pg. 13 - Item 5C1, he said that we jump from Item 4E to 5C leaving out an entire section that introduced what was called a "Needs Analysis Chapter" which was really directed towards recreational lands. He said that there are various formulas that are used that show how much recreational land should be in a Township based upon size and population. He thought it means that Items 5C1, 5C2, and 5C3 don't really make much sense because they are part of that other chapter. He said that he will take a look at that chapter to see if it makes sense to bring any of that over into this document because the emphasis was recreational – or leave it all out. He asked the Board for its permission to try something along those lines.
- His second comment on Pg. 13 states that "The 2011 version listed possible future Greenway properties on Pgs. 22-24". He said that they would be considered open space because they would be greenway and either passive recreation or no recreation and he felt that they would be part of an open space document.

(Mr. Aroneo arrived at 8:25 PM).

After further discussion, Mr. Aroneo explained that the Open Space Committee is no longer going to be putting a list of properties into the Element (or this type of a document). He said that they will prepare a "rolling recommendation list" on an annual basis to the Township Committee until the Township Committee would direct otherwise. He said that they do not think it is a good idea to maintain a list of target acquisitions for obvious reasons. He said that, when that happens, other people seem to become interested in those properties and, if they know that they are of interest to the Township, they found that it works against the Township. He said that it will be done on a single portfolio basis rather than a list of properties.

Mr. O'Brien said that, if the Open Space Committee wishes to leave it out, then no mention of it should be made except in the most general type of way and we should revise it along those lines.

In response to Mr. O'Brien, Mr. Aroneo agreed that the Sec. 5C2 – "Central Township Greenway" is to be handled conceptually as well.

Referring to Pg. 14, Item 5D – "National Recreation and Park Standards", Mr. O'Brien said that it did not seem that we needed to have this particular paragraph in this document because this is more recreational. He said that there was a table to show how this was calculated, but there is no reason to have that if we don't have this particular paragraph.

Mr. O'Brien referred to Pg. 15, Item 6 – "Action Plan". He said that the comment was that Sec. 6 discussed the 2011 version which listed an inventory of potential open space based upon a set of described criteria. He said that the Board may wish to list the inventory as a tool for possible future open space acquisitions.

Mr. Connor suggested going back to the beginning (Pg. 3) to do some "word-smithing".

Mr. Roshto asked for confirmation that the Element being worked on is the Open Space Element and the Recreation Element is no more – or are we going to have a separate Element?

Mr. O'Brien replied that the Recreation Element will be a separate Element which will be worked on by the Planning Board, hopefully in conjunction with the Recreation Committee.

Mr. Connor explained that when it came before the Board a couple of years ago, the Board thought at the time it was mostly a recreation document and there wasn't very much open space. It was actually presented by the Recreation Committee and the Board felt that that particular document needed to have two pieces – and that the Recreation portion should deal with recreation and the Open Space portion should deal with open space.

Mr. Connor began with the Executive Summary and began with a review page by page. He noted recommendations on Pg. 5 where pictures and maps and maps were suggested. On the next page he pointed out that numbers needed to be changed and updated and said that that will be done

Mr. Roshto referred to Pg. 7 of the "Introduction". He said that it says in the middle of that last paragraph that additional parks and open space will be necessary as Long Hill experiences residential development and population growth. He asked if we can we get a forecast of what might be.

Mr. O'Brien disagreed with that statement based upon current 2010 policies.

Mr. Roshto said that he was not sure that he agreed with it either and would like to get some data to back it up one way or another.

Mr. O'Brien said that if you put in the 2010 census data and you will see very little change. So, if you forecast that out you will see very little change.

Mr. Roshto said that he would also like to know if the Open Space Committee made the statement or if it is an old statement.

Mr. O'Brien said that, from the best he could see, no changes were made to the words in the document in front of the Board. Instead, it looks as though paragraphs and chapters were taken out. He agreed that it is old information which is why he didn't go word by word on it because he felt it will be revised with further information.

Mr. Roshto referred to Item 3-1-C which reads "Encourage the continued expansion of passive recreation opportunities in the Great Swamp Wildlife Management Area". He did not think that we have much control over the wildlife area and, therefore, he wanted to know what that means in terms of our Element and what we would be doing as a Township.

Mr. Connor asked if there were any more comments on Goals and Policies. Hearing none, he moved onto Item 4 - Inventory of Existing Open Space. It was noted that the introduction needed updating.

Mr. Roshto referred to Item 4A – US Government Lands and asked if it could be clarified. He said that one statement says "owns 2,476 acres in the Great Swamp National Wildlife Refuge" but he thought it might be a bit more as they had acquired some land.

Mr. Aroneo noted that it said somewhere else in there that the U.S. Government planned ownership is constantly changing.

Mr. Roshto suggested, for clarification, that it say that the Great Swamp National Wildlife Refuge owns 7,600 acres and that, of that, some acreage is in Long Hill Township (approximately 2,600 acres).

Mr. Connor suggested noting that it is still acquiring additional land.

Mr. Roshto referred to the next page of Item 4A and said that at the top the Ten Towns Committee has been dissolved, so this should be stricken. Regarding Item 4C, he said that the last sentence says "The oversight of Morris County lands in Long Hill Township is an issue since they are not actively managed

for wildlife or recreational use. He wanted to understand the meaning of that sentence and questioned, if we determine what it means, what actions would be taken to correct it.

Mr. Aroneo asked to go back to Item 4B where it says that the Department of Environmental Protection is not actively managing State lands in the Township resulting in concerns about oversights and proper stewardship. He said that today he had seen Morris County Mosquito Control actively managing the facility near the Passaic River and he has also seen State vehicles and game wardens on State land. He questioned if we need to comment on that unless there is something specific that we want. He said that when we have asked Morris County for things, for instance when we asked about using Morris County land for recreational purposes near the Clover Hill development, they were very eager to help us. He felt that they are there if we want something.

Mr. O'Brien said those statements dated back to 2009.

Mr. Connor thought the only thing that should be noted in both of those is that neither the County nor the NJDEP manages the land and the Township may need to work with them for changes, or it could just be left out. He said that if you want to make the point that the Township isn't in charge you could just say that the Township does not have active control to manage these lands and leave it at that. We just need a phrase that would indicate that those are not the management responsibility of the Township.

Mr. Roshto suggested adding that we will continue to work cooperatively with the State and the County.

Mr. O'Brien said that Items 4B & 4C will be amended to reflect the current cooperative state of affairs.

Mr. Connor asked for comments on Items 4D & 4E. There were none.

Regarding Items 5C1, 2, & 3, Mr. O'Brien said they will all be revised to show that these are just general goals to acquire additional lands in appropriate places keeping it at a very conceptual level.

Referring to Item 5C3, Mr. Cilino asked if Millington should be added based upon where we are going with the Millington Element and what has been suggested.

Mr. O'Brien asked if there were plans for a bike path extension?

Mr. Cilino believed they had talked about using the walkway and bike extension along the Passaic River way for historical sites and for enjoyment of the river.

Mr. Connor felt that adding Millington to the both the river and pedestrian/bike path makes sense.

In response to Mr. Connor, Mr. O'Brien agreed that he had suggested that Item 4D be dropped out because it is definitely a recreational piece.

Mr. Aroneo said the only reason why he hoped to leave that in is because when we apply for grants it is good to have some symmetrics around a defensible position for wanting to acquire land using grant money. For instance, in the case of the property across the street, he said that we interact with the County Trustees when we apply for County grants and they will visit the property. He said that they will want to know why we need it and how we can justify it. He said that he directed them to our Open Space Element and cited some of the numbers and we also gave an oral presentation in Morristown for that grant. He said that it is nice to have something to lean on and he uses it constantly when he is dealing with people for grant applications. He said that it is nice to have some numbers and be able to point to them in our Open Space Element, rather than in the Recreation Element. He questioned if it can be in *both* places.

Mr. O'Brien felt that it makes more sense on the recreational side.

Mr. Aroneo agreed. He said that the way it is right now, all these groups - recreation and all of the individual athletic associations have petitioned to the Open Space Committee (and in years past, the Township Committee) to say that they need additional open space. He said that the Township Committee and Open Space Committee levels, they have grappled with how to make the justification for it. He said that this is one of the ways they do that, whether it is on a population basis or an acreage basis.

Mr. O'Brien said that what we have done in this Element is taken out most of the recreational items and just set it aside. He suggested that, when we are done with this and the things that are going to go in are in and the things that will be removed are removed, he will take the things that have come out and call it the draft Recreation Element and all of the metrics will be there and there are loads of metrics. He felt that there are 3 different ways of comparison on the recreation side that shows whether or not we have enough recreational space based upon population and size. He said that, as a draft Element of this Board, you could certainly show that to Open Space or anybody else and say that we need open space and

recreation and that is why there is an overlap there – so you have 2 different documents and the revised recreation document will be very strong with the metrics.

Mr. Connor said that, if the wording of this is correct, it is a strange definition of open space because it says open space is defined as land designated for active and passive recreational use when most of the open space is *not* designed for that, but to stay as unused land. He did not understand how open space can have that definition.

Mr. Aroneo felt that it is the National Recreation and Park Standards type of open space land.

Mr. O'Brien said that, if you threw that over into the recreation side, that would strengthen all the metrics on that side.

Mr. Aroneo said that he just wanted numbers that he could use.

Mr. Roshto concurred and thought that perhaps the way this should be written is from an open space prospective. He said that it is worded as a statement of recreation and asked if it could be changed to a statement of open space – how much open space exists and what it is used for. He felt that we should provide the metrics that Mr. Aroneo is looking for for grants.

Mr. O'Brien said that the problem with the open space side is that we have sufficient open space by any way of measuring that and noted that almost 50% of our land mass is open space.

Mr. Aroneo, however, if you look at the particular type of open space (such as active recreation), we do have a deficit there.

Mr. O'Brien agreed.

Mr. Roshto said that, in that case, then it should go to recreation if we are looking at active recreation.

Mr. Aroneo asked if it should be the same for environmental. He noted that there is a big argument for environmental open space also and questioned if that should be in the Environmental Element.

Mr. O'Brien said it should reflect what you are talking about because of the various environmental inventories that were done by the Environmental Commission. He said that they do an inventory of open space and a natural resources inventory that shows the plants and animals that exist in the various parcels that are owned and what goes on in the open space.

Mr. Roshto asked why this document isn't showing an inventory of open space.

Mr. O'Brien said it should come from the Environmental Commission. They do a Natural Resource inventory which is part of the Environmental Element.

Referring back to the GIS, Mr. Lemanowicz said that, if the Environmental Commission supports the mapping work, there would be money available for that and if we can bring the Environmental Commission in on this effort it will help the town get the other mapping done.

Mr. Connor felt it may be possible to adopt the Master Plan before we have those maps. He was not sure how long this effort will take but he did not want to hold up the Master Plan because we don't have maps. If we are going to append the maps, he said we could do something to work on this and have a section that says the updated maps will be appended.

Mr. Roshto had a different view. He felt that when you create a map you create it to help you in the analysis phase, not to support something you have done. To him, the map is part of the building of the Element and it creates a visual.

Mr. Connor said he has seen a lot over the last 7 years of printed maps with that information. He said that pieces exist and just putting it together is a simple process.

Mr. Lemanowicz said the issue is that, with the GIS, it is easier for it to stay current.

Mr. Aroneo said that it is not complete, but the Open Space Committee is in the process of loading all of our open space into the County's map system. He noted that it will be a long time as it is a tedious process.

Mr. O'Brien asked if there was an actual list by block and lot numbers of open space at this point.

Mr. Aroneo said they did and they could forward that to Mr. O'Brien.

Mr. Roshto said if he had the block and lots of all the open space he could create a map in a half day. He said it is not a big project or as time consuming as you might think.

Mr. Connor suggested exploring how quickly and what expenses will be incurred to get the maps up and running.

Mr. Lemanowicz said he knew Mr. O'Neil, Chairman of the Environmental Commission, and said he would ask if he can get him the open space material. With that information, he said he could probably get a time line and a budget by the next meeting.

Mr. Connor moved forward to Item 6 – “Action Plan”. He said that Item 1 says to “consider applying” and asked why it was modified and why it doesn't just say “apply as appropriate”.

Mr. O'Brien said that it should probably match what is in No. 2 which is just a statement to “apply”.

Mr. Roshto said that there are other opportunities besides the Green Acres program, so we should probably strengthen this with all of the opportunities.

Mr. Connor asked for a definition of “susceptability”.

Mr. O'Brien joking replied “No” and said he wondered if the word was originally “sustainability” at one point. He asked the Board if it would consider the word “sustainability” or if it preferred to leave it out.

Mr. Moholkar asked if there were any loopholes that would allow you to use it differently than intended. He said that it sounded like it means it lines up with the Element that we are discussing.

Mr. Connor thought it was meant to be “sustainability” and that you want to sustain the effort. He asked the Board for its opinion. The consensus was to remove it.

Mr. Aroneo said that the inventory of open lands doesn't exist anymore.

In response to Mr. Roshto, Mr. O'Brien said that it is more about what Mr. Aroneo is talking about with the rolling list. He said that it sounds like there is more of an annual review of possible acquisitions or targeted acquisitions.

Mr. Aroneo said that they are just making recommendations based on individual properties rather than working off a list and saying here is what is available. He said that what they will do is go to a map of the town and point out property which may be available or for sale, which we have interest in, then they will discuss it before asking the Township Committee if they have any interest in it. If the Township is in agreement, then they will work on it and develop a portfolio of all of the information about that property.

Mr. Connor said that there is an action plan to review as appropriate. He felt that the fact that we will continue to look for lands to move into open spaces is something to be mentioned. It just needs the properly worded paragraph.

Mr. O'Brien suggested somewhere along the lines of “On a regular basis recommend properties for possible acquisition”.

Mr. Aroneo agreed.

In response to Mr. Connor, Mr. O'Brien said he would let the Open Space Committee know formally that the Board has reviewed the Element and recommended some revisions. He said that he will make the recommended revisions as the Board directed and put this on the calendar for a subsequent meeting. He said that he will pass that document out to this Board and the Open Space Committee.

Mr. Connor suggested adding “revisions and update of current statistics to reflect 2012” (or words to that effect) just to make sure that they know that they have to find numbers. He then called for a 10 minute recess.

X X X X R E C E S S X X X X

**DISCUSSION**

**DRAFT VALLEY ROAD REVISED ORDINANCES**

Mr. O'Brien said that in 2011 the Planning Board adopted and sent to the Township Committee Valley Road Ordinances which supported the then in effect Master Plan Element for Valley Road. The package that was sent to the Township Committee was a large one because, in Mr. Pidgeon's opinion, there were a number of parts of the Ordinance that were affected by what we were doing so, therefore, there were

many sections that really have no bearing with what we are doing but need to be here because this is how the ordinances get changed at the Township Committee level. He said that about 2/3 of the pages in front of the Board can be ignored but have to be there for completeness before the Committee. He said that he took the original Ordinance and revised it in accordance with changes made in the recently adopted Master Plan Element.

Mr. Connor recommended going through the document page by page. He invited the Board members to interrupt where appropriate.

Mr. O'Brien said the first change was on Pg. 7 and starts out with "The following properties are designated as being in the B-D Business District". The Shop Rite and Valley Mall were removed from that list because they are staying in the B-3 zone in accordance with the current map and current Element. On Pg. 8, he said that one of the blocks on the far side of Mercer Street was not included in the Business District so that has been left off. At the bottom of Pg. 8, he said there are a number of properties that were designated as being in the R-4 residential district. These properties face Metzler Pl. toward Plainfield Rd. and the original idea was to put them into the R-4 where they would be conforming rather than in the B-D district that was left off the map and passed by the Board in June. He said it is up to the Board to either reconsider making them R-4 or leaving them in the Business District Zone.

Mr. Connor asked for a slightly longer explanation of where they are now.

Mr. O'Brien replied that those properties are all currently residential on fairly small lots and are non-conforming because they are in the B-2 Zone. They were left in the Business District in the June map. One of the considerations in the past was to put them in a residential district of their own so they would be conforming.

Mr. Connor asked if they were going from one residential designation into a second residential designation.

Mr. O'Brien replied that they are currently B-2 which is one of the business zones. They are contiguous to the "C" Conservation Zone which is a residential zone and, to the west of these properties and a block away, is an R-4 Zone on Magnolia Ave. and north of Cedar Ave. which is residential.

Mr. Aroneo said we had talked about this when doing the Business District Element. He thought the Board at the time did not want to add any special carve outs.

Mr. O'Brien said the map we adopted in June of this year left these in. The Board wanted to specifically eliminate residential from Business District. He said that the newer home that was built falls south of Metzler Pl. and is in the Conservation Zone. He noted that there is a conservation easement on the river side.

Mr. Arentowicz asked if we were then leaving them in the B-D Zone and they would be nonconforming?

Mr. Connor said most of the houses there are very small and noted that Metzler Pl. finally got paved.

Mr. Arentowicz said that Metzler Pl. got paved because of the EPA and the asbestos.

Mr. Roshto asked Mr. O'Brien if in the BD zone the lots would be undersized so they would be non-conforming even for business development.

Mr. O'Brien replied that he could not say that with accuracy for every property but looking at the Zone Map they are pretty small.

Mr. Roshto said that currently there is no hope for it in terms of improving it. He said that the reason these properties are in the B-D Zone is so that we can improve them as business properties and make them part of the business development area. He asked, if they are non-conforming lots how do we achieve that goal?

Mr. O'Brien said that one hopes in time, as zoning is an incremental event rather than something that happens all at once, the lots will be consolidated and perhaps bought up by people on the backside of the lots or a strip would be consolidated in order to put something there and, hopefully, it would be done in conformance with what the Master Plan calls for in terms of permitted principal uses.

Mr. Roshto asked if that is something we should be looking at since we are discussing ordinances tonight for the B-D Zone.

Mr. O'Brien said that a goal of the Master Plan is to encourage consolidation of those lots and bring them into conformity. He said that you can't make them do that in an ordinance except by having minimum lot



sizes and things that have to be done in order to have a conforming permitted use. The fact that the lots are undersized there means that if someone wants to do something they have to conform or go for variance(s). They would have to consolidate some lots to get the proper size and then propose a permitted use.

Discussion of the consolidation of lots followed. Mr. Lemanowicz said that to consolidate you would not necessarily go before a Board unless you consolidate lots in two different zones.

Further discussion of lot consolidation followed.

Mr. O'Brien referred to Pg. 9 and said that at the top it reads "The following properties were designated as being in the Industrial Overlay District:". He said that these are the properties that were on Bay St., east of Poplar Dr. which are currently zoned industrial. The Board at that time put an overlay district here to allow them to retain the current uses and make them conforming. He said that we did not address that as part of the June Master Plan Element. He said that, if the Board wishes to consider that now, this would be the time to do so.

Mr. Connor said if we do that it was neither inconsistent or consistent with the Master Plan. In other words, he asked if we re-establish or establish this overlay district that would be consistent with the Master Plan?

Mr. O'Brien said it would be and there would be language added to the ordinance that gives a purpose to it that would explain it.

Mr. Connor said that some of the Board members have been here for awhile and understand the overlay district. He asked if we need any more definition of the overlay district and its intention.

Mr. O'Brien replied that all the rules that apply to the B-D Zone apply to this, but for the little tiny neighborhood with its own defined boundary they have a special rule that allows additional uses and that is the only change. The overlay zone allows for conformance.

Mr. Connor said that they basically take what is there now and allows them to stay and become a conforming use. They could transit to a more typical business district but realistically some of them probably will not. It allows that to be a separate little area within the business district. He felt that the Board should insert the overlay district as discussed initially.

Mr. O'Brien said that later in the Ordinance the actual specific uses that are existing in that overlay district are listed as part of the overlay.

Mr. Connor suggested that it be included but if there is disagreement it should be discussed.

Mr. Roshto felt he needed a better understanding of this. He said that he would like to know how many properties are there and how many are non-conforming, what their sizes are, etc. and, when we create the overlay, what the difference is in the nonconforming versus conforming.

Mr. Connor said we have gone through that before but we need to recover those notes.

Mr. O'Brien continued with Pg. 19 of the Ordinance under Sec. 122.8A – Industrial Overlay Zone, he said that the rules are listed there and the four uses. He said that Items 1 through 5 allow the current uses there to remain and the uses are specified.

Mr. Roshto said he had a lot of questions about this entire thing. He said that he would like to propose to the Board that the entire ordinance go to the subcommittee and let them hash through a lot of the details. He said that, as Mr. Connor said earlier, we just went through changing the Master Plan on this. He said that this Board has not reviewed these ordinances and it hasn't gone through the Ordinance Subcommittee. He said that the only Board that has reviewed this reviewed something that was prior to our changes in the Element. He preferred that we attack this a little differently. He said that he was certainly open to having this conversation and hearing what the members have to say but would like to have more time to digest this.

Mr. Connor said he had previously mentioned that this went through the Ordinance Subcommittee using the old Master Plan as a guide. It was his intention that perhaps the Board could avoid that step to make this happen quicker, but that is up to the Board.

Mr. Roshto thought this is too important an ordinance to try to drive it through for the sake of quickness. He felt that the Board did a great job on the Element and our next step is to do the same for this ordinance, but he felt the Board is skipping a step. He felt that the Board can certainly do a lot here but

there are a lot of details that he wanted to hash through that will take up a few meetings and he did not think that the Board wants to sit through all of that.

Mr. Connor thought it was redoing something that he has a background on which he understood may be unique.

Mr. Arentowicz said that by the same token if we have made major changes to this and there have been some changes, he was in favor of having the Ordinance Subcommittee review it to save time and expedite the process.

Mr. Cilino agreed.

Mr. Connor said if that is what the Board desires then we have to pass this over to the Ordinance Subcommittee and have them take this under advisement and get it worked on fairly quickly.

Mr. Roshto thought it could be done in two meetings in the span of a couple of weeks.

Mr. Connor agreed and, addressing Mr. O'Brien, said that this is one area where the Ordinance Subcommittee sometimes needs (his) advice.

Mr. O'Brien said he would be available if needed.

Mr. Connor said that it will be sent to the Ordinance Subcommittee and request that their review be expedited. He asked if there was any new business or updates.

Mr. O'Brien said the Ordinance Subcommittee has a word document on this.

Mr. Roshto said that the members of the Ordinance Subcommittee are (himself), Mr. Connor, Mr. Butterworth, and as Alternate Member, Mr. Smargiassi.

Mr. Lemanowicz said he will be submitting to the Ordinance Subcommittee the Land Disturbance Ordinance which is now done. In addition to the text of it, he said that he had also inserted his thoughts on where things were going with it. As Mr. O'Brien suggested, he said that maybe we could go through it once and then sit down with the details. He noted that it is a *substantial* piece and he found it easier to put stuff in there for people to take out rather than hope someone thinks of something new. He said that he has found that some towns want particular restrictions.

Mr. Connor suggested that the Ordinance Subcommittee plan to have meetings Tuesday, either before a Planning Board meeting or before a Board of Adjustment meeting from 5:30 PM to 7:30 PM which will make the best use of its time, either next Tuesday or the Tuesday thereafter.

Mr. Connor asked if there was any old business.

Mr. Roshto asked for an update from the joint committee on the Fee Ordinances.

Mr. Arentowicz said that the Subcommittee of 5 (2 ½ members from both the Planning Board and the Zoning Board since Mrs. Raimer is a member of each) have had a series of meetings. He said that a study was prepared by Mrs. Wolfe that looked at 18 *completed* applications over a 3 year period as they related to the fees and escrows. The Subcommittee also looked at the fees and escrows of all of the neighboring towns and found that our fees had not been adjusted for inflation since 2000. He said that they also looked at the consumer price index and adjusted those fees for the 11 years that hadn't been adjusted for inflation and they drafted all that up. He said that there was one issue that Mrs. Wolfe brought up noting that we did not have an application or escrow fee for requests for rezoning of property. He said that that will also be included in the draft proposal. He said that all of the changes and approaches and what they considered is a very detailed change controlled document that all of the members can read when it is ready.

Mr. Roshto said that he was slightly involved in that and had forward to the Ordinance Subcommittee the revisions that he had recommended to it to the work that they did on the joint Committee. He said that, as a heads up, the planned process is something that the Ordinance Subcommittee will need to discuss as well.

In response to Mr. Connor, Mr. Cilino said that the Millington Subcommittee has had several meetings. He said that the first thing they need to look at is the old Millington Element some of which we did tonight. He said that initially listed a vision for Millington and then went back and looked at the old Element to see what needed to be updated. He said that Mr. O'Brien had helped line out two goals. One was to review the Millington Element of the Master Plan and the second was to use that information and write a new Master Plan Element for Millington. One of the issues was to look at what grant monies were

available. Part of this was talking about the sewer plant and how that may affect the TDR for the Millington area. He said that they have another meeting scheduled for the 13<sup>th</sup> for discussion on the 1991 Millington Element in terms of the recommendations.

Mr. Roshto added a couple of other comments that were discussed tonight. He said that they will be looking at doing a traffic study and the other is reviewing some of the 1996 Element data and updating it as to what it is today.

Mr. Connor said that the Evaluation Subcommittee (which is the newest subcommittee) has had one meeting and received a lot of good input from the members and the Zoning Board. He said that they decided that they will have a professional evaluation and there is also going to be a client evaluation of the Board. He said that they looked at the Zoning Board process and saw some merit in it, but our procedures of our process will be different. The evaluation sheets will be quite similar but the fact is that the Zoning Board has certain responsibilities and the Planning Board has certain other responsibilities and there should be any inconsistencies – they will just be different. He said that they concluded that the procedure for evaluation that the Zoning Board is using will probably be different than the one that we will end up recommending. He said that the Zoning Board is going to have a subcommittee do the actual evaluations. He said that it was the feeling of the Subcommittee that the actual evaluation process will involve the full Board and how that happens is subject to their plans.

Mr. Arentowicz said that the intent is that we would have an annual performance evaluation which the full Board will fill out on all our consultants. In addition to that, there would be a survey to go out to all the completed applicants where they would respond to a survey and relate their experiences in working with all of our consultants and working with this Board, so we would get input back on how we are doing or what we may not be doing. He said that the intent is that we will have a Subcommittee of 3 that will consolidate all of that input (for each of the consultants and the Board) and review that again with the Board to make sure we didn't misinterpret anything or get full agreement and then the Subcommittee would review the results with the consultants. The time frame roughly be in August time frame and have it done in mid-October on an annual basis.

Mr. Connor said that the process would start next year and it was thought that it would not be appropriate to try to rush something through for this year. He said that we can take our time and obviously there will be a discussion of performance because contracts come up again, but the formal process will really start next year and be approved by the end of this year.

Mr. Arentowicz said that it was felt that, obviously, Mrs. Wolfe would be a participant in this Board on her input into the consultant evaluations as well. He said that they also wanted to give the consultants an opportunity to understand what the evaluation criteria was going to be so that starting out they would have that in front of them in advance.

Mr. Connor said that the next meeting is a week from now. He then asked for any other old business or new business.

Mr. Roshto asked if the conversation with the Chairman of the Board of Adjustment on a joint committee with the Township Committee will be discussed.

Mr. Connor thanked Mr. Roshto for reminding him and said there was a recommendation that we have a joint committee between the Zoning Board, the Planning Board and the Township Committee with representatives of each organization to coordinate activities and meet on a periodic basis. It has not been decided if it will meet monthly or quarterly, but the idea was just to have a place where everyone can compare notes and if we are not on the same page we can at least understand where we are before things come before a Board.

Mr. Roshto said that he had not presented it to the Township Committee as yet because he wasn't clear if the Township Committee would be participating as invited into a Board of Adjustment/Planning Board discussion. He said he was not sure what this is.

Mr. Connor said that what he had seen was a recommendation for a three part committee. He said that we could clearly have Zoning and Planning Board joint committees. He believed that one of the goals of this committee would be to have more interaction with the Township Committee. He said that perhaps it would be better to include all 3 in the informal discussion.

Mr. Roshto said he had received an e-mail from the Board of Adjustment Chairman who stated that he had raised it with the Board of Adjustment and it was unanimous decision to move forward on it.

Dr. Rae questioned what exactly are the types of issues that this committee would tackle? He questioned where has communication or coordination with the Township Committee fallen down?

Mr. Connor said he can't speak for the Zoning Board but for the Planning Board he thought one of the things that we would all like to do is make things run quicker and faster, complete with being transparent and open. He said that sometimes getting a good group together allows us to have a discussion to make sure that there is at least some common goals and that we discuss those and that could allow things that we send up to the Township Committee to be adopted more expeditiously than has happened over the last 1-1 1/2 years. He said that his goal is to not go through this long process of sending it up, getting it back with some significant changes and then working on it and sending it up again. He said he would much prefer if we are ready and thinking about sending something up to get the Township Committee's informal input on what we are going to do. Although the Planning Board is an independent body, he felt that advisory work could be helpful.

Mr. Arentowicz said if one were to look at what has been on this Board's plate and what was forwarded to the Township Committee, he felt a lot has gotten accomplished in terms of the backlog of what was sitting at the Township Committee based upon the input from the two gentlemen to his right. He said that he also had concerns given the fact we are to operate somewhat independent, as is the Zoning Board, so he was not sure what this group committee would do.

Mr. Aroneo said he could see some backlog cleared in the past year. He felt that the communication between these two bodies is better than it has been in the last 3-5 years. It looked to him that they are "in synch" right now after going through periods where they were *not* in synch. He felt that some of that is political and some takes time for messages to level off with new ideas and new people to get back in step.

Mr. Roshto agreed with Mr. Aroneo. He thought that from the day to day work this Board does, we are doing a great job. Where he thought they could improve in terms of communication is the executive session types of conversations. He said that this Board hasn't met in executive session at all this year and he felt that those are the kinds of issues that are more along the lines of personnel, sharing resources, funding, etc. and that is where we have a gap and could improve.

Regarding budgets, Mr. Connor said that they usually come before the Chairman and Vice-Chairman.

Mr. Aroneo agreed. He said that he was only considering the planning process itself rather than some of the administrative and budgetary issues around the Planning Board itself.

Regarding executive sessions, Mr. Connor said that items such as personnel may be discussed and we probably have *limited* coverage on budget, although he was not quite sure how much of that can be legitimately handled in executive session. To the extent that you want to go much beyond personnel or pending legal actions (for the full Board) he did not think that the full Board can go into executive session because he did not think it meets the Sunshine Law.

With regard to executive sessions, Mr. Cilino was not clear and assumed that at this time of year there are thoughts about budgets for the following year. He felt that perhaps a discussion of a "wish list", what that might cost and look like, and will it increase our productivity might be a valuable conversation in an executive session.

Mr. Connor thought it had been delayed this year because normally Mrs. Wolfe has informed him of the budget requests by now.

Mrs. Wolfe agreed that normally by now she would have received a request (and forms) from the Township Administrator in order to prepare the budget for the upcoming year. However, she noted that the new Township Administrator only was appointed to his position a week or so ago. She said that she expected to hear from him soon regarding the matter.

Mr. Aroneo said that he knew that the new Administrator has been making his rounds and holding introductory meetings with Boards, Committees and Department Heads and, in fact, met with the C.F.O. this week. He felt that some of the discussion with him that took place concerned putting together the budget for next year.

In response to Mr. Cilino, Mr. Connor said that he would hate to spend a lot of time on the budget assuming that we will have the old procedure and then discover that a new and different procedure is coming in. He felt that the Board should wait until the new Administrator tells us what the ground rules are.

Mr. Aroneo added that the C.F.O. will also be involved more so than in prior years. He expected the process to be fairly normal without many changes.

Mr. Connor said that the Planning Board budget is very modest and over half of it is salary and the other half takes into account fairly repeatable expenses.

In response to Mr. Connor, Mrs. Wolfe agreed that discussion of the budget should be done in public session rather than private session.

Mr. Cilino said that he did not have a problem discussing the budget in public or private discussion. He said that, for example, this year early on we were backlogged 5-6 months on the meeting minutes and that necessitated a discussion about getting a little money to hire someone part time. He said that that is the kind of thing he was talking about. He said that he thought that we had somebody now, but was not sure. He said that he used to prepare \$3,000,000.00 budgets and the process he would start is to build it from the ground up. He said that from what he was hearing the Planning Board is given a figure and we have to make that work.

Mr. Connor said it is not quite that, but the guidelines are that you need to work within the dollars from last year or they may say that we can have an overall 2% increase. He said that the Township Committee provides strong guidelines as to what the goal is. If we can not meet the goal, he said that we can certainly present a budget with an increase but must provide justification. He said that the old system was pretty much a "ground up" budget, but a lot of the things we have are costs for court reporters and various publication costs. He said that the major expenditures we have are for the 3 professionals. He said that those 3 items are in excess of 75%-80% of the total budget. He said that he did not have a problem in letting Mrs. Wolfe put up a recommendation. He said that we have said that she should, if possible, bring someone in to do the minutes and that there is probably money in the budget.

Mrs. Wolfe said that this was discussed at the last Planning Board meeting, however she did not recall where the money was coming from. She said that she was asked to contact the person that is preparing the Township Committee minutes (Ms. Mary Ann Fasano), which she did and she is willing to give it a try. She said that she provided her with CD's and notes of the last 2 Planning Board meetings, but she has not heard back from her yet. She recalled that at the last meeting the Board had discussed a \$100.00 flat fee for the preparation of minutes.

Mr. Connor said that right now he felt we are fine and that there is money in the budget that would probably allow for us to pay for it in our current budget with, perhaps, a minor line item transfer.

Mrs. Wolfe said that Ms. Fazano will start with the more current minutes and she will work on the older sets.

Mr. Connor said that that was fine.

Mr. Roshto what just happened here is what this group that the Chairman is bringing up would start the discussion on. They would communicate across the Township Committee, Board of Adjustment and the Planning Board and then bring that back to us to have a discussion with some "meat" on it. He asked if the Planning Board wanted to have two members from the Township Committee and two members from each Board serve on a committee.

Mr. Connor said that the committee would not make any substantive recommendations for changes. He said that it would not be a recommendation body and that it would just be discussion.

Mr. Roshto replied, "Absolutely" and said that it would go back to each Board and the Township Committee, as appropriate.

Mr. Connor said that we could try it and if it is not a good use of everybody's time it will probably not continue. It is not one of those boards that will be self-perpetuating.

Mr. Cilino agreed. He said that we can either use it as a tool or not. He felt that if we have something that is useful going forward to start that is fine, but if we don't, and if we think it is not useful going forward then there is no reason to start it. He said that, certainly communications is paramount in getting things moving. If we are looking to keep the momentum going in a positive efficient manner, he felt it is worth the time and effort to do it.


Dr. Rae said he thought it was overkill and did not think that we have such a great problem right now. He felt that any issues that rise to the surface can be dealt with given the processes and procedures that we have at the moment. He said he would be against the formation of such a committee.

Mr. Aroneo said he was mixed on it. He said that he definitely agreed with what Dr. Rae had said – that it is overkill. He said that we have 2 liaisons on this Board from the Township Committee and so that should be a line of communication and we also have the crossover position from the Board of Adjustment, which is a line of communication to that Board. As far as communication going from the Board of Adjustment to the Township Committee, he said they are quasi-judicial Board and the other is a legislative body so he was not so sure they should be meeting regularly together anyway. As far as the

Planning Board goes, he felt that there is already pretty good communication between it and the Township Committee. He agreed with Dr. Rae that, if specific issues arise, we can deal with it that way.

Mr. Connor asked for any other discussions. There were none. He asked if there was a motion for the Planning Board to agree, with the Zoning Board, for the establishment of this joint steering committee. Hearing no motions, he said that he thought the issue has been decided.

There being no further business, the meeting adjourned 10:25 P.M.

  
\_\_\_\_\_  
DAWN V. WOLFE  
Planning & Zoning Administrator