

MINUTES

SEPTEMBER 10, 2013

Planning Board

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

Chairman Connor called the meeting to order at 8:00 P.M. He then read the following statement: Adequate notice of this meeting has been provided by posting a copy of the public meeting dates on the municipal bulletin board, by sending a copy to the Courier News and Echoes Sentinel and by filing a copy with the Municipal Clerk, all in January, 2012.

MEETING CUT-OFF

Chairman Connor read the following statement: Announcement is made that as a matter of procedure, it is the intention of the Planning Board not to continue any matter past 11:00 P.M. at any Regular or Special Meeting of the Board unless a motion is passed by the members present to extend the meeting to a later specified cut-off time.

CELL PHONES AND PAGERS

Chairman Connor read the following statement: All in attendance are requested to turn off cell phones and pagers as they interfere with the court room taping mechanism.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Christopher Connor, Chairman
Charles Arentowicz, Vice-Chairman
Gregory Aroneo, Member (arrived after Exec. Session)
J. Alan Pfeil, Member
Guy Roshto, Member

Ashish Moholkar, 1st Alternate
Timothy Wallisch, 2nd Alternate

Kevin O'Brien, Twp. Planner
Thomas Lemanowicz, Bd. Engineer

Excused:

Guy Piserchia, Mayor
Suzanne Dapkins, Member
Brendan Rae, Mayor's Designee
Barry Hoffman, Bd. Attorney
Dawn Wolfe, Planning & Zoning
Administrator

Mr. O'Brien advised Chairman Connor that he had a quorum and could proceed.

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EXECUTIVE SESSION

Chairman Connor requested a motion to go into Executive Session to discuss personnel items. He stated that the results of those discussions would be made available when appropriate. Mr. Pfeil motioned and seconded by Mr. Wallisch. A Voice Vote was taken and the motion passed unanimously.

Chairman Connor gaveled the meeting back to order at 8:30 P.M.

Mr. O'Brien retook the role. He noted that Mr. Aroneo was now present. He advised Chairman Connor that he had a quorum and could proceed.

PUBLIC QUESTIONS OR COMMENT PERIOD

Chairman Connor opened the meeting to the public for questions or comments on items not on the agenda. Seeing none, he closed the meeting to the public.

MASTER PLAN REVIEW-CRITERIA C

Mr. O'Brien stated that the Board had received a memo concerning "Reexamination Criteria C" from him last week. He recapped Criteria C stating that it was a listing of the changes in assumptions, policies, and objectives for the basis of the Master Plan and/or Development Regulations. He noted that at the last meeting in August, the Board discussed the issues that they felt were current and a list was made of those issues. Also in the memo, Mr. O'Brien listed a number of items that were still open in the current Planning Board Status Report for the Board's consideration as to whether they should be included in Criteria C for the Reexamination.

In addition, Mr. O'Brien pointed out that there was some effort dating back a few years ago on the part of the Ordinance Subcommittee and by staff to identify issues that were in existence in the ordinances at that time. Mr. O'Brien had a folder of those issues consisting of emails, notes, meeting notes, some memos but there was no unified way to arrange them into a list. He had hoped that he would have an opportunity to discuss with the Ordinance Subcommittee if any of those issues were of any interest to the Board. If the Board preferred, he could condense it down to a list.

Mr. O'Brien stated that he had distributed the 2003 Reexamination Report and identified the various materials in that report that qualified as Criteria C. He used that as an example so that the board members would have an idea of what types of issues had been mentioned in the last revision.

Mr. O'Brien said that at last month's meeting, the Board gave him the following list of the issues raised by board members. Mr. O'Brien grouped those issues into categories and proceeded to review them.

Mr. O'Brien asked if there were any comments about those issues listed under **Flooding/Stormwater**.

Mr. Roshto asked when the Stormwater Management document was completed.

Mr. O'Brien answered that the Stormwater Master Plan Element that was adopted in 2007 was still current. In addition, that element was backed up by the Stormwater Ordinance.

Mr. Lemanowicz added that there was a series of stormwater ordinances that came in with the new Stormwater Management Regulations. There was, over time, passage of about a dozen different ordinances from animal waste to connections, etc. There has, historically been a lot of stormwater activity in the township.

Mr. Roshto stated that he was asking the question in terms of Criteria C. He felt that if the township was current as of 2007, then from a Criteria C perspective, it did not seem like it had to be on the list.

Mr. Lemanowicz stated that each year the town had to file a permit with the Department of Environmental Protection indicating that they were still doing the things required by the discharge permit. It had to be shown that all the inlets had been cleaned, that certain streets had been swept, etc.

Mr. Roshto stated that, in reference to the Reexamination Report that was under discussion at this meeting, none of that would apply.

Mr. O'Brien stated that the maintenance of stormwater management could be the issue.

Mr. Roshto asked if the 2007 element was current, he did not see the need to reexamine that element when, (a) the Board had very little time to do this and (b) it was well within the time period. He felt that unless the Planning Board found some special reason, he did not feel the need to revisit it at this time.

Mr. O'Brien felt that the comment from the last meeting indicated that stormwater management itself was an issue for the township.

Chairman Connor stated that the Reexamination was a reexamination based on the previous reexamination of 1996.

Mr. O'Brien indicated that the current reexamination was new and it stood alone.

Chairman Connor stated that they were looking at changes from the Master Plan.

Mr. Roshto clarified that he agreed with the list of bullets under **Flooding/Stormwater** except for the last item, "Stormwater Management". He felt that it was too vague. He said that if there was something in the 2000 element the Board needed to add to, it could be done. However, he felt the other six (6) items were stormwater management. He recommended that the last line be struck.

Chairman Connor asked for clarification on whether the reexamination is the reexamination of the previous Master Plan.

Mr. O'Brien stated that the reexamination reexamined the Master Plan which was a whole document and was both the 2003 Reexamination and the Elements that had been adopted since then, and the 1996 Master Plan and the Elements adopted as part of and subsequent to that.

Chairman Connor stated that it was his understanding that part of the base for the reexamination was 1996, part of the base was 2003, and part of the base was whenever the Master Plan was done.

Mr. O'Brien stated that the jumping off point of a reexamination is what had passed before including the Master Plan, the Reexamination, and the Elements. As part of the process, the Board looked at current issues. Just because it wasn't in the Master Plan in 1996 or 2003, didn't mean that an issue couldn't be reviewed. The Board must look at any issue that board members felt was currently facing the township. In addition, the Board looked back at the previous plans to see if anything needed to be changed.

Mr. Roshto asked if the 2007 Stormwater Element was reaffirmed, did it need to be restated in this reexamination.

Mr. O'Brien answered that if the Board felt it was a current issue, and that in addition to what was said in 2007, if it was an issue that the Board wanted to keep in the forefront of the township's thinking, it could be restated in terms of "What comes next?" First there was the issue (Criteria C) and then there was the recommendation (Criteria D).

Mr. Arentowicz asked if any of the documents mentioned the need for a flood wall.

Mr. O'Brien answered that he would have to go back and check. When the Reexam was written in 2003, that issue was on the far distant horizon.

Mr. Roshto stated that there was agreement in the last meeting that flooding and stormwater were key issues for discussions. He added those items that were important to that were listed and he felt that when he read "Flooding and Stormwater" he was reading "Stormwater Management" as a general umbrella. All the other issues flowed from that. The fact that there was a bullet on the bottom seemed redundant which was why he felt it should be stuck.

Chairman Connor agreed with Mr. Roshto.

Mr. O'Brien stated that if the Board had no objection, he would strike that line. There were none.

Mr. Arentowicz addressed the bullet, "Blue acres funding to buy flood impacted properties". He wanted to keep it more generic in case the programs changed or the administration of the county, state or federal changed. He did not want to define who the current funding authorities were and wanted it reworded to say, "...available federal, state, and county funding for flood prone areas."

Mr. O'Brien reworded the phrase to read, "...available federal, state, and county funding to buy flood impacted properties."

Mr. Roshto wanted to know why it was being limited to sewer capacity. He felt that a critical issue was the infrastructure and how that would be maintained over time. He felt a significant piece of this section must include maintenance of the plant and maintenance of the lines.

Mr. O'Brien wanted to know if that was in addition to "Enhancements to sewer capacity" or in place of it.

Chairman Connor felt it was in addition because one dealt with maintenance and repair while the other involved expanding the capacity. He felt they were two (2) distinct issues.

Mr. Roshto questioned whether the Planning Board had enough background to make judgments on the expansion of capacity. He felt it was a judgment since most of the board members hadn't sat through the various meetings that he and Chairman Connor had attended.

Chairman Connor felt that the two (2) options were tied together. Infrastructure maintenance was required however over the timeframe, expansion might become a necessity. Therefore, it should be written that the first priority would be to repair but the second option, if necessary, would be to expand assuming that the work had been done and the sewer was reasonably efficient.

Mr. Roshto felt that as opposed to saying that the plant had to be expanded, it might be more prudent for the Board to talk about continuing to examine it since populations varied. He noted that one of the recommendations was to buy back properties which would reduce sewer usage. That was a way to manage having to expand the plant. He did not want the Planning Board to be on record saying that they wanted to expand the plant unless it was required.

Chairman Connor stated that there would be continued development that would *not* be sewer connected however, the township might run out of capacity no matter how efficient the sewer system was.

Mr. Roshto stated that they might not run out of capacity.

Chairman Connor stated that if they didn't, it would not be an issue. However, if they did run out, it would need to be reviewed. He noted that the township did not want to be under the state's jurisdiction forever because they had exceeded their sewer capacity. Ultimately, it would be necessary to get the sewer capacity to adequate levels. If it could be achieved through repair and maintenance, it would be great. If not, there must be a second option.

Mr. Roshto asked if the Board was in agreement that nothing would be placed in the Reexam stating that they wanted to expand the sewer capacity.

Chairman Connor answered no, only if it was required. At this point in time, the Board did not know if it was required, however, if a time came when it was required, there would be an option.

Mr. O'Brien said that the first point said, "Enhancements to sewer capacity" however those enhancements had not been identified. He then asked if the phrase "if required" should be added to that point.

Mr. O'Brien stated that the second bullet under that section was "Maintenance and repair of the infrastructure, which includes the plant, sewer, and pumping stations".

After further discussion, it was rephrased, "Support capital improvements for the sustainable operation of the plant, sewer system, and pumping stations".

Chairman Connor felt that maintenance was a different issue than repair. It was an expense item rather than a capital item.

Chairman Connor stated that he was under the impression that the sewer system was in disrepair so apparently there had not been regular maintenance.

Mr. Roshto agreed with Chairman Connor. He stated that often times, as a short term solution to keeping the budget down, maintenance was not done.

Chairman Connor said that the repair was capital and the maintenance was expense. He felt that monies should be spent on repair however, there had to be a good maintenance program to keep the system running.

Mr. O'Brien asked if the phrase would then be, "Continued regular maintenance of the system to reduce future infrastructure issues." He asked if this would replace "Maintenance and repair of the infrastructure which includes plant, sewer system, and pumping station." and this was affirmed.

Mr. O'Brien then outlined the bullets: "Support capital improvements for the sustainable operation of the plant, sewer system and pumping station." Next, would be, "Continued regular maintenance of the system to reduce future infrastructure issues." Last would be "Enhancements to sewer capacity, if required."

Mr. O'Brien asked if there were any other comments. There were none so he moved on to **Recreation**.

Chairman Connor asked if the Recreation Committee had any recommendations available for the Planning Board to consider.

Mr. O'Brien stated that under the Master Plan goals, Recreation and Open Space were reviewed and the Board had come up with a number of goals inserted as part of the Board's Master Plan Reexamination. Those goals were taken from past elements and from current concerns. If the Recreation Committee did have some recommendations, those goals could be revised.

Mr. O'Brien outlined the points made by the Board. First was the Riverwalk Trail.

Mr. Wallisch said that it was important to create a sustainable Riverwalk Trail and use whatever technology would be allowable to achieve that goal.

Mr. Roshto felt that although it would not be easy, it was important that it be sustainable.

Mr. O'Brien stated that the points outlined by the Board were a sustainable Riverwalk Trail, connect residents to the river, more property along the river needed for recreation.

Mr. O'Brien then asked if there were any further comments or suggestions under **Recreation**. Hearing none, he moved on to **Community Improvements** and asked for comments on those issues.

Mr. Roshto felt that the first issue, "Safe Routes to school, including sidewalks" was the most important. He stated that the second issue, "Police Department building flooding" was something that should be discussed with the Police Chief so that the Board and the Police Department were in agreement.

Mr. O'Brien stated that for the Master Plan, first the issue should be identified and second, a recommendation should be made. If the issue was the flooding in the building, the recommendation would be to work with the Department and the Chief to develop a plan.

Mr. Roshto felt that that was the appropriate path to take.

Mr. O'Brien asked if there were any further comments or suggestions under **Community Improvements**. Hearing none, he moved on to **Utilities**.

Chairman Connor asked if the township had sufficient emergency power and communications facilities. He asked further, what was necessary in emergency power systems during a loss of power particularly when the power loss extended beyond a week. Should there be additional locations within the township with off the grid power capabilities? He asked if there was a plan for providing power during long term outages. He felt there might be funds available from the state because of the recent circumstances. He added that the township needed to have a plan for its emergency services.

Mr. O'Brien offered the following wording: Does the township have sufficient emergency power in times of power outages? Does Long Hill Township have sufficient locations with emergency power available?

Mr. Roshto stated that lessons were learned from Hurricane Sandy and adjustments continue to be made. The local Emergency Planning Committee, consisting of twenty-five (25) to thirty (30) people, met regularly. From a planning perspective, he felt it would be more beneficial to support that initiative.

Chairman Connor agreed. He felt that a lot more needed to be done, not just with the utility companies, and supporting the existing committee made a lot of sense.

Mr. O'Brien suggested that the issue identified be limited to sufficient emergency power during power outages.

Mr. Roshto felt that the township had significant issues during power outages and needed to be ready to deal with those issues.

Chairman Connor stated that the issue was power, communications, and coordination.

Mr. O'Brien suggested that they return to **Community Improvements** and identify the issue as emergency preparedness.

Mr. Roshto stated that if the Board was looking at utilities, the issues would be that there were telephone poles along the roads and when the trees fell on them, the power was knocked out. To discuss, as a Planning Board, emergency preparedness didn't seem to deal with utilities.

Mr. O'Brien answered that that was his reasoning for suggesting that emergency preparedness be listed as an issue under **Community Improvements**. It was not a utility issue.

Mr. Pfeil stated that when he suggested this at the last meeting, he was referring to the fact that during these emergencies, communication with the utilities was so bad. He wanted to focus on the fact that the communications were terrible and should be addressed.

Mr. Pfeil stated that the issue was lack of communication especially with the electric company.

Mr. O'Brien stated that the issue was "A lack of communications between the companies and the township in times of emergency."

Mr. O'Brien wanted to return to the issues of "emergency power" and "locations for emergency power". He asked if those were issues that would fall under **Community Improvements** or not issues at all.

Several board members felt that **Community Improvements** was a good spot for those issues.

Mr. O'Brien felt that the issue was emergency management in times of need and should be placed under **Community Improvements**.

Mr. Wallisch asked what element in the Master Plan discussed emergency management.

Mr. O'Brien answered probably **Community Facilities**. However if it constituted a large enough issue to the Board, it could be addressed as part of Land Use as well.

Mr. O'Brien stated that under **Utilities**, the issue was lack of communication.

Mr. O'Brien then moved on to **Zoning**.

Chairman Connor wanted to address the heading of "Significant Changes of Assumption" which appeared at the beginning. He felt that one of the things that kept changing was the assumption of student population. He noted that there had been Master Plans that said the population would rise and that did not happen. He stated that there were projections as to what the schools would need and those projections did not come true and in fact there was a decline. He felt that that did have an effect on what the Planning Board could and couldn't do. He felt the growth of schools or lack thereof, should be an issue. He wasn't sure where it should be listed, however.

Mr. O'Brien said that the Board of Education had shared with the Planning Board the demographic study for the school district which was prepared in February of 2010. It showed capacity and enrollment moving in a slow downward direction.

Chairman Connor said that the subcommittee looked for an update on the actuals through 2013 and that update showed that the decline was much greater than projected in 2010.

Mr. Arentowicz added that there were approximately 865 students this year.

Mr. O'Brien said that the enrollment projection for the education year 2013-2014 was 879.

A board member pointed out that the actual decline from 2010 was 969 to 865 so the projection was on track.

Mr. O'Brien asked if any of the listed issues were still of interest to the Board.

Chairman Connor stated that the development fee resolution needed to be completed.

Mr. O'Brien said that it was required by COAH so it was necessary. He did not think that it had come before the Township Committee yet however it needed to be completed in order to allocate the spending plan which allowed the Township Committee to spend affordable housing money on a project the Committee had in mind. He noted that that project was not on any agendas yet.

Mr. O'Brien added that he would check with the Municipal Clerk and the Township Administrator as to the status of the development fee resolution. He asked if the Planning Board felt this should be added.

Mr. Roshto did not think it should be added regardless of its status since it was no longer before the Planning Board.

Chairman Connor agreed with that. He did not feel that it was a Master Plan issue.

Mr. O'Brien said that the next item was Off-site Signage.

Mr. Roshto stated that the Township Committee was getting closer but there were no resolutions as of yet. He felt that that issue was also out of the Planning Board's hand so it should not be included.

Mr. O'Brien said that the Valley Road Draft Ordinance was an issue that was before the Board. He asked if it should remain an issue or was it something that was being taken care of.

Chairman Connor felt that all the issues listed were not Master Plan Reexamination issues. He felt they were projects that had to be accomplished.

Mr. Arentowicz agreed with Chairman Connor.

Mr. Roshto said that the tree ordinance was an issue that kept reappearing. The ordinance left the Planning Board and went to the Township Committee which didn't do anything. It went back to the Planning Board and there has been no activity. Since there was no activity on this, he felt it should be removed.

Mr. O'Brien said that the Board should either take activity on it or decline to take activity, otherwise it was still an open issue.

Chairman Connor explained that this initiated with the Shade Tree Commission. They had put together an initial ordinance based upon a model ordinance. The Planning Board did not agree with that so the Board worked jointly with the Shade Tree Commission to develop the ordinance. He wasn't sure where the Shade Tree Commission was with the ordinance.

Mr. Roshto asked why the Planning Board was looking at this. The ordinances currently in existence in the township were not land use ordinances. This ordinance was also not land use. The Planning Board was supporting the Shade Tree Commission.

Chairman Connor explained that it came to the Ordinance Subcommittee because it was a recommendation that the Shade Tree Commission wanted to make. They asked the Board to put it into an ordinance.

Mr. Roshto said that he wanted to take the opportunity to clean house when possible since the Board continued to have a long list of open issues that haven't been dealt with.

Mr. Moholkar asked what the intent of the ordinance was.

Chairman Connor answered that it was to prevent essentially clear-cutting of property. Some property owners had taken down twenty (20) or twenty-five (25) trees and the end result was increased runoff. There was no way to prevent anybody from cutting any trees down, even those on the Historical Big Tree List. Those trees were quasi-protected but some ended up getting cut down, too. The Shade Tree Commission did not feel that the current ordinance prevented indiscriminate tree removal which would create bigger runoff and flooding issues.

Mr. Roshto asked Mr. O'Brien what needed to be done to remove this issue from the discussion list.

Chairman Connor felt that they should talk to the Shade Tree Commission.

Mr. Roshto said that the Board had numerous items to deal with and this issue had been listed for three (3) years with no activity. He felt the Shade Tree Commission should ask the Board to help them with another tree ordinance, however it should be taken off the Board's list until such a request was made.

Chairman Connor polled the other board members and it was agreed that the tree ordinance issue should be removed.

Mr. O'Brien asked if it should be sent to the Shade Tree Commission with the notation that the Board would not be taking any further action.

Mr. Roshto felt it should simply be removed from the Board's list.

Chairman Connor stated for the record that the Planning Board had decided to take this off their working list of ordinances. Anybody who wished to reintroduce it, could come in but at this time, the Board would take no further action.

Mr. O'Brien felt it would be appropriate to notify the Shade Tree Commission through Mr. Aroneo that the Board had declined to take any action. The board members agreed.

Mr. O'Brien suggested that the Board might consider mentioning, since it was an open item, the Valley Road Draft Ordinance since there was a gap between what the Master Plan said and what the Zoning Ordinance said. He felt it should be an action item because it stood out from a planning perspective.

Mr. Roshto asked Mr. O'Brien what the status of the ordinances was.

Mr. O'Brien answered that that was listed in the back of the Status Report. He said that Valley Road was in the Planning Board's hands. The subcommittee had not met and no action had been taken as of yet.

Mr. Roshto asked if the ordinance could be discussed by the Planning Board or did it need to be on an Ordinance Subcommittee level still.

Mr. O'Brien answered that during the last discussions on that item, it was felt that it should be placed before the subcommittee.

Chairman Connor felt that that item should be the next item discussed. He said that the Ordinance Subcommittee had been appointed but as of yet had not met.

Mr. Roshto asked if the Board was in agreement that the ordinance should be sent back to the subcommittee.

The board members agreed.

Mr. Roshto asked if it could be moved from the Planning Board to the subcommittee.

Mr. O'Brien said that that was an issue in the Status Report however he questioned if it should be an issue in the Master Plan.

Mr. Roshto thought that it was agreed upon that none of these issues would appear in the Master Plan.

Mr. O'Brien said that he had heard it as a suggestion but had not heard consensus on it. His suggestion was to consider a couple of the items since they were open planning items and failure to mention them in a Master Plan would stick out and possibly have some negative future impact.

Chairman Connor said that if there some legal action taken in the future, this would establish the fact that the Planning Board was in the process of revising those ordinances even though they might not be complete at that time.

Mr. O'Brien said that they could be listed as issues before the township. At the next step of recommendation, it could be said that the Planning Board should review the Valley Road Ordinance.

Mr. Arentowicz asked Mr. O'Brien what other issues should be addressed in this manner.

Mr. O'Brien said that he would add the Millington TDR Study which was underway. He also suggested adding the Architectural Building Standards which had come before the Planning Board at several meetings. Lastly, he recommended that Morristown Road Rezoning should be mentioned although he was not positive about it. He felt it was an open issue however whether it should extend into the Master Plan since it was so close to completion was up to the Board.

Mr. Aroneo asked Mr. O'Brien what his arguments would be for and against including the last item.

Mr. O'Brien answered that it was an open issue. The Board had authorized a rezoning study and conducted public hearings. There was no final recommendation so it was still an open issue. The recommendation could be to complete the study and let the Board take appropriate action. Or, if the Board felt that it was close enough to finishing that item, it could stay silent.

Mr. Aroneo said that it was still an assumption that it would get done. He felt that if the Reexamination was finalized before it was actually finished, it should be included.

Mr. Roshto felt that if he looked at any element, outstanding items like that or ordinances that were not finalized were not typically discussed. Why would something that wasn't finished yet be mentioned in a Master Plan Reexamination?

Mr. O'Brien answered that the 2003 Reexamination had a recommended list of changes to the zoning ordinances, for example. Several of those items listed went back to studies and discussions that the Planning Board had prior to that Reexamination and, as part of identifying the issues and making recommendations, they showed up in the recommendation portion. So it was typical for this type of Reexamination.

Chairman Connor read from page 21, "Revise Valley Road corridor height standards in the O Zone from..."

Mr. Roshto said that that was a statement of what the township *wanted* to do, not a statement to finish the ordinance. He wanted it to read, "The Valley Road Ordinance isn't finished. Finish it."

Mr. O'Brien pointed out on page 19 under **Utility Service**, the statement was made, "There is a need to study the further expansion and improvement of the sewer treatment plant in view of the self imposed sewer ban." That statement was generated from a lot of assumptions and discussions and tried to show that the township was moving forward in that area. The recommendation for Valley Road might be to complete the development regulations.

Mr. Roshto felt that that was obvious. He said the once an element was completed, ordinances were developed to agree with that element.

Mr. O'Brien said one purpose of a Reexamination was to recommend changes to the development regulations or the zoning ordinances so it could be very specific.

Mr. Roshto felt the items being pointed out made sense in the Reexamination. There was a necessity to study the further need for expansion and improvement which was done. He stated the Valley Road Element clearly stated the items that the township wanted done. He asked what would be said in the Reexamination Report to support that.

Mr. O'Brien answered that the Reexamination Report also looked back at what had been done and then recommended changes for the future. Looking back at that element, one of the issues was the preparation of appropriate development regulations for the Valley Road Corridor. That was an open issue in front of the Planning Board. The recommendation would be to develop appropriate development regulations.

Mr. Roshto said that that statement could be made however he felt that it was a natural extension of the process. Once an element was passed, the next step would be to make sure the ordinances were in agreement with that element.

Mr. O'Brien agreed however he pointed out that because the snapshot in time was the Reexamination, the various suggested changes were listed for the township as a whole. He noted that the sewer treatment issues just discussed, were addressed in every Reexamination and Master Plan over the years, however, it was still an issue and would get addressed with a recommendation.

Mr. Roshto said that it was his understanding that when the recommendation was made for the ordinance on Valley Road, it was not saying that the ordinance needed to be finished. The recommendation would say that there were things that needed to be updated through ordinances.

Mr. O'Brien agreed that he was correct. The recommendation could say, "Review the Master Plan Element on Valley Road and develop appropriate development regulations."

Mr. Roshto was in agreement.

Mr. Arentowicz read a statement from page 21 of the Reexamination which listed four (4) items: the Valley Road Draft Ordinance, the Millington TDR Study, the Architectural Building Standards, and Morristown Road Rezoning.

Mr. O'Brien noted that these recommendations were a push in the right direction as opposed to a "cross the t's and dot the i's" sort of statement. He felt the statement was a very general one.

Mr. Arentowicz asked why those four (4) items had to be addressed.

Mr. O'Brien answered that they had to be addressed in this Reexamination because they were open and public knowledge. They had been on the Board's agendas and they had been discussed so it was obvious that they were issues. The best policy was to recognize an issue and then make a recommendation rather than say nothing. If an application came in that might have been affected by one of the items, the township would be showing that it was doing something.

Mr. Arentowicz asked both Mr. O'Brien and Mr. Lemanowicz the same question. As consultants and advisors to the Planning Board, were they both comfortable with the four (4) items recommended for comment by Mr. O'Brien?

Mr. Lemanowicz answered that the Off-site Signage issue was not a major issue and was also on its way. The Development Fee Draft Ordinance was more of a maintenance item or an administrative issue. There hadn't been any comment on the environmental ordinances which he felt might belong on the list since they had been around for quite a long time.

Mr. O'Brien said that they were underway.

Mr. Lemanowicz said that he would have added that as a fifth (5th) item.

Mr. Arentowicz said that based upon that discussion, he was convinced that there should be comment on those five (5) items. He felt that Morristown Road could be left open.

Chairman Connor said that it sounded like the comments were relatively general and basically indicated that work needed to continue on those issues. It would not tie the Board into anything other than resolving the issues.

Mr. O'Brien reiterated the issues that the Board wanted to continue as Valley Road, Millington, Architectural, Environmental, and Morristown Road.

Mr. O'Brien asked if the previous discussions raised any other issues that that Board wanted to put on the list.

There were no further issues raised.

At 9:55 P.M., Chairman Connor asked for a recess.

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

Chairman Connor called the meeting back to order at 10:07 P.M.

Mr. O'Brien advised Chairman Connor that he would revise the list of issue items to include everything that was discussed earlier that evening. He would present them at the next meeting and then segue into the recommendations of the various issues which would be Section D.

Chairman Connor said that the next item of business he wanted to discuss was item #12 on the agenda.

ORDINANCE SUBCOMMITTEE REVIEW OF ORDINANCE ISSUES

Chairman Connor said that the Board had to decide which ordinances needed to be sent to the Ordinance Subcommittee. He felt that the Valley Road Business District needed to be reviewed. He noted that the subcommittee consisted of three (3) members and two (2) alternates and if the three (3) members were present, only one (1) alternate could attend because there can't be a quorum in the subcommittee. Traditionally, the meetings were held a couple hours prior to Planning Board or Board of Adjustment meeting. Chairman Connor noted that that timeframe would be difficult for Mr. Aroneo, who was an alternate. He asked when it would be appropriate for all those involved to schedule a meeting to discuss the ordinances and create a list of ordinances that the subcommittee needed to review. This would be in addition to the regular meetings.

After polling the members, alternates, and Mr. O'Brien, Chairman Connor scheduled a meeting before the next Planning Board meeting (09-24-13 at 6:00 P.M.).

Mr. Lemanowicz told Chairman Connor that he had come across something during a recent review. He said that the section in the ordinance with respect to handicapped parking spaces was incorrect. The requirements listed had been superseded twice by federal regulations. He suggested that that section be replaced with a comment that the handicapped parking accommodations should meet the current Americans with Disabilities Act.

Chairman Connor said township ordinances that are affected by federal regulations should utilize the same comment rather than having an ordinance amended each time that federal regulation changed.

STATUS REVIEW

Mr. O'Brien stated that the Status Review was issued on September 5, 2013 and contained the list of open items which was discussed earlier in the meeting.

There was a correction made to the status of the Building Height Ordinance. It was listed as adopted in error. It was on the Township Committee's agenda the next evening for the second reading.

Chairman Connor asked if there was anymore movement on COAH status. He wanted to know whether or not credits would be maintained or would each municipality begin with a blank slate.

Mr. O'Brien replied that there had been no progress at the state level. The Supreme Court had not ruled on the last regulations put out by COAH. The Appellate Division found those regulations to be null and void. People had been appointed to the council by the governor so it could take action however the action they took was to take all the affordable housing money away from the municipalities which the courts halted.

Chairman Connor referred to the section which listed open issues in front of the Planning Board and asked about the environmental ordinances which were to be referred to the Ordinance Subcommittee.

Mr. O'Brien answered that that was an open item that Mr. Lemanowicz and Paul Ferriero, the Township Engineer, were working on.

Mr. Lemanowicz stated that it would be out by the end of the week.

Mr. O'Brien said that at that point it could be referred to the Ordinance Subcommittee.

Mr. O'Brien asked if Item B, "Valley Road Draft Ordinance", should be assigned to the Ordinance Subcommittee.

Chairman Connor affirmed that it should.

Mr. O'Brien said that the Millington TDR Study was more properly before the Millington Committee at that point.

Chairman Connor affirmed that.

Mr. O'Brien referred to the "Completed Open Master Plan Elements" and stated that Conservation and Open Space were completed. The Board had discussed having a notice of public hearing on those items to advance them. Given the timetable between that night and the end of the year, it might be better to include both in the noticed public hearing when the Reexamination was done. That would be three (3) items together but a single noticed public hearing.

Chairman Connor asked how many potential Board hearings for major or minor site plan were remaining.

Mr. O'Brien answered that there were four (4) left. None of those had been deemed complete as of that evening so none could be heard at the next meeting. However, it was possible that one or more could be ready for the following meeting.

Chairman Connor felt that it was unlikely that the Board would be in a position to do anything before the first meeting in November which would support the fact that having a separate public hearing for the Master Plan Elements was a good suggestion.

Mr. O'Brien felt that the Board had identified the crucial issues but there was a lot of other language that had to go into a Master Plan Reexamination. Although staff would prepare that language, the Planning Board still had to review it and revise it as necessary.

Mr. Roshto asked what open issue was there with the Morristown Road Rezoning.

Mr. O'Brien answered that the Board authorized a rezoning study to be done. Three-quarters of the work has been completed. Thomas DeLia, Zoning Enforcement Officer, did a study of current uses in that area and he had to work with Mr. DeLia in finalizing that. Once that was in place, a report would be issued identifying the open issues and what the Board must deal with. Then, the Board would decide what to do with that area. A request was made to rezone to accommodate the current uses that were there as opposed to what had been allowed under the current zoning ordinance.

Mr. Roshto recalled that Mr. Stroh added an additional \$1,500 and asked if that was where the money was coming from to do the work. He wanted to know if there was enough money in escrow to continue the work.

Mr. O'Brien did not know the answer.

Chairman Connor said that the Board needed to review the escrow situation.

Chairman Connor asked if there were any other questions or comments. There being none, he entertained a motion to adjourn. Mr. Wallisch motioned. Mr. Arentowicz seconded the motion. A Voice Vote was taken and the motion was approved unanimously. The meeting was adjourned.

CYNTHIA KIEFER
Planning and Zoning Board Secretary