

MINUTES

MAY 10, 2016

PLANNING BOARD

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

Chairman Pfeil called the meeting to order at 7:32 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 2015.

MEETING CUT-OFF

Chairman Pfeil 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 10:30 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 Pfeil 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:

J. Alan Pfeil, Chairman
David Hands, Vice Chairman
Thomas Malinousky, Member
Brendan Rae, Member
Dennis Sandow, Member

Kevin O'Brien, Board Planner
Thomas Lemanowicz, Board Engineer
Daniel Bernstein, Board Attorney
Cynthia Kiefer, Board Secretary

Excused:

Patrick Jones, Mayor's Des.
Ashish Moholkar, Member
Michael Pudlak, Member

Absent:

Gregory Aroneo, Member

Ms. Kiefer advised Chairman Pfeil that he had a quorum and could proceed.

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

APPROVAL OF MINUTES

Mr. Hands motioned approval of the April 26, 2016 Regular Session minutes as written. Mr. Malinousky seconded. A **ROLL CALL VOTE** was taken. Those in Favor: Mr. Hands, Mr. Malinousky, Dr. Rae, Mr. Sandow, Chairman Pfeil. Those Opposed: NONE. The Regular Session minutes of April 26, 2016 were unanimously approved as written.

Dr. Rae motioned approval of the April 26, 2016 Executive Session minutes as written. Mr. Malinousky seconded the motion. A **ROLL CALL VOTE** was taken. Those in Favor: Mr. Malinousky, Dr. Rae, Mr. Sandow, Chairman Pfeil. Those Opposed: NONE. The Executive Session minutes of April 26, 2016 were unanimously approved as written. Mr. Hands was ineligible to vote because he was not present during that session.

PUBLIC QUESTIONS OR COMMENT PERIOD

Hearing no questions or comments from the public, Chairman Pfeil moved to the next item on the agenda.

REPORTS

- Township Committee Report - Dr. Rae stated he had nothing to report. He noted that at the last committee meeting Chairman Pfeil and Mr. Hands had been present to present the Downtown Valley Commercial District Ordinance. He added that the ordinance was scheduled to be discussed at tomorrow's committee meeting (May 11, 2016). Chairman Pfeil said that he had sent a letter to the committee explaining that the prohibited uses had been carried forward from the current ordinance. The only change was to allow movie theaters with up to two (2) screens in the B-D district. Mr. O'Brien confirmed with Dr. Rae that the ordinance was still a discussion item and that it had not been introduced for first reading as of yet.

- Application Review Committee - Ms. Kiefer stated that there had been one (1) application presented to the committee on April 26, 2016. Dave Patterson had proposed an office building, clean laboratory, distribution warehouse facility for the property located at 1122 Valley Road.
- Administrative Site Plan Waiver Committee - Ms. Kiefer reported that there had been no applications during the month of April 2016.
- Ordinance Review Subcommittee - Mr. O'Brien reported that the subcommittee had met twice to review a series of five (5) recommendations or changes to the ordinance concerning the placement of residential sheds, commercial generators, residential decks and other bulk requirements. They had come up with a set of requirements for each of those items to proceed without variances which would reduce the regulatory burden on property owners. These requirements will be finalized at the next meeting. The subcommittee was also provided with a copy of the draft of the Zoning Board of Adjustment Annual Report. Six (6) recommendations were made in the report and these were reviewed at the subcommittee's meeting that evening.
- Master Plan Committee - Mr. O'Brien reported that the committee had met a week ago. The Millington area was the primary discussion item and no specific decision was made.

RESOLUTION OF MEMORIALIZATION

CMP PROPERTIES LLC
 1071 Valley Road
 Block 10515, Lot 3

#16-03P
 Prelim/Final Maj. SP
 Dev. Permit, Bulk Vars.

Mr. Sandow noted that on page 2, Item B6, the sentence should read, "The Uncommon Thread is a *not-for-profit* corporation..." as opposed to a "nonprofit" organization. He also noted that the last line of that same paragraph should read, "... school districts and provides in home treatment..." as opposed to "provide".

Mr. Sandow motioned approval of the resolution as amended. Chairman Pfeil seconded the motion. A **ROLL CALL VOTE** was taken. Those in Favor: Mr. Hands, Mr. Malinousky, Dr. Rae, Mr. Sandow, Chairman Pfeil. Those Opposed: NONE. The resolution of memorialization as amended was approved unanimously.

PUBLIC HEARING

THE RAPTOR TRUST
 1492 White Bridge Road
 Block 14 401, Lot 5.01

#16-01P
 Min. Site Plan
 Dev. Permit, Bulk Vars.

PROOF OF SERVICE PROVIDED

Present:

- Chris Soucy, Director, Applicant
- Edwin C. Schnitzer, esq., Attorney for the Applicant
- Craig R. Villa, PP, PE, Engineer for the Applicant

Edwin C Schnitzer, Esq., Warren, New Jersey, stated that he was representing the applicant during this hearing. Mr. Bernstein swore in Chris Soucy and Craig Villa. He also noted Mr. Villa's credentials and recommended him to the board. Chairman Pfeil accepted Mr. Bernstein's recommendation. Mr. Bernstein then swore in Mr. O'Brien and Mr. Lemanowicz.

Mr. Soucy was called as the first witness. He stated that he was the Director of The Raptor Trust and that the mission of that trust was to (1) protect, care and provide medical services for injured and orphaned wild birds in the State of New Jersey, (2) provide environmental education and (3) provide a humane example for treatment of wild animals in the State of New Jersey.

Mr. Soucy stated that the current educational facility housed a classroom, and administrative office and a small on-site custodial apartment. This proposal was to increase the size of the administrative offices by 263 square feet. There would be no proposed increase in use or staff. Their collection of artifacts had grown over the years and he wanted more room for the staff to curate the collection. He briefly described the types of programs that were run from the facility. There were about 150 to 175 programs per year, half on-site and half off-site.

Mr. Soucy confirmed that there were no animals housed at the education center. They were housed on a separate lot and in a separate facility. He said that The Raptor Trust was established as a not-for-profit in 1982 and then gave a history of the development of the property.

Chairman Pfeil asked if there were any questions for Mr. Soucy from the other board members or from the public. Hearing none, he asked Mr. Schnitzer to call his next witness.

Craig R. Villa, PP, PE, engineer with the firm **Yanaccone, Villa & Aldrich LLC**, Chester, New Jersey, stated that the applicant sought to construct a minimal addition to the building which met General Permit No. 2 D.E.P. Flood Plain and Wetlands requirements. He identified the property as Block 14401, Lot 5.01, 1452 White Bridge Road. The education center and the parking lot were located on this piece of

property. He also noted that there was a septic system that served the education center. The bird sanctuary and medical facilities were located on property to the east. The subject property was located in the Conservation Zone and met all the bulk requirements. There were two (2) existing nonconformities which would not be intensified with this application: minimum size lot and lot coverage. He noted that lot coverage was actually being reduced by this application. They were also below the 300 square foot addition allowance under a Permit by Rule in the Flood Hazard Area regulations of the D.E.P. The only variance being requested was a front yard setback. They would maintain a 59.8 foot setback where 75 feet was required.

Mr. Villa testified that the property was surrounded by Federal Government property in the rear and to the west. To the east was the other property owned by the Raptor Trust so there would be no impact on the neighborhood. Materials used to construct the addition would match those currently on the building. There would be no increase in the height of the building. Shrubs currently located on the east side of the building would be relocated to the east side of the new addition. The air conditioning unit located at the southeast corner of the current building would be relocated to the southeast corner of the new addition and buffered with shrubs. There would be no increase in flow to the septic system which was currently functioning properly.

Mr. Schnitzer asked if Mr. Villa would testify to the variance as a C-1 Hardship Variance as a Professional Planner. Based on his planning experience, Mr. Villa stated that there would be no substantial detriment to the public good and would not substantially impair the intent and purpose of the zoning laws.

Mr. O'Brien stated that the applicant had already answered the questions listed in his May 5, 2016 planning report.

Mr. Lemanowicz's report of May 3, 2016 raised no questions. There was some discussion of the use of rain barrels however it was decided that they would not be useful.

Chairman Pfeil asked if there were any further questions from the board members or public for Mr. Villa. Hearing none, he opened the meeting for board deliberations. The board members felt the application was straightforward and there was very little to discuss.

Mr. Lemanowicz indicated that the landscaping and buffering around the air conditioning unit was not shown. Mr. O'Brien recommended that the plans be revised to show the landscaping on the east as well as the new location for the air conditioning condenser and the landscaping around that. He also added that there should be a note on the plans indicating that the addition will match the existing siding. Finally he noted that staff had no concerns or objections to the granting of the waivers requested by the applicant.

Dr. Rae motioned approval of the application including the conditions as discussed and Mr. Hands seconded the motion. A **ROLL CALL VOTE** was taken. Those in Favor: Mr. Hands, Mr. Malinousky, Dr. Rae, Mr. Sandow, Chairman Pfeil. Those Opposed: NONE. Application #16-01P was approved unanimously.

Chairman Pfeil called for a recess at 8:10 PM.

Chairman Pfeil reconvened the meeting at 8:17 PM.

"AREA IN NEED OF REDEVELOPMENT STUDY" UPDATE

Mr. O'Brien introduced Edward V. Kolling, PP, who served as Planning Director in two (2) of the largest municipalities in the State of New Jersey. He was also an expert in the area of redevelopment. Mr. O'Brien had asked Mr. Kolling to work with him on this plan because this was a "Condemnation Area in Need of Redevelopment Study" which carried a heavier legal burden in that anything that was contested in a court of law concerning eminent domain had to meet a certain burden of proof.

Mr. O'Brien then began to discuss the preliminary report which had been distributed to the board members that evening. The study encompassed the following nine (9) properties: 1297 Valley Road (Block 10401, Lot 1), 1285 Valley Road (Block 10401 Lot 2), 1277, 1279, 1283 Valley Road (Block 10401, Lot 3), 1261 Valley Road (Block 10401, Lot 4), 281 Mercer Street (Block 11514, Lot 5), 1268 Valley Road (Block 11514, Lot 6), 269 Mercer Street (Block 11514, Lot 8), 1278 Valley Road (Block 11514, Lot 31) and 1282 Valley Road (Block 11514, Lot 32).

Mr. Kolling stated that there were five (5) major criteria and three (3) other criteria. This report concentrated on the first five (5). He added that a property that did not meet any of the criteria could be designated as being within the "Condemnation Area in need of Redevelopment" by definition meaning that it was in close proximity to "blighted properties" and was therefore included in order to have a more comprehensive approach in the redevelopment of the area.

Mr. Kolling then discussed each property and how it met certain criteria or was included by definition.

Mr. Hands asked who designated these properties.

Mr. Kolling replied that the Township Committee authorized this specific study area. At the end of the study and the public hearing, the Planning Board would decide whether to include all, some, or none of those properties. The study area could not be expanded without authorization from the Township Committee.

Mr. Kolling continued discussing the individual properties. He noted that if the lot was substandard and therefore impossible to develop in a conforming way and zoning would not correct it; redevelopment would be a reasonable option. It would give the municipality the ability to acquire properties and consolidate them into lots of sufficient size to be redeveloped in an appropriate manner.

Mr. Bernstein suggested that municipal citations concerning maintenance, health, etc. associated with these properties be added to the basis for inclusion. Mr. O'Brien replied that they had done extensive research into the police department, fire department, construction files, zoning and planning files as well as the Board of Health. After that research was conducted, they made the decision not to include specific references to those issues because they felt that they could prove a case for redevelopment without them.

Mr. Bernstein stated that it was up to the board's discretion however some property owners might be unhappy with the condemnation process and he wanted to have the strongest possible case.

Mr. Bernstein added that it should be determined how long the properties had been vacant. The longer the vacancy, the stronger the case. Mr. O'Brien replied that the vacancy time would be noted in the report.

Mr. O'Brien noted that all the properties were located in the flood plain and the fact that these buildings were subject to flooding should also be included in the report.

In response to a question by Mr. Bernstein, Mr. O'Brien stated that the apartments in two (2) of the buildings were probably grandfathered in.

Mr. Kolling concluded by stating that the board members would consider the information in the report, comments from the public, and their own personal knowledge to draw their own conclusions as to whether all, some, or none of the properties should be included in the redevelopment area. The statute dictated that a public hearing must be conducted and that the Planning Board would then make a recommendation to the Township Committee based on the facts presented. Once the Township Committee received the board's recommendation and resolution, it would decide whether to accept some, all or none of the recommendations. If the committee approved the recommendations, a Redevelopment Plan would be created and private developers would be solicited.

Mr. Sandow noted that if no private developer accepted the plan, all of this would be for nothing. There was no guarantee that these buildings would be redeveloped. Mr. Kolling said that there was always that chance.

Chairman Pfeil asked if any members of the public had questions concerning what had been discussed so far. There were none.

In response to a comment by Mr. Sandow, Mr. Bernstein confirmed that the statute required the Planning Board adopt a *resolution* with its findings, not submit its own report.

Mr. Hands suggested that a summary sheet with all the properties listed and a description of the various criteria along with the options be made available so that everyone could more easily keep track.

Mr. Malinousky asked who would be financially responsible for remediating any contamination found on these properties. Mr. Bernstein replied that that was not under the purview of the Planning Board.

Mr. Kolling described the remainder of the steps involved.

Mr. Sandow questioned the long term tax consequences of redevelopment.

Mr. Sandow suggested several changes to the report. In paragraphs 1 and 4 on page 1, it read, "the Master Plan recommends..." He felt it should be changed to "the 2015 Valley Road Element to the pending Master Plan recommends..." Mr. O'Brien replied that there was no "pending Master Plan." There was the "2015 Master Plan Valley Road Element."

In the same paragraph, Mr. Bernstein recommended deleting the word "residential" before the word "home" because all homes were residential.

Mr. Sandow also felt that, on Lot 2, there should be some recognition that the building was right at the county right-of-way line and therefore the existing building could not possibly conform to anything because of the front setback issues.

Mr. Bernstein added that the building was unusable because of its location.

Mr. O'Brien thanked the board members for their comments and stated that the report would be finalized that week so that it would be available to the public 10 days prior to the public hearing. Copies would be forwarded to the board members as well as the Township Committee.

Chairman Pfeil called for a brief recess at 9:25 PM.

Chairman Pfeil reconvened the meeting at 9:30 PM.

PROPOSED ARCHITECTURAL STANDARDS ORDINANCE

This agenda item was moved ahead of the "Proposed Permanent Sign Ordinance" agenda item since Thomas Behr and Brian Johnson were present in the audience and prepared to present the document. Chairman Pfeil postponed the discussion of the Permanent Sign Ordinance to June 14, 2016.

Mr. Hands requested that the ordinance be discussed by the Ordinance Review Subcommittee prior to that meeting. Mr. O'Brien agreed to schedule a meeting of the ORS.

Dr. Behr introduced Mr. Johnson as a member of the Board of Adjustment, an architect and one of the people who had worked on the proposed Architectural Standards Ordinance along with Larry Fast and Patrick Jones. He reviewed the history of the Architectural Standards documents and added that the validity of those standards had been upheld by the court during a court case about 10 years prior.

Dr. Behr stated that one of the reasons to revise the standards was to eliminate the loopholes by tightening up the language. Another reason was to ensure that the standards were in line with the new Valley Road Element of the Master Plan. The final reason stated was the need to address potential future development such as multi-use facilities which were not addressed by the current standards.

Dr. Behr asked the board members to take note of the changes that were made: language was tightened to make it more explicit, more examples and definitions were added so that the intent of the language was more carefully captured in the language. Finally, in some cases standards were added to address other types of development that might conceivably occur in the township.

There was some discussion as to whether tightening the language would discourage commercial development in the township. Mr. O'Brien noted that for the most part, applicants in the past responded favorably to the standards. Mr. Johnson stated that, in his opinion, there was nothing in the ordinance that would create an undue financial burden for a potential developer. Mr. Bernstein felt that most applicants were willing to work with those standards.

Dr. Behr began to review the changes in the document.

Mr. Sandow requested that in 152.1(d), the terms "Colonial Revival, Craftsman, Prairie, Bungalow" be underlined as welcomed additions to the standards. He also voiced some concern about 152.1(f) and suggested the phrase "...assuming that the current building meets these standards" be added to the end. Dr. Behr agreed.

Mr. Hands suggested that in 152.1(b) the word "requirements" should be replaced by the word "examples" since it was a manual that exemplified rather than defined.

Mr. Sandow suggested that in 152.1(k), the word "necessary" be removed. It was suggested that the phrase "if desired" be used instead. It was also suggested that the word "match" be replaced with something along the lines of "compatible" or "harmonious". Dr. Behr said that he would reword the section.

Mr. Sandow expressed concern about sections 152.1(o) and (p) stating that they were enforcement problems. Mr. Bernstein noted that there were many conditions of approval for site plans that were not enforced however should there be an egregious deviation, the mechanism was there.

Mr. Sandow questioned the steepness of the roof pitches in 152.1(q). He felt that they should be removed so that architects would be allowed to design roofs with the township's height restrictions in mind. Dr. Behr noted that Mr. Jones felt that this was very important however he was not present to explain why. Chairman Pfeil suggested that section remain unchanged until Mr. Jones had an opportunity to explain his reasoning.

Dr. Behr continued his review. In section 152.1(r), the phrase "... required by this ordinance" was stricken.

Mr. Sandow questioned the parking requirements outlined in section 152.1(s). He felt that businesses such as convenience stores should have parking in front not in the rear. Mr. Johnson pointed out that those types of businesses could apply for a Design Waiver. It would not be a variance. This option was pointed out on page 1 in the "Purpose" section.

With only a few minutes left in the meeting, Dr. Behr stated that he would have to come back to review the remainder of the document and asked the board members to email him with any concerns they might have. The changes discussed that evening would be incorporated into the document.

Mr. Hands referred to section 152.1(v) and expressed concern that 50% was a high percentage. Dr. Behr felt that the percentage was in conformance with ordinances from other towns in that it reinforced the township's image of one with tree-lined streets and lawns. Mr. Lemanowicz agreed with Mr. Hands.

Mr. O'Brien wanted to know the status of the Design Standards Manual. Dr. Behr replied that it was completed and had been approved by the ORS. It was an advisory document so it was not necessary for Township Committee approval. It was a tool for the Planning Board to use to help understand the ordinance. Ultimately, it was up to the Planning Board to decide whether or not the manual had to be approved by the Township Committee. Dr. Rae indicated that as a committeeman, he would like to see it. Dr. Behr offered to send a copy to the board members prior to the June 14, 2016 meeting.

Ms. Kiefer advised Chairman Pfeil that there was nothing on the agenda for June 14, 2016 other than the proposed Permanent Sign Ordinance which had been moved to that date earlier in the meeting. It was agreed that Dr. Behr would return to review the remainder of the ordinance at the June 14th meeting.

Dr. Rae motioned to adjourn and Chairman Pfeil seconded the motion. By unanimous **VOICE VOTE** the meeting was adjourned at 10:30 PM.

Date: _____

Cyndi Kiefer
Planning & Zoning Coordinator