

MINUTES

JUNE 28, 2016

PLANNING BOARD

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

Vice Chairman Hands called the meeting to order at 7:30 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

Vice Chairman Hands 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

Vice Chairman Hands 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:

David hands, Vice Chairman
Gregory Aroneo (8:05 PM)
Tom Malinousky
Ashish Moholkar
Brendan Rae
Dennis Sandow

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

Excused:

J. Alan Pfeil, Chairman
Patrick Jones
Daniel Bernstein, Bd. Attny.

Absent:
Michael Pudlak

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

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

PUBLIC QUESTION OR COMMENT PERIOD

Nila Chejlyk, Stirling, commented on the transit village concept.

Joseph Ferrandino, Stirling, questioned how much new development Valley Road could sustain.

PROPOSED "PERMANENT SIGN" ORDINANCE V8 - An ordinance adopting amendments to the Permanent Sign Regulations in the Township Land Use Ordinance as recommended by the Planning Board and amending Section 155 of the Township Code entitled "Signs".

Mr. O'Brien gave a brief history of the sign ordinance. He noted that the Ordinance Review Subcommittee had made changes to the ordinance based on recommendations by the Township Committee and that that document had been distributed to the board members earlier in the month. During the meeting this evening, the ORS had made a few additional minor changes as follows:

Page 2 - Section 155.2 "Awning Signs" – remove the word "other"

Page 5 - Section 155.2 "Snipe Signs" – move in front of "Support"

Page 9 - Section 155.6 (d) – remove the words "Vending Machine sign or"

Page 20 - Section 124.4 (b) - the phrase "single family" was added before "residential zone" in the first sentence.

Page 20 – Section 124.4 (c) - the phrase "single family residential" was added before "zone" and the word "district" was deleted

Page 20 – Section 125.6 (d) "155.7" replaced "155.4" and 155.11" replaced "155.8"

Mr. O'Brien reminded the board members that the Township Committee and the Planning Board split Temporary Signs and Permanent Signs, the former placed in the larger ordinance of the Township while the latter remained in the Land Use Ordinance. Section 155 was completely rewritten to reflect that these were permanent signs only. On Page 18 of the ordinance, all of the terms in Section 111 were removed and placed in the front of new Section 155 so that it would be a self-contained section.

Mr. O'Brien stated that the document had been reviewed by Vice Chairman Hands and Mr. Sandow to ensure that all of the Township Committee's recommendations have been addressed.

Mr. Sandow moved that the Planning Board recommend the ordinance to the Township Committee for inclusion in the Land Use Ordinance. Mr. Moholkar seconded. A **ROLL CALL VOTE** was taken. Those in Favor: Mr. Malinousky, Mr. Moholkar, Dr. Rae, Mr. Sandow, Vice Chairman Hands. Those Opposed: NONE. The motion was carried unanimously.

PROPOSED "ARCHITECTURAL DESIGN STANDARDS FOR LONG HILL TOWNSHIP" ORDINANCE

Mr. O'Brien explained that at the last meeting Dr. Behr had discussed the ordinance with the board members and several changes were made. The document presented that evening incorporated those changes. The left column contained the proposed language and the right column contained language as it currently existed.

Dr. Rae asked that the document be presented to the board members in ordinance form as opposed to its current two columns. He added that in the companion manual, buildings located within the Township should **not** be used as examples of "bad architecture" and he asked that they be replaced by buildings outside of the Township.

Mr. O'Brien advised Dr. Rae that there had already been discussion to that end.

Vice Chairman Hands suggested that the Planning Board review the manual and then send both the manual and the ordinance to the Township Committee at the same time.

Mr. O'Brien advised Vice Chairman Hands that it was his understanding that the manual was being pulled from consideration so that it could be reworked. It was not intended to accompany the ordinance to the Township Committee. It would be adopted by the Board and placed on the Board's webpage for guidance. It would not be an official ordinance level document. He agreed to ask Dr. Behr for a draft for review at the next ORS meeting.

The board members agreed.

Dr. Rae wanted one more opportunity to review the proposed "Architectural Design Standards" ordinance once all the small revisions and format changes were made. Other board members agreed and Mr. O'Brien stated that he would have it ready for the next meeting.

Ms. Kiefer stated, for the record, that Mr. Aroneo had arrived at 8:05 PM.

MISCELLANEOUS ORDINANCES - Sheds, Decks, Commercial Generators

Mr. O'Brien stated that since January, the Ordinance Review Subcommittee had been looking at a number of issues that were brought to its attention by the Zoning Board of Adjustment, the Township Committee and Ms. Kiefer. The ORS conducted the final review at the last meeting and now referred these changes to the Planning Board for its review as follows:

The suggested changes appear below in numerical order from the Land Use Ordinance. ~~Strikethroughs~~ indicated language to be removed; underlining meant language to be added.

111. DEFINITIONS:

"CRITICAL AREA" -the combined area of any portion of a site having an average slope of 15% or greater measured across ten vertical feet of contour; ~~topographic slope of fifteen (15%) percent grade or greater as measured across ten (10) foot contours;~~ and/or an area of special flood hazard; and/or any wetlands areas. ~~and any surface retention and detention basins, wet basin, dry well and underground detention basin.~~

133 YARD AND BUILDING REQUIRMENTS

~~133.7—Surface retention and detention basins shall meet all required setback regulations for a principal structure for the zone in which they are located.~~

~~133.9 — Surface retention and detention basins are considered critical areas and all new development shall adhere to the critical area setback requirements.~~

Mr. Lemanowicz explained that these three (3) changes were meant to remove man-made stormwater management solutions such as surface retention and detention basins from the definition of “critical area”. Since they are man-made they do not require protection as does a natural “critical area” therefore the bulk requirements associated with “critical areas” should no longer apply.

SECTION 134.7 RESIDENTIAL SHEDS

These regulations are applicable to one and two family homes in all residential zone districts.

- a. Each property shall be limited to one shed.
- b. Maximize shed size is 100 SF.
- c. Shed must be setback from the side and rear property lines a minimum of 10 feet, measured from its dripline.
- d. The shed area will not count as lot coverage provided that a minimum of 8 inches of crushed stone is placed under the structure and two feet beyond the drip line.
- e. Sheds are not allowed in any front yard.

Mr. O’Brien said the purpose of this was to allow sheds to not count towards impervious coverage. He added that over the years it was found that many homes were constructed to the setback limits and lot and building coverage limits so that no normal accessory structures such as sheds could be built without an appearance before a board. If these directions were followed, a shed would not count towards impervious coverage.

Mr. O’Brien added that anything over 100 square feet would require relief. Mr. Lemanowicz stated that anything over 100 square feet would require a foundation according to the state construction code.

Ms. Chejlyk questioned why there were so many rules for private property. She felt this was government intrusion.

SECTION 136.2.g (DECKS IN RESIDENTIAL ZONES)

The following applies to decks for one and two family homes in residential zone districts.

- 1) If a deck is not covered, it is eligible for a 50% reduction in lot coverage provided it meets the following requirements.
 - a. ~~The floor of a deck shall at no point be more than eight feet above the original ground elevation underneath.~~
 - b. Decks shall conform to all principal structure setbacks.
 - c. Homes with nonconforming side setbacks shall provide a minimum deck setback of six feet from the side plane of the home. Decks shall provide a minimum 30% aggregate side yard setback.
 - d. Homes with conforming side setbacks shall place the deck no closer than the required side yard setback.
 - e. There must be a minimum gap of 3/16 of an inch between any adjoining floor boards of the deck.
 - f. To accommodate storm water drainage one of the following shall be installed:
 - 1. Uniformly graded crushed stone, in a bed eight inches deep under the deck, with any necessary filter fabric to prevent clogging of the stone; or
 - 2. A dry well with an effective volume equal to eight inches of uniformly graded crushed stone times the area of the deck, with any necessary piping and filter fabric to prevent clogging of the stone.

Mr. O’Brien explained that the purpose of this revision to the ordinance was to allow decks to be built on homes that were already up against the bulk requirements. It would allow a 50% reduction in lot cover for a deck as long as the procedures outlined above were followed. This would also provide nonconforming structures to construct decks provided they met certain setbacks from the side.

151.2 PARKING AREA DESIGN STANDARDS

~~h. Except in the case of single family residences (including those with accessory apartments, porous asphalt pavement and modular paving block systems may be used for parking areas and driveways only when allowed by the approving authority. Such degree of perviousness shall be deducted from lot coverage calculations. (Ord. No. 208-07 § 3; Ord. No. 230-08 § 7)~~

Mr. O’Brien explained that the entire paragraph was being removed from the ordinance because of the word “perviousness”. Mr. Lemanowicz added that it had been purged from the other sections of the ordinance because there was no engineering unit of “perviousness” and there was no way to link this

unknown unit to lot coverage. There was discussion about whether one could pave a piece of property from lot line to lot line with "pervious pavement" if it did not count towards lot coverage which would defeat the intent of the ordinance. Mr. O'Brien said that when there was a maximum impervious cover number, one normally expected the remainder to be green space.

There was further discussion among the board members and the professionals about the concept of "pervious pavement".

Mr. O'Brien noted that this was the last reference to "perviousness" in the ordinances in both the General Ordinances and the Land Use Ordinances.

SECTION 162.2.a.6 GENERATORS

Permanent Generators are allowed for conforming nonresidential uses in all commercial (non one and two family residential zones) zone districts if they conform to all of the standards listed below. If any of the conditions are not met, Minor Site Plan approval is required.

- a. Maximum pad size of 64 SF.
- b. Pad shall be placed a minimum 75 foot distance from any adjoining residential zone.
- c. Required buffer - a visually solid fence with a minimum height of four feet up to the height of the generator shall enclose the generator. A row of plantings with a minimum 4 foot height at planting shall buffer the enclosure.
- d. The generator may only be run between 8 am and 6 pm on non-holiday weekdays for maintenance purposes.
- e. Generators are not allowed in any front yard.
- f. Permanent Generators are eligible for Site Plan Waiver Committee review if all items above are met. The Site Plan Waiver Committee Resolution shall provide information on all of the above items.

Mr. O'Brien explained that this new section would allow permanent generators for nonresidential uses in commercial zones providing they conformed to the above standards. There would be no site plan review or minor site plan review. They would be eligible apply to the Administrative Site Plan Waiver Committee and be reviewed by two members of that committee after a site visit. This would save the applicant a considerable amount of time and money since no appearance before any board would be required.

167 LAND USE APPLICATION CHECKLIST

Board of Adjustment applicants who require only bulk variances may use Checklist "B" for Bulk Variances only. The final determination as to whether this checklist is suitable for use with a specific application shall be made by the Planning and Zoning Coordinator.

Mr. O'Brien explained that several years ago the checklist was revised into a table format of five (5) pages and it applied to all applications before either board. Ms. Kiefer had found that this large checklist with 50+ items was intimidating to the homeowner who had a simple bulk variance application. Paring down the checklist along with simplifying the application and streamlining the entire process was done in stages over the last two years in an effort to help the average homeowner. This checklist, which was for bulk variances only, had been used over the past 18 months and with a few revisions it seemed to accomplish the goal.

182. FEE AND ESCROW DEPOSITS

Line 20 Bulk Variances: one fee and one escrow for all bulk variances
 Currently: \$4,000 Recommendation: \$2,800

Line 21 ~~Each~~ All Use Variances: one and two family residential
 Currently: \$5,000 Recommendation: \$3,500

Line 22 ~~Each~~ All use variances: three and more family residential

Line 23 ~~Each~~ All use variances: Nonresidential

Mr. O'Brien stated that Ms. Kiefer had performed an application by application review of the escrows over the past two (2) years. She recommended reductions in and revisions to the escrow requirements as listed above.

173.3 MINUTES

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Township Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes. ~~In addition to keeping minutes, the Township will also retain a certified shorthand reporter to appear at every hearing of the Planning Board and the Board of Adjustment.~~

Mr. O'Brien explained to the board members that the requirement to have a certified court reporter present at every application hearing was eliminated. It was now optional for applicants and every homeowner so far who had been given this option, had declined. This represented a savings of \$375 to the applicant. By eliminating the last sentence in this section, it allowed the appearance of a court reporter to be an option rather than a requirement.

Ms. Kiefer added that in the past when a court reporter had been scheduled but for some reason could not show up, she had been assured that between the video and the audio recordings, transcripts could be created without a problem. She felt that a court reporter should be used in larger applications however for the small homeowner applications, making that appearance optional represented a large savings for the applicant.

There were no comments from the board members.

Mr. O'Brien summarized by saying that a lot of work had been done to eliminate some of the regulatory burden on the on commercial entities when it came to the emergency generators and average homeowner in general. Overall, he felt a large effort had been made to make things clearer, simpler, less costly and less of a burden.

The board members instructed Mr. O'Brien to make all the revisions that had been discussed during the meeting. They would then vote on the "clean" version at the July 12, 2016 meeting.

Mr. Sandow advised the board members that the Township Committee was still not prepared to transmit back to the Planning Board their comments on the Valley Road ordinance which was introduced to them approximately 11 weeks ago. He had discussed it with the committeemen 7 weeks ago and reminded them yet again 3 weeks ago. He proposed to go to the Township Committee meeting the next evening to ask them to move forward with the ordinance so that it could be completed.

Dr. Rae moved to adjourn and Mr. Moholkar seconded. Meeting was adjourned at 9:10 PM.

Date: 7.13.16



 Cyndi Kiefer
 Planning & Zoning Coordinator