

TOWNSHIP OF LONG HILL
Township Committee Meeting Minutes
November 30, 2016

Mayor Meringolo read the following statement:

STATEMENT OF ADEQUATE NOTICE

“In compliance with the Open Public Meetings Law of New Jersey, adequate notice of this meeting was electronically sent to the Echoes Sentinel and posted in the January 14, 2016 edition, and electronically sent to the Courier News and posted in the January 12, 2016 edition. The notice was posted on the bulletin board in the Municipal Building on January 5, 2016 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.” Special Notice of the change in time for the Executive session was posted on the Website and faxed to the Echoes Sentinel and Courier News on November 22, 2016.

EXECUTIVE SESSION

**RESOLUTION #16-304
EXECUTIVE SESSION**

BE IT RESOLVED, pursuant to the Open Public Meetings Act, that the Township Committee of Long Hill Township meets in closed session to discuss the following matters:

Attorney/Client Privilege:

- Mt. Laurel Fair Share Housing
- Elliot Road Sewer Connection
- Land Use Boards
- DeMaio – with possible action at public session

BE IT FURTHER RESOLVED that the minutes of this executive session meeting will be released to the public in a timely fashion pursuant to the Open Public Records Act and other applicable laws and regulations.

MOVED by: Deputy Mayor Piserchia of the Township Committee of the Township of Long Hill that Resolution #16-304 is hereby approved for Executive Session. **SECONDED** by: Committeeman Rae
ROLL CALL VOTE: All in Favor

All present recited the PLEDGE OF ALLEGIANCE.

Mayor Meringolo opened the PUBLIC MEETING at 7:30 pm.

ROLL CALL: Committeeman Dorsi, Deputy Mayor Piserchia, Committeeman Rae and Mayor Meringolo were present. Committeeman Schuler was absent.

The Clerk swore Officer Bryan Hartmann in as a new Officer to the Police Department.

CONSENT AGENDA RESOLUTIONS:

The following items are considered to be routine by the Township Committee and will be acted upon in one motion. There will be no separate discussion of these items unless a Committee member so

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requests. In this event, the item will be removed from the Consent Agenda and considered in the normal sequence of the Agenda.

MOVED by: Committeeman Rae of the Township Committee of Long Hill Township, that Resolution #16-301 and Resolutions #16-305 through #16-320 are hereby approved. **SECONDED** by: Committeeman Piserchia. **ROLL CALL VOTE:** All in Favor.

**TOWNSHIP OF LONG HILL
RESOLUTION 16-301
AUTHORIZING A SEWER CONNECTION FOR PROPERTY LOCATED ON
Elliot Road (BLOCK 12702, LOT 21)**

WHEREAS, the Township is currently subject to a voluntary sewer ban; and

WHEREAS, JAM Realty Co., the owner of property located on Elliot Road (Block 129, Lot 21) has requested authorization to connect to the Township's sanitary sewer system;

WHEREAS, the Township has adopted by reference the NJDEP sewer ban exemption criteria set forth in N.J.A.C. 7:14A-22.22; and

WHEREAS, N.J.A.C. 7:14A-22.22 provides in relevant part that:

“A sewer ban exemption may be granted for projects . . . if the proposed project will have a total projected flow of 600 gallons per day or less . . . [and] will be constructed and/or operated on a tax lot which was in existence prior to the effective date of the ban . . . and the proposed project does not require a sewer extension”; and

WHEREAS, N.J.A.C. 7:14A-1.2 defines “sewer extension” to mean “any sewer pipe, line, structure or appurtenance used for the conveyance of domestic or industrial waste of a liquid nature, whether forced or by gravity, which: 1. Will extend along an easement through more than two properties, a roadway, or public right-of-way. . . .”; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that JAM Realty is hereby granted permission to connect his property at Elliot Road, Block 129, Lot 21 to the Township wastewater treatment system upon payment of the \$10,120.00 connection fee in accordance with Section 22-3.1 of the Township Code entitled “Connection Fees.”

**RESOLUTION #16-305
APPROVING PAYMENT OF BILLS**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby approve the payment of the bills as presented by the Chief Financial Officer.

BE IT FURTHER RESOLVED, that the bills list be appended to the official minutes.

**RESOLUTION #16-306
APPROVAL AND RELEASE OF MINUTES**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby approve and release the Township Committee Minutes of the November 9, 2016 Township Committee Meeting.

BE IT FURTHER RESOLVED that the Township Committee hereby approves the November 9, 2016 Executive Session Meeting Minutes as redacted by the Township Attorney.

**TOWNSHIP OF LONG HILL
RESOLUTION 16-307
AUTHORIZING A SEWER CONNECTION FOR PROPERTY LOCATED ON
26 Hickory Tavern Road (BLOCK 13803, LOT 1)**

WHEREAS, the Township is currently subject to a voluntary sewer ban; and

WHEREAS, Gustavo and Kirsten Alvarez, the owner of property located on 26 Hickory Tavern Road (Block 13803, Lot 1) have requested authorization to connect to the Township's sanitary sewer system;

WHEREAS, the Township has adopted by reference the NJDEP sewer ban exemption criteria set forth in N.J.A.C. 7:14A-22.22; and

WHEREAS, N.J.A.C. 7:14A-22.22 provides in relevant part that:

"A sewer ban exemption may be granted for projects . . . if the proposed project will have a total projected flow of 600 gallons per day or less . . . [and] will be constructed and/or operated on a tax lot which was in existence prior to the effective date of the ban . . . and the proposed project does not require a sewer extension . . ."; and

WHEREAS, N.J.A.C. 7:14A-1.2 defines "sewer extension" to mean "any sewer pipe, line, structure or appurtenance used for the conveyance of domestic or industrial waste of a liquid nature, whether forced or by gravity, which: 1. Will extend along an easement through more than two properties, a roadway, or public right-of-way. . . ."; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that Gustavo and Kirsten Alvarez are hereby granted permission to connect to their property located at 26 Hickory Tavern, Gillette, to the Township wastewater treatment system upon payment of the \$630.00 connection fee in accordance with Section 22-3.2 of the Township Code entitled "Exemptions."

**TOWNSHIP OF LONG HILL
RESOLUTION 16-308
APPROVING SPECIAL EVENT LICENSE
[MEYERSVILLE TREE LIGHTING ASSOCIATION]**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey upon the advice of the Township Clerk, that all documents have been reviewed and are in good order, does hereby authorize the Township Clerk to approve and sign the application and approve the license for the event to the "Sponsor" Meyersville Tree Lighting Association, for their Special Event to be held on December 4, 2016 at the Meyersville Circle for the annual Christmas Tree Lighting event.

BE IT FURTHER RESOLVED that the Police Department approves the application and will provide the appropriate manpower for the event.

**TOWNSHIP OF LONG HILL
RESOLUTION 16-309
APPROVING SPECIAL EVENT LICENSE
[22th Annual Kids Holiday Party]**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey upon the advice of the Township Clerk, that all documents have been reviewed and are in good order, does hereby authorize the Township Clerk to approve and sign the application and approve the license for the event to the "Sponsor" Long Hill Community Center, for their Special Event to be held on December 11, 2016 at the Long Hill Community Center: 1229 Valley Road, Stirling from 1:00 PM – 3:00 PM.

BE IT FURTHER RESOLVED that the Police Department Patrols will monitor vehicle and pedestrian traffic for the event.

**TOWNSHIP OF LONG HILL
RESOLUTION 16-310
APPROVING FIREWORKS –
[Meyersville Tree Lighting Event]**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey upon the advice of the Township Fire Official, that all documents have been reviewed and are in good order, does hereby approve fireworks conducted by Garden State Fireworks of Millington on December 4, 2016 at the Meyersville Ball Field on New Vernon Road and that all necessary permits have been approved.

**TOWNSHIP OF LONG HILL
RESOLUTION 16-311
AWARDING CONTRACT FOR JANITORIAL SERVICES**

WHEREAS, the Township of Long Hill received requests from thirteen (13) companies but only three (3) sealed bids were received for Janitorial Services on November 10, 2016; and

WHEREAS, PJ Building Cleaning LLC provided the lowest responsive bid for 2017 and 2018; and

WHEREAS, the lowest bid received is as follows:

	<u>Excellent Building Services</u>
Jan – Dec 2017	All prices are per year
Building 1-Stirling Lake	\$900.00
Building 2 – Rec. Building – Valley Rd	\$2,000.00
Building 3 – Town	\$12,900.00

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Hall	
Building 4 – Police HQ	\$11,000.00
Library	\$11,000.00
Supplies/Cleaning/ Paper Products	\$3,000.00
Total	\$40,800.00

WHEREAS, the Township Administrator, recommends the award of the contract for the PJ Building Cleaning LLC, 15 Juniper Court, Upper Saddle River, NJ 07458.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Long Hill, County of Morris, New Jersey as follows:

1. Award the contract to PJ Building Cleaning LLC, 15 Juniper court, Upper Saddle River, NJ 07458
2. The contract shall be in the amount of Forty Thousand Eight Hundred Dollars (\$40,800) for the year 2017.
3. The line item for the Township Library will be billed directly to the Library.
4. Mayor and Municipal Clerk are hereby authorized and directed to execute the contract for Janitorial Services.

**TOWNSHIP OF LONG HILL
RESOLUTION 16-312**

**AUTHORIZING THE TOWNSHIP TO APPLY FOR GRANT FUNDS FROM THE NJHTS MOBILIZATION
2016 DRIVE SOBER OR GET PULLED OVER YEAR END HOLIDAY CRACKDOWN GRANT -
MOB-YEHDS-2016-Long Hill Township-00144**

WHEREAS, there are more than 10,000 alcohol-impaired motor vehicle fatalities in the United States each year; and

WHEREAS, impaired driving crashes cost the United States more than \$37 billion annually; and

WHEREAS, 22% of motor vehicle-related fatalities in New Jersey in 2013 involved alcohol impairment; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Drive Sober or Get Pulled Over 2016 Year-End Holiday Crackdown; and

WHEREAS, The reimbursement grant will pay for 100 hours of overtime for impaired driving enforcement with a maximum rate of \$50.00 per hour to be used for roving patrols and check points from December 9, 2016 through January 1, 2017; and

NOW THEREFORE, BE IT RESOLVED that the Township of Long Hill declares its support for the Drive Sober or Get Pulled Over 2016 Year End Holiday Crackdown Grant from December 9, 2016 to January 1, 2017 and pledges to increase awareness of the dangers of drinking and driving.

**TOWNSHIP OF LONG HILL
 RESOLUTION # 16-313
 APPOINTING 2016/2017 BASKETBALL PROGRAM STAFF**

RESOLUTION

APPOINTING 2016/2017 BASKETBALL PROGRAM STAFF

BE IT RESOLVED by the Township Committee of the Township of Long Hill upon the advice and

recommendation of the Recreation Director that the following be appointed to the 2016/2017 Recreation Basketball program effective November 19, 2016:

Supervisors:	Salary/Hour
Vanessa Fowler	\$ 21.50
Dan Hutchinson	\$ 17.50
Jessica Zigarelli	\$ 17.00
Allen Tanko	\$ 16.00
Abigail Kesselmeyer	\$ 15.00

Referees/Timers/Scorekeepers

Blasja, Joseph	\$ 8.75
Bokach, Spencer	\$ 8.38
Bonnesen, Caitlin	\$ 8.38
Brooks, Carson	\$ 8.75
Bujnowski, Evan	\$ 8.75
Cicchetti, Sophia	\$ 8.38
Giere, Matt	\$ 9.00
Ho, Alan	\$ 8.75

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Karski, Chris	\$	9.00
Killeen, Thomas	\$	8.75
Kinsella, Mike	\$	8.75
Krug, Ryan	\$	8.38
Leon-Garcia, Brian	\$	9.25
Lucente, Nicholas	\$	8.38
Mink, Nick	\$	9.00
Novello, Anna	\$	8.38
Santo, Alexa	\$	8.38
Santo, Jessica	\$	9.00
		\$
Seyda, John		8.38
Smith, Luke	\$	9.50
Tanko, Joseph	\$	8.75
Vigliotti, Aidan	\$	9.25

Substitutes (College Students)

Hackett, Lucas	\$	9.25
Kinsella, Nick	\$	9.25
Lauderdale, Devon	\$	9.00
McCarthy, Daniel	\$	9.25
Pilsbury, Kimberly	\$	9.50
Palamarik, Ryan	\$	9.25
Popolillo, Guiliana	\$	9.25
Priovolos, Diana	\$	9.50
Santo, Alyssa	\$	10.00
Tagliaferro, James	\$	9.50

**TOWNSHIP OF LONG HILL
 RESOLUTION 16-314
 APPOINTING PROBATIONARY POLICE OFFICER - Hartmann**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill upon the advice and recommendation of Police Chief Michael Mazzeo, that Bryan Hartmann is hereby appointed Probationary Police Officer at an annual salary of \$45,000.00 effective December 1, 2016.

BE IT FURTHER RESOLVED, that this advancement is consistent with the P.B.A. Association Collective Bargaining Agreement.

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**RESOLUTION 16-315
ACCEPTING RESIGNATION – DA SILVA**

BE IT RESOLVED, that the Township Committee hereby accepts the resignation of Theresa Da Silva, Probationary Police Officer, effective December 31, 2016.

**TOWNSHIP OF LONG HILL
RESOLUTION 16-316
CERTIFYING ACTIVE MEMBERSHIP WITH STIRLING VOLUNTEER FIRE COMPANY FOR NEW
JERSEY STATE FIREMEN'S ASSOCIATION ELIGIBILITY**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby certify that Jonathan Stone is an active member of the Stirling Volunteer Fire Company and is eligible to be a member of the New Jersey State Firemen's Association.

**TOWNSHIP OF LONG HILL
RESOLUTION 16-317**

**RESOLUTION CHANGING STATUS OF LAURA SPALLONE TO FULL-TIME EMPLOYEE, ADDING
ADDITIONAL DUTIES AND ESTABLISHING PAY RATE**

WHEREAS, Laura Spallone is presently employed as the Township's Technical Assistant in the Construction Office, where she works 27.5 hours per week; and

WHEREAS, Township Administrator, Neil Henry, has recommended adding 10 hours of work per week in the Recreation Department to Ms. Spallone's duties and increasing her hourly wage to \$25.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, as follows:

1. Laura Spallone's employment status is hereby changed to full time and, as such, she shall be entitled to all benefits that full-time employees receive pursuant to the Township Personnel Policies and Procedures.
2. Ms. Spallone's 37.5 hour work week shall be allocated approximately 27.5 hours per week to the Construction Office and 10 hours per week to the Recreation Department.
3. Ms. Spallone's hourly wage is hereby increased to \$25.00.
4. This Resolution shall take effect immediately.

**Resolution 16-318
Special Item of Revenue and Appropriation – Chapter 159
NJSA 40A:4-87**

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of an appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Long Hill in the County of Morris, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$5,000.

BE IT FURTHER RESOLVED, that the like sum of \$5,000 is hereby appropriated under the caption Drive Sober or Get Pulled Over; and

BE IT FURTHER RESOLVED, that the above is the result of funds from The Division of Highway Traffic Safety in the amount of \$5,000.

**TOWNSHIP OF LONG HILL
RESOLUTION 16-319
APPROVING USE OF HICKS TRACT –
BOY SCOUT TROOP 59**

BE IT RESOLVED that the Township Committee of the Township of Long Hill does hereby grant permission for Boy Scout Troop 59 of Stirling to use the Hicks Tract to hold their annual festivities;

BE IT FURTHER RESOLVED that Troop 59 is authorized the use of Hicks Tract on December 14th for their “Christmas in the Woods” program as per letter dated November 23, 2016, subject to meeting all the requirements of the receipt of a Hold Harmless Agreement, Certificate of Insurance and Fire Permit.

**TOWNSHIP OF LONG HILL
RESOLUTION 16-320
RETAINING HEARING OFFICER**

WHEREAS, the Township requires the services of a hearing officer to conduct a disciplinary proceeding for a member of the Police Department; and

WHEREAS, Edward J. Florio, Esq., is an experienced and well qualified hearing officer;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey, as follows:

1. A professional services contract with Edward J. Florio, Esq., to serve as the hearing officer in a police disciplinary proceeding is hereby authorized.
2. Mr. Florio shall be compensated \$150.00 an hour for his services, for an amount not to exceed \$7,500.00.
3. This contract shall be charged to budget line item “Legal Services”, and the CFO’s certification of funds shall be attached to the original copy of this resolution that is maintained in the Township Clerk’s files.

ORDINANCE

ORDINANCE PUBLIC HEARING/CONSIDERATION OF ADOPTION

**TOWNSHIP OF LONG HILL
ORDINANCE #392-16**

**AN ORDINANCE CONCERNING VALLEY ROAD ZONING AND SUPPLEMENTING AND AMENDING
VARIOUS SECTIONS OF THE TOWNSHIP LAND USE ORDINANCE, 1996 (AS PREVIOUSLY
SUPPLEMENTED AND AMENDED)**

Statement of purpose: to update the Valley Road Zoning Regulations to reflect changes recommended by the Township Planning Board.

WHEREAS, the latest Valley Element of the Township Master Plan was adopted by the Planning Board in September of 2015; and

WHEREAS, the Planning Board has recommended the adoption of an Ordinance to implement the changes contained in the Valley Element of the Master Plan; and

WHEREAS, this latest draft of this Ordinance reflects ongoing discussions between the Planning Board and the Township Committee;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that various sections of the Township Land Use Ordinance, 1996 (as previously supplemented and amended) are hereby further supplemented and amended as follows:

Section 1. Subsection 103.5 entitled "Principal Buildings Per Lot" is amended to read as follows:

103 SCOPE

103.5 Principal Buildings Per Lot.

No more than one (1) principal building shall be permitted on any one (1) lot in the Township, except in the R-MF, R-MF-2, R-MF-3, TH, PSO and LI-2 zone districts.

Section 2. Section 111 entitled "General Terms" in Section 110 entitled "Definitions" is supplemented and amended by adding the following new definitions of "Banquet Facility", "Dance Hall", and "Hotel, inn and/or bed and breakfast" and "Night Club"; deleting the definition of "Fast food restaurant", and amending the definitions of "Live entertainment" and "Restaurant" to read as follows:

Section 110 DEFINITIONS

111 GENERAL TERMS

Banquet Facility— an establishment where food and drink are prepared, served, and consumed on premise for scheduled, privately organized parties.

Dance Hall — an establishment in which more than 10% of the total floor area is designed or used as a dance floor, or where an admission fee is directly collected, or some other form of compensation is obtained for dancing.

Live entertainment — music, comedy, dinner theater and similar entertainment presented as a supplemental activity to dining and drinking functions at restaurants, banquet facilities, art galleries, and bars.

Small Hotel, inn and/or bed and breakfast. — A facility offering overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation in which the owner, proprietor, and/or manager of the dwelling unit resides on premises. The facility will contain no more than ten (10) rental units and may include a small banquet or dining room.

Night Club — an establishment that is open only late at night, in which music is provided, along with space in which dancing may be conducted.

Restaurant — an establishment where food and drink are prepared, and served for consumption on or off premises.

Section 3. Subsections 121.1 entitled “Enumeration of Zone Districts” and 121.3 entitled “Zoning Map” in Section 121 entitled “Zone Districts” in Section 120 entitled “Zone Districts and Use Regulations” are amended to read as follows:

SECTION 120 ZONE DISTRICTS AND USE REGULATIONS

121 ZONE DISTRICTS

121.1 Enumeration of Zone Districts

For the purposes of this Ordinance, the Township is hereby divided into the following zone districts:

C	Conservation
R-2	Residence
R-3	Residence
R-4	Residence
R-5	Residence
R-MF	Multifamily Residence
R-MF-2	Multifamily Residence

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R-MF-3	Multifamily Residence
TH	Townhouse
SC	Senior Citizen Housing
B-1-5	Village Business
B-1-20	Village Business
M	Millington Village Business
M-H	Meyersville Hamlet Business
O	Office Zone
B-D	Downtown Valley
PSO	Planned Shopping Overlay
VIO	Valley Industrial Overlay
PVO	Passaic Valley Overlay
LI-2	Limited Industrial
P	Public Use

121.3 Zoning Map

The Zoning Map delineating the above districts entitled "Zoning Map, Township of Long Hill" prepared by the Township Engineer, Paul Ferrero, of Ferrero Engineering, and dated October, 2016 is incorporated herein by reference. Where the district boundary lines do not coincide with lot lines or the center lines of the street or rights-of-way as they existed at the time of this Ordinance, they shall be as designated on the Zoning Map by figures or dimensions.

Section 4. Section 122 entitled "Use Regulations" is amended as follows:

122 USE REGULATIONS

122.6 B-D Downtown Valley Commercial Zone District

a. Permitted Primary Uses.

1. Retail trade uses, including: supermarkets, food and convenience stores, home, garden supply and nursery centers, hobby supply stores, florists, bakeries, pharmacies and drug stores, general merchandise, clothing and antique stores, sporting equipment, furniture stores, and wine and liquor stores.
2. Retail service uses, including barber shops and hair/beauty salons, repair shops, dry cleaners, and tailors.
3. Business and professional offices.
4. Medical and dental offices and clinics.
5. Financial institutions.
6. Restaurants, including outdoor dining and live entertainment.
7. Banquet facilities, including outdoor dining and live entertainment
8. Child care centers and nursery schools.
9. Small Hotel, Inn or Bed & Breakfast establishments

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10. Funeral homes.
11. Health clubs, fitness centers,
12. Recreational uses utilizing the Passaic River that provide water craft that do not require a license.
13. Recreational uses
14. Non-profit membership organizations and fraternal organizations.
15. Movie theaters of up to six screens and taverns with live music.
16. Arts Centers including live entertainment venues and/or instruction in any of the arts.
17. Art Galleries and studios.
18. Any other use, in the opinion of the approving authority, substantially similar to those identified in this subsection.

b. Permitted Accessory Uses.

1. Signs.
2. Parking facilities.
3. Satellite earth station antennas, in accordance with Section 124.6.
4. Street Furniture and other pedestrian amenities
5. Bicycle parking facilities
6. Amenities which encourage pedestrian traffic by removing natural or man-made barriers to circulation.
7. Drive up windows for banks and pharmacies.
8. Any other accessory use, which in the opinion of the approving authority is customarily incidental or accessory to a permitted primary use.

c. Permitted Conditional Uses.

1. Public and institutional uses.
2. Public utilities.

d. Prohibited Uses

Single family detached residences or any other residential uses on the first floor

e. All development in the zone shall conform to the Township architectural standards in

Section 152 of this ordinance, and the landscaping standards of Section 153 of this Ordinance.

122.12 PSO Downtown Valley Commercial Zone District Planned Shopping Overlay

The Planned Shopping Overlay applies only to properties within the B-D Zone specifically marked on the Zoning Map as B-D/PSO. Primary, accessory and conditional uses are identical to the B-D zone.

The purpose of the Planned Shopping Overlay (PSO) is to identify the Township's main commercial area, which contains the Township's primary retail sales and service establishments. The goals of the Overlay are to insure that future development in this area is oriented to the shopping, service and other needs of Township and area residents; and to encourage the upgrading and beautification of properties in this area for the purpose of creating a visually cohesive business district, including improved building design, landscaping, signage, screening and other site improvements.

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122.13 VIO Downtown Valley Commercial Zone District Valley Industrial Overlay

The Valley Industrial Overlay applies only to properties within the B-D Zone specifically marked on the Zoning Map as VIO.

The purpose of this Overlay is to identify existing industrial development in this area; to encourage an upgrading and beautification of existing light industrial land uses and to ensure that such land uses do not negatively impact surrounding development. Very few uses are allowed in this Overlay, which is limited to those uses already existing and other allowed uses within the B-D Zone. Existing businesses are encouraged to continue but no additional uses are allowed. [It is also designed for those existing and allowed industrial and commercial uses which have a minimum of environmental impacts but have traffic, or utilitarian or operational requirements that make them more appropriately located adjacent to compatible land uses, rather than residential uses.](#)

- a. Permitted Primary Uses.
 - 1. All Primary Uses permitted in the B-D Zone.
 - 2. Garden supply
 - 3. Small scale warehouse or logistics uses
 - 4. Small-scale manufacturing and assembly
 - 5. Small-scale construction yard
- b. Permitted Accessory Uses.
 - 1. All Accessory Uses permitted in the B-D Zone.
 - 2. Outdoor vehicle storage. The number and type of vehicles on any ~~one~~ site shall be determined as part of a site plan application.
- c. Permitted Conditional Uses.
 - 1. All Conditional Uses permitted in the B-D Zone.

122.14 PVO - Passaic Valley Overlay

The Passaic Valley Overlay applies to those properties south of Valley Road, west of Plainfield Road, north of Bay Street and east of Poplar Drive.

The purpose of this Overlay is to promote a more walkable Downtown Valley Commercial Zone District by allowing a larger lot coverage percentage than is allowed elsewhere in the Zone. The existing properties have existing lot coverage that is substantially higher than what is currently allowed in the zone. This overlay will allow those properties to continue in their current configuration.

- a. Permitted primary Uses
 - 1. All Primary uses in the B-D Zone
- b. Permitted Accessory Uses
 - 1. All Accessory uses allowed in the B-D Zone.
- c. Permitted Conditional Uses
 - 1. All Conditional Uses allowed in the B-D Zone

Section 5. Section 123 entitled "Prohibited Uses" is amended to read as follows:

123 PROHIBITED USES

123.1 Except when this Ordinance permits the approving authority to approve a use which, in the opinion of the approving authority, is substantially similar to those primary uses in a particular zone, all uses not specifically permitted by this Ordinance are expressly prohibited. (Ord. No. 08-236 § 3)

123.2 Any use that fails to meet the performance standards of Section 144.

123.3 The following uses are specifically prohibited in all zone districts of the Township.

- a. Auction markets and flea markets unless conducted by Township organizations and authorized by the Township Committee.
- b. Automobile lubrication, repair and services uses.
- c. Automobile sales and rental uses.
- d. Automobile service stations.
- e. Automobile tire service centers.
- f. Advertising Billboard Signs.
- g. Car washes.
- h. Chemical manufacturing and processing.
- i. Industrial scale coffee roasting and processing uses.
- j. Commercial picnic groves and carnivals, except as temporary uses by Township organizations and authorized by the Township Committee.
- k. Drive up windows except for banks and pharmacies.
- l. Golf driving ranges (except as permitted in the B-D Downtown Valley Commercial Zone district)
- m. Hazardous material storage and use beyond that customarily and legally permitted by a permitted primary use.
- n. Hospitals.
- o. Hotels and motels uses (except as permitted in the B-D Downtown Valley Commercial Zone district)
- p. Incineration uses and other uses principally involved with burning.
- q. Junkyards, automobile wrecking or disassembly yards or the sorting or bailing of scrap metal, paper, rags, rubbish or other scrap or waste materials, except in Township recycling centers.
- r. Lumberyards, and lumber and wood production uses including sawmills, planing mills and similar uses.
- s. Manufacturing of stone, clay, glass and concrete products.
- t. Mink farms, fox farms and commercial piggeries.
- u. Movie theaters uses (except as permitted in the B-D Downtown Valley Commercial Zone district)
- v. Nightclubs and dance halls.
- w. Outdoor storage or display of any products, goods, equipment or other material unless specifically permitted by this Ordinance.
- x. Parking structures not attached to or part of a building housing a permitted use.
- y. Petroleum refining uses, including the production and processing of paving and roofing materials and similar uses.
- z. Plastic resin production.
- aa. Primary metal uses, including steel works, blast furnaces, foundries, electroplating and similar uses.
- bb. Rubber manufacturing, including the production of tires, inner tubes, footwear, seals, hoses, belts and similar products.
- cc. Self-storage facilities.
- dd. Sludge treatment facility.

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- ee. Storage of petroleum or its derivatives except when stored in underground tanks for use on the premises and not in excess of forty thousand (40,000) gallons of fuel oil or twenty thousand (20,000) gallons of gasoline or kerosene.
- ff. Storage yards.
- gg. Trailers used as dwellings or for storage or for commercial activities, except that trailers may be used as accessory buildings for storage or office use at construction sites in accordance with the provisions of Section 107.2.

Section 6. Section 124 entitled "Supplemental Use Regulations" is amended as follows:

124 SUPPLEMENTAL USE REGULATIONS

124.2 Accessory Apartments in Single Family Residences

Subject to the limitation set forth in this subsection, any single family residence located in the C, R-2, R-3, R-4 or R-5 zone may be converted to contain not more than one (1) accessory apartment unit provided the following standards and requirements are met:

124.3 Accessory Apartments in Accessory Buildings.

Subject to the limitations set forth in this subsection, any single family residential property located in the C, R-2, R-3, R-4 and R-5 zones may be improved to contain not more than one (1) accessory apartment unit located in an accessory building on the parcel, provided the following standards and requirements are met:

124.4 Garages and Parking of Commercial Vehicles in Single Family Residential Zones.

- a. There shall be provided a garage for each single family dwelling as follows:
 - 2. In the R-4 and R-5 Zones, garage space shall be provided for at least one (1) but not more than three (3) automobiles.

124.13 Outdoor Dining

- a. Outdoor dining facilities shall be a permitted use in the B-1-5, B-1-20, M, MH and B-D zones subject to the following conditions:
 - 4. In Village Business zones (B-1-5, B-1-20, MH and M) outdoor dining shall be permitted between the hours of 6:00 a.m. and 10:00 PM; in the Commercial zones (B-D), outdoor dining shall be permitted between the hours of 6:00 a.m. and 11:00 PM

Section 7. The Schedule of Bulk Requirements set forth in Section 131 entitled "Bulk and Supplemental Regulations" is amended to delete the lines for "B-2" and "B-3", to add new requirements for R-5, B-D, PVO, PSO and VIO, and to add Footnote 16: (All other lines and footnotes remain unchanged).:

SECTION 131 BULK AND SUPPLEMENTAL REGULATIONS

SECTION 131: SCHEDULE OF BULK REQUIREMENTS

LAND USE ORDINANCE OF THE TOWNSHIP OF LONG HILL

Zone	Minimum Lot Area	Minimum Lot Width (feet)	Minimum Floor Area (square feet)	Minimum Building Width (feet)	Maximum Height of Building (stories/ft)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Building Coverage (percent)	Lot Coverage (percent)	Floor Area Ratio (FAR)	Buffer (feet)
R-5	10,000 sq. ft.	100	1,200	-	2-1/2/35	50	10(2)	25	-	25	(15)	-
B-D	20,000 sq. ft.	100	-	-	2/35	Min 20' Max - 50	20(8)	25(8)	30	60	.50	10
PVO	20,000 SF	100	-	-	2/35	Min 20' Max 50'	20 (8)	25 (8)	30	70 (16)	.70	10
PSO	160,000 sq. ft.	400	-	-	2/35	150(10)	75	100	30	60	.30	30
VIO	20,000 sq. ft.	100	-	-	2/35	50	20(8)	25(8)	20	70	.60	25

NOTES:

(16) May be increased up to 80% at the discretion of the Approving Authority in consideration for reducing the number of driveways and curb cuts and/or exceeding required site improvement standards.

Section 8. Paragraph "a" in Subsection 151.1 entitled "Off-Street Parking" in Section 151 entitled "Off-Street Parking and Loading" is amended by adding a new subparagraph "2" which reads as follows:

151 OFF-STREET PARKING AND LOADING

151.1 Off-Street Parking

a. In all zones, in connection with every industrial, business, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or

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increased in capacity or changed in use, off-street parking for automotive and other vehicles in accordance with the requirements set forth herein. Such facilities shall be completed prior to the issuance of a certificate of occupancy. The applicant shall also meet the requirements of N.J.S.A. 52:32-11 through 32-12, requiring parking spaces for the handicapped.

1. Properties along Main Avenue in the B-1-5 Village Business Zone only have to provide fifty (50%) percent of the number of off-street parking required by paragraph c. of this subsection.
2. Properties in the B-D zone may share parking requirements between and among contiguous lots for the purpose of reducing the number of driveways and curb-cuts, and impervious coverage provided that:
 - a. All involved property owners agree to a joint site plan to be presented to the Approving Authority,
 - b. The Approving Authority may adjust the combined total parking requirement based upon testimony or a demonstration that the site can accommodate the reduced amount of parking due to complementary hours of use or other mitigating factors.
 - c. The variance granted will terminate if any involved property has a change of use which would require an increased number of parking spaces.
 - d. The Variance is recorded as an easement on the deeds of all involved lots.

Section 9. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 10. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 11. This ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, October 26, 2016 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, November 30, 2016 at the Municipal Building, 915 Valley Road, Gillette, New Jersey, when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Mayor Meringolo opened the hearing to the Public for comments about the Ordinance.

Charles Arentowicz, Millington, recommended holding off on passing the Ordinance until there had been traffic and environmental impact studies done.

Attorney Pidgeon noted that he had received a memo from the Planning Board Planner and the Planning Board agreed the Ordinance was not inconsistent with the Master Plan.

Mayor Meringolo closed the public hearing and called for a motion.

MOVED by: Committeeman Rae of the Township Committee of Long Hill Township, that Ordinance 392-16 is hereby adopted on final reading. **SECONDED** by: Committeeman Dorsi. **ROLL CALL VOTE:** All in Favor.

DISCUSSION / ACTION ITEMS

- Oak Road Paving – Attorney Pidgeon informed the Committee that after doing some research on Oaks Road that it would not be possible for the Township to pave it.
- Solicitor’s Ordinance – Mayor Meringolo mentioned he had been getting complaints from residents about solicitor’s knocking on doors. He proposed writing an Ordinance which would allow posting a “DO NOT KNOCK” tag on residences doors. As per Attorney Pidgeon this would only apply to religious or political solicitors. Attorney Pidgeon will provide the Committee with some template Ordinances.
- DeMaio – Procuring Engineering Services – The Township will be retaining Bohler Engineering services in regards to the DeMaio litigation. Mayor Meringolo read in resolution 16-321:

**TOWNSHIP OF LONG HILL
RESOLUTION 16-321**

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH ENGINEER TO
SERVE AS EXPERT WITNESS IN DEMAIO LITIGATION**

WHEREAS, DeMaio Electrical Company, Inc. (“DeMaio”), the general contractor on the Township Waste Water System Improvements Project, has filed a lawsuit in the Superior Court of New Jersey, Law Division, Morris County, at Docket No. MRS-L-1120-16, seeking damages in the amount of \$545,541.98 which it claims it is due for additional work it performed; and

WHEREAS, the Township needs a professional engineer to serve as the Township’s expert in this litigation; and

WHEREAS, Bohler Engineering has submitted a proposal dated November 30, 2016, to serve as the Township expert witness; and

WHEREAS, a contract for professional services may be awarded without public bidding pursuant to *N.J.S.A. 40A:11-5(1)(a)(l)*; and

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WHEREAS, the Township Chief Financial Officer in accordance with N.J.A.C. 5:34-5.1 has certified in writing to the Township Committee the availability of adequate funds to pay the maximum amount of this contract;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey as follows:

1. The Mayor and Clerk are authorized to sign a professional services agreement with Bohler Engineering subject to the following terms and conditions:

- A. Term: For duration of litigation
- B. Compensation: as set forth in proposal
- C. Amount not to exceed: \$5,000.00

2. The Township Clerk in accordance with the provisions of *N.J.S.A. 40A:11-5(1)(a)(I)*, is directed to publish a notice once in the *Echoes-Sentinel* stating the nature, duration, service and amount of this contract.

3. The Township Clerk shall make copies of this resolution available for public inspection at the Township Hall, 915 Valley Road, Gillette, New Jersey during regular business hours.

4. This contract shall be charged to budget line item "Sewer-Other Expenses". The certification of available funds by the Township Chief Financial Officer shall be attached to the original of this resolution and shall be maintained in the files of the Township Clerk.

MOVED by: Mayor Meringolo of the Township Committee of Long Hill Township, that Resolution #16-321 is hereby approved. **SECONDED** by: Committeeman Rae. **ROLL CALL VOTE:** All in Favor.

OLD BUSINESS / Administrator's Report:

Administrator Henry:

- He and CFO Ho are putting together the first draft of the 2017 Budget.
- Reassessment letters went out this week and there are available appointment times to meet with the Assessor for any questions.
- There are four active confidential personnel issues.
- He is still working to finalize a date for the Opiate awareness presentation which will be recorded and put out on the Township's TV channel.

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- The Little League had requested the possible surfacing of parks of the Flood Acquisition area that is used for parking. Because it is Green space the Township cannot alter the property. Residents can continue to park on the area as is.
- One response, from Elite Development, was received for the RFP on Valley Road Redevelopment. The Committee will be reviewing their proposal shortly.
- Cooper Tombstones is working with the Historic Preservation Advisory Committee for historic markers to be placed in Turtlebrook Park.
- The pre-application process for the Land Diversion with Parthenon Realty is moving forward.
- We have received a grant from the DOT and Mr. Sweeney, Director of DPW and Mr. Ferriero, Township engineer will work to identify appropriate projects.
- The Township will receive \$18,000 from Morris County for the Matthew G. Cantor Loop Trail.
- The bid for work on the Schoolhouse has gone out. The Bid Opening is in mid December.
- Administrator Henry and CFO Ho are working on retaining a vendor for the installation of the Townships outdated telephone system.
- Administrator Henry inquired if the Committee would want to join the Passaic River Coalition since we have several miles of river coast in the Township. On motion by Deputy Mayor Piserchia, seconded by Committeeman Dorsi and carried unanimously, the Committee agreed to join the association and pay the \$125.00 annual fee.

NEW BUSINESS:

Mayor Meringolo: Reported that the very complex Affordable Housing litigation against the Fair Share Housing Center was making progress. It is the Committees hope that in negotiating a settlement they will be able to protect the Township from Builders Remedy Lawsuits. Mayor Meringolo instructed Administrator Henry to start the preparation of a web site which would have all the information on potential housing sites and numbers of units regarding the Affordable Housing situation. The site will go live when we get the go-ahead from the Township Attorney and are legally able to release the information without jeopardizing our negotiating position.

Deputy Mayor Piserchia: Shayne Daly and Linda Olmstead attended an OEM/Medical Reserve Corps. Training on Radiological Response and PODS. Deputy Mayor Piserchia confirmed with Attorney Pidgeon that if a tree is cut down on public land or in a public right of way there will be a fine and replacement cost and that the collected fines go into the general revenue fund. Deputy Mayor Piserchia requested Attorney Pidgeon review the standards for obtaining a "TREE CITY USA " designation and also requested Administrator Henry follow up to see if we have any grant money to go toward obtaining this designation and the forestry report that is required to obtain it.

Committeeman Dorsi: Reported that the latest issue of NJ COPS Magazine contained a nice write up of the Township installing the "Blue Line". On December 16th and 17th both Stirling and Millington Fire Departments are hosting Santa events and both Fire Departments had recently completed two live burn training sessions.

ANNOUNCEMENTS/CORRESPONDENCE:

- Drought Awareness – please use water carefully. Helpful Hints and toilet tank leak kits are available at the Township offices.
- The Volunteer dinner is tomorrow evening – a big thank you to all the volunteers.
- The Meyersville Christmas Tree Lighting is Sunday.
- This Saturday is the last construction debris pick up at the DPW from 8am to 1 pm.

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The Mayor then opened the meeting to the Public, requesting that since there were so many in attendance each speaker try and stick to the three minute allotment.

Jill Pozarek – Requested details on the Oaks Road decision to not pave. Administrator Henry will forward the memo from Attorney Pidgeon to her. She asked when the Affordable Housing site would go live and if the Process Improvement Board was still active and she suggested before we rezone the TIFA zone we should get an environmental and traffic study done so we would know the effects on the Millington area.

Tom Grosskopf – Presented photographs of the drainage ditches on Gates Road and was concerned that because the Township had been made aware of the peril in a previous meeting , if they didn't take precautionary measures the Township would be left open to a law suit. The Mayor directed Administrator Henry to have DPW Director Sweeney come up with some safety measures such as cones, for the drainage areas.

Joe Ferrandino – Questioned the Committee on the possibility of not taking Grant monies in order to not have to follow the federal Affordable Housing Requirements. Attorney Pidgeon informed him that this was a state matter, not a federal matter and that regardless of accepting grant monies we would have to deal with the Affordable Housing issue and that it was the Committees hope that negotiating would protect us from Builders Remedy Lawsuits and control the number of affordable housing units required to be built.

Igor Senedzhuk - Strongly suggested that the Township conduct its own Environmental and Traffic studies and have more open communications and involvement with the public going forward in order to ensure responsible development.

Tom O'Leary – Noted that if an applicant meets bulk standards set in our ordinance the Planning Board cannot reject that application. He also suggested it was incumbent on the Township to do environmental and traffic studies of our own and not just accept studies produced by an applicant.

Karen Schotz – Asked the Committee if they were aware of any Dioxins present on the TIFA site. The Committee had no knowledge of Dioxins.

Phil Familletto – Noted that accepting the study results from an applicant was akin to having the fox guard the hen house and that we should remain aware of the asbestos issue which may be additionally impacting the Barrett site which he had heard might be for sale.

Scott Jones – Thanked the Planning Board for listening to the resident's concerns over the last few meetings and thought it would be a good use of the taxpayers money to conduct the environmental and traffic studies. Mayor Meringolo will suggest the Planning Board consider such an action.

Walter Viegas – requested that similar studies that had been mentioned for the TIFA site should be conducted for the Valley Road Redevelopment site as well and he does not want the Township to end up looking like Berkeley Heights.

Nichole Prasisto – Stated she was hopeful that the resident's statements were resonating with the Committee and was it true that the Committee could ignore the Planning Board's recommendations? She posed the possibility of the Township purchasing the TIFA site and stated she was frightened to have anything built on that site because of the environmental issues.

Chuck Arentowicz – Suggested that we continue getting input from the residents and that the Planning Board takes it's time in revising the Master Plan Land Use Element. He suggested the possibility of ignoring the courts and just waiting to see what would happen..

Yogesh Rei – Stated he was very frustrated with the process of communication regarding the Prism project. It was his impression that the Ordinance the Planning Board had been directed to produce was

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put in place to accommodate Prism's plan. He also suggested financing a development and having the town earn receivables.

Mike Pavlo – Agrees with the Committee that trying to negotiate a settlement in order to control the numbers of affordable housing units the Township will be responsible for is a good idea, but feels TIFA's environmental issues make it an unsuitable site for building and hopes the Planning Board will take their time in creating a change in zoning. He also questioned how the sewer ban might affect the development possibilities.

Tom O'Leary – Agreed the settlement idea is a good one and suggested thinking outside the box for other solutions for the housing requirements. He recommended making sure whatever applicant we worked with is suitably bonded.

Karen Schotz - Reminded the Committee that Application's did not have to always be approved as was the case with the Meyersville Volleybarn project and she did not want any housing built on the TIFA site.

Igor Senedzhuk – Noted that 3% of the Township residents lived below the poverty line and perhaps the Township could recondition and use those houses toward fulfilling the affordable housing requirements.

Joe Ferrandino – Clarified that this housing requirement was coming from a Supreme Court decision from the state. He was also concerned about increased traffic from the new developments.

Jill Pozarak – Stated it was important to pay attention to Mr. O'Leary's comments about obtaining good performance bonds as Prism has been foreclosed on in two different projects.

Tom Didia – Appreciated that the Township was being more empathetic and understanding to the public's concerns and wanted the Committee to consider the entire Township as whole when suggesting possible sites for affordable housing.

ADJOURNMENT

On motion by Committeeman Rae, seconded by Committeeman Dorsi, the meeting was adjourned at 9:48 pm.

Respectfully submitted,

Deborah Brooks, RMC, CMR
Township Clerk

Minutes approved December 14, 2016.