

**MINUTES OF THE PLANNING BOARD MEETING**  
**Thursday May 23, 2019**

Present:

Chairman Larry Lonergan

Councilman Roman

Ms. Jessica Pearson

Mr. Tim Camuti

Mr. Greg Mascera, Planning Board Attorney

Mr. Jason Kasler, Township Planner

Mr. Jim Kirby

Mayor Ryan

Mr. Steven Neale

Mr. Al DeOld

Ashley Neale, Planning Board Secretary

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Meeting called to order at 7:36 P.M. by Chairman Lonergan.

**Pledge of Allegiance:**

Chairman Lonergan reads Open Public Meetings Act Statement.

**Public Hearing:** None

**Approval of Minutes**

Chairman Lonergan asks for a motion to approve the minutes from the Special Planning Board meeting held on Thursday, January 31. Councilman Roman notes that he must abstain because he was not in attendance, but that the start time listed is missing a digit. Mayor Ryan makes the motion. Ms. Pearson Seconds. Councilman Roman abstains. Mr. Kirby not present at this time. All in Favor. Aye.

Chairman Lonergan asks for a motion to approve the minutes from the Special Planning Board meeting held on Tuesday, February 5. Mr. DeOld comments that in the minutes a resident testified that there was a tunnel on the property that the deer and fox use. He wants to note for the record that the tunnel has been filled in. Councilman Roman makes the motion. Mayor Ryan seconds. Mr. Kirby not present at this time. All in Favor.

For the record Mr. Kirby is present as of 7:41pm.

**New Business**

Review Township Council Ordinance 2019-16 Adopting the Redevelopment Plan Entitled "Depot and Pine Redevelopment Area" Pursuant to the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et seq., for consistency with the Master Plan.

Mr. Kasler outlines the plan, explains there pages in there from the Township Master Plan, he adds that there are pages that show how it would relate to the County and State Master Plans. He states that because of the Affordable Housing issues things are being done backwards, which is why this plan is missing "bulk standards." He adds that the plan will need to be amended once there is a redeveloper, to add these standards. Chairman Lonergan asks Mr. Kasler to clarify "bulk standards." Mr. Kasler explains that they would be the height of buildings, set back, number of units, and density. Mr. Kirby asks why they are not included, if the "bulk standards" are included in the Master Plan. Mr. Kasler clarifies that the way the Redevelopment Plan is written, it would supersede the current zoning for the properties, but if not included in the plan it would revert to the Master Plan standards, and this plan would need to be redone to include all the "bulk standards."

Councilman Roman notes that the municipality owns a number of the parcels of land included in this Redevelopment Plan. Mr. Kasler points out that they are looking to re-subdivide and change some of the lots, so they want this plan to be in effect. Mayor Ryan asks Mr. Kasler if it were not for the Affordable Housing lawsuits, would this plan be premature. Mr. Kasler agrees. Mayor Ryan asks if Mr. Mascera concurs. Mr. Mascera explains that he doesn't see how the Board could make a determination on consistency with the Mater Plan, because there is a lack of substance to the Redevelopment Plan. He adds that there are no "bulk standards" or specific uses such as retail, commercial or residential. Mr. Mascera advises that the Board could make recommendations to the governing body, that would be included in an amendment to this Redevelopment Plan. Mayor Ryan clarifies that the Board is not giving up any right to review future plans or amendments once a redeveloper is determined. Mr. Mascera explains that in the past, "bulk standards" were done with the redeveloper.

Ms. Pearson asks why affordable housing was not mentioned in the plan, considering it is included in the Master Plan, and the Board is here to determine consistency. She also adds that since the plan is so "bare bones," should the vote be bifurcated. Mr. Mascera explains that by law there will need to be another vote, because the "bulk standards" would need to be included. He adds that hopefully what should happen is that governing body kick it back to the Board to determine the bulk requirements before the governing body then passes the ordinance. Mayor Ryan clarifies that the Township does not own all the properties, and there in negotiation to acquire a piece from the County, and determine a redeveloper, and that is one of the reasons this Plan is not more specific at this point.

Chairman Lonergan reads from the ordinance for context. "On February 5, sufficient credible evidence, that support findings that satisfy the criteria for this property to meet an Area in Need of Redevelopment. The Board has been tasked to review, comment, and make recommendations." He adds that that encompasses a lot, and the Board could recommend that the Plan needs more information. Chairman Lonergan asks counsel to explain the 45 day time limit for the Board to prepare a report, that is stated in the ordinance. Mr. Mascera explains that according to the Redevelopment Law, the governing body must refer the ordinance to the Planning Board after it is introduced, and before adoption, the Planning Board is then charged with determining consistency with the Master Plan. He adds that the governing body is not required by law to follow the Planning Boards recommendations, but if they chose not to, they would need a super majority vote.

Mr. Mascera advises that a resolution should be done that includes specific recommendations to the Township Council, such as affordable housing be included, the right of the Board to review all "bulk standards," as well as stating specifics for the use or uses seeking to be met. Mr. Mascera clarifies that the "bulk standards" are found in the Zoning Ordinance, and the Master Plan lays out the intent for the purpose of those zones.

Chairman Lonergan asks for a motion from the Board to vote on if Ordinance 2019-16 of the Township Council, is consistent with the Master Plan and any additional recommendations the Board or Planner may have.

The recommendations were as follows.

Mr. Kasler recommends the addition of "bulk standards," defined uses, how mailboxes, garbage pick-up, and other services are handled. He adds distance and height between buildings and other aesthetic specifics.

Ms. Pearson recommends an affordable housing component be added. She adds that variances should include parking and traffic circulation, as well as landscape plans.

Mr. Mascera adds a storm water plan should be included.

Mr. Camuti recommends an environmental impact analysis to salvage any vegetation on the site. He adds that there should be a consideration for an over lay zone.

A motion was made by Ms. Pearson, and seconded by Mr. Camuti. Roll Call was taken all present voted in favor.

Mr. Kasler notes that he has another meeting to attend and excuses himself as of 8:12pm.

Chairman Lonergan reads the second part of new business from the meeting agenda. Discussion on conducting a new study for Block 303 Lot 4 per Township Council Resolution 2019-99: "Authorizing the Planning Board to Undertake a New Preliminary Investigation to Reconsider Whether Block 303 Lot 4 Qualifies for an Area in Need of Redevelopment."

Mr. Mascera explains that at a previous meeting Mr. Kasler had prepared a study, that the Board reviewed to determine if this property met the criteria as an Area in Need of Redevelopment. The Board voted and concluded that the property did not meet such criteria. Mr. Mascera adds that the governing body is now asking the Board to have a new study be conducted by an alternate planner, and reconsider if the criteria has been met for an Area in Need of Redevelopment. Mr. Mascera explains that the governing body has the right to move forward regardless of the Planning Boards opinion on if the subject property meets the criteria. He states that the Board has the right to refuse having another study preformed if they wish. Mr. Mascera suggests the Board hear from the Mayor and Councilman Roman to hear what the Councils hope would be.

Chairman Lonergan asks if anything has changed from the meeting on January 31, to now that would now meet the criteria. Councilman Roman explains that the Township Council has revised their agreement with the property owner and the shape of potential developments has substantially changed. Mayor Ryan states his opinion is the governing body should have overturned the Boards original decision, however it was explained to him by outside counsel it would be a good idea to ask the Board to perform another study. He adds that the Board originally went against Mr. Kasler's recommendation that the property met criteria to be considered an Area in Need of Redevelopment. He feels that another study from an independent planner hired by the Board would clear up any questions, and the governing body is looking to work with the Planning Board.

Mr. Mascera respectfully suggest that the Board enter private session. Ms. Neale reads statement permitting the Board to enter in private session pursuant to Section 8 of the Open Public Meeting Act, Chapter 231, P.L. 1975. Mr. Mascera states the general nature of the discussion would be potential litigation as it relates to 1 Sunset Avenue, Verona New Jersey. He adds executive session will consist of his advice to the Board on potential litigation against the Planning Board and possibly some dialogue on current status of litigation.

Chairman Lonergan asks for a formal motion for the Board to enter into executive session. Mayor Ryan makes the motion, Councilman Ryan seconds. All in favor. Aye. The Board enters into private session at 8:26pm.

The Board takes a 2 minute recess at 8:34 to call the public back to the room. Chairman Lonergan calls the meeting back to order at 8:35pm.

Chairman Lonergan asks for the Board opinions on if a new study should be conducted. Mr. DeOld states that after attending the Township Council meeting and hearing new information, he sees no reason why another look should not be taken. Mr. Camuti agrees a new look should be taken, but would like the new planner not to have seen the original study, to be fair. Ms. Pearson states that she would attend the meeting with an open mind and hopes the new planner presents new information. Mr. Kirby thinks that a new study would be beneficial to look at to see if there are additional ideas and can be presented in a different manner. Mr. Neale agrees a fresh set of eyes wouldn't hurt. Chairman Lonergan states that he doesn't like it. Councilman Roman and Mayor Ryan both agree they are in favor of a new study.

Mr. Mascera suggests that the Board hire Mr. Fred Suljic to perform the new study. He adds that he is a well know professional planner, who has worked extensively in the area. Mr. Mascera states that he feels Mr. Suljic is someone the governing body would like to work with as well.

Chairman Lonergan asks for a motion to recommend that a new study be conducting by the Township and overseen by the Planning Board per Resolution 2019-99. Mr. Kirby makes the motion, Mr. DeOld seconds. Roll Call is taken. Mr. DeOld, Mr. Camuti, Ms. Pearson, Mr. Kirby, Mr. Neale, Councilman Roman and Mayor Ryan all vote in favor. Chairman Lonergan votes against.

Chairman Lonergan asks for a motion to approve hiring Mr. Fred Suljic to preform the new study for Block 303 Lot 4. Ms. Pearson makes the motion. Mr. Kirby seconds. Mr. DeOld, Ms. Pearson, Mr. Kirby, Mr. Neale, Councilman Roman, Mayor Ryan all vote in favor. Mr. Camuti and Chairman Lonergan vote against.

**Adjourn**

After a motion made by Ms. Pearson and seconded by Mr. Kirby, there was a unanimous vote to adjourn at 8:43 pm.

Respectfully submitted,

Ashley Neale  
Planning Board Secretary

*PLEASE NOTE: Meeting minutes are a summation of the hearing. If you are interested in a verbatim transcript from this or any proceeding, please contact the Planning Board office at 973-857-4805.*