

The July 9, 2013 meeting of the Township Council of the Township of Pequannock, Morris County, New Jersey was called to order at 7:00 p.m. in the Municipal Building Meeting Room located at 530 Newark-Pompton Turnpike; Mayor Richard Phelan presiding.

The Township Clerk read the following statement for inclusion in the meeting minutes:

"Pursuant to the requirements of New Jersey's Open Public Meetings Act, notice of this meeting was included in the Annual Meeting Notice which was filed in the Office of the Township Clerk; posted on the Bulletin Board in the Municipal Building; published as legal notice in the Suburban Trends newspaper; and mailed to all persons requesting notice and providing payment in accordance with Township policy. Additionally, notice of the revised start time of this meeting was provided pursuant to Open Public Meetings Act by what is known as 48 hour notice. This notice was forwarded to the Suburban Trends, Daily Record and The Record newspapers, and has been posted and published."

Mayor Phelan led the Pledge of Allegiance, which was followed by a prayer and a moment of thanks for those individuals serving our nation.

Present:

Mayor Richard Phelan
Deputy Mayor Melissa Florance Lynch
Councilman David Kohle
Councilman Jay Vanderhoff
Councilwoman Cathy Winterfield

Absent:

None

Also Attending:

David Hollberg, Township Manager
Robert Oostdyk, Esq., Township Attorney
Joseph J. Delaney, Jr., Township Clerk

There were 22 members of the public in attendance.

PRESENTATIONS. There were no presentations.

REPORTS FROM VOLUNTEERS. There were no reports from volunteers.

PUBLIC COMMENT.

- Jeanie Hebert, 11 Copley Court, complimented the water quality of the Lake, presented a list of suggested Lake changes and expressed her belief that nonresidents should pay a higher price for badges at PV Park.
- Tom Andrea, 6 Elm Road, concurred that the water at PV Park is very clear and the temperature of the water is comfortable, and thanked the Council for their efforts.
- Alberta Alleva, 785 West Parkway, stated that the water at PV Park is clear and the grounds are well maintained. Ms. Alleva also thanked the Mayor and Council for the manner in which their meetings are conducted.
- Norma Snowden, 57 Ramapo, complimented the quality of the water and questioned the rules for the purchase of Park passes by nonresidents.
- Jeff Mauriello, 13 Wren Place, commented on traffic issues on Van Dyk Place and Wren Place and stated that he is working on a petition requesting a dead end at the end of Wren Place.
- Jeanie Hebert, 11 Copley Court, complimented the Park employees at PV Park.
- Joanne Suckiel, 19 Third Street, commented that the lake is beautiful, and the staff is helpful and requested clarification of the rules. Ms. Suckiel also commented that there needs to be someone in charge at the Lake.

PUBLIC HEARINGS. There were no public hearings.

ORDINANCE INTRODUCTIONS.

- **Ordinance No. 2013-16**, AN ORDINANCE TO VACATE A PUBLIC RIGHT OF WAY KNOWN AS A PORTION OF HEARLE DRIVE IN THE TOWNSHIP OF PEQUANNOCK

On a motion by Mr. Vanderhoff, seconded by Mrs. Florance-Lynch, the ordinance was introduced by the following vote:

For: Mr. Kohle, Mrs. Florance-Lynch, Mr. Vanderhoff, Ms. Winterfield, Mayor Phelan.
Against: None. Abstain: None. Absent: None.

Mayor Phelan suggested that the Items for Discussion be considered at this time.

ITEMS FOR DISCUSSION.

- **Ordinance No. 2013-01**, AN ORDINANCE AMENDING CHAPTER 189 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PEQUANNOCK AND ESTABLISHING A NEW ZONING DISTRICT TO BE KNOWN AS THE C1A COMMUNITY BUSINESS DISTRICT AND REGULATIONS GOVERNING THE C1A COMMUNITY BUSINESS DISTRICT

- Ms. Winterfield commented that the ordinance changes the zoning to conform to something that is already there and that the ordinance does not implement what she envisions as a Community Business District.
- Mrs. Florance-Lynch stated she is not sure this is moving in the right direction.
- Mr. Kohle stated that he was initially concerned that the ordinance would expand the number of construction contractors in the area but is satisfied with what the Planning Board is recommending.
- Mr. Vanderhoff reviewed the Planning Board's consideration of the ordinance and the surrounding properties and stated the Board's suggested ordinance is much more restrictive than the one originally proposed.
- Mayor Phelan stated that it was important to consider what would be best for the community, reviewed information contained in the Master Plan and subsequent reports, and expressed his concern for how the ordinance affects the Township as a whole and not just one property.

Mayor Phelan opened the discussion for public comments.

- Joe Wells, 5 Washington Street, questioned the need for another commercial area, noting that there are currently vacant commercial properties, and stated that the Turnpike is our front yard and should not become another Route 23. Mr. Wells further stated that there are already traffic issues in the area, suggested that there be a restriction on the percent of permitted impervious cover, and stated his opposition to the ordinance.
- Jay Wanczyk, 26 Poplar Avenue, speaking as a resident and not as a representative of the Historic District Commission, expressed concern with the proposed 1A District, stated he sees no reference to the fact that the ordinance is at variance with the Master Plan and reexamination goals, and expressed his concern for the impact on adjacent residential properties. Mr. Wanczyk referred to the ordinance as a spot C1A Zone, expressed his opposition to the ordinance as modified, suggested that any change should be considered through the Master Plan review process and suggested consolidating the two board planner positions.
- Ed Engelbart, 64 Hopper Avenue, stated that he was a member of the Planning Board for 9 ½ years as a resident and 2 years as Mayor, expressed his opposition to the ordinance noting that he does not remember a past view that there should be another commercial zone, and characterized the ordinance as caving in to one individual. Mr. Engelbart expressed his agreement with the Zoning Board decision which he described as a reasonable compromise, noted that the construction site should not exist but will continue to exist as a non-conforming use, and stated that this is not the way to correct an enforcement problem. Mr. Engelbart also presented framed photos of Pequannock Township donated to the Township by Mark Convoy and stated that he is not speaking as a representative of the Historic District Commission.
- Joe Wells stated that he did not speak as a representative of the Open Space Commission.
- Tom Aikey, 16 Cameron Avenue, stated that the Township was trying to appease one property owner, expressed his opposition to the ordinance, and noted that existing non-conforming commercial uses are restricted. Mr. Aikey stated that he spent 9 1/2 years on the Zoning Board, questioned if the maximum allowable building size had been calculated and recommended the Council take the worst case scenario into account.

Council comments:

- Mr. Vanderhoff responded that the size of a building would be controlled by the size of the lot, that the Zoning Board of Adjustment decision was a denial rather than a compromise, and that the Planning Board was open to suggestions for dealing with the current issues.
- Ms. Winterfield stated her opposition to the ordinance.
- Mrs. Florance Lynch stated that she is not in favor of the ordinance at this time and requested clarification on the Zoning Board decision.
- There was no agreement to move forward with the ordinance.
- **Sign regulations** - Mr. Hollberg requested the matter be listed for further discussion at the next meeting.

RESOLUTIONS.

- **R2013-108**, approving the special event application for the Route 23 Honda Car Show.
- **R2013-109**, approving Clothing Bin Permits.
- **R2013-110**, awarding a contract for Electrical Services.
- **R2013-111**, awarding a contract for a new Emergency Support Vehicle Body & Chassis.

- **R2013-112**, awarding a contract to purchase one 2014 Ford F450 Mason Dump Truck.
- **R2013-113**, awarding a contract for the 2013 Road Resurfacing Project.
- **R2013-114**, authorizing an application to amend the Treatment Works Approval with NJDEP
- **R2013-115**, approving payment of itemized claims as set forth on the **July 3, 2013 Bill List**.
- **R2013-116**, revising the established time for previously scheduled meetings for the remainder of 2013.

Mrs. Florance-Lynch requested information related to the clothing bin permit applications.

On a motion by Mr. Kohle, seconded by Mrs. Florance-Lynch, **Resolutions R2013-108 through R2013-116** were adopted by the following vote:

For: Mrs. Florance-Lynch, Mr. Kohle, Mr. Vanderhoff, Ms. Winterfield, Mayor Phelan.

Against: None. Abstain: None. Absent: None

MANAGER'S REPORT. Township Manager David Hollberg reported the following:

- The Township completed the purchase of 43 Pequannock Avenue last week under the FEMA SRL program. Four properties are scheduled to close during July and the goal is to close on as many as 10 additional properties by the end of August.
- The annual fireworks scheduled for July 2nd were cancelled as a result of severe weather. They have been rescheduled for the Labor Day weekend on Sunday, September 1st.
- Project Status Update was distributed to Council last week.
- The Pequannock Township Health Department is honored to be acknowledged as a preceptor for the Montclair State University Dietetic Internship.
- New striping on West Parkway has been completed from the Lincoln Park border to Arundel Road, including marked parking spaces along the High School Field and improved lane markings from Sunset Road to South Sunset Lane.
- Work on the Turnpike paving project from sunset to Jacksonville Road began today and should take approximately a week to complete.
- Work on the Township's 2013 Road Resurfacing Program will begin the last week of July or the first week August and will take about a week to complete.
- The rails have been removed at the Alexander Avenue railroad crossing and road surface reconstructed to eliminate the potholes and the bump that has been an annoyance to local residents for many years. All work was completed by our Department of Public Works.

COUNCIL REPORTS.

Ms. Winterfield

- Teen Advisory Committee met last Thursday. They are working on a trip to Hurricane Harbor for August 1st.
- Requested information on the Montclair internship.
- Requested information on the opening event of the Water Blending facility.

Mrs. Florance-Lynch:

- Flood Committee meeting is being rescheduled. The Committee requested the Engineer's attendance at the next meeting.
- Environmental Commission meets tomorrow at 7:30 p.m.
- Green Team meeting is July 22 at 7:30.
- Economic Development Committee reported that as of July 2nd, 18 businesses were registered for the Tax Reward Program and that cards are ready for production.
- Requested information on the scheduling of the Sewer Village meeting.

Mr. Kohle:

- Fair Housing meeting was cancelled. Right now there are no new properties up for sale.
- Parks and Recreation committee is looking for volunteers for the triathlon on July 21st
- Farmers Market will have its third sale this Thursday.

Mr. Vanderhoff:

- Fire Companies meet this week.
- Complimented the Public Works Department.

PUBLIC COMMENT.

- Louise Marchese, 16 Roland Road, noted improvement in coffee pots due to the water blending, and requested information on cars advertised as for sale on railroad property.

EXECUTIVE (CLOSED) SESSION. On a motion by Mr. Vanderhoff, seconded by Mr. Kohle, the council unanimously approved **Resolution R2013-117**, authorizing an Executive Session to

discuss the Dauti Sewer Assessment Appeal, property acquisition, and potential litigation concerning Washington Park project.

The public portion of the meeting was recessed at 8:09 p.m. followed by the Executive Session at 8:12 p.m.

The closed session was completed at 8:46 p.m. at which time the Council reconvened the public meeting. Township Attorney Oostdyk summarized the Executive Session discussion. No formal action was taken.

APPROVAL OF MINUTES. There were no minutes presented for approval.

ADJOURNMENT. There being no further business the meeting was adjourned at 8:47 p.m. without objection.



Joseph J. Delaney, Jr., Township Clerk