

TOWNSHIP OF LOPATCONG
SPECIAL PLANNING BOARD MEETING

March 9, 2017

The meeting of the Planning Board of the Township of Lopatcong was called to order by Chairman Johnson at 7:00 pm.

Present: Members Fitzsimmons, Fox, Pryor, Woolf, Mayor McKay, Vice-Chairman Olschewski, Chairman Johnson, Alternate Frank. Also present was Planner Ritter.

A silent prayer was offered followed by the Oath of Allegiance.

Chairman Johnson stated “adequate notice of this meeting has been provided indicating the time and place of the meeting in accordance with Chapter 231 of the Public Laws of 1975 by advertising a Notice in The Star Gazette and The Express Times and by posting a copy on the bulletin board in the Municipal Building.”

Chairman Johnson – So the only thing on the agenda tonight is we are going to continue our discussions regarding our Master Plan and Zoning Ordinances as related to the Highlands Center designation. We have some new Planning Board members so; I think we are going to start off with a summary by our Planner to catch everybody up to speed. It has been a while since we talked about this. I think we all need

Member Pryor – Mr. Eric, Chairman if I could make a Point of Order. I'm really question the wisdom of this meeting. We have no attorney present. Sir, I assume you are an attorney?

Person in Audience- Me? Yes, I am.

Member Pryor – So we are going to have a meeting while there is an active lawsuit. There's oral arguments in three weeks. We are not represented by counsel. I really question the wisdom of this.

Chairman Johnson – Understood, thank you for your comment. I think we are going to consider tonight's meeting a workshop and there's been, there has honestly been a lot of conversation with regarding whether or not our attorney comes here and our attorney gave his opinion that he did not need to be here for this workshop meeting.

Member Pryor – I know it is a workshop. There's still things said. There is opinion's revealed, conflicts uncovered and so on. Again, I question your wisdom but you are the chair. Second thing I have to say is I do think there are conflicts of interest. I think you and Peter and Donna should recuse yourself. There is the history prior to you coming on the Board and I could go over it. Peter donated to the defense fund, to the fund that instituted the lawsuit against the asphalt plant. Your wife did, your running mate was a leader in the movement RLL. The, her Lopat Speaks is filled with prejudicial statements. Same with Donna, she is all over the internet. Your first meeting, you showed up before there was any discussion with a prepared ordinance that was not proper. You've been trying to give favorable treatment to Precast, things that may apply to asphalt and not Precast. I think you should

recuse yourself.

Chairman Johnson – As we are talking about the future of our town and not the existing approved plants, I am not going to recuse myself. I do appreciate your comment.

Member Pryor – There's things you said and I can tell you that as a Planning Board member it's a quasi-judicial, quasi legal body. If everybody has an opinion coming in but if it is evident that these things are going to bias your opinion, then you should recuse yourself and I think to a degree, these proceedings have already been tainted.

Chairman Johnson – I am not going to recuse myself and I've last, Donna, obviously, we can't ask, she's not here, Peter

Member Pryor – Well then, what I am going to do is, I am going to request an opinion from DCA.

Chairman Johnson – And now, to our Planner, thank you Joe and if you can give us a summary of what has happened.

Member Olschewski – Hold on a second please.

Chairman Johnson – Yes.

Members talking over each other

Member Fitzsimmons – What was the thing mentioned Joe that (inaudible).

Member Pryor – Going to have oral arguments on the asphalt case in three weeks.

Member Fox – And, that's town council.

Mayor McKay – No it's in court.

Member Pryor – It's all parties in court.

Attorney in audience – If I may, the Appellate Division. Oral arguments have been set for later this month.

Member Fox – Are we making a statement?

Member Olschewski – I would just like to know, the attorney in the back, who are you representing? Are you here for yourself?

Attorney in audience – I represent Intercounty Paving Associates, the Strykers Road Associates down the road property, the asphalt plant.

Member Olschewski – Okay. Thanks.

Attorney in Audience – You're welcome.

Member Fox – So, I, I do understand there is a lot of conflict, there is a lot of controversy with the subject, we knew that coming in a year ago, and as much as people in town, or on the Board may want to impact what's happened, it was made perfectly clear to us that nothing we do will change what's happened there. I understand you've expressed concerns of tainted opinion of moving forward

Member Pryor – Well, I ask, again, why would Intercounty's counsel be here if this doesn't affect anything? First they have an interest in the subject matter as he comes onto the Board. That's always the case, and it's okay if that interest is not sufficient to exert undue influence in his or her decision, the day Eric showed up, he had an ordinance already prepared that was just a mish mosh he presented. I shouldn't say mish mosh, I say it was

Member Fox – Yeah, let's not take enthusiasm and care

Member Pryor – I don't want to say that

Member Fox – for deceit.

Member Pryor – but before there was any discussion, he revealed his opinion on the case and that's, it's obviously

Mayor McKay – He may have asked questions about it but I don't recall

Member Pryor – No he showed up with an ordinance, Mayor.

Member Fox – Okay, well then, all right

Mayor McKay – If you had showed up with it, with an ordinance to allow

Member Pryor – I didn't

Mayor McKay – (Inaudible) asphalt plants that would have been appropriate.

Member Pryor – I did not

Mayor McKay – You did not, but I'm saying if people have, you know, opinions on things sure. What would be his conflict? He is not getting any pecuniary gain whether or not this thing gets built or not.

Member Pryor – It affects his opinion.

Mayor McKay – He's not conflicted, he's not personally conflicted.

Member Pryor – All right whatever you say. I've voiced my opinion

Mayor McKay – That's my understanding.

Member Pryor – I'll go to the DCA.

Member Fox – And arguably Joe, this is a relatively young Board as far as experience, we don't,

Member Pryor – That's somebody else's problem.

Member Fox – we don't have the experience that you have, and if we are treading on thin ice,

Member Pryor – You should have your attorney here.

Member Fox – But we have talked with him.

Member Pryor – He's not here tonight. Look at the discussion we are getting into and he's not here tonight.

Member Fox – Yep. Hopefully, what we discuss will just be general, generalities for how we can move our town forward in compliance with the Highlands Ordinance that is proposed for the better of the town and it is the concerns of the people on the Board.

Member Olschewski – You know what I say, I say Joe's right. I say Joe is right. I think you should have the attorney here. That Intercounty is sending an attorney right, he's not going to, I think what we should do, is we should hear George's report. I think we can do that and then I think that should be it.

Chairman Johnson – We're going to get an update from George. If anybody has any questions for George, they can ask them. I don't have any questions for George but I think everybody needs an update. We have new members here and we're taking the time to come here and we're just looking for a report from George. Nobody's wanting to do anything tonight other than catch themselves up and everybody here is a volunteer and it's great that everybody showed up to try to learn more about what has happened over the last four years with our Highlands Center so, we are going to continue the meeting just with George's report and if anybody has any questions or discussion topics we can certainly, George can answer that if there is any and if not, we're all caught up and we have George's papers and we can talk about it later. So George we're going

Planner George – Well, okay I thank you. The purpose tonight or at least what we are going to try to cover tonight, is that as part of our conformance with the Highlands Regional Master Plan, the town, and this goes back now several years, had approved a Highlands Center. We received a Highlands Center designation for a significant portion of the town and in the report we had put together, and that's really the area of the town is shown and by the way, as many of you had, when you got the report originally, and I think it was back in November, a lot of the graphics in it I think were black and white. They weren't actually in color, so what I gave you tonight was the actual graphics that were in the report, but they're actually in color so it will make it a little easier for you to understand at least what is going on in the area so I did put in your package tonight like four or five drawings that are in color. They are identical to what's in the report but, obviously, much more readable. Now, as part of the process that we are going through, to come into conformance with the Highlands, one of the projects or tasks that the town has been asked to do is to develop, essentially, well, to review and develop the Township's zoning ordinances as they exist today and make recommendations for them where we think appropriate to bring them into conformance with the Highlands Regional Master Plan and so, what we have done in this portion and based on the report that we had put together, we're looking here really solely at the center area that has been designated part of the regional center for the Highlands. We're not looking at the whole Township here in terms of the overall zoning and what would be required to

bring it into conformance or if there are areas in town that we think areas within this area that the zoning should be tweaked, reconsidered; that's also something we wanted to address now as part of this because this will become, essentially, an amendment to the Township Master Plan and then once approved by the Planning Board and the Highlands, it would form the basis for future legislation if you choose to do it. In other words, zoning ordinances to implement it and make recommendations from Council would grow out of this. So, what we're really doing tonight is looking at a master planning element. It is not the zoning ordinances; it is not intended to be the ordinances. It is a document that is trying to discuss the issues and zoning in this area and the report makes some recommendations for your consideration and obviously, like any report, it is for your consideration so, obviously, we can discuss it, we can amend it, we can kick it around and see where we are going with it, but that's really what the report was trying to do and if you remember, and looking through the report back in November, there were several areas that we thought were worth addressing. One was to, whether or not we wanted to create a new zone, a Public Zone that would recognize, essentially, the Township's holdings both in terms of municipal, county, local government parks. Right now, all those facilities in the community just lay under the existing zoning. In other words, they can't, they have no separate regulations for government uses. They don't reflect the fact that they maybe in parks, that type of thing. So, that's one of the things that's in the report discussing whether or not we should consider creating a Public Zone. Also, in the recommendation was consideration of one of our mixed use districts which is essentially the, I always get this wrong, the RV District, the RV 1 District which is located down along 22 and it's a long ways away, but the area we are talking about is this little area on the zoning map right in that general area which is an area that is characterized by mixed use. As part of our report documented there's a real mix down there; commercial and residential districts and it's one of those areas that's a little hard to determine what the purpose of the district is in the sense of whether you want to encourage commercial development or you want to encourage residential development but I think the one thing that's going on down there is because it is a district that has a lot of mixing. It is also one of those districts that's hard to get a handle on it in terms of individual investment either in retail or residential because it is such a mixed up area and so we were talking about the Board considering making changes to the regulations that support residential development and if we were going to encourage commercial development in that area, actually have them assemble large enough pieces of ground that actually makes sense on the 22 frontage. That's another area that's in the report and is discussed. The other aspect of it, which is the subject that I think we probably spent the most time on is the HB, I'm sorry, the ROM District which is probably 40% of the town's center, is the Township's Industrial and Commercial Zone and how that should be handled and one of the aspects that is in the report that's been discussed, is that the Highlands has developed a series of recommendations for industrial development and terms of what goes into that district and one of their recommendations is if you are on a prime aqua recharge area or if you are on karst topography, which is limestone, they would like to see if you're identified as a major polluter that you have to follow and develop businesses in that area consistent to a best management practice approach and they've identified certain types of businesses that they feel are potential polluters, major polluters. They've identified, basically, an approach to regulating those in terms of best management practices and how they proceed and they're, basically, asking us as the town how we will handle those types of uses because clearly, we do have within our Industrial District, several of the uses that have been identified as potential major polluters. To give you an idea, there is a list in your packet of major potential contaminant forces and that's been put out by the Highlands and it's based on safe water, safe drinking water standards but to give you an idea, and you can attach these to what you like, truck, bus and locomotive maintenance yards, highway maintenance yards, cemeteries, roads, salt storage facilities, dry cleaning facilities, automotive service centers, various types of hazardous waste storage tanks and then, of course, the one we've had a lot of discussion on over the last two years is that they've identified both asphalt and concrete manufacturing

facilities as potential major polluters, junk yard, auto recycling scrap facilities to name a few and what they've come back and essentially done, is suggested that the town consider along with the standard review of those types of things and the standard zoning that the town consider applying and requiring them to do best management practices and what that is, is really making sure that they produce a document and a program that they're going to follow that would take care of accidental spills, take care of containment of hazardous materials on site and it's actually requiring them to do a written document, a program of how they contain it and also, design into their sites systems that would prevent the migration of those types of pollutants in with the ground water table and along with that, they've also come up with the various state permits that these types of things could, if they obtain them, would be the equivalency of best management practices. The other thing that is important to notice in this, is that this applies to both approved and unapproved, I'm sorry, I shouldn't say unapproved but, basically, this applies to a project that would be coming before this Board for approval but it also applies to the facilities that are in town if they are seeking, essentially, improvements to their site that will require them to get occupancy permits. They would have to actually meet these requirements whether they're doing a site plan or not, but if it got to the point that maybe the occupancy permit, part of that would be doing best management practices and having it reviewed by the Township. That's one of the major things that this Board does not have in place. The other aspect is, is that the Highlands Council has recommended that any of these pollution sources that are in a Tier 1 Well Head Protection Area be prohibited, and that is to say, to make their activities prohibited within that well head area. In town, at least in terms of the majority of the Industrial Zoning in town, that is not an issue, it would be an issue in relation and this is not part of the town center designation but as you know, the chemical company along the river it also has some of it's, in a Tier 1 Well Head Area so, if these practices would be developed or approved, it would not prevent the chemical company from operating, it wouldn't interfere with their operations but clearly, they would have to, basically, conform to the standards here if they were going to expand or do something along those locations. The other aspect that was discussed besides the issue of how we handle potential contaminated sources, we had discussed at the last meeting, the zoning of the area behind the mall. There is a piece there that lies just outside the center and I'm talking here about that little piece of ground right behind the mall what to do with that as part of our Master Plan planning process. The site was originally intended to be for senior housing and the issue that has come up with that property is that it lies outside the sewer service area and is not included in the Highlands Center designation so that property, essentially, if you believe that the Highlands regulations will be endorsed, they cannot get sewer extended to that property and without that sewer, they can't develop it as zoned, because it is all multi-family housing so, the question there is, what do we want to do with it? There's a couple approaches to think about; one, obviously, we could go back to the Highlands and request that it be included in the center which would then at least give them the opportunity to try to sewer it or two, we could think of possibly rezoning it into a use that can stand on its own and be served by on-site septic, such as, relatively low density residential, that type of thing. So, that was the other thing that was developed in the report as to something we ought to be talking about here as we go forward. The report also talks about the fact that the best management practices would apply to all the industrial and business uses in town whether they would be in the center or out so, it would apply to all the non-residential development in town whether it is actually in the center or not if we proceed as the Highlands recommended. I think that's a very quick overview of what the report did. Now, the report went in and identified vacant properties; what's still out there, but really the issues are how we want to handle or what we're thinking is important in terms of addressing the various zoning issues that are involved in these districts and that's sort of brings us to where we are tonight in terms of discussions of where we'd like to go, whether or not the Board feels the recommendations in the report are too on the point or not on the point or you have a different approach or an idea about them but we are to the point where we have to begin to discuss the recommendations

in the report and whether or not the Board is comfortable with those or have some of their own they want to make or how we want to proceed. The next step, if we can get to the organization pulled together here, the Board's thoughts pulled together, would be to send a draft of this Master Plan amendment of the center up to the Highlands for their review and comment for consistency. If, and I would assume they would agree with what we are doing, but if they agree and it comes back, that would then form the basis for the Planning Board to make recommendations to Council to rezone and at that point, we could begin to look at what ordinances we wanted, how we wanted to send them up to Council. Obviously, Township Council in the end is the one that approves and decides whether or not they want to follow these recommendations, but that's really the steps that we have to go through. So, this is sort of the first step in the process, getting our Master Plan, or eventually, approving an amendment to the Master Plan and then recommending to Council those ordinances that we think they should consider to implement it and then, Township Council gets to do their thing and decide if they think it is appropriate, whether they want to follow it, whether they want to amend it, that is really something that they have to decide. It's not our bailiwig. We can recommend but they have to adopt and that's sort of where we are. So, I guess I'll try to answer questions and see where we go at this point. One of the other things that we discussed, I just glossed over it, but it deals with the ROM. One of the issues that has come up, is that as all of you are aware, our zoning, in the Industrial District, is what I call it permissive zoning and what I mean by that is, we have a section in the zoning code that essentially, says and this is something I think we all tried to address, is that for industrial uses, our code reads industry which involves only the processing, assembling, or packaging or storage of previously refined materials such as, but not limited to the following industries and that's what I call a permissive ordinance and what I mean by that is, is that even though we go below there and list various industries, that's not meant to be a complete list. In other words, the Board, the Planning Board, the Zoning Officer, well the Zoning Officer can't, but the Planning Board can look at that and interpret whether or not they believe a use is consistent with that or not consistent and there has been a concern that that has been an area of problems with the Township and we could go to what more towns have used and that's not a permissive one, where it is, essentially, the uses that are listed is, what is permitted and what is not listed, is prohibited and so, there is discussion of how to go about that. How to define what industrial uses should be permitted in the ROM District as a use by right. It doesn't mean somebody couldn't come in and ask for a use variance or ask for relief but it would tighten the ordinance so that truthfully, there would be more limited ability to interpret what is allowed. So, that is another aspect of these zoning ordinances is to see if we could tighten those standards to go from a broadly drawn permissive ordinance, to one that is much clearer as to what you can do and not do in the ordinance. I think I hit all the pieces that were in that report that we wanted to talk about and as it stands now, I'll throw it open to questions and try to answer anything that the Board has and then we can go from there.

Chairman Johnson – This is covered all by the grant correct or, the grant is going to cover the cost of the Master Plan?

Planner Ritter – We have a grant for this task which is to develop our recommendations for the center designation as part of the, yes it's covered, to make a long story short, it's covered by the grant, this portion, and so, this is covered and also, when it comes back from there, we also have a grant to cover the zoning changes that would grow out of this.

Secretary Dilts – Would that include all the ordinances and the publications of such and how about the codification?

Planner Ritter- No. It will take care of the cost involved in drafting the report, putting our

recommendations on paper. I would think it would involve us making recommendations to Council as to what the ordinances should be, but that's where it ends. After Council picks it up, and notices and that kind of stuff it is not to my knowledge, there's no money in there to do that.

Secretary Dilts - All right. Glad to know that because we'll have to build something into the budget if that's the case.

Planner Ritter – And, this is just one of several tasks we still have to do. One of the things we will also have to address as we go forward is the zoning in the remainder of the town. They have a general development ordinance that has to be adopted along with certification and so, we will be looking at the areas outside of the center. Now, quite frankly, we pretty much looked at those already so, we would be looking primarily at about, or about recommendations to actually do more studies on vacant land and that kind of thing so, I don't see that as being a particularly difficult thing so, most of the work has been done on that already.

Chairman Johnson – Is there a different timing for that or is that all

Planner Ritter – There's no, well the thing you ought to realize is, there is no fixed schedule to produce any of these. The Highlands has not come out with a conformance schedule. Many towns are pursuing all the elements; other towns have barely started, even though this has been around for many years so there is no time schedule in the sense of the Highlands. The one thing that is, if you want to call it, time sensitive, is obviously, the grant money and being, you got to complete the project, the task in order for them to release the money so the bottom line is, if you don't do anything, they won't release any of the money, they just sit on it there and as I say, I'm involved in one town that's virtually finished with the project except the affordable housing portion of it and other towns have barely started; barely started on any of this stuff.

Member Olschewski – George, who applied for the grant?

Planner Ritter – Well, our office applied for the grant and can't even guess now how many years; it's finally been at least four.

Member Olschewski – So, any documentation has, what is included?

Planner Ritter – Oh yeah. I think I gave the Board a copy of the grants and the monies that were allocated.

Secretary Dilts – You did, he did that.

Planner Ritter – Each task has a budget. We, and as the work progresses, we bill against the task but we, but to be honest with you, nobody gets paid until it is complete so just understand there is an incentive to finish.

Member Olschewski – Because you brought it up, I just don't know the Planning Board budget, is that established for this year.

Secretary Dilts – Not yet.

Member Olschewski – What has it been in the past?

Secretary Dilts – I can't, you know, recite it off the top of my head, but we usually, take into consideration what you hope to accomplish during the year and try to build in monies. It's always a guesstimate.

Member Olschewski – So, when are we starting to talk, what we try to accomplish so we can, whoever needs the numbers, Council I guess? The numbers, right? Is that what you said, right we have to figure out what we want to try to accomplish and then come up with the baseline and we present it to the Mayor and

Secretary Dilts – But that's not written in stone because the Council could whack the budget. If they don't have the money; there is a two percent cap. You know, it is not just on your level, what you do effects the Council level. Like we said, the codification, all the ordinances presented for change. I don't know how many that could be.

Member Olschewski – So, for this to be the money, which we do have, the money for all the meetings, all the professionals

Secretary Dilts – You have, right now, you know, a small amount of money allocated until the budget is introduced and adopted which is about \$3,000; it is just enough to cover the cost of your three professionals and any advertising that came under your reorganization.

Member Fitzsimmons – Is that per month or

Secretary Dilts – No, that's for the first couple months.

Chairman Johnson – Does that include the reviews for the professionals too for applications, or is that just

Secretary Dilts – That's charged against the escrows.

Member Olschewski – I think Eric, it is probably prudent to get from the CFO, the numbers for the last years

Secretary Dilts – Well, I have given him that.

Chairman Johnson – I haven't looked at them yet, but I do have the 2016

Secretary Dilts – I think you have 15 also, and our budget was cut last year. So, I just have a question, I don't know if somebody asked it or not. So, after you decide what you might like to change in the ordinance, where does it go; does it go to Council and the Highlands simultaneously, or does it go to Council?

Planner Ritter – The Master Plan is a function of the Planning Board. So, it will go to the Highland's Council, it'll come back here and the Planning Board will review it. Hopefully, it will not require revisions, but the bottom line is, it will come back here and it's the Planning Board's responsibility to adopt it. It really has nothing to do with Council and obviously, we have to hold public hearings on it

and that kind of thing to adopt it, because that's your job, the Master Plan and then the ordinances go up to the Council for their consideration.

Secretary Dilts – So, okay, and then, they would adopt them. What happens if they don't adopt them? Does it come back down for revisions or comments?

Planner Ritter – Well, that's their choice. Just because something is put in a Master Plan doesn't mean that Council has to do anything with it. They may decide, and I hate to say this, but they may decide no this isn't the right time to do these things and so they don't have to take any action or they can look at what we proposed and say I like this, but I don't like that and send it back down for further review. So, the fact that this Board would make recommendations and send them up, it isn't something to compel Council to accept them. That's, they're, the governing body and they weigh what comes up and decide it's in the public interest and appropriate to do it and many a master plan, I'll be honest with you, sections of master plans have never been put in ordinance form because the Council's in those towns didn't think that it was appropriate to do at the time and they never did it. So, this exercise we're doing is to help the town plan, to make the best recommendations we can, and send it to Council but if it is there function to make that final call. That's up to them and they do not have to follow it.

Member Fox – But our master plan once they settle on the changes that we felt were in the best interest of the town, we send that to the Highlands Council, they would come back with a ruling whether we were in compliance with their plan or not

Planner Ritter – They might. They very well might. If it is a critical piece, they may come back and say well, you know, you guys ignored the most important thing and didn't do it so; we're not going to give you certification. Don't know I've never had that request with them.

Member Fox – Right, because you wouldn't put something up to them that didn't meet the standards.

Planner Ritter – I try not to put something up to them that would upset them and get them, but also, the types of things we're talking about I think are things that I think that the Highlands should not have problems with in terms of what we are trying to do and even if Council chose not to do some of the ones we have, I don't know if it would be enough to, I can't answer that, but I don't think (inaudible) be enough to jeopardize the Council's approval either; the Highlands Council, but again, that's jumping ahead. I really think the goal of the Planning Board should be to put forward the recommendations that they feel comfortable with if they feel furthers the town interest and then the Township Council gets to weigh it, weigh in and do what they're supposed to do; the administrative part and the implement part and that's really their responsibility.

Member Olschewski – Can I just ask you guys, who have you ever seen actually our Master Plan?

Member Fox – I've seen it.

Board member – I have it.

Member Olschewski – Have you seen it? Gary, you have seen it right?

Secretary Dilts – It's the one from 2013. You all got a copy of it.

Member Olschewski – So everybody has it?

Members talking over each other.

Planner Ritter – The Master Plans been built on, just so, a lot of you haven't been involved, back when the towns were getting into the master planning process, there was a real effort for the towns to do their own environmental mapping, their own evaluations of traffic, and developed very thick documents trying to outline that kind of stuff. Over the years, many towns have moved to re-examinations that is, you leave the base master plan and then you reexamine the housing element, the land use element, so you have supplemental reports that feed back into it. Very few towns are doing a complete master plan overhaul just simply because it is very time consuming, very costly and, quite frankly, with the Highlands in place, you can get almost all your environmental mapping now directly from them so the towns really, the real responsibility in master planning, is to keep your land use stuff up to date but as far as environmental mapping, the Highlands is the one source to get that kind of base information. You don't have to go out and invent it all. So, most towns don't do a total redo and most of its costly, quite frankly; it is very expensive.

Member Olschewski – The master plan contains goals and objectives though for the town right?

Planner Ritter – Yes, oh yes.

Member Olschewski – And, how are we doing with what we set forth in our master plan, and how are we doing with what we set forth in our master plan? How is that going?

Planner Ritter – Well, the master plan, if you go through it, and read it, I think the town has been pretty consistent with terms of how they interpreted it, enforced and regulated in conformance with their master plan.

Secretary Dilts – This goes back to the late 1950's where over time it was revised.

Planner Ritter – Well, it's been revised. The town has always tried, at least since I've been here, to have a balancing act between residential development and industrial/manufacturing. In other words, non-residential rateable development. The town has always felt very strongly and supported manufacturing, industrial and non-residential development in the quadrant from 22 to Strykers Road; that's always been an area that's been there in almost every master plan. Well, it's been in every master plan.

Member Olschewski – Now, have the goals and objectives in our master plan, been evaluated since Beth said it's been since 1950's and have been updated with

Planner Ritter – Yes, the re-examination reports have evaluated the land use portion of the master plan several times and restated what goals we were still following and what goals we thought have changed (inaudible) have new goals and it is also updated in terms of changing circumstance and what I mean by that is, you know, you go back 10,15 years ago when 78 was being built out here, for example, almost every community envisioned that there'd be a corporate office center for New Jersey so, if you go back and look at many of the town master plans, at that time period, all of them were thinking about corporate office development, zoning for manufacturers and they and what many have found over the years, is that they may have gotten some of that but clearly not the magnitude they, a lot of them projected so, they've gone back and amended the master plans and made changes to bring things into

balance with what's going on in their towns and that's part of what we do with the re-examination reports, is to look at where the world is at the time that reports being done and try to adjust our master plan. Because if you go back all the way to the beginning, it is a very simple master plan. Every major road was stripped with commercial and everything that was not a major road was residential. That was your whole plan when it originally started. But I think the town has been very consistent and also, they recognize again, if you look at the reexamination reports, you use to have a lot of commercial zoning that extended all the way down 57 to the, what would that be, to the east, and it was because they had envisioned all sorts of shopping centers through that area. Well, that area is very wet; it has floodplains, and has part of the Pohatcong Creek on it. It is a very environmentally sensitive area and several years ago, most of that commercial zoning was repealed and removed from commercial zoning and put over into residential to better reflect the environmental constraints and to also reflect the fact that the region is quite frankly, in many ways, overbuilt with retail and office space and just little likelihood anything ever would have happened out there, so it was pulled back. So, if you ask me how the town has responded, I think they have responded pretty well to changing times and growing awareness of the environment which wasn't around in the 40's and 50's. It is, was just opposite then, it was build, build, build. So anyhow that's, it's all here. There's lots of re-examination reports most of the new stuff has been geared to the Highlands because that's been the primary (inaudible).

Chairman Johnson – George, is there a time frame that once we submit something to the Highlands that they have a certain period of time to review it or they can take as long as they want?

Planner Ritter – Well, they can take as long as they want but, I will say, that they do tend to turn stuff around fairly efficiently. Stuff goes up there, I'd say three, four weeks you will get an answer back.

Chairman Johnson- That's pretty quick.

Planner Ritter – And, you know, they usually respond pretty quickly. It might take you five, six weeks to get the actual letter but you'll know they'll talk to you. They're more than willing to work with you on this thing because part of their charge it is a cooperative kind of thing. You're there voluntarily, so if they want to keep towns interested in the Highland's and pursuing those goals, it is in their interest to be reasonable and cooperative because there is nothing compelling any of the towns to participate in the Highlands. It is an all voluntary choice to participate in the planning area and in consistency. What's been taken out of the hands of the towns has been a state legislature adoption of the Preservation Area. That area has its own rules and whether the town likes it or not, those are the rules you live by. In Lopatcong, we have a very small area that actually falls in the Preservation Area. Almost the whole town is in the Planning Area. As compared to another town that I work in which is 84% of it is in the Preservation Area so there is virtually nothing left to work with. So, anyhow, that's sort of where we are and I think what we have to do to move this along is something that we have to get a dialogue, I shouldn't say we have to, but I would assume that you want to have a dialogue on some of the recommendations that have purported to what we're doing. So, that's really the next step, is where do we go from here so, that I know that you are either comfortable with our recommendations and want us to reconsider certain ones or you may have some of your own that we totally missed and get them in the report so we can, to say it, move the paperwork forward and get it up to the Highlands with what we believe is our recommendations with what we want to do with it. So I think it is very important that we start thinking about what changes we'd like to see in the ordinances if any. I mean, I've been in some towns that there recommendations do nothing and we're happy with what we got and send that up to the Highlands but I'm just saying that is where we are in this process. I need direction from you (inaudible).

Mayor McKay – Yes, I think you said that the Highlands has recommended if you have a hazardous industry that you require best practices to manage the risk associated with the hazardous materials that are being manufactured there, Is that what you said?

Planner Ritter – That's what they, what they have done is created this list of major potential contaminants and when you read the actual Highlands Master Plan, what they say is, that their classification of major pollutants was not intended to be an absolute exclusion, but what it was intended to do was to identify things that need to address the potential for pollution and so they, and I say, I call it a recommendation, they've identified the list and they've basically said, if you do the best management practices, that's what they're looking for. That's what they're looking for. They are not saying exclude; in other words, when you read the Highlands Master Plan you won't find anything in there that says if you are on this list, we shouldn't do them at all. What they are saying is you should do best management practices. Now, there was one thing they did recommend and that is, that is any of these uses are in what they call a Tier 1 Well Head, and they've been designated around almost public wells, you can get that information, there they say is should be prohibited.

Mayor McKay – All right now, is this new uses or existing uses or

Planner Ritter- Both. They would tell you that on an existing use, let's say you had a use but it wanted to expand and that expansion would of gone into a Tier 1 Well Head

Mayor McKay – All right a non-expanding existing use.

Talking over each other

Planner Ritter – Well, they're grandfathered.

Mayor McKay – That's what I thought. Okay.

Planner Ritter – They'll be grandfathered, they can continue as they are

Mayor McKay – Now how old is this list?

Planner Ritter – How old? We got it from them last year. I don't know if that's been updated but I think we got the list last year.

Mayor McKay – That's been in play for a long time or at least a year.

Planner Ritter – Well, at least a year. I can find out but I, we got it from them last year.

Mayor McKay – Okay now, do you know that whether the Township has in the past required these best management practices be deployed by anybody in those businesses?

Planner Ritter – Well, we haven't, take a step back, the Township has required in terms of being over limestone areas, the Township does have regulations pertaining to investigating on a site for stability. In other words, can you build so your building doesn't fall into a sink hole and collapse; that you have on the books. In terms of best management practices, what the Township, we don't have anything on our

books that say that you must produce best management practices. In other words, as an example here, we don't have anything on the books that says that you have to contain spills, you have to build dikes, we don't have any of that on the books. Now, the Planning Board in the past, when you have a hazardous material, has always insisted that those industries meet the standards and all the permitting of the state which does address some of that stuff, but no, we do not, to my knowledge, we do not have anything on the books that would require a place to do best management practices.

Mayor McKay – In your experience, do most municipalities put something like that on their books?

Planner Ritter – No, most of them today don't. Most of them don't have it

Mayor McKay – They don't.

Planner Ritter – because this is something that the Highlands has been trying to get people in the Highlands to address. No most towns, if you look at most towns, you'll look at their industrial zoning and it'll say manufacturing and you know, you'll go into the rest of the code and it will read that you shouldn't build in wetlands if you are on karst topography you have to do soil borings for stability and they might have a section about discharges of hazardous materials under their nuisance section, but most towns don't have best management practices. Though I will say that many towns, if you come in and want to build a thing, will make you get the appropriate permits and put that stuff in.

(Inaudible remark)

Planner Ritter – Well, I think it is a good idea. I have absolutely no problems with what the Highlands has recommended. I think it is a very reasonable thing to ask industries to do if they are identified as potential polluters and they are on karst topography and on a prime (inaudible) recharge. In other words, it is to protect the ground water is what they are trying to do, protect the quality of ground.

Member Olschewski – I would think that nobody on the Planning Board, or even Council would be against best management practices and/or protecting our ground water. That seems to be in everybody's best interest.

Planner Ritter – Well, I

Member Woolf- We have two businesses that are in our ground water area; Advantor and SCC Concrete. I don't know about SCC Concrete but I do know about Advantor. They are required by state and federal law to meet all standards.

Mayor McKay – They have very stringent standards.

Planner Ritter – Yes.

Member Woolf – For people who don't know with Advantor, nothing leaves that plant without being (inaudible). Even there rain water goes to their disposal.

Member Olschewski – Gary, I, I, you are most certainly here longer than I am. I found, you know, much more than I do but our ground water is not affected by every business in town?

Member Woolf- No. Aqua's well is just below Advantor. That's the only well.

Member Fitzsimmons – Where's that located?

Member Woolf – On River Road.

Member Fitzsimmons – Okay.

Member Woolf – That's where Aqua's wells are.

Member Olschewski – But they're getting the ground water from surrounding so, if we have somebody who is, I don't know

Member Woolf – Their well, and I don't know the exact thing, but I'm going to say their well is only 100 feet from the Delaware River.

Planner Ritter – Just to and I think what you're saying is exactly

Member Fox – That's the Tier 1 area or that's, that's the Tier 1 you are referring to right? The Tier 1 Well Head area.

Talking over each other.

Planner Ritter – Oh well, they are practicing under their current permits. In other words, all these uses, I shouldn't say all, but many of these uses when they get their permit to operate from the state, they come along with a set of guidelines of how they must operate and what they must do. So, many of them already, install these types of things, cause that's one of the requirements to do business in the state regardless of the town. One of the things that the best management practices does, if the town chooses to adopt it, it says that if you get state permits, in other words, if there are state guidelines, rules and regulations that are applicable to a particular business, you have to meet those standards. If there isn't any but you are still doing a business that has hazardous materials, this ordinance says that you will put in the patrols to protect the ground water.

Member Fitzsimmons – Is that what you call permissive ordinance?

Member Olschewski – Excuse me, Mrs. Devos as I understand that you want to talk to Brian, everybody does, but if you can't do it outside, please

Ms. Devos – No I'll be just as rude as you were Monday night.

Member Olschewski – Just saying, thanks all right.

Planner Ritter – Anyhow, the, this ordinance would require industries that have major potential contaminant sites but don't fall under a state permit to meet and have a written policy on how they're going to protect the ground water and for those who do fall under state regulations; this would say that you have to comply. That's really what it is saying with the state permits.

Member Fitzsimmons – As a minimum.

Planner Ritter – As a minimum

Member Fitzsimmons – Could the town come up with a like a permissive ordinance more defined before you said it is not a complete list, they could fine tune it, there might be gray areas that you could come up, do that.

Planner Ritter – Yes. We could, my understanding of the Highlands and they've been not specifically on this subject, but on other subjects have been more than willing to have towns for a lack of a better term, tweak their ordinances. In other words, if we have a concern that we want to write into an ordinance, you write it in and then see if they'll approve it. In terms of how you want to do that.

Member Fitzsimmons – More clearly defined something to specific

Planner Ritter- I mean, maybe you feel, and I'm just picking something out here, but let's say you feel that well, that's actually more like a traditional use, but let's say you feel that a certain thing is okay in your district, but you don't want it sitting on top of your residential zones so, you might have a standard in there that says that, you know, yeah, you can build this in this district but you are not going to put it in within so many feet of a residential district with the idea were going to give room and buffering for this thing, because maybe it has too many tanks, maybe it has something we just don't think is compatible with a residential neighborhood. You can modify the list as to criteria and we take it up there, and we just make our case and generally, I've had good luck with that. They generally accepted it.

Mayor McKay – You've spoken about one type of pollution and that would be the pollution of ground water.

Planner Ritter – Yes.

Mayor McKay – How about other types of pollution; air pollution, noise pollution

Planner Ritter – Well, the air pollution is normally, and I say normally, handled in your state permits for operating these types of businesses. I'm not saying all of them. Noise pollution is something that, at least when I've been involved in it, when these applicants come before boards, that's usually where you try to address the issue of noise in terms of how their equipment is set up, how it is muffled, what kinds of things, in other words, that's some of the proofs that they would have to give to the board if they want to build something. The state does not have a great deal of noise regulations.

Mayor McKay – Well, they make you put walls on highways

Planner Ritter – Well, that's fence. That's the federal government. That isn't the state as far as I know, that's the feds with their noise barriers but I will say that in reviews that I've been involved in, you know, where companies have generators or those types of things, at least during the site planning process, I've been always able to have those addressed as far as part of the site planning process in terms of making sure that they are either buffered or that the equipment has certain dB that they are going to produce and that kind of thing.

Member Woolf – Yeah Mayor, our Warren County Board of Health handles decibel levels.

Mayor McKay – Do they, Board of Health does?

Member Woolf – Whether it be residential, commercial, industrial. In fact, that's all under the Warren County Board of Health.

Chairman Johnson – So that type of pollution is not addressed by the Highlands then?

Planner Ritter – No, this ordinance is not a noise ordinance.

Chairman Johnson – Right.

Planner Ritter – Their commitment, and I think most of you have worked (inaudible) their commitment is protecting the states ground water and to a lesser degree the site in terms of not having pollution move out onto the site and then potentially move into the ground water. The noise is not high on their list. I've never heard them raise that issue. So, I guess where we are, is we're going to have to start a dialogue here where we'd like to be on some of these issues or like I say, if you have your own, to add them to the list and try to address them.

Chairman Johnson – Any other questions from Board members at this time for our Planner?

Member Fitzsimmons – I do. I'm pretty good with maps around the world and just to clarify this map here, you guys have one of these? I think I understand what the different parts are; I don't have a pointer like you do, so just to clarify, I think this blue line is railroad? Is that correct?

Planner Ritter – This is the Township's Zoning Map.

Member talking over each other.

Planner Ritter – That's the railroad tracks but there's two Overlay Zones in town. One was a Redevelopment Plan that was approved for the high school that goes back several years ago when to get the high school up on top of the hill that's outlined in purple. That's the Redevelopment Plan for the high school. There's an Overlay District if you look in your zoning code, and that's what this is outlining, the blue is the actual Overlay District which allows people, if they choose, to assemble property and then they get certain types of bonuses if they assemble enough land to actually do larger projects. In the years that that's been in, and that's one of the things by the way, we have suggested in the report, that it be repealed. It's been on the books now for a good seven years and not a single person has opted to do anything on that and the original idea was it was part of the redevelopment, well, it was the idea was that we could assemble enough in there is either get corporate office centers, industrial centers or to get a unified plan for the Ingersoll piece. Well, the Ingersoll piece is now a part of a Redevelopment Plan. So, this hundred acres here, is now a part of the Redevelopment Plan for the Ingersoll tract. So, one of the recommendations in our report is, that this Overlay District just be repealed. It has not proved to cause anybody to be interested in anything. It doesn't really hurt anything, but it sure doesn't help on anything.

Member Fitzsimmons – Well, the property hasn't all been developed.

Planner Ritter – No, if you look in the maps, we marked all the vacant properties. That's, if you look at

the legends here, you can see where agriculture so, if it isn't commercial, if it isn't these colors, it's open.

Member Fitzsimmons – So in other words, streets used to be like Strykers Road here, George?

Planner Ritter – That is Strykers Road, yes.

Member Fitzsimmons- This would be Rt. 22

Planner Ritter – That's 22, comes through, comes through that way. This is 57

Member Fitzsimmons – Coming out through the (inaudible) railroad tracks. I guess this is Overlook.

Planner Ritter – That's Overlook. That's right, that's the old, not the old, but it's the townhouse project.

Mayor McKay – (Inaudible) Overlook is overlooked on your water map?

Planner Ritter – I understand that. It's interesting cause we got, I won't make any excuse, you're absolutely right, except we got the list from the water company of all the places they serve and obviously, that wasn't on the list.

Member Fitzsimmons – Thanks.

Chairman Johnson – George, can you send a copy of that out to all, we can distribute to all the members the full map that you have on display right there?

Planner Ritter – Oh sure.

Chairman Johnson – Cause it's a little hard to see from this distance.

Planner Ritter – Okay. No, no that's fine. The Zoning Map is in your report but it is only the zoning that relates to the Highlands Center. It's not the whole town. So, I'll give you all a little zoning map of the whole town. Not a problem.

Chairman Johnson – Questions from the Board members at this point any? We can open this up to public comment. Beth, do we need a motion to do that or we just open it up to public comment if anybody wants to come up and

John Betz – Does the Federal EPA have anything to do with any of the ordinances in town or connections to any type of air pollution, water pollution or any type of pollution at all? What I'm trying to ask is which supersedes what; state supersedes or EPA supersedes the state and the turmoil that's going on in the EPA now. The EPA situation. How will that effect, prolong issuing any kind of considerations within this Board and Council is there any kind of a thought, opinion on that by anybody yet?

Planner Ritter – Well, I'm sure the EPA has certain jurisdictions but in terms of the Township zoning and the regulations, the environmental regulations as to industries (inaudible) from the state.

John Betz – From the state, okay.

Planner Ritter – Primarily, I'm not saying there isn't some overlapping EPA here and there, but as far as I know, the primary regulator of these industries is the state along with the Township's zoning regulations or whatever they choose to put on it but

Johnson Betz – So, the state's up here and the Township is virtually, it has to comply with state regulations?

Planner Ritter – Well, we can adopt, regulate

Member Fitzsimmons – Minimum standards.

Members talking over each other.

Planner Ritter – We can, and it depends, that's why I get a little hesitant here. The town can adopt regulations that are more stringent than the state, but that's not in every, it's not in every case. In other words, we can't, there's certain things that the state keeps for themselves but we can't do, but as an example, when we're talking about the proposed Highlands regulations, clearly, if we feel there's something we want to add to that, I'm sure we can get the Highlands to agree and add it as long as it isn't total, you know, off the wall or something. They wouldn't let us add regulations and then incorporate them back into the town code, but as far as what's happening at EPA, I don't know. I don't know where that's headed.

John Betz – Okay, I just wanted to know how much control that they previously had with, you answered my questions.

Bill Wright – I'm here as a resident not Council. Appreciate what you're doing, great, good ideas. Him not being here, I think crazy. How did he not, he refuse to come?

Chairman Johnson – No. We asked him at the last meeting if his presence was required and he advised us that he did not have to be here.

Bill Wright – He's not to be here?

Chairman Johnson – He did not have to be here, correct.

Bill Wright – Do we have stuff like this usually, and him not be here or is it a money thing?

Secretary Dilts – Well, I think it is monetary because our budget isn't set yet. We didn't have any money built into it and the Chairman did state that he asked him and he felt, I don't know, I

Member Olschewski – No Beth, I think I recall the budget meetings in past, when the attorney is not present right? Budget workshops.

Secretary Dilts – Budget workshops, not here on the Planning Board.

Member Olschewski – No, but Council. You had budget workshops on Council where the attorneys have not been there.

Secretary Dilts – Right, this isn't a budget workshop.

Member Olschewski – I know it's not budgets.

Bill Wright – I would have like the attorney to hear what Mr. Ritter said. I think it's really

Chairman Johnson – I think we're going to have to, we'll definitely revisit

Talking over each other.

Bill Wright – You'll have to redo the whole thing over so the attorney can hear.

Chairman Johnson – No, he can review the tape, we don't have to do it over again and this has been a great workshop for everybody. One thing we have

Member Fox – I think the other professionals have already read the report and know what's been said there. I really treated; I came to this treating this as an informational session. Without the other two professionals, nothing would be getting voted on. George is here to share, give us his reports in his words to make it a little bit easier for some of us to understand.

Member Fitzsimmons – No commerce.

Bill Wright – So Eric, you're the one that decided that we don't need him?

Chairman Johnson – No, I did not decide that. I got advised that I did not need our attorney and honestly, we have had meetings before without the attorney. There has been meetings where he has not showed up. We don't cancel the meeting because he hasn't shown up. So

Bill Wright – I just wanted to see who is responsible for this. Lawsuits come flying in and if we get a lawsuit on this, I'd like to say okay, Eric said we don't need him.

Members talking over each other.

Bill Wright – Maybe Joe's right. It's a great idea; we got to take it slow.

Member Olschewski – No decisions have been made. There was no planning on any votes to be cast.

Bill Wright – But I heard from the attorney, that we should wait to do any talking on this until after the court case. Am I right or wrong?

Chairman Johnson – From what attorney?

Bill Wright – No.

Chairman Johnson – I don't believe so.

Bill Wright – You don't believe so.

Chairman Johnson – I'm not going to, I'm not going to speak for him though so we could certainly ask him that

Bill Wright – Mr. Pryor do you know anything about that or no?

Member Pryor – Well, we asked the Township attorney handling the lawsuit and the Township attorney advised to not pursue this, not pursue anything relative to the asphalt plant, rezoning relative to the asphalt plant at this time.

Member Olschewski – And we don't.

Member Pryor – You're dealing with it as part of this master plan.

Member Olschewski – No.

Bill Wright – If we wait, we have no problems with stuff. That's what I'm saying. I just don't want no problems coming down the road cause they appear overnight. You know what I'm saying?

Member Olschewski – Absolutely.

Bill Wright – And, that's my own opinion. That's it.

Member Fitzsimmons – How can we amend the budget or to allow for the attorney to be here for meetings? Can we discuss that?

Chairman Johnson – Well we got a choice of extending meeting times as well which I don't consider that a great idea either. We're all tired at 10:00 and we want to go home now we already have the attorney here. That be a great time to talk about it but I'm not 100% at 10:00 at night. I don't know how everybody else is.

Member Olschewski – Ken, one of the ideas is if you look back, it's very difficult to get stuff moving. I mean there's questions, other things coming up and nothing really moves and we try to get a move on this, this, at least the initial conversation on things I mean, best practices and I think it's a great idea and we're just not able to so we tried to get this informational meetings in

Member Fitzsimmons – Yeah, to turn over information. I have a better understanding.

Member Olschewski – But if, you know, I'd feel better if Tony's here and uh John.

John Betz – This is from an (inaudible) point of view. Lawsuits cost Mucho DeNaros of tax dollars and by all means possible, avoid lawsuits. All right try to avoid, shorten not lengthen and avoid. It just, it just puts a burden on everybody. Thanks.

Chairman Johnson – Yes, absolutely, come on up.

Attorney Fourniadis – I just got two quick things. Mr. Ritter, are the amendments, the proposed amendments to the ROM Zone required to bring the Master Plan in compliance with the Highland's

Master Plan?

Planner Ritter -Are they required?

Attorney Fourniadis – Other than the bmp's.

Planner Ritter – No. The Highlands has, basically, asked us to look at the ordinances and make what recommendations we think are appropriate and quite frankly, since we are in the process of doing that, we are bringing anything that's related that can be discussed now rather than do everything piece meal, you know, be doing this ten times. So, no. The answer is there's nothing that in the Highland's that said we have to consider any of these rezonings. I will say that the one thing as you pointed out, that I think is clearly something that the Board should consider is dealing with the pollution sources and bmp's, best management practices.

Attorney Fourniadis – I don't think anybody will argue with that and the other point I just want to make is the, we have, I was also going to raise but it has already been raised, the potential for the conflict that your attorney should comment on based on, you know, Mr. Johnson's involvement and the Vice-Chair's involvement in the Lopatcong legal defense fund. So, if your attorney was here, I would have asked him for an opinion so, I guess we can do that next time.

Chairman Johnson – Absolutely. As a matter of fact, I'll ask him myself. Thank you. Okay, we'll close that to public comments. Once last attempt for Planning Board comments if there are any additional ones at this point. I have none myself. I just want to thank the public for coming out, the Planning Board members for coming out. I realize everybody's time is valuable and I appreciate you participating in this workshop trying to educate ourselves more on the way that this happens. So thank you very much and I'll take a motion for adjournment at this point.

Mayor McKay – One question, we have to follow through on what we started I guess, because we're going to, George wants some more input from us. We didn't make (inaudible) to do that. Are we going to do that at the next regular meeting?

Chairman Johnson – Yes, we can. I would recommend everybody to read George's report. Take a look at what he gave us tonight. At the next regular meeting we can, with our attorney present and our engineer present, we can talk about that and this is a great meeting to get us prepared so that we were all ready to talk about it. I would recommend doing that at the next meeting.

Secretary Dilts – You also have another special meeting.

Member Fitzsimmons – April 6th what's that?

Chairman Johnson – That is after the next regular meeting.

Member Fitzsimmons – That's the next regular meeting?

Chairman Johnson – No, it's after the next regular meeting.

Secretary Dilts – No, that's another special meeting,

Chairman Johnson – Obviously, if we feel we don't need it, we can cancel it. All the advertising was covered already so we are good there so. At the end of the next meeting, we decide if we need it at that point.

Member Fitzsimmons – When's the next regular meeting

Secretary Dilts – It's the fourth Wednesday of the month which is the 22nd.

Chairman Johnson – At 7:00 o'clock again, as well. So Tom, is that okay then to we want to hold March 22nd

Mayor McKay – That's fine

Members talking over each.

Mayor McKay – Methodology is employed if we can just fly through this thing and finish it. It's very afebrile, I mean, it's like ether your trying to look at this is maybe this could happen, but this doesn't always happen and the Highland's may mean that, but you don't necessarily have to do that. I find it very difficult to follow the flow. So, I think if we took it in pieces maybe we would have a better chance. For instance, this one piece there that's all mixed use so maybe we should look at that and you know, and say okay what do you recommend George, have the engineer there, see what does he recommend. I can understand that that's not, you know, a particularly prime place to put in housing so that would be good there to make that more of a business zone and I think that's what you probably want to talk about. So that is what I'd like to do. Take one or two of the George's points, let's go through them at the next meeting and try to give him our best thinking on it.

Chairman Johnson – Yes, we can schedule that for the next meeting. Absolutely, thank you.

Member Fitzsimmons – George you mentioned that re-examination reports. That's all in here.

Planner Ritter – You pointing at them, I don't know what all (inaudible). I don't know if you have them all or not, to be honest, in that package.

Secretary Dilts – No they don't. It's is the current 2013 Re-examinations. The proposed ordinance, all the Highland's supplementals I got from your Gary back in 2013. I can send you the list.

Planner Ritter – Send me the list that I can let you know what we're missing or not in the package.

Mayor McKay – Yeah. That would be good for all the members. You know, members think they don't have everything, they could come in and see Beth or call Beth and go through what they have and maybe she could help them get what they don't have so they can make an informed, you know contribution.

Planner Ritter- And by the way, I would say what the Mayor suggested is a nice way to break this up. Pick the pieces and we discuss them and even if we only get through one or two a night, I know we want to move faster than that but what I'm saying it is a good way to focus because they are not interrelated in the sense that you can discuss each of the zoning recommendations and decide if you are interested or don't want to do it. I think that is a very good way to approach this. Pick each of the areas

and do it that way.

Chairman Jonson - Right we don't want to hold off on the Highland's.

Planner Ritter – No, no. I'm not saying no. I just saying break it apart into pieces and just address one area

Member Fox – Instead of doing the whole pie at once.

Members talking over each other.

Planner Ritter - For discussion purposes, we just break it apart and look at that, and look at that

Chairman Johnson – But we want all the pieces to be complete before we send it to Highland's.

Planner Ritter – Yes, oh yes. No, no, yes.

Chairman Johnson – That's was my point, yeah, we want to submit to them once so we could piece meal from here and when we're all done

Members talking over each other.

Alternate Frank – I just want to say that (inaudible) but there's cohesiveness. I appreciated your point the attorney. I appreciate learning a little bit more about this cause no one mentioned about the other, I guess the elephant was in the room and for me it's easier for me now to go to this report cause now things that George brought up it's been helpful

Mayor McKay – Yes it was very good for

Alternate Frank – It was very good and I also I have to say I think that's an excellent idea

Major McKay – Yeah it is especially if it is the first time you're looking at it; it's really hard.

Alternate Frank – I appreciate it

Chairman Johnson – Thanks for coming out.

Motion to adjourn Mayor McKay, seconded by Member Olschewski. All in favor.

Respectfully submitted,

Margaret B. Dilts
Secretary