

**MINUTES OF THE REGULAR MEETING
MORRIS COUNTY PLANNING BOARD**

30 Schuyler Place
April 16, 2015

Morristown
New Jersey

Chairman Falkoski called the Regular Meeting to order at 7:00 p.m.

OPEN PUBLIC MEETINGS LAW

Chairman Falkoski stated that the Secretary of the Board provided public notice of this meeting in a legal notice dated January 26, 2015.

ROLL CALL

Those present were:

Joseph Falkoski, Chairman	Christine Marion, Planning Director
Steve Rattner, Vice-Chairman	Anthony Soriano, Supervising Planner
Isobel Olcott, Secretary	Greg Perry, Supervising Planner
Ted Eppel	Joe Barilla, Principal Planner
Annabel Pierce (arrived 7:12)	W. Randall Bush, Planning Board Attorney
Christopher Vitz, County Engineer	Rene Axelrod, Recording Secretary
Nita Galate, Alternate #2	

REVIEW OF MINUTES

Ms. Olcott moved approval of the minutes of the March 19, 2015 meeting. The motion was seconded by Mr. Vitz, and was approved by roll call vote.

VOTE	Aye	Nay	Abs.
Ted Eppel			x
Kathryn A. DeFillippo, Freeholder Dir.	-		
Isobel Olcott, Secretary	x		
Annabel Pierce	-		
Steve Rattner, Vice-Chair	x		
David Scapicchio, Freeholder Alt.	-		
Everton Scott	-		
Christopher Vitz, County Engineer	x		
John Cesaro, Freeholder	-		
Stephen Jones, (Alt.1)	-		
Nita Galate, (Alt. 2)			x
Roslyn Khurdan, (Eng. Alt.)	-		
Joseph Falkoski, Chairman			x

DIRECTOR'S REPORT

The Board accepted the Director's March 2015 Report and it will be placed on file.

REPORT OF FUNDS RECEIVED

Funds received for March 2015 totaled \$10,740.

FUTURE MEETINGS

Ms. Marion stated that she and Ms. Michelin will be attending the New Jersey County Planners Association meeting tomorrow, April 17, 2015. She informed the Board that the Department of Environmental Protection will be there to discuss the draft revised rules for the Wastewater Management Plan.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan – Ms. Marion stated that County Administrator John Bonanni will facilitate a meeting between Mine Hill Township and the Rockaway Valley Regional Sewerage Authority (RVRSA) regarding issues related to sewer service. Ms. Marion stated that Ms. Michelin is working on several wastewater management amendments, including an amendment for the Sisters of Christian Charity religious order located in Mendham Borough.

Watershed Activities – Ms. Marion stated she had nothing to report.

Highlands RMP Monitoring – Mr. Soriano stated that on May 27, 2015, there will be a meeting with the Highlands Council staff on the Regional Master Plan Monitoring Program, county plan conformance and a new open space grant program. Mr. Soriano stated that all of the counties in the Highlands Region were invited.

Land Subdivision and Zoning

Developments Reviewed – Mr. Rattner reported on the April 16, 2015 committee meeting held before the Planning Board meeting. He noted the following applications:

1. Modera Parsippany, Parsippany – This is a site plan for a 212 unit mid-rise apartment building with a four (4) story parking garage. Only the first stage of this project was received. There was a discussion concerning access, pedestrian linkages and trailer storage. County Engineering will review for stormwater management.
2. Duffy's Tavern, Paterson, Passaic County (County Route 513) – Ms. Marion stated that the Passaic County Planning Board asked the Morris County Planning Board to review this application due to a conflict of interest; the applicant is a current Passaic County Freeholder and Planning Board member. She stated that Passaic's standards and procedures will be used for the review. Mr. Perry stated that the site is a triangular lot, one side of which is located along nine feet of county road. The site is

completely covered with a restaurant/bar, two other structures and a paved area used for parking and a one way driveway. The site plan is for an addition to the existing bar/restaurant, an outdoor patio and twelve parking spaces. Two existing structures will be removed. Mr. Perry stated that new curbing along the county road is required. Engineering will determine whether the municipal collection system connects to the County system or outfalls directly to the Passaic River.

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for March 2015. The motion was seconded by Mr. Rattner and approved by roll call vote.

VOTE	Aye	Nay	Abs.
Ted Eppel	x		
Kathryn A. DeFillippo, Freeholder Dir.	-		
Isobel Olcott, Secretary	x		
Annabel Pierce	x		
Steve Rattner, Vice-Chair	x		
David Scapicchio, Freeholder Alt.	-		
Everton Scott	-		
Christopher Vitz, County Engineer	x		
John Cesaro, Freeholder	-		
Stephen Jones, (Alt.1)	-		
Nita Galate, (Alt. 2)	x		
Roslyn Khurdan, (Eng. Alt.)	-		
Joseph Falkoski, Chairman	x		

Recent Legislation/ Resolution 15-02 - Mr. Soriano noted Assembly Bill A3318 that would expand the definition of “acquisition” for the purposes of county and municipal open space trust funds, to include demolition, removal of debris and restoration of lands being acquired. This bill passed the Assembly and is now waiting for action from the Senate. Assembly Bill 4290 would authorize public bodies to use an internet based agenda in place of a printed agenda at public meetings.

Resolution 2015-2 - Mr. Soriano presented Resolution 2015-2 opposing Senate Bill S2818, which would amend the MLUL to limit information required for preliminary site plan and subdivision approval by municipal planning boards.

Ms. Olcott moved Resolution 2015-2. The motion was seconded by Mr. Eppel and approved by roll call vote.

VOTE	Aye	Nay	Abs.
Ted Eppel	x		
Kathryn A. DeFillippo, Freeholder Dir.	-		
Isobel Olcott, Secretary	x		
Annabel Pierce	x		
Steve Rattner, Vice-Chair	x		
David Scapicchio, Freeholder Alt.	-		
Everton Scott	-		
Christopher Vitz, County Engineer	x		
John Cesaro, Freeholder	-		
Stephen Jones, (Alt.1)	-		
Nita Galate, (Alt. 2)	x		
Roslyn Khurdan, (Eng. Alt.)	-		
Joseph Falkoski, Chairman	x		

Master Plan & Land Use Ordinance Monthly Report – Mr. Soriano summarized the 2015 Wharton Borough Reexamination Report. Wharton Borough is entirely within the Highlands Planning Area and that it is voluntarily conforming to the Highlands Regional Master Plan. Wharton has been designated a Highlands Center by the Highlands Council. The Report recommends adoption of a Highlands Planning Area Master Plan Element and associated Highlands development regulations, but not before development and adoption of a Highlands Center Economic Development Plan.

Mr. Soriano then summarized the March 2015 Land Use Ordinance Monthly Report, reporting that there were three proposed ordinances, eight adopted ordinances and one defeated ordinance processed in March, 2015. The Hanover Township ordinance would rezone the vacant Emmanuel Orthodox Presbyterian Church at the intersection of Park Avenue and Whippany Road. A previous ordinance was defeated that would have permitted 33 age restricted townhouses on this site. The newly proposed ordinance would allow 21 to 25 single family homes on the site.

Long Range Planning

Mr. Soriano reported that there have been three Circulation Plan Element Public Workshops held to date; one each in Lincoln Park, Denville and Morris Plains, with an overall attendance of about 50 people, not including staff. He reported that a fourth workshop will be held in Roxbury on April 29th. The workshops have been organized to address various transportation topics including: Bike/Pedestrian, Road and Bridges, Land Use, Transit and Freight. Mr. Soriano informed members that the consultants will also be setting up tables at different public events to obtain additional public input. Information is also being collected via the Circulation Plan interactive website, which he noted has received about 650 visitors. The consultants will soon be providing a technical memorandum concerning their review of Morris County municipal transportation and land use plans.

Mr. Soriano provided a brief update of the latest Census count of Morris County population, reporting that the County’s population is 499,672 for 2014, rising only slightly from 2013. He

reported that 2014 saw more out-migration than in-migration for the first time in several years and that births accounted for the small increase in population.

LIAISON REPORTS

Lake Hopatcong Commission - Ms. Marion stated that the last meeting was cancelled, but she did receive a report from Mr. Jarvis stating that outflow has been reduced to 12 cubic feet per second, allowing the lake to refill.

Lake Musconetcong Regional Planning Board/ Musconetcong River Management Council
Mr. Rattner informed the Board that the Lake Musconetcong Regional Planning Board and the Lake Hopatcong Commission have adopted a memorandum of understanding. Mr. Rattner stated that the two boards have agreed to meet quarterly to look at joint issues and concerns, particularly lake water level, which is a primary concern.

Morris County Open Space Trust Fund

Ms. Pierce stated she attended the March 26, 2015 meeting at which the rules, regulations and procedures of the Board were discussed. Ms. Pierce stated that applications are anticipated shortly and that the deadline is June 19, 2015. She stated that once the applications are received, site visits will be scheduled for June and July.

Ms. Marion informed the Board of the recent closing on 2.7 acres located on River Road from the Passaic River Coalition.

Correspondence and Reports Received

Ms. Marion stated that correspondence was received from the Morris County Agriculture Development Board concerning a modification of Agricultural Development Area (ADA) to include additional lots in Mendham Borough and Harding Township. She stated that the additions will increase the number of properties that are eligible for farmland preservation.

Report of Meetings

Ms. Marion had nothing to report.

Other Business

Presentation County Planning Board Related Court Cases - Ms. Marion stated that at the last meeting, she presented an overview of the County Planning Act. Ms. Marion stated she will now go over various court cases related to the powers of the County Planning Act, particularly as it pertains to land development review. She proceeded to summarize the findings of nine cases.

Annual Building Permit Report- Mr. Soriano summarized the 2014 Morris County Building Permit Report. Residential building permits declined in 2014 and that Rockaway Township, Mount Olive Township and Randolph Township led residential building permit activity during the year. He then summarized recent office and retail building permit activity, noting that much of the recent office activity was centered in the Borough of Florham Park, Parsippany-Troy Hills

Township and Hanover Township. He stated that there was very limited retail building permit activity in 2014.

COAH Supreme Court Decision – Mr. Soriano reported that on April 9, 2015, the New Jersey Superior Court Appellate Division ruled that COAH may not seize local affordable housing trust funds. The Court found that COAH failed to adopt rules defining when a municipality has committed to expend trust funds and concerning how such funds may be spent, and also failed to adopt standards concerning the trust fund seizures. The disposition of the trust funds will now be directed by the courts on a case-by-case basis. He stated that municipalities will still have to show the Court how they intend to allocate funds for affordable housing.

LEGAL UPDATE

Mr. Bush had nothing to report.

Ms. Marion introduced Meghan Hunscher, Executive Director from the Morris County Economic Development Corporation (MCEDC) who replaced Jim Jones as Executive Director. Ms. Hunscher informed members that on May 8, 2015, EDC is having a Transportation Day in support of the Morris in Motion Circulation Plan initiative. She stated that NJDOT Commissioner Fox will be the key note speaker. The event will be held at the Birchwood Manor in Whippany starting at 10:00 a.m. Ms. Marion stated that she will send the flyer to board members.

Comments from the Public

None

Mr. Eppel asked Mr. Bush about the lawsuit being filed against the County Planning Board and other county boards in the case of the death at Alstede Farms. Mr. Bush stated that under tort claims everyone is being sued. He believes that special counsel will be able to remove Morris County interests from the case.

Ms. Olcott asked Mr. Bush about the protests occurring at Greystone Park Psychiatric Hospital. Mr. Bush stated that the county is not the focus of action because the property is not owned by the county.

NEXT MEETING

The next meeting is scheduled for May 21, 2015 at 7:00 p.m.

ADJOURNMENT

At 8:25 p.m., Mr. Vitz moved to adjourn the meeting. Mr. Eppel seconded, and all approved by voice vote.

Respectfully submitted,

Christine Marion, P.P./AICP
Planning Director

Original was signed and is on file at the office of the Morris County Planning Board.