

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

30 Schuyler Place
July 21, 2016

Morristown
New Jersey

Chairman Rattner called the Regular Meeting to order at 7:01 p.m.

OPEN PUBLIC MEETINGS LAW

Chairman Rattner stated that the Secretary of the Board provided public notice of this meeting in a legal notice dated February 1, 2016.

Chairman Rattner asked members to join in for the pledge of allegiance to the flag.

ROLL CALL

Those present were:

Steve Rattner, Chairman	Christine Marion, Planning Director
Isobel Olcott, Vice Chair	Deena Leary, Department Director
Christine Meyer, Freeholder	Anthony Soriano, Supervising Planner
Christopher Vitz, County Engineer	Greg Perry, Supervising Planner
Nita Galate, Alt.1	Joseph Barilla, Principal Planner
Anthony Abrantes, Alt.2 (arrived at 7:06)	W. Randall Bush, Attorney
	Rene Axelrod, Recording Secretary

REVIEW OF MINUTES

Ms. Galate moved approval of the minutes of the June 16, 2016 meeting. The motion was seconded by Mr. Vitz and was approved by roll call vote.

VOTE	Aye	Nay	Abs.
Kathryn A. DeFillippo, Freeholder Dir.	-		
Ted Eppel, Secretary	-		
Stephen Jones	-		
Christine Meyers, Freeholder			x
Isobel Olcott, Vice Chair			x
Annabel Pierce	-		
Everton Scott	-		
Christopher Vitz, County Engineer	x		
Deborah Smith, Freeholder Alt.	-		
Nita Galate (alt. 1)	x		
Anthony Abrantes, (alt. 2)	-		
Roslyn Khurdan, (Eng. alt.)	-		
Steve Rattner, Chairman	x		

DIRECTOR'S REPORT

The Board accepted the Director's Report for June-July 2016 and it will be placed on file.

REPORT OF FUNDS RECEIVED

Funds received for June 2016 totaled \$6,005.

FUTURE MEETINGS

Ms. Marion had no meetings to report.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan – Ms. Marion reported that on July 18, 2016, staff participated in a conference call with members of the New Jersey County Planners Association concerning the New Jersey Department of Environmental Protection (NJDEP) proposed revised Wastewater Management Rules and associated NJDEP grants. She stated that the lack of clear guidance on the grant requirements and the small grant amount of money reinforces Morris County's decision not to pursue the grant. She also stated that many counties have stopped working on their wastewater management plans until they receive appropriate guidance from the DEP. Ms. Marion informed the Board that Virginia Michelin is continuing to work with municipalities on completing their chapters of the wastewater management plan.. Ms. Marion stated that the DEP anticipates adoption of the rules this summer, and that the changes do not include amendments to required septic management plans.

Watershed Activities – Ms. Marion had nothing to report.

Land Subdivision and Zoning

Developments Reviewed – Ms. Olcott reported on the July 21, 2016 Land Development Review Committee meeting and noted the following applications:

1. Boonton Township, Barrister Court - this application concerns a site plan for a 38-unit age restricted development on a 2.55 acre parcel, with two three-story buildings with 29 under building parking spaces per building and 35 surface parking spaces with a small free standing club house. She stated that County Engineering will review driveway access and stormwater management conditions.
2. Hanover, Blanchard Properties –this application concerns a redevelopment site plan for a retail development at the intersection Horse Hill Road and East Hanover Ave. Three new structures and 121 parking spaces are proposed, with two driveways for site access. The plan also includes a five foot easement for a multi-use path and sidewalks. She stated that

County Engineering will review for stormwater management and driveway access to East Hanover Avenue.

3. Montville, Wawa – This site plan is for the redevelopment of an existing multi-tenant retail structure where all existing site improvements will be removed for a Wawa convenience store. The proposed 5,585 square foot Wawa will have 50 parking spaces and a fueling facility. Ms. Olcott stated that County Engineering will review stormwater management and access to Changebridge Road.

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for June 2016. The motion was seconded by Mr. Vitz and approved by roll call vote.

VOTE	Aye	Nay	Abs.
Kathryn A. DeFillippo, Freeholder Dir.	-		
Ted Eppel, Secretary	-		
Stephen Jones	-		
Christine Meyers, Freeholder			x
Isobel Olcott, Vice Chair	x		
Annabel Pierce	-		
Everton Scott	-		
Christopher Vitz, County Engineer	x		
Deborah Smith, Freeholder Alt.	-		
Nita Galate (alt. 1)	x		
Anthony Abrantes, (alt. 2)	x		
Roslyn Khurdan, (Eng. alt.)	-		
Steve Rattner, Chairman	x		

Legislative and Municipal

Recent Legislation – Mr. Soriano reported on several bills of interest to the Board. Newly introduced Senate Bill S2389 would establish a Lake Hopatcong Fund and dedicate \$500,000 annually to the fund. Newly introduced Senate Bill S2443 would establish a “Comprehensive State Plan for Economic Development.” He noted that the proposed contents are similar to those included in the draft State Strategic Plan which was proposed in 2011. Senate Bill S1992 concerns the coordination of municipal land use planning between civilian and military facilities. He stated that the bill passed both houses and if signed into law, would require changes to the Municipal Land Use Law (MLUL) on notice requirements for military installations with regard to local planning and zoning actions. Senate Bill S2456 was signed into law, implementing the 2014 voter approved dedication of corporate business tax revenues for certain environmental, open space, farmland and historic preservation purposes. Ms. Olcott asked Mr. Soriano to provide further information on Senate Bill S2379 that would limit certain State and nonprofit open space acquisitions in municipalities. Mr. Soriano stated he will research the bill and provide her with the information.

Master Plan & Land Use Ordinance Monthly Report – Mr. Soriano reported that the County received the Randolph Township 2016 Master Plan Reexamination Report and 2016 Master Plan Update. He stated that the focus of the report is on land use in Mount Freedom, South Salem Street

and the Route 10 corridor. Ms. Leary reported that there is a 2016 open space application that was received for Mount Freedom for a piece of property adjacent to the Mount Freedom Mini Golf.

Mr. Sitlick reported that the County received five proposed ordinances and four adopted ordinances for a total of nine ordinances processed in June. He highlighted an ordinance adopted by Madison Borough that changed the zoning for Giralda Farms Office Park and will allow up to 10% of office building space for non-hazardous laboratories, higher education facilities and business incubators. Mr. Sitlick stated that a 200 room hotel will also be permitted as an accessory use.

Long Range Planning

Morris County Circulation Element – Mr. Soriano reported that the consultant is currently working on further changes to the latest version of the draft plan as requested by the New Jersey Transportation Planning Authority (TPA). He stated that he anticipates that the TPA will sign off on the final version of the Plan by the end of August 2016, thereby closing the contract so that TPA can make final grant payment. Mr. Soriano informed members that staff can make changes to the Plan once the TPA version is complete and that a final revised version will be presented to the Long Range Committee for their input prior to it being released to the full Board. He stated that the consultant will be available to present the Plan to the Long Range Committee and/or the full Planning Board. He stated that he anticipates that the Plan may be adopted by the end of the year.

LIAISON REPORTS

Lake Hopatcong Commission

Ms. Marion stated she has not received any reports.

Ms. Leary informed the Board that the Lake Hopatcong Foundation has been busy redeveloping the train station for their offices and supporting various community events. Ms. Marion stated that the Lake Hopatcong Foundation has been taking meeting notes for the Commission and posting them on line. She reported that water chestnut infestation has been found in Dalrymple Pond.

Lake Musconetcong Regional Planning Board/ Musconetcong River Management Council

Chairman Rattner reported that the manual water chestnut hand pull event sponsored by AmeriCorps occurred over last weekend with approximately 40 volunteers. He stated that the occurrence of water chestnut was reduced due to the use of herbicides. He will present an update at the next meeting concerning the use of a new probiotic treatment to control sludge at the bottom of the lake. Mr. Rattner then reported that the Lake Musconetcong Regional Planning Board received approval for its 319 grant, which will allow the Board to buy a multi-purpose aquatic weed harvester and water management equipment. Chairman Rattner informed the Board that obtaining the grant was a two year community effort including local boards, legislative representatives and the two counties, all who wrote letters in support of this grant. He stated that the new harvester will allow the Board to conduct lake maintenance and make lake improvements.

Chairman Rattner then reported that there appears to be a draft agreement between the Lake Hopatcong Commission, residents living along the lake and the DEP to modify the level to which the lake is lowered from 26” to 22” and to make a concurrent change in the outflow. Ms. Galate informed members of some of the issues that have occurred on the lake as a result of the drawdowns.

Morris County Open Space Trust Fund

Ms. Marion informed the Board that six Open Space applications have been submitted for a total of 4.04 million dollars.

Correspondence and Reports Received

Ms. Marion had nothing to report.

Report of Meetings

Nothing to report.

Other Business

2015 Building Permit Report

Mr. Sitlick summarized the 2015 Morris County Building Permit Report in a PowerPoint presentation to the Board. Residential units authorized by building permits rebounded strongly from 2014 and that Mount Arlington, Rockaway Township and Denville topped the list of municipalities in which residential units authorized by building permits were issued in 2015. During 2015, the amount of office space authorized by building permit in Morris County decreased while the amount of retail space authorized by building permits rose slightly. Parsippany-Troy Hills, Hanover and Morristown topped the list for new square feet of office authorized by permit, while Montville, Mount Arlington and the Town of Boonton topped the list for newly authorized retail square footage. Mr. Sitlick then reported that a new “Other” category of nonresidential building permit data was added to the report to provide information on nonresidential development other than office and retail. This new category includes building permit data related to industrial use, warehouses, parking garages, and other nonresidential space and described activity in this category from 2005 to 2015. Mr. Sitlick concluded his report and Ms. Marion informed the Board that she anticipates further activity in coming months, describing several large anticipated projects that should start next year. Ms. Marion asked Mr. Sitlick to look into the use of including Certificate of Occupancy data in next year’s Building Permit Report.

Affordable Housing Update

Mr. Soriano reported that no new housing elements have been received for several months. He stated that the courts are currently reviewing the housing elements and fair share plans recently submitted in accordance with the court ruling. Plans will be reviewed by the court to determine whether they meet the required obligations and permitted fair share methodologies consistent with the 2nd round COAH rules. He stated that a declaratory judgement was issued for the Town of Dover giving them protection from affordable housing lawsuits for ten years.

Mr. Soriano then reported on recent court developments concerning the affordable housing obligations. He stated that the February ruling in Ocean County regarding the obligation of communities to address the affordable housing need incurred during the so-called “gap-period” between 1999 and 2015 was overturned on appeal and sent back to the lower court. He reported that many municipalities used consultant obligation figures which excluded this gap period, resulting in lower affordable housing figures. He stated that there may be a further appeal to the NJ Supreme Court on this issue by the Fair Share Housing Center.

LEGAL UPDATE

Mr. Bush stated that he anticipates two more farmland closings within the next 30-40 days on adjoining farms in Chester Township.

COMMENTS FROM THE PUBLIC

None.

NEXT MEETING

The next meeting is scheduled for September 15, 2016.

There is no meeting in August 2016.

ADJOURNMENT

At 8:10 p.m., Mr. Vitz moved to adjourn the meeting. Chairman Rattner 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.