

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

30 Schuyler Place
May 16, 2019

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 3, 2019 and invited members to join in the Pledge of Allegiance to the Flag.

ROLL CALL

Those present were:

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| Steve Rattner, Chairman | Christine Marion, Planning Director |
| Isobel Olcott, Vice Chair | Greg Perry, Supervising Planner |
| Roslyn Khurdan, County Engineer Alternate | Joe Barilla, Principal Planner |
| Ted Eppel, Member | Staci L. Santucci, Esq., Planning Board Attorney |
| Nita Galate, Member | Anthony Soriano, Supervising Planner |
| Everton Scott, Member | Mary Romance, Clerk |

REVIEW OF MINUTES

Ms. Olcott moved the minutes of the April 18, 2019 Planning Board meeting. Mr. Eppel seconded the motion. Chairman Rattner called for Roll Call Vote:

| VOTE | Aye | Nay | Abs. |
|--------------------------------------|------------|------------|-------------|
| Douglas R. Cabana, Freeholder Dir. - | - | | |
| Ted Eppel, Secretary | X | | |
| Stephen Shaw, Freeholder | - | | |
| Isobel Olcott, Vice Chair | X | | |
| Annabel Pierce | - | | |
| Everton Scott | | | X |
| Christopher Vitz, County Engineer | - | | |
| Deborah Smith, Freeholder Alt. | - | | |
| Nita Galate | X | | |
| Christian Francioli (Alt. #1) | - | | |
| Roslyn Khurdan, (Eng. Alt.) | | | X |
| Steve Rattner, Chairman | X | | |

The motion was approved.

DIRECTOR'S REPORT

Ms. Marion stated that she will report on appropriate subject headings under each of the items. In regards to the Rockaway Valley Regional Sewer Authority (RVRSA) and the Mine Hill Chapter, Chairman Rattner questioned whether NJDEP had provided a formal deficiency letter and Ms. Marion responded that staff has not received the letter, but stated that it is expected shortly.

REPORT OF FUNDS RECEIVED

Funds received for April, 2019 totaled \$10,580.

FUTURE MEETINGS

Ms. Marion provided information on the FEMA Community Resilience Workshop. This workshop will offer the opportunity to review community risk reports, mitigation strategies and funding opportunities. Those involved in land use, planning and GIS staff, including governmental agencies, non-profits, non-governmental organizations, and the business community are encouraged to attend. This workshop is scheduled for Thursday, June 13, 2019, at the Morris County Public Library, from 2:00 p.m. to 4:00 p.m. Registration is not required.

COMMITTEE REPORTS

Environmental and Watershed

County Wastewater Management Plan - Ms. Marion noted that the County is waiting for the NJDEP to respond to the Mine Hill Chapter. Mine Hill wants their sewer service area to encompass all existing development. At issue is the fact that one side of Iron Mountain Road is in the RVRSA service area and the other side is in a different watershed.

Watershed - Ms. Marion reported that a meeting of the Rockaway River Watershed Cabinet was held on April 15, 2019. She reported that cleanup activities occurred in Denville on May 11 and that cleanup activities in Dover are scheduled for Saturday, May 25. This cleanup is a coordinated effort between the Watershed Ambassador from the Mullica River in South Jersey, whose home town is Dover, and the Passaic Basin Watershed Ambassador for Morris County. Details are posted on the Cabinet's website and Facebook page. Ms. Marion also reported that the Cabinet is considering a project to replace worn Rockaway River Watershed signs.

Land Subdivision and Zoning

Developments Reviewed – Ms. Olcott reported on the Land Development Review Committee meeting held on Thursday, May 16, 2019. She noted the following:

Denville, Enclave at Denville, 2019-8-2-SP-0 (Franklin Avenue) - This site plan is for a 116-unit townhome development with 24 low/moderate units with a clubhouse and swimming pool on a 42.83 acre property. There are site constraints with respect to this property, which include wetlands and steep slopes. Several NJDEP permits will be required for the filling of wetlands and buffer averaging. There are two proposed surface detention basins, which will connect to the municipal

collection system within Franklin Avenue. County Engineering will review for stormwater management.

Harding, New Vernon NYNYNJ0530, 2019-13-1-SP-0 (County Route 646) - This site plan is for upgrades to an existing wireless communication facility located on the roof of the New Vernon Firehouse. There are no County concerns.

Madison, 7 Giralda Farms, 2019-17-3-SP-0 (County Route 636) - This site plan is for a parking lot expansion of 175 parking surface spaces (new total of 831 spaces) for a 202,000 square foot office building at the Giralda Farms Office complex. County Engineering review for stormwater management.

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for March, 2019. Mr. Scott seconded the motion and it was approved by roll call vote.

ROLL CALL

| VOTE | Aye | Nay | Abs. |
|------------------------------------|------------|------------|-------------|
| Douglas R. Cabana, Freeholder Dir. | - | | |
| Ted Eppel, Secretary | X | | |
| Stephen Shaw, Freeholder | - | | |
| Isobel Olcott, Vice Chair | X | | |
| Annabel Pierce | - | | |
| Everton Scott | X | | |
| Christopher Vitz, County Engineer | - | | |
| Deborah Smith, Freeholder Alt. | - | | |
| Nita Galate | X | | |
| Christian Francioli (Alt. #1) | - | | |
| Roslyn Khurdan, (Eng. Alt.) | X | | |
| Steve Rattner, Chairman | X | | |

Legislative and Municipal

Legislative Action – Mr. Soriano reported that Assembly Bill A5001 was signed into law on April 29, 2019. This legislation revises the statute of limitations for residential mortgage foreclosures.

Master Plan & Land Use Ordinance Monthly Report – Mr. Soriano reported that Hanover Township submitted an amended Land Use Element of the Master Plan. The amendment addresses several items including conditional uses in the B-P2 (Business and Professional Development) Zone, permitted uses and standards in the OS (Office Services) District and the inclusion of small-scale storage buildings as permitted uses in the B-10 District.

Concerning the zoning report, Mr. Soriano stated that the County received 14 introduced ordinances and three adopted ordinances in March. He highlighted two proposed ordinances:

1. Hanover Township submitted an ordinance that would permit small-scale office/warehouse structures in the B-10 Highway Business Zone.
2. Morristown submitted an ordinance that would eliminate the current regulations on building demolition and replace them with a new section on demolition that would require that no structures over 120 square feet in size be demolished without a permit from the Zoning Officer. It would further require that applications for the demolition of structures that may have historic significance not take place without review from the Historic Preservation Commission. If the Commission designates a structure as “Preferably Preserved” a permit is not issued until certain actions have completed by the applicant or an appeal has been granted.

Long Range Planning

Land Use Plan Element – Ms. Galate noted that she previewed an excerpt from a portion of the Land Use Element draft being prepared by Mr. Soriano. Mr. Soriano spoke about the process of updating the existing Land Use map to reflect current conditions. He said that preliminary land use calculations have been made, but that further review is necessary with regard to open space since open space not specifically defined in the tax data, but lumped in with other tax exempt properties.

Mr. Soriano presented a PowerPoint slide showing the change in land use from 1970 to the present, noting that the largest changes were in land classified as vacant and land devoted to open space. He stated that the large increase in open space was due to the classification of state lands. He also reported on the amount of vacant and unpreserved farmland land remaining; indicating that much of this land is constrained by environmental factors. Staff continues to review this data and is also developing information related to demographics, housing trends and major regulatory changes.

Ms. Galate reported that further details on activity related to the Land Use Plan are located in the Director’s Report.

LIAISON REPORTS

Lake Musconetcong Regional Planning Board

Chairman Rattner provided highlights of the April meeting of the Lake Musconetcong Regional Planning Board (LMRPB). He reported that the lake is probably the cleanest it’s been in 20 years. He reported that efforts continue to eradicate water chestnut and other growth. He stated that due to the numerous activities used to clean the lake in recent years, it is difficult to pinpoint which effort has had the greatest positive impact. He noted the role of Rutgers in review of lake conditions.

Chairman Rattner then reported that Netcong has been awarded a grant for swan and geese control, which has been subcontracted to the LMRPB. He also reported that the USGS outflow monitoring shows that, on May 15, outflow into the river from Lake Hopatcong was the highest recorded since 1938 for this time of year. He also stated that the recent drop in water temperature will reduce weed growth.

Lake Hopatcong Commission

Ms. Marion stated that she received a report from Commissioner Eric Wilsusen concerning the Commission's attempts to comment on land use and development applications around the lake, noting that some information is received too late to permit comment. The Commission is reviewing methods of better communicating with the towns and stressed the importance of considering development impacts on the lake.

Ms. Marion reported on the status of the weed harvesting effort. She also reported on a meeting held between representatives of NJDEP, Hopatcong and Sussex County Health Department concerning a broken pipe and discharge found at a quarry. A notice of violation was issued by the DEP, but the DEP has not provided a plan on how to clean-up the discharge. The Commission will continue to pursue this issue.

Morris County Open Space Trust Fund

Ms. Galate reported that the 2019 applications are online for review by municipalities and nonprofit organizations and that June 14th is the deadline for the next round of open space grant applications. The Board will convene in early September to review recommendations and later that month will bring the recommendations to the Freeholder Board. Ms. Galate noted that demolition costs are now eligible for funding as part of an open space grant application.

Ms. Marion noted that she anticipates closings on two open space sites in Denville in the near future.

Trail Construction Trust Fund Committee

Ms. Olcott reported that grant agreements for 2018 grantees have been completed and that 2019 application materials are online. She stated that Letters of Intent to apply are due June 28th, with applications due on July 31. County staff held a workshop at the Cultural Center on April 23rd to review program changes for potential applicants. Fifteen municipalities were represented.

CORRESPONDENCE AND REPORTS RECEIVED

Ms. Marion noted that the Highlands Council submitted its 2018 Annual Report. Mr. Soriano stated that the Report provides information on various metrics for the Highlands Region and Council activities such as lands preserved, projects reviewed and other items. He stated that the Report noted two Morris County related items:

1. The Council finalized a contract in March to provide the Lake Hopatcong Commission a grant of up to \$109,000 to develop a Watershed Implementation Plan for the Upper Musconetcong Watershed.
2. The Report highlighted Wharton's adoption of a Highlands Stormwater Management Plan and an enhanced stormwater control ordinance as required for conformance process.

Mr. Soriano also stated that the Annual Report highlights Hunterdon County's intent to conform for the entire County, noting that Hunterdon's focus on tourism as its economic driver is in line with the Highlands Council's preferred economic plan for the Highlands.

REPORT OF MEETINGS

Ms. Marion stated there is nothing to report.

OTHER BUSINESS

Chairman Rattner stated that he received notification that the Morris County Heritage Commission has an employment opportunity.

Legal Update

Ms. Santucci had nothing to report.

COMMENTS FROM THE PUBLIC.

None.

NEXT MEETING

Chairman Rattner stated that the next meeting is scheduled for June 20, 2019 at 7:00 p.m.

ADJOURNMENT

At 7:54 p.m., Ms. Khurdan moved to adjourn the meeting, Ms. Galate seconded, and all approved by voice vote.

Respectfully submitted,

Christine Marion, P.P./AICP
Planning Director

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