

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

30 Schuyler Place  
March 18, 2021

Morristown  
New Jersey

Meeting Held Via WebEx

Chairman Rattner called the Regular Meeting to order at 7:02 p.m.

**OPEN PUBLIC MEETINGS LAW**

Chairman Rattner stated that the Secretary of the Board provided public notice of this meeting on March 3, 2021 in a legal notice in accordance with the Open Public Meetings Act, and invited members to join in for the pledge of allegiance to the flag.

**ROLL CALL**

Steve Rattner, Chairman	Joseph Barilla, Planning Director
Isobel Olcott, Vice Chair	Anthony Soriano, Supervising Planner
Everton Scott (7:14 PM)	Greg Perry, Supervising Planner
Nita Galate	Virginia Michelin, Principal Environmental Planner
Mohamed Seyam, Alternate 2	Staci L. Santucci, Esq., County Counsel
Christopher Vitz, County Engineer	Mike DiGiulio, Senior Planner
	Mary Romance, Recording Secretary

**STATEMENT REGARDING COMPLIANCE WITH OPEN PUBLIC MEETINGS LAW**

Ms. Romance read the Statement Regarding Compliance with the Open Public Meetings Law.

**REVIEW OF MINUTES**

Ms. Olcott moved the Planning Board Meeting Minutes of January 21, 2021. Mr. Vitz seconded the motion. Mr. Rattner called for questions or comments and there being none, the motion was approved by voice vote.

**DIRECTOR'S REPORT**

The Director's Report for January-February 2021 was reviewed and accepted. Ms. Galate noted that the report reflected the large amount of work being done. Ms. Olcott asked about the training offered by the NJ Planning Officials and the Rutgers Planning and Land Use Administration Class at which Mr. Barilla was a guest lecturer. Mr. Barilla gave a brief description of the training session provided by the NJ Planning Officials and also the topic of his lecture to the Rutgers Planning and Land Use Administration Class.

**REPORT OF FUNDS RECEIVED**

Funds received for January 2021 totaled \$16,770. Funds received for February 2021 totaled \$7,235, bringing the 2021 Year-to-Date Revenues to \$24,005. Mr. Barilla noted that he anticipated that a number of multi-family projects will be submitted, which will bring a significant increase in funds received.



## **FUTURE MEETINGS**

Mr. Barilla had nothing to report.

## **COMMITTEE REPORTS**

### **Environmental and Watershed**

***County Wastewater Management Plan*** – Mr. Barilla reported that progress is being made with interactions between the N.J. Department of Environmental Protection (DEP) and the N.J. Association of Counties (NJAC). These two entities are working on a template for Wastewater Management Plans (WMPs), which should be completed within a few months. Once in place, the review process will become more streamlined and consistent.

With regard to the County Wastewater Management Plan (WMP), Mr. Barilla reported that the DEP is restructuring again, so further delays in the process are anticipated. The County Planners Association is continuing to work with DEP staff to improve this process. Mr. Barilla reported that Mine Hill Township and the Rockaway Valley Regional Sewer Authority continue to discuss gallonage allotment and that staff continues to work on map amendments and build-out analysis.

***County Watershed Activities*** – Mr. Barilla stated that the recent meeting of the Whippany River Watershed Association featured a presentation by its new president. Mr. Barilla anticipates that summer river cleanup events will be scheduled.

***Stormwater Ordinance and Plan Review*** – Mr. Barilla reported that 22 stormwater ordinances have been received and 18 are in review. Of those reviewed, 13 have been approved. Five have been conditionally approved, pending required corrections.

### **Land Subdivision and Zoning**

***Developments Reviewed*** – Ms. Olcott reported on the two meetings of the Development Review Committee held on February 16, 2021 and March 16, 2021.

Ms. Olcott highlighted the following applications from the February Meeting:

**Harding & Morris Townships, S/K Mt Kemble Residential, 2021-13-1-SP-0 & 2021-22-1-SP-0 (State Route 202 Mt. Kemble Avenue)** This site plan is for a 96-unit townhome development, of which 16 units are designated affordable on a 15.94-acre tract. Access will be from an existing common driveway for several office buildings to a signalized intersection with Route 202. The proposed driveway connection includes a precast arch bridge structure to be situated in Morris Township. Stormwater management includes the use of eight surface bioretention basins, seven subsurface detention basins, and two small surface parking areas with porous pavement. Amenities include a clubhouse, swimming pool, and a tot lot. There is a large wetland area and stream in the western portion of this property and a small wetlands area in the southeastern corner of the property. An NJDEP wetlands Letter of Interpretation has previously been obtained. County Engineering will review for stormwater management.

**Parsippany-Troy Hills Township, 2 Campus Drive, 2021-29-2-SP-0, (Municipal Campus Drive)** This site plan is for a 172-unit multi-story apartment building to replace an existing office

building on a 5-acre parcel. A total of 288 parking spaces and 45 shared spaces are proposed with an adjacent office building. Access from two existing driveway connections to Campus drive will be utilized. There are two proposed courtyards with outdoor amenities. The existing surface detention basin onsite will be redesigned, and three new subsurface detention basins will be constructed. Sidewalks should be extended to Campus Drive to provide access to the limited bus service within the Mack-Cali Business Campus. County Engineering will review for stormwater management and review the submitted traffic impact study.

**Parsippany-Troy Hills Township, 3 Campus Drive, 2021-29-3-SP-0, (Municipal Campus Drive)** This site plan is for a 238-unit multi-story apartment building with a 233-space parking structure and 226 surface spaces on a 10+ acre parcel. There are two existing detention structures, which were constructed for the benefit of the existing office buildings at 1 Campus Drive and a previously approved 118,000 square foot office building for this property (never constructed). This site plan proposes the removal and replacement of one of the existing surface basins with a subsurface basin. Access will be from a common driveway that provides access to Campus Drive and Route 10 west. There are two proposed courtyards with outdoor amenities. Sidewalks should be extended to Campus Drive to provide access to the limited bus service within the Mack-Cali Business Campus. County Engineering will review for stormwater management and review the traffic impact study.

Planning Board members then discussed potential impact of the Parsippany projects, which combined will add 410 new residential units. Ms. Olcott asked about the spike in the residential population and Mr. Scott asked how the County might address any unanticipated traffic issues. Mr. Barilla addressed impacts on school attendance, citing data from the U.S. Census Bureau and Rutgers University, noting that the number of new school age children generated will be likely less than anticipated due to the type of units proposed. Mr. Vitz said that County Engineering will monitor traffic signalization out to the County Roads. Mr. Vitz indicated that the County has the option of requiring an upgrade to signalization to address traffic issues.

As pertains to the March Meeting, Ms. Olcott highlighted the following applications:

**Mendham Twp., Hillandale-Saint Johns Property, 2021-19-1-SP-0 (Saint Johns Drive)** This site plan is for a 44-unit townhome development of the former 18+ acre Mt. Saint John's Estate. A 53-unit age restrict development was approved for this property in 2015. Access will be from the existing St. Johns Drive with an emergency access through a municipal park. All existing structures will be removed and ten groupings of three to six townhomes each will be constructed. Public potable water and sanitary sewers will be utilized for this project. Stormwater management includes five subsurface infiltration/detention basins and three surface bio-retention basins. County Engineering will review for stormwater management.

**Long Hill, Gillette Crossing, 2021-30-2-SP-0 (County Route 512)** This site plan is for a 62-unit three story multi-family residential structure with a 77-space parking garage beneath it. In addition, there are 28 surface parking spaces. Access will be from a driveway connection to Valley Road. Stormwater management entails the use of a surface basin, a subsurface basin and a proposed rain garden. Municipal water and sanitary sewer will be utilized. This site has three distinct freshwater wetland areas in addition to the southern portion of property located within the 100-year flood plain of the Passaic River. County Engineering will review for stormwater management and access to Valley Road. Mr. Barilla noted concerns about drainage along the Valley Road frontage, and environmental constraints on the site. He noted that if DEP permits are not approved, it could end the project or require a substantial redesign. County approval is being withheld at this time.

**Mt. Olive, Peacock Run at Flanders Village, 2021-27-2-P-0 (Main Road)** This preliminary plat is for a nine-lot subdivision, eight residential and one stormwater lot of a 5.57-acre parcel. Access will be from a new cul-de-sac connection to Main Road. Municipal water and sewer will be utilized. Drywells will be utilized for rooftop stormwater runoff from each residence and there are three subsurface infiltration systems proposed. Stormwater management will be reviewed by County Engineering.

**Rockaway Twp., Mine Hill Properties, 2021-35-1-P-0 (Teabo Road)** This preliminary plat is for an eight-lot major subdivision of a 24+ acre property. Access for all eight lots will be to existing municipal roads. Each home will utilize a drywell system for the infiltration of rooftop stormwater runoff. This site encompasses the Sweester mine which was part of the Richards Mine, since abandoned. The property has an NJDEP Freshwater wetland Letter of Interpretation. A culvert maintenance easement will be required for a County culvert located beneath the Richard Mine Road right-of-way. Public potable water will be used and each lot will have an onsite septic system. County Engineering will review for stormwater management. Mr. Barilla noted there are concerns regarding drainage, and that the County will be issuing advisory comments regarding presence of the mines and a number of environmental constraints.

**Old Business** Ms. Olcott provided an update on the following application:

**Morristown, M-Station, 2020-24-1-SP-4 (County Route 510)** This site plan is located at the corner of Morris Street and Spring Street. The County has been working to secure an appropriate agreement regarding the traffic circle that is being built at this intersection. This agreement has not yet been finalized. Mr. Barilla noted that the majority of County concerns have been addressed; however, some fine tuning remains to be completed.

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for January 2021. Ms. Galate seconded the motion and it was approved by roll call vote:

## ROLL CALL

VOTE	Aye	Nay	Abs.
Steve Rattner, Chairman	X		
Stephen Shaw, Commissioner Director	-		
Tayfun Selen, Commissioner Liaison	-		
Thomas Mastrangelo, Commissioner Alt.	-		
Isobel Olcott, Vice Chair	X		
Ted Eppel, Secretary	-		
Everton Scott	X		
Nita Galate	X		
Christian Francioli	-		
Dennis Bull, Alt.1	-		
Mohamed Seyam, Alt.2	X		
Christopher Vitz, County Engineer	X		
Roslyn Khurdan, (County Engineer Alt)	-		

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for February 2021. Ms. Galate seconded the motion and it was approved by roll call vote.

## ROLL CALL

VOTE	Aye	Nay	Abs.
Steve Rattner, Chairman	X		
Stephen Shaw, Commissioner Director	-		
Tayfun Selen, Commissioner Liaison	-		
Thomas Mastrangelo, Commissioner Alt.	-		
Isobel Olcott, Vice Chair	X		
Ted Eppel, Secretary	-		
Everton Scott	X		
Nita Galate	X		
Christian Francioli	-		
Dennis Bull, Alt.1	-		
Mohamed Seyam, Alt.2	X		
Christopher Vitz, County Engineer	X		
Roslyn Khurdan, (County Engineer Alt)	-		

## Legislative and Municipal

**Recent Legislation-** Mr. Soriano highlighted newly proposed Senate Bill S3484, which would allow an owner of unreserved farmland that is taxed pursuant to the Farmland Assessment Act to construct, install, and operate a dual-use solar energy project on the farmland and continue to receive farmland assessment. A “dual-use solar energy project” means energy generation facilities, structures, and equipment for the production of less than ten megawatts of electric power from solar panels located on land in agricultural or horticultural production that allows the continued

use of the land below the panels to simultaneously be used for agricultural or horticultural production. Dual use projects would not be permitted on preserved farmland or in the Highlands Preservation Area. He also noted several newly proposed transportation bills dealing with issues of mobility for persons with autism and developmental disabilities and addressing roadway construction technology.

Of bills recently adopted, he highlighted Senate Bill S2607, which amends the Municipal Land Use Law to require municipal land use elements to include a climate change-related hazard vulnerability assessment. He also noted the passage of environmental infrastructure bills that would provide funding to the Rockaway Valley Sewage Authority and the Musconetcong Sewage Authority and the passage of two appropriation bills that will include funding for open space and historic preservation.

He then reported on the passage of the Cannabis Modernization Act (Act) which legalizes the use of recreational cannabis. He noted that the Act includes requirements concerning local land use regulation related to these businesses. The Act authorizes municipalities to permit or prohibit related uses through the adoption of local zoning regulations but it also invalidates existing zoning related to cannabis establishments and requires municipalities to adopt new regulations, permitting or prohibiting such use in accordance with the Act, within 180 days of the signing of the Act. If a municipality does not address the issue in this time, cannabis related land uses become automatically permitted in industrial and retail zones for a period of five years, so long as they meet reasonable standards similar to what is required in these zones.

***Master Plan & Land Use Ordinance Monthly Reports*** – Mr. Soriano reported that four master plan elements were received; two from Hanover Township, (Housing Element/Fair Share Plan and related Land Use Plan); a Roxbury Township Housing Element/Fair Share Plan and an Open Space and Recreation Plan from Harding Township,

Mr. Soriano then provided highlights of the January and February Land Use Ordinance Monthly Reports. He stated that 15 proposed and three adopted ordinances were processed in January. Proposed ordinances included six new stormwater control ordinances, two redevelopment plans and a new inclusionary zone in Hanover Township. He noted that adopted ordinances included a 100% affordable project in Madison on a Borough-owned near the Madison Housing Authority rental apartments.

He then stated that the February report included 19 proposed and 19 adopted ordinances. Proposed ordinances included three additional stormwater control ordinances and two new inclusionary districts, both in Randolph. Adopted ordinances included five stormwater ordinances and ten affordable housing ordinances from Rockaway Township. He stated that these Rockaway Township ordinances will be reintroduced due to an issue concerning public notice requirements.

## **Long Range Planning**

***Farmland Preservation Plan Update*** - Mr. Soriano reported that the Farmland Preservation Element, last updated in 2007, is being updated to allow for continued funding from the State. He reported that Katherine Coyle in Preservation Trust is overseeing the project and that a consultant will be brought on to develop much of the Element. A draft will be available for review by the County Agriculture Development Board by the end of the year, after which it will be forwarded to the Morris County Planning Board for adoption in early 2022. Ms. Olcott wanted to know how this plan relates to the Land Use Element and Mr. Soriano stated that the “Land Use Context” section of the Farmland Preservation Element has already been completed by Long Range staff, incorporating information from the recently adopted Morris County Land Use Element. He noted that the contents of the Farmland Preservation Plan Element must be consistent with the guidelines of the State Agricultural Development Board in order to receive State funding.

***Morris County Affordable Housing Map 2021*** – Mr. Soriano reported that Senior Planner Kevin Sitlick has updated the Affordable Housing Map found in the Data and Statistics section of the County website. He noted that the map includes affordable housing projects that have site plan approval, are under construction or completed. Information about individual sites, listing of housing organizations and local affordable housing liaisons are included. In sum, the map document addresses projects in which there are a total of 22,670 dwelling units, of which 6,010 are identified as affordable to low- and moderate-income households.

## **LIAISON REPORTS**

### **Lake Hopatcong Commission**

Mr. Barilla stated that a report will be provided next month.

### **Lake Musconetcong Regional Planning Board (LMRPB)**

Chairman Rattner had nothing to report.

### **Musconetcong River Management Council and Musconetcong Watershed Association**

Chairman Rattner reported that the February meeting of the Musconetcong River Management Council (MRMC) featured special guest Vincent Mann, Turtle Clan Chief of the Ramapough Lenape Nation. Chief Mann had praise for the MRMC and the Watershed Association, highlighting their good work as stewards of the land and water, especially their efforts in replanting native plants. Chief Mann wants to join with the association, citing the historical knowledge he and his people can offer as the original settlers.

Mr. Rattner represented Morris County in the MRMC’s Annual Outreach to Congress, meeting with representatives and staff in Washington, D.C. to highlight the value of funding in this area. Mr. Rattner spoke of the importance of Tourism and Recreation, including the fact that Morris County Tourism brings \$2.2 million to the area annually, noting Morris County’s commitment to the environment as shown by the successful preservation projects completed throughout the past thirty years. The MRMC group also provided representatives with updates on federally-funded projects and discussed their view of appropriation priorities. Mr. Rattner noted that most funding requests go through the Delaware Basin Restoration Program (DBRP), which received \$10 million

this year. The MRMC group spoke of their support for the DBRP funding request of \$15 million for next year.

### **Morris County Open Space Trust Fund**

Ms. Galate summarized the reorganization meeting held March 3, 2021. New officers were elected and the revised application is now available online. Applications are due in June and \$1.3 million is available for the 2021 round of funding. The Committee is closely watching the diversion in Harding at Glen Alpin. Ms. Galate also reported that there was one closing, the ValleyVue Farm Preservation Acquisition – Phase 2. This parcel of 7.94 acres in Morris Township will connect existing amenities and trails on the previously acquired 21-acre parcel.

### **Trail Construction Trust Fund Committee**

Ms. Olcott reported that the Committee discussed changes to rules for applicants at its February meeting. There was further discussion of a design-phase for applicants, and an application tier for minor-trail construction. Staff will incorporate these discussions into formal recommendations for County Commissioner review and action. The Committee anticipates that applications will be available this spring. Ms. Gallate added that she and Ms. Olcott have been working towards fine-tuning the grant process, and that the staff is doing a great job in furthering this work. She noted that staff has developed “lesson learned” analyses to improve this process. Mr. Barilla anticipates funding of \$1.5 million will be available for this application round.

## **CORRESPONDENCE AND REPORTS RECEIVED**

***Morris County Agricultural Development Board Notice – 2/21/2021*** – Mr. Barilla reported on correspondence received regarding the preservation of the Rowe Farm in Mendham Borough, a 6.5-acre property has been permanently preserved with funding from the Morris County Preservation Trust and the Morris County Agricultural Development Board. This is the 138<sup>th</sup> farm preserved through the Trust; a total of 8,072 acres of farmland have been preserved to date.

***State Planning Commission Announcement Endorsing the Highlands Regional Master Plan*** – Mr. Soriano reported that the State Planning Commission (SPC) has finally endorsed the 2008 Highlands Regional Master Plan. This means that any municipality deemed by the Highlands Council to be in conformance with the Highlands Regional Master Plan will also be considered to have achieved State Plan Endorsement by the SPC.

## **REPORT OF MEETINGS**

***State Planning Commission*** – Mr. Soriano reported that he has been attending the Commission’s Zoom meetings. He noted that one item being discussed was an update to the Plan Endorsement guidelines for municipalities, which includes the addition of new requirements for Plan Endorsement addressing such areas as environmental justice, social equity, energy policy and climate resiliency planning. He reported that the SPC is also working to coordinate their efforts with Sustainable New Jersey to make it easier for municipalities to apply for both Plan Endorsement and the Sustainable New Jersey program. He also reported that the SPC has been discussing options for increasing the role of counties in promoting Plan Endorsement by municipalities.

## **OTHER BUSINESS**

*Executive Orders 221 and 227* – Mr. Soriano reported that two new state advisory councils have been created by Executive Orders number 221 and 227, these being the Climate Action and Green Economy Council and the Age-Friendly State Advisory Council. He stated that the Climate Action and Green Economy Council is charged with identifying opportunities for coordination between State Agencies with regard to climate policy, promoting green jobs and assessing economic transitions to a green economy. He stated that the Age-Friendly Advisory Council is to identify opportunities for creating more livable communities for people of all ages and advance age-friendly best practices in areas such as transportation, housing, community support and health services. Mr. Rattner noted that there is no budget associated with these Executive Orders and that the Councils are only advisory in nature.

### **COMMENTS FROM THE PUBLIC**

Chairman Rattner asked if there were any comments from the public and Virginia Michelin acknowledged Cathy Wilson on behalf of Chairman Rattner. Ms. Wilson introduced herself as a resident of Morris Township, stating that she enjoyed the meeting and appreciated the work that went into the previously discussed Affordable Housing Map. Ms. Wilson asked about the authority held by Morris County in the context of municipal development projects. Mr. Barilla responded by explaining that an objective set of standards must be met in order for municipal projects to be approved by the County, noting that these standards are available to the public online. He spoke of County authority and responsibility in reviewing municipal development projects related to County roads and drainage. He noted that the County Enabling Act addresses the authority the County Planning Board and that municipalities have primary authority over the approval of local projects.

Ms. Wilson also asked for information about a proposed inclusionary affordable housing project in Hanover Township. Mr. Barilla stated that the project is on Park Avenue near the intersection of Columbia Turnpike and mentioned another project under County Planning review that is on Columbia Turnpike across from the Mack-Cali building. Ms. Wilson noted that the County possesses an overall and important view of development that reaches beyond each individual municipality.

Ms. Wilson then asked about the nature of the Lake Musconetcong Regional Planning Board. Mr. Rattner stated that the lake is located in four municipalities within two counties and that the Lake Musconetcong Regional Planning Board is responsible for maintaining the lake and is responsible for drainage and other issues as it relates to Morris County.

Regarding members of the public, Ms. Michelin also noted that Mr. Frank Vitolo had been present via WebEx during the period between 7:14 p.m. to 7:36 p.m.

**NEXT MEETING**

The next meeting is scheduled for April 15, 2021 at 7:00 p.m.

**ADJOURNMENT**

At 8:22 p.m., Mr. Vitz moved to adjourn the meeting and all approved by voice vote.

Respectfully submitted,



Joseph Barilla, P.P./AICP  
Planning Director

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

