

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

30 Schuyler Place
February 17, 2022

Morristown
New Jersey

Meeting Held Via WebEx

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

OPEN PUBLIC MEETING LAW

Chairman Rattner stated that the Secretary of the Board provided public notice of this meeting 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

Those present were:

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| Steve Rattner, Chairman | Greg Perry, Supervising Planner |
| Stephen Shaw, Commissioner | Virginia Michelin, Principal Environmental Planner |
| Isobel Olcott, Vice Chair | Staci L. Santucci, Esq., County Counsel |
| Everton Scott | Mary Romance, Recording Secretary |
| Nita Galate | Mike DiGiulio, Senior Planner |
| Dennis Bull, Alternate #1 | Barbara Murray, Open Space |
| Christopher Vitz, County Engineer | Mary Jeanne O’Grady, Office Manager |
| Joseph Barilla, Director of Planning and Preservation | |
| Anthony Soriano, Supervising Planner | |

STATEMENT REGARDING COMPLIANCE WITH OPEN PUBLIC MEETING LAW

Ms. Romance read the Virtual Meeting Statement

REVIEW OF MINUTES

Ms. Olcott moved the Planning Board Meeting Minutes of January 20, 2022. Ms. Galate seconded the motion. Mr. Rattner called for questions or comments and there being none, the motion was approved by roll call vote.

ROLL CALL

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

DIRECTOR'S REPORT

The Director's Report for January 2022 was reviewed and accepted by the Board and will be placed on file.

REPORT OF FUNDS RECEIVED

Funds received for January 2022 totaled \$16,770.

FUTURE MEETINGS

Mr. Barilla reported that there was a County Planner's Association meeting on February 18, 2022 and that there will be a future meeting with the County Planners Association and the DEP regarding wastewater. Additional meetings with various organizations are also anticipated.

COMMITTEE REPORTS

Environmental and Watershed

County Watershed Management Plan – Mr. Barilla reported that county planners continue to meet with NJDEP officials. Revisions to plans are ongoing and updated build-out analysis is being conducted.

County Watershed Activities - Mr. Barilla reported that on March 19, 2022, the Whippany River Watershed will be doing a cleanup in Morristown by Bethel Church. Mr. Barilla reported the Rockaway River Watershed Cabinet is becoming active again and he will have more information at the next meeting.

Land Subdivision and Zoning

Developments Reviewed – Ms. Olcott reported the Board met on February 14, 2022 and there were only a couple minor projects. Ms. Olcott commented she had no specific report for the Board.

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for January 2022. Mr. Vitz seconded the motion, and it was approved by roll call vote:

ROLL CALL

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

Legislative and Municipal

Recent Legislation – Mr. Soriano reported that over 6,400 bills have been introduced for the new legislative session and that nearly all are reintroductions of bills previously introduced but not adopted in the last legislative session. About 250 of over 500 bills being tracked by the Board in the last session have been reintroduced or are in process of reintroduction and additional reintroductions are anticipated.

Of new bills, Mr. Soriano reported on **S757**, which would authorize special occasion events at certain farms on preserved farmland under certain conditions. Commercial farms with \$10,000 in products sold annually would be allowed to hold special events, provided they not interfere with the production of the preserved farmland and not cause "significant and direct negative impact on surrounding properties. Farms with \$10,000 to \$100,000 in sales could hold 15 events per year, of which two may have 250 guests or more in attendance. Farms with over \$100,000 in sales could hold up to 26 events per year, of which six could have 250 or more guests in attendance. The area of an event would be limited to the greater of 2.5 acres up to a maximum of 5 acres. Events must be held on Friday, Saturday, Sunday or on Federal or State Holidays. Parking must be provided on site. The owner would have to apply to the entity to which the development rights have been transferred for approval.

Master Plan & Land Use Ordinance Monthly Reports - Mr. Soriano reported that no new municipal master plan elements/amendments were received during the reporting period.

Land Development Report - Mr. Soriano reported five proposed ordinances were received and two ordinances have been adopted. The most significant is Hanover, which is changing permitted maximum improvement cover in all residential single-family districts. Allowable coverage will vary based on lot size and the definition of impervious will be altered to include porous pavement, mulch and gravel along with other surfaces as impervious cover. Mr. Shaw noted that pervious cover often becomes impervious over time; he anticipates more municipalities will be adjusting their ordinances accordingly.

Long Range Planning

Farmland Preservation Plan Element – Mr. Soriano reported than an update of the Farmland Preservation Plan Element has been in the works since 2020. Staff provided chapters and data to augment the work of a consultant hired by the Preservation Trust, which is completing the plan in accordance with the approved State Agricultural Development Board (SADC) plan format requirements needed to continue SADC funding. Staff has edited two preliminary versions and a final draft will be presented to the County Agricultural Development Board (CADB) in March for their review. Once the CADB approves a plan, the SADC will get that version, allowing funding to continue uninterrupted.

The Board will then get the draft for their review and adoption. Like all master plans, once the Board approves the draft, it will have to be sent to the municipalities for their review and comment, followed by a public hearing. Adoption by the Board is likely by the end of the year.

Open Space Plan Element - Mr. Soriano reported that data is being collected for the eventual preparation of a new County Open Space Plan Element, which was last updated in 1988. Since then, there have been major changes to Green Acres, other new forms of funding, new conservation organizations/non-profits and new emphasis on the preservation of open space for recreation and other reasons. He noted that the major efforts of the County under the Preservation Trust that are not included in the 1988 plan will be documented, as will the major changes that have occurred in the County Park system and in municipal open space.

One of the major orders of business currently being worked on is development of an up-to-date inventory of municipal open space, as well as an update of state, federal, county, and nonprofit open space holdings. Staff is presently compiling data, including a review of local open space elements, to identify each local parcel. The intent is to provide this inventory to municipalities for local confirmation of the data. Staff is also preparing preliminary text on non-inventory items.

LIAISON REPORTS

Lake Hopatcong Commission – Mr. Barilla noted that once he has the meeting minutes, they will be posted to the Board's folder.

Lake Musconetcong Regional Planning Board (LMRPB)

Mr. Rattner reported that he was advised that the Lake Musconetcong Property Owners Association has raised enough funds to make sure the four area towns will have their police cars equipped with proper water rescue units.

Musconetcong River Management Council (MRMC)

Mr. Rattner reported the Department of Interior, through the National Park Service, is requesting the New Jersey Commissioner of the NJDEP to coordinate a meeting between the various Wild and Scenic Rivers agencies to discuss increased cooperation between agencies with different responsibilities. A member of the Musconetcong River Management Council has also requested a meeting with the NJDEP Commissioner about the aquatic invasive species planning update which will address the New Zealand Mud Snail, an invasive species that will affect the health of many low flow rivers and which is harmful to trout. The Department of Interior is pushing the NJDEP to develop a statewide plan that will increase eligibility for federal aquatic invasive species funding.

Morris County Open Space Trust Fund

Ms. Galate reported that the reorganization meeting will be held on March 16, 2022.

Trail Construction Trust Fund Committee

Ms. Olcott reported that a meeting was held on February 10, 2022, to discuss the possibility of changes to their rules, which will have to be approved by the Commissioners before she can report them to the Board. The schedule for applications will remain the same as before and the applications will start to be released in May 2022, with a deadline of June 30, 2022. Applications will be reviewed for funding recommendations at the end of October. Ms. Olcott reported their allotment for grants will allow \$1.6 million in funding in 2022.

CORRESPONDENCE AND REPORTS RECEIVED

Mr. Barilla had nothing to report.

REPORT OF MEETINGS

Mr. Barilla reported that he will be meeting with the County Administrator and Meghan Hunscher in the next month or two to discuss development of an Economic Development Plan for Morris County. He noted that the Highlands Council will be providing some grant funding for this effort. He stated the key focus will be smart growth for industry and continuing to grow the County, noting the County College of Morris's (CCM) recent investments in high tech training. Commissioner Shaw reported that the County will be expanding the Morris County School of Technology to accommodate an additional 500 students. The new \$25 million facility will be constructed on the CCM campus. \$18 million of this funding is from a grant from the State of New Jersey. The school will be concentrating on entrepreneurship and supply chain logistics.

OTHER BUSINESS

Meghan Hunscher, President and CEO of the Morris County Chamber of Commerce and Morris County Economic Development Council gave a brief overview of her involvement in the development of the Highland Region Economic Sustainability Plan (Plan). She noted the opportunities and concerns addressed in the Plan and the potential for counties to advance economic development in the Highlands Region (Region). She introduced Maryjude Haddock-Weiler, staff of the Highlands Council (Council) and project manager for the Plan.

Ms. Haddock-Weiler reported that the intent of the plan is to focus residential, commercial and industrial development and redevelopment in areas defined by the Council as appropriate for that development, while working within the constraints of the Highlands Act rules. She noted that developing an economic plan for the Highlands was always a Council responsibility. She stated that the Plan includes economic development goals, and that the development of an economic development plan began in 2019 due to a recommendation in a review of the Highlands Regional Master Plan in 2018.

She stated that the focus of the plan is to direct new development and redevelopment to existing brownfield and greyfield sites. She also noted that the lack of new housing in the region is an impediment to economic growth and that housing and employment need to be better coordinated. She reported that the Plan includes an economic profile for the region, a guide for development of target industries, an action plan matrix and a description of potential partners needed to implement the Plan.

She described the major goals of the Plan, which focus on providing greater awareness of the Region's economic assets and quality of life, awareness of the Council's purpose, strengthening the Council's role in regional planning assistance and supporting the Region's existing target industries and small businesses. She then noted the availability of the Council to provide assistance to municipalities in meeting the goals of the Plan.

Mr. Rattner stated he was pleased that the Council is seeking to bring in new industry rather than act to block new development, which is the perception of the Council. Commissioner Shaw noted a lack of building community representation in development of the Plan and stated that there should have been a greater focus on the economy when the Highlands Act was passed in 2004. He stated that the Plan recognizes that many people are leaving the Region due to high housing costs but does not recognize that a major reason housing is so expensive is because 860,000 acres of land were restricted from development by the Highlands Act. He said the Plan seems to be more of a marketing tool but does not seem to fit into any regulatory framework. Ms. Haddock-Weiler responded that the Highlands Act does not prohibit development but focuses on redevelopment in the Preservation Area and development in centers throughout the Region. She stated that she and staff are available to provide assistance to prospective developers.

Ms. Hunscher noted that the Council can provide funds to conduct planning studies and that this is important to the Morris County tourism economy. Ms. Galate said she was glad to hear that the Council was becoming more approachable concerning development issues. Mr. Shaw agreed, but noted that the Highlands Rules have not changed, that there are still severe restrictions on development in the Region and that methods of Plan implementation need to be better addressed.

Mr. Rattner thanked Ms. Hunscher and Ms. Haddock-Weiler for their presentation and looked forward to future reports of actual Plan implementation or results.

COMMENTS FROM THE PUBLIC

Mr. Rattner opened the meeting for public comment. There being none, he closed the public comment portion of the meeting.

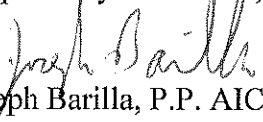
NEXT MEETING

The next Planning Board meeting is scheduled for March 17, 2022, at 7:00 p.m.

ADJOURNMENT

At 8:22 p.m. Mr. Vitz moved to adjourn the meeting, which was seconded by Ms. Olcott. 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.