

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

30 Schuyler Place
June 16, 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:

Steve Rattner, Chairman	Joseph Barilla, Director, Planning and Preservation
Stephen Shaw, Commissioner	Virginia Michelin, Assistant Director, Planning and Preservation
Isobel Olcott, Vice Chair	Staci L. Santucci, Esq., County Counsel
Ted Eppel, Secretary	Greg Perry, Supervising Planner
Nita Galate	Mike DiGiulio, Senior Planner
Christian Francioli	Anthony Soriano, Supervising Planner
Dennis Bull, Alt. 1	Mary Romance, Recording Secretary
Mohamed Seyam, Alt. 2	Barbara Murray, Open Space Program Coordinator
Christopher Vitz, County Engineer	Mary Jeanne O’Grady, Office Manager

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 May 19, 2022. Ms. Galate seconded the motion. Mr. Rattner called for questions or comments and there being none, the motion was approved by a roll call vote.

ROLL CALL

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

DIRECTOR’S REPORT

The Director’s Report for May 2022 was reviewed and accepted by the Board and will be placed on file. Mr. Barilla reported that there will be a rule change to the Historic Preservation Trust considered at the next County Commissioner meeting. The proposed change would allow grant money that is left over after a project is completed to be reinvested back into the program to allow a Grantee to use these funds for items included in the original scope of work for the project when approved by the Trust’s historic consultant.

REPORT OF FUNDS RECEIVED

Funds received for May 2022 totaled \$13,050.

FUTURE MEETINGS

Mr. Barilla had nothing to report.

COMMITTEE REPORTS

Environmental and Watershed

County Wastewater Management Plan – Mr. Barilla reported that a meeting was held between county planners and NJDEP representatives. Work on the County Wastewater Management Plan is progressing slowly, and other counties are experiencing similar NJDEP-related issues. Morris County is still receiving and processing wastewater management plan amendment requests.

County Watershed Activities - Mr. Barilla reported that he hasn't heard from the Rockaway River Watershed Cabinet in some time, while the Whippany Watershed Cabinet is keeping busy with various educational programs. Mr. Barilla and Ms. Michelin attended a Passaic River stakeholder meeting hosted by Congressman Malinowski at which information was provided regarding Federal and extra core funding that is available to help areas along the Passaic River that were hit by Hurricane Ida, including Long Hill Township. His office will also be creating a Passaic River Technical Advisory Committee that staff will work with to address projects for Morris County, such as river de-snagging. Mr. Barilla will keep the Board advised of future progress.

Land Subdivision and Zoning

Developments Reviewed – Ms. Olcott reported that the Land Development Review Committee met on May 16, 2022. She reported on the following items:

Hanover, Monarch Communities, 2022-12-5-SP-0 (Municipal Ridgedale Avenue) - This site plan is for the redevelopment of a restaurant, two single-family homes and a vacant parcel to a 160-unit congregate care, memory care and assisted living senior living facility on 4.5 acres. The four existing lots will be consolidated into a single lot. There are a total of 109 parking spaces proposed, of which 12 will be EV charging spaces and 13 spaces of the 109 will be banked for the future if needed. Stormwater management includes the use of permeable pavers within portions of the parking lot, two surface bioretention basins and two subsurface infiltration basins. Access will be from a single full access driveway connection to Ridgedale Avenue. County Engineering is reviewing stormwater management. Mr. Perry noted that staff is recommending to Hanover that an emergency access be created adjacent to the cemetery.

Randolph, Liberty Village, 2022-32-3-SP-0 & 2022-32-3-M-0 (County Routes 617 & 650) - The minor subdivision for this project will create two lots, a 1.98-acre parcel for future retail and a 14.51-acre parcel for proposed residential development. This site plan is for a 125-unit apartment complex of 11 buildings with 224 parking spaces on a 14.5-acre parcel. Ten of the structures will each have ten units and six of these will have individual garages. The remaining structure will be a 25-unit multi-story affordable senior living building. The site will have a single full access driveway connection to East Hanover Avenue. Stormwater management entails the use of a surface bioretention basin, a surface infiltration basin and three subsurface infiltration basins. The only outdoor amenity proposed is a small dog run near the senior living building. The Board will strongly recommend to the Township that additional outdoor amenities such as a tot lot, outdoor seating and possibly an outdoor barbecuing area with some open field space be provided for the future residents. Minimal landscaping is proposed for this site and it is also strongly recommended that additional landscaping be provided. Mr. Perry commented that there was concern regarding

firefighting access due to the narrow spacing between buildings and lack of a second driveway or emergency access. Mr. Eppel commented that he felt that the lot was being overdeveloped. Mr. Vitz stated that County Engineering will review the project for compliance with County Development Standards.

Morris Plains Self-Storage, 2022-23-1-SP-0 (County Route 650) - This site plan is for the redevelopment of the former Acme Supermarket property with a 2-story, 119,928 square foot self-storage facility on a 3.37-acre property. There will be 15 parking spaces. Access for the site will be from a full access driveway connection to East Hanover Avenue and a full access entrance and right-only exit to Speedwell Avenue.

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

ROLL CALL

VOTE	Aye	Nay	Abs.
Steve Rattner, Chairman	X		
Tayfun Selen, Commissioner Director	-		
Stephen Shaw, Commissioner	X		
Thomas Mastrangelo, Commissioner	-		
Isobel Olcott, Vice Chair	X		
Ted Eppel, Secretary	X		
Everton Scott	-		
Nita Galate	X		
Christian Francioli	X		
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 highlighted Senate Bill S2669, which amends the “Right-to-Farm” act to allow housing for resident farm employees on a commercial farm as a permissible activity. The bill directs SADC to adopt agricultural management practices permitting the construction, installation, and provision of housing for certain full-time employees on commercial

farms and establishes such housing as eligible for "Right-to-Farm" protection. A resident farm employee addressed by this legislation is one employed on a full-time basis to provide care and safety to animals on a commercial farm. It does not include migrant, seasonal, or temporary employees.

He also noted Assembly Bill A4064, which directs the BPU to adopt rules and regulations concerning small modular nuclear reactors, i.e., a nuclear reactor with a capacity of not more than 300 megawatts licensed by the U.S. Nuclear Regulatory Commission. The purpose is to incentivize construction of these reactors to help replace the generating capacity being lost from coal and natural gas facilities that are being retired.

Master Plan & Land Use Ordinance Monthly Reports - Mr. Soriano reported that one Master Plan was received, this being a Housing Element and Fair Share Plan from Chatham Borough. The Borough reports a zero rehabilitation need and a realistic development potential obligation of 94 units, which they will meet with existing and proposed inclusionary projects. Their remaining unmet need will be addressed through several overlay districts, a 100% affordable project and a mandatory set-aside ordinance.

Concerning the Ordinance Report, Mr. Soriano reported that the most significant items included was a redevelopment plan in Wharton and three inclusionary developments in Roxbury. He noted that all four developments had an inclusionary component, with the potential to generate a combined total of 1,285 units should they be fully developed.

Long Range Planning

Farmland Preservation Plan Element – Mr. Soriano reported that the draft Farmland Preservation Plan Element has not yet been adopted by the County Agricultural Development Board (CADB). The CADB received requests for an extension of its comment period and their consultant is presently reviewing those comments and preparing potential modifications to the Plan. The earliest the plan could be approved would be at the July 7th meeting. He will continue to monitor progress on the draft and update the Board at its next meeting.

Environmental Justice Rules - Mr. Soriano reported that new draft Environmental Justice rules have been introduced by the NJDEP to implement a law passed last year. It is the intent of the rules to address the cumulative impacts of pollution on local overburdened low income and minority communities, that have historically been subjected to a disproportionately high number of environmental and public health stressors such as air pollution, water pollution and contaminated sites. The regulations require anyone seeking a permit for a new or expanded major pollution generating facility, or permit renewal, located in an overburdened community, to undergo a special environmental and public health review before obtaining a permit. Under the law, an “overburdened community” means any census block group in which at least 35 percent of the households qualify as low-income households; at least 40 percent of the residents identify as a minority or as members of a State recognized tribal community; or at least 40 percent of the households have limited English proficiency. He reported that 20 of the County’s municipalities had a least some portion designated as overburdened. The DEP has an interactive mapping tool (still under development) showing the location of overburdened communities and the location of

pollution generating facilities that may be subject to the new regulations. Based on the interactive mapping tool, there are 33 such facilities in Morris County, of which seven are located in overburdened areas. Included is one County of Morris facility, that being the MUA transfer station in Parsippany. He reported that the DEP will examine requests for permits for new or expanded facilities and may deny a permit or require an applicant to meet certain conditions where it is found that the introduction or expansion of a facility, or its continued operation pursuant to a renewal of permit, will have a disproportionate impact on the overburdened community.

LIAISON REPORTS

Lake Hopatcong Commission – Mr. Barilla had nothing to report. Once he receives the updated minutes, they will be provided to the Board.

Lake Musconetcong Regional Planning Board (LMRPB)

Mr. Rattner reported that he attended a press conference on May 24th with the Commissioner of the NJDEP concerning the public lakes grant program. The Commissioner was impressed with work that has been done on both Lake Musconetcong and Lake Hopatcong and stated that along with the \$10 million allotted for lakes that have been approved, that they were hoping for an additional \$10 million to be approved for lake management and conservation pursuant to Assembly Bill 4046.

Musconetcong River Management Council

Mr. Rattner reported that the last four miles of the Musconetcong River connecting with the Delaware River have been accepted as part of the Musconetcong's Wild and Scenic River designation, a process that has been occurring over the last ten years.

Morris County Open Space Trust Fund

Ms. Galate reported that Chester Township has been leasing 44.39 acres of fields from the West Morris Board of Education for the past 20 years and now has purchased them with a grant that was issued in 2019. The property backs up to the Black River Wildlife Management Area and part of Patriots Path, which runs through the management area and along an abandoned portion of the Delaware Lackawanna Western Railroad which parallels the Black River. Ms. Galate reported the applications for the 2022 round were completed on June 9th and that they are being reviewed in preparation for the Committee's next meeting on September 7th.

Trail Construction Trust Fund Committee

Ms. Olcott and Mr. Barilla reported that the program is getting ready to accept applications for this year's funding round. Mr. Barilla noted that the program books will be printed and submitted to Board members for review sometime in September. Commissioner Shaw reported that construction has started on the NYSW trail.

CORRESPONDENCE AND REPORTS RECEIVED

Mr. Barilla had nothing further to report.

REPORT OF MEETINGS

Mr. Barilla had nothing further to report.

OTHER BUSINESS

Ms. Michelin reported that the NJDEP is preparing to release new flood hazard emergency rules to address recent increases in precipitation and flooding. New information shows that flooding in the 100-year floodplain or flood hazard area is on the average 3.1 ft. higher than current FEMA maps show. The NJDEP is realizing that rainfall intensity is increasing, and that new developments, redevelopments, and rebuilding need to be more resilient. The NJDEP is proposing an emergency rule and a separate new rule proposal which will be released simultaneously. The emergency rule will go into effect immediately while the new rule proposal will go through the normal public comment and adoption process. The tentative release date for these rules is mid-July.

She explained that current flood hazard rules set the design flood elevation as the 100-year base flood elevation plus 1 ft. of freeboard (1 ft. higher). The new proposal for inland areas will add an additional 2 ft. setting the design elevation at 3ft. above the base plain elevation, as designated by the FEMA flood map. In addition, stormwater rules must be readopted with these new requirements.

Projects that have their application into the NJDEP prior to the rule can continue under the existing rule. All other projects will have to follow the new emergency rule. The BMPs must be designed using year 2100 projections for increased precipitation. Commissioner Shaw commented that the new bill will have a huge impact on the development community and impact current projects.

Additionally, Commissioner Shaw recognized Mr. Vitz for his presentation and handling of community questions regarding the proposal for improvement to the Park Avenue corridor. He also reported on a groundbreaking ceremony at 72 Eagle Rock Avenue in East Hanover for a 265-unit apartment building. He noted that this project will replace an existing empty office park surrounded by asphalt. He also gave an update on the progress of the County's small business grant program.

COMMENTS FROM THE PUBLIC

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

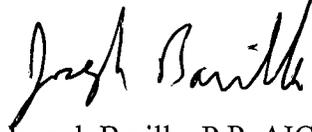
NEXT MEETING

The next Planning Board meeting is scheduled for July 21, 2022, at 7:00 p.m.

ADJOURNMENT

At 8:05 p.m. Mr. Vitz moved to adjourn the meeting, which was seconded by Commissioner Shaw. All approved by voice vote.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Joseph Barilla". The signature is written in a cursive style with a large initial "J".

Joseph Barilla, P.P. AICP

Planning Director

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