

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

30 Schuyler Place  
July 21, 2022

Morristown  
New Jersey

Meeting Held Via WebEx

Chairman Rattner called the Regular Meeting to order at 7:02 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	Anthony Soriano, Supervising Planner
Isobel Olcott, Vice Chair	Mary Romance, Recording Secretary
Ted Eppel, Secretary	Mary Jeanne O’Grady, Office Manager
Nita Galate	
Christopher Vitz, County Engineer	
Joseph Barilla, Director, Planning and Preservation	
Virginia Michelin, Assistant Director, Planning and Preservation	
Staci L. Santucci, Esq., County Counsel	
Greg Perry, 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 June 16, 2022. Mr. Vitz seconded the motion. Mr. Rattner called for questions or comments. The motion was approved by voice vote.

**DIRECTOR’S REPORT**

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

**REPORT OF FUNDS RECEIVED**

Funds received for June 2022 totaled \$11,505

**FUTURE MEETINGS**

Mr. Barilla had nothing to report.

**COMMITTEE REPORTS**

**Environmental and Watershed**

*County Wastewater Management Plan* – Mr. Barilla reported that staff continues to work on build out for the County Wastewater Management Plan. He stated that June’s meeting with the DEP representative was postponed and he anticipates that July’s meeting will also be postponed.

*County Watershed Activities* – Mr. Barilla reported that adoption of the proposed emergency flood hazard rule is on hold. There is also no activity currently with regard to Wastewater rule changes.

**Land Subdivision and Zoning**

*Developments Reviewed* – Ms. Olcott reported that the Land Development Review Committee met on July 18, 2022. She reported on the following items:

**Denville, Pulte Denville, 2022-8-7-SP-0 & 2022-8-7-P-0 (Route 10)** -This site plan is for a 120-unit multi-family development on 20.13 acres. Ninety-six units will be four-bedroom market rate townhouse units and 24 will be apartment units designated as affordable. Access for the site will be from a single right in/right out only driveway connection to Route 10 East. There is an indicated future emergency access to Forges Avenue which is the main road for The Townhomes at the Forges residential development. This location does not appear to be viable due to slope constraints and an existing retaining wall for Forges Avenue. This site is greatly impacted by steep slopes and by freshwater wetlands. The site proposes multiple level retaining walls throughout the project. There is one small tot lot proposed at the far eastern portion of the property. There are five proposed bioretention basins within this development. County Engineering will review for compliance with County Development Standards. Mr. Perry commented that the development was part of a settlement agreement between the courts and municipality and that there are retaining walls that are thirty to forty feet in height behind several structures. Ms. Olcott recommended staff provide significant comments to Denville due to issues identified with development of the site as planned.

**Parsippany, Woodmont Grand Luxury Senior Living, 2022-29-6-SP-0 (Interpace Parkway)**

This site plan is for a three story, 150-unit senior living facility (70 independent living units, 52 assisted living units and 28 memory care units) with 138 parking spaces on an 8.15-acre parcel. Access for the site includes a full ingress/right only egress driveway connection to Interpace Parkway. A connection to the neighboring properties, Interpace Parkway drive is also proposed. There are individual courtyards for the three types of units and additional amenities within each separate part of the building. Pervious pavement will be utilized throughout most of the paved area of this site with two subsurface infiltration systems within the parking area lot. Ms. Olcott noted the concern of the Development Review Committee that the senior housing is located in an industrial park, there is no public transit or amenities nearby. County Engineering will review for

compliance with County Development Standards. Mr. Perry commented that Parsippany has their own MAPS type service to assist the elderly.

**Boonton Town, 500 Division Street, 2022-1-3-SP-0 (Division Street)** -This site plan is for the redevelopment of the former Ashland Chemical office building, which is being converted into warehouse space. Ms. Olcott noted that Mr. Rattner supports Boonton’s efforts to redevelop sites that have been out of service. Mr. Rattner commented that everything around the site is new, very clean and fills the space up in the immediate area.

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

**ROLL CALL**

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

## **Legislative and Municipal**

***Recent Legislation*** – Mr. Soriano highlighted three newly introduced bills. Senate Bill S2951 establishes a license for farm breweries that would allow a license holder to produce malt beverages for off-site sale to consumers. The licensee must be actively engaged in farming on or adjacent to the brewery site, cultivating products used in production and production is limited to 2,500 barrels per year. Senate Bill S2845 would authorize cannabis cultivation on land receiving farmland assessment, which is prohibited under current law. Assembly Bill A4321 requires a forest stewardship plan for certain lands acquired for recreation and conservation purposes. A reintroduction of a bill from the last session, this bill would require local government and nonprofits acquiring properties with 25 acres or more of forested area using Green Acres funds to develop a forest stewardship plan within 2 years of acquisition.

Concerning existing bills, he highlighted several that passed by both houses, including S757, that would permit special occasion events on preserved farmland. He noted that various conditions must be met including the protection of the agricultural use and a showing that the events will not cause significant and direct negative impacts to surrounding properties. He also highlighted Senate Bill S2354, extending the period of the law which allows restaurants, bars, and breweries to utilize outdoor tents, canopies, umbrellas, tables, and chairs until November 30, 2024. He also noted the passage of environmental infrastructure bills (S2735 and A4066) that would provide funding for water quality improvement projects.

***Master Plan & Land Use Ordinance Monthly Reports*** - Mr. Soriano reported that one Master Plan was received during the reporting period, that being an amendment to the Morris Plains Land Use Plan. The amendment concerns two lots located in the northeast corner of the Borough adjacent to Route 10 and Johnson Rd., totaling about 22 acres on which the Weichert Realtor corporate offices are currently located. The amendment would remove an existing Hotel Overlay zone and replace it with a new Mixed-Use Commercial Overlay zone that would allow office, retail, and other commercial development.

Concerning the Land Development Ordinance Report, Mr. Soriano reported that Montville had introduced an ordinance establishing a new Business Industrial Redevelopment District on an 18-acre tract located on Route 46. The site is currently developed with a bus charter and maintenance use. The new zone will permit warehousing, manufacturing, and packaging and other uses allowed in the previous B-3 Business district.

He also reported that Randolph proposed and adopted an ordinance in June concerning a vacant, wooded 15-acre site located on West Hanover Ave., about 250 feet north of its intersection with Sussex Tpke. The site, which abuts James Andrews County Park, was previously zoned as Village Center Commercial-5. The site is now zoned Village Center Residential-5 and will permit multifamily dwellings at a density of 15 du/ac., with a maximum of 125 units, of which 20% must be set aside for affordable age restricted units.

## Long Range Planning

*Farmland Preservation Plan Element* – Mr. Soriano reported that the CADB adopted a Farmland Preservation Plan on July 7, pending several small changes to the text and the appendix. He stated that he has identified additional format issues and minor edits that are still required. When the CADB document is received and further amendments addressed, a draft will be provided to the Long-Range Committee for their review, after which the Committee may recommend the Plan to the Board for adoption. If it is approved, a public hearing for adoption will be scheduled, which would be coordinated with the Director of the Preservation Trust.

*State Planning Commission Warehouse Guidance Document* – Mr. Soriano provided an overview of the draft State Planning Commission Warehouse Guidance Document. He began by noting that a bill was introduced in the last legislative session concerning the siting of large distribution center warehouses that would have given county planning boards and the State Planning Commission new authority to review and reject proposals for such uses, require certain interactions between municipalities where such uses were proposed and require the creation of regional impact reports for the analysis of these proposals. This bill died during the last session and has not been reintroduced.

In response, the State Planning Commission (SPC) developed a ten-part guidance document with recommendations to assist local governments concerning the siting and regulation of warehouses. He noted that the guidelines provide recommendations, the use of which is voluntary.

He stated that the document does not suggest changes to state or county authority with regard to these uses and that the siting and regulatory recommendations are almost completely within the purview of local government as part of their land use and zoning powers. Guidance is provided concerning the definition of warehouse types, identifying suitable locations, bulk and design standards, best management practices, and enhanced review procedures.

He gave examples of the type of recommendations included in the document such as: redefining warehouse use in local ordinances to distinguish between large distribution centers and traditional warehouse use, updating local plans and using cost benefit analysis to determine the desirability or permitting such uses, focusing development on redevelopment and brownfield sites, creating special review procedures to address the unique issues presented by these uses and increasing community involvement and public engagement when considering such development proposals.

He reported that the role of counties is described in Chapter 10, in which the SPC recognizes the limitations of county authority but encourages counties, in cooperation with municipalities and state agencies, to create regional Technical Advisory Committees to advise local governments on the creation of amendments to local master plans and ordinances, and to provide technical advice. The SPC also suggests that counties, with municipal input, conduct studies to identify suitable sites for large warehouse use to help guide local planning and zoning.

He noted that while the guidelines make no recommendations concerning changes to the County Planning Act, the Municipal Land Use Law, or the adoption of any other new laws, he suspects

that the issue of large warehouse development will be addressed in future versions of the State Development and Redevelopment Plan.

## **LIAISON REPORTS**

**Lake Hopatcong Commission** – Mr. Barilla stated that the Commission is focusing on addressing Harmful Algae Boom (HAB) concerns, obtaining grant funding to help correct HAB issues and organizing a regional partnership between municipalities, the county, and state to address this situation. He stated that the Lake Hopatcong Commission was having a gala fundraiser on the lake and that Commissioner Shaw would be attending. Mr. Rattner reported that the monitoring stations that the Lake Hopatcong Foundation and DEP have put out are constantly being vandalized.

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

Mr. Rattner reported that volunteers placed over 30 buoys in the lake on June 29<sup>th</sup> to mark any hazards and ten to twelve handheld sensors were put out in the lake on July 17<sup>th</sup> to monitor the lake.

### **Musconetcong River Management Council**

Mr. Rattner reported that the North Jersey RC&D received \$500,000 which will assist in agricultural programs to help address problem areas with occurrences of e-coli and phosphorous impairment.

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

Ms. Galate reported that five applications were received from five different municipalities requesting a total of \$2.357 million. She stated that the next meeting will be on September 7<sup>th</sup> and indicated that in person site visits may be possible.

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

Ms. Olcott reported that applications are due by July 29<sup>th</sup> and that briefing documents will be completed at the end of September. Ms. Olcott commented that she is unaware of how many applications they are expecting; Mr. Barilla expects the total to be similar to last year. The next meeting will be in October.

## **CORRESPONDENCE AND REPORTS RECEIVED**

Mr. Barilla reported on the purchase of a 24-acre farm in Chester Township off East Fox Chase Rd, noting that it is the 142<sup>nd</sup> farm preserved through the program, bringing the total acreage preserved to 8,246 acres. He also noted that the Office of Planning & Preservation received 38 public notices, 24 NJDEP notices and permits for wetlands and other issues, five pieces of miscellaneous NJDEP correspondence, one municipal ordinance, one master plan, one piece of correspondence from a neighboring county, 20 pieces of mail related to the Preservation Trust, 29 pieces of other miscellaneous correspondence, and 16 development review applications and other correspondence.

**REPORT OF MEETINGS**

Mr. Barilla had nothing further to report.

**OTHER BUSINESS**

Mr. Barilla had nothing further to report.

**COMMENTS FROM THE PUBLIC**

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

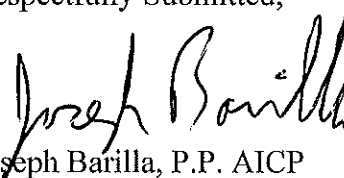
**NEXT MEETING**

The next Planning Board meeting is scheduled for September 15, 2022, at 7:00 p.m.

**ADJOURNMENT**

At 7:44 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.*

