

**MINUTES OF THE REGULAR MEETING  
MORRIS COUNTY PLANNING BOARD  
FOR JANUARY 20, 2011**

30 Schuyler Place  
January 20, 2011

Morristown  
New Jersey

**CALL TO ORDER**

Chairman Falkoski called the meeting to order at 7:03 p.m.

**OPEN PUBLIC MEETINGS LAW**

Chairman Falkoski stated that the Secretary of the Board provided public notice of this meeting in a legal notice dated April 24, 2010.

**ROLL CALL**

Those present were:

Joseph Falkoski, Chairman  
Steve Rattner, Vice-Chair  
Isobel Olcott, Secretary  
Ted Eppel  
Everton Scott  
Ann Grossi, Freeholder  
Ed McCarthy  
Paul VanGelder, Alt. #1

Barry Marell, Board Attorney  
Christine Marion, Planning Director  
Frank Pinto, Department Director  
Anthony Soriano, Supervising Planner  
Greg Perry, Principal Planner  
Rene Axelrod, Recording Secretary  
Arne Goytil, Assistant Planning Director

**2011 PLANNING BOARD APPOINTMENTS**

Chairman Falkoski introduced himself and asked all present to introduce themselves as a courtesy to new members. The Morris County Board of Chosen Freeholders made the following new appointments to the Planning Board for 2011: Ann Grossi (Freeholder) and Stephen Jones (Alternate #2).

**ELECTION OF OFFICERS**

Ms. Marion, as Interim Chair, opened the floor for nominations for the Planning Board Chair. Ms. Olcott moved the nomination of Joseph Falkoski as Planning Board Chair and Mr. Rattner seconded. No other nominations for Chair were made; nominations were closed and all voted in favor of Mr. Falkoski as Chair. Mr. Falkoski resumed the chairmanship and opened the floor for nominations for Vice-Chair. Ms. Olcott nominated Steve Rattner and Mr. McCarthy seconded. No other nominations were made; nominations were closed and all voted in favor of Mr. Rattner as Vice-Chair. Mr. Falkoski then opened the floor for nominations for Board Secretary. Mr. Falkoski nominated Ms. Olcott for Board Secretary and Mr. Rattner seconded. No other nominations were made; nominations were closed and all voted in favor of Ms. Olcott as Board

Secretary.

## **PRESENTATION**

Chairman Falkoski presented Mr. Goytil, Assistant Planning Director, with a resolution honoring him on his 40 year anniversary with Morris County.

## **COMMITTEE APPOINTMENTS**

Chairman Falkoski made the following Committee appointments:

Legislative & Municipal – Ed McCarthy, Chairman, Steve Rattner, Everton Scott and Paul VanGelder (Alt.).

Land Development Review – Steve Rattner, Chairman, Steve Hammond, Co. Engineer, Isobel Olcott and Everton Scott.

Environmental & Watershed – Ted Eppel, Chairman, Steve Hammond, Co. Engineer, Steve Rattner and Stephen Jones, (Alt.).

Long Range Planning – Isobel Olcott, Chairman, Ted Eppel, Ed McCarthy and Paul VanGelder (Alt.).

Planning Board Liaisons: Chairman Falkoski asked Ms. Olcott if she would accept the appointment to the Open Space Trust Committee. Ms. Olcott declined the appointment. Mr. Eppel stated he would serve and was appointed to the Committee. Chairman Falkoski appointed Mr. Rattner, Mr. Eppel and Mr. McCarthy to serve on a committee to review the Morris County Planning Board Bylaws with Ms. Marion and report back to the Planning Board.

## **REVIEW OF MINUTES**

Ms. Olcott moved approval of the minutes of the December 2, 2010 meeting. The motion was seconded by Mr. Eppel and unanimously approved by voice vote with Mr. Scott and Freeholder Grossi abstaining.

## **DIRECTOR'S REPORT**

The Board accepted the Director's Report for November/December 2010 and it will be placed on file.

## **REPORT OF FUNDS RECEIVED**

Funds received for November 2010 totaled \$8,105.00.

Funds received for December 2010 totaled \$1,200.00.

## **FUTURE MEETINGS**

None to Report.

## **COMMITTEE REPORTS**

### **Environment and Watershed**

*Wastewater Management Plan* – Ms. Marion informed members that NJDEP had cancelled the last County Coordination meeting. She had received an email from the new manager of the Wastewater Management Plan development process proposing to provide funding to Counties to pass through to municipalities for the purpose of modifying local master plans and zoning to conform to the septic density standards of the new water quality management rules. Ms. Marion stated that NJDEP is looking for feedback concerning this proposal by February 3, 2011. She identified concerns regarding the role that the county would play in the grant management process and the potential reaction of municipalities to the requirement that they modify their zoning as a requirement of Wastewater Management Plan approval.

### **Land Subdivision and Zoning**

*Developments Reviewed* – Mr. Rattner stated that the Committee had held two meetings since the last Planning Board meeting. Ms. Olcott presented highlights from the December 7, 2010 meeting. The first application, Carlied Subdivision in Hanover Township, involves a five lot residential major subdivision for which driveway access to a county road was to be redesigned to meet county standards. Ms. Olcott also noted the ‘Coventry Park at Morris Plains’ application, which was originally approved as an age-restricted condominium project. The developer is now requesting to develop the property with non-age-restricted townhouses. Mr. Goytil stated concerns with fire equipment access and traffic circulation of this proposed development. Ms. Marion stated that the Coventry Park project site formerly contained the Country Day School building and three houses, which were razed. She cited this application as an example of an assemblage of several developed properties for a more intensive redevelopment project, a scenario that is likely to become more common. She said that the Department GIS capability may be used to help identify such underutilized properties. A discussion followed. Finally, Ms. Olcott related information concerning the Esposito application for minor subdivision in the Borough of Wharton. County approval of that application was withheld pending redesign of associated driveways.

Mr. Rattner stated that applications were light for the January 11, 2010 meeting and the meeting was conducted via a conference call. Mr. Rattner further stated that Lakes End Marina in Roxbury Township has proposed construction of a 2,600 sq. ft. commercial building with eleven new parking spaces. This application was conditionally approved pending additional drainage information from the applicant. The second application, Rustic Ridge Associates LP., in Rockaway Township, proposes to construct a 1752 square foot maintenance building addition to an existing garage and related pavement expansion. Finally, Mr. Rattner described the

application by Hanover Acquisition LLC, for the minor subdivision of the former Berlex property located at Hanover Avenue and Ridgedale Avenue in Hanover Township. The subdivision will create a 15± acre parcel for affordable housing and another 27± acre parcel for commercial development. He noted that this application is one of several proposals for redevelopment of the Hanover Avenue area which will have significant implications with regard to traffic movement along the corridor. A discussion followed.

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for December 2010. The motion was seconded by Mr. Rattner and approved by voice vote.

### **Legislative and Municipal**

***Recent Legislation*** – Mr. Soriano said that the “Legislative Action” report contains 12 pages of activity between December 3, 2010 and January 14, 2011 with much of the activity concerning energy-related legislation. He described several bills which have passed both houses including: 1) Senate Bill 6 concerning the streamlining of permits related to economic development projects; 2) Senate Bill 2126, which would make solar facilities a permitted use in all municipalities when located over any closed land fill; and 3) Senate Bill S2014, which would amend the “Administrative Procedure Act” to permit substantial changes to proposed state agency rules after the conclusion of the public comment period. Finally, Mr. Soriano described the major changes in the latest version of Senate Bill 1, which had previously passed both houses. S1 would abolish COAH and provide new affordable housing criteria for municipal compliance with the Fair Housing Act. Mr. Soriano identified key components of the bill and noted that the Governor would most likely veto the current version of S1.

***Master Plan & Land Use Ordinance Monthly Report*** – Mr. Soriano described master plan amendments received since the Board’s last meeting. The Borough of Mountain Lakes submitted four Master Plan Elements: Circulation, Conservation, Community Facilities and Recreation Plan Elements, as part of the ongoing update of its 1996 Master Plan. Ms. Marion informed the Board that the Morris County GIS section assisted with the environmental mapping for the Mountain Lakes Master Plan updates and Mr. Pinto said that Morris County is hosting the Mountain Lakes environmental inventory website. Mr. Soriano reported that Chatham Township proposed a new Land Use and Open Space Plan Element. The Land Use Plan highlights several areas, i.e. Giralda Farms, River Road, Loantaka Plain and Green Village Road and Rolling Knolls Landfill. The Open Space Element identifies a shortfall in the amount of land devoted to open space and discusses land availability for future open space preservation.

Concerning the Land Use Ordinance Monthly Report, Mr. Soriano reported that staff processed four proposed ordinances, five adopted ordinances and one defeated ordinance during December 2010. Mr. Soriano stated that the ordinances concerned minor zoning changes, permitted use amendments and signage regulations.

### **Long Range Planning**

Ms. Olcott informed members that the Long Range Committee met and reviewed the Morris County Six-year Capital Program (2011-2016). Ms. Olcott summarized the program, indicating

that about half of the proposed expenditures for 2011 will be for the expansion and upgrading of the Public Safety Training Academy. A discussion followed.

Ms. Olcott said the Committee determined that the Capital Budget is consistent with Master Plan of Morris County and recommended that the Board forward this determination to the Freeholder Board. Mr. Eppel made a motion to accept the Committee recommendation. The motion was seconded by Mr. Rattner and was unanimously approved by roll call vote. The Planning Director will write a letter to the County Administrator's Office stating that the 2011 Capital Improvement Budget is consistent with the Morris County Master Plan.

## **LIAISON REPORTS**

### **Lake Hopatcong Commission**

Mr. McCarthy reported that the Commission continues to consider its funding options. He informed members that a meeting will be held on January 24<sup>th</sup> to discuss the Lake Hopatcong Water Level Management Plan. Mr. Rattner and Lake Musconetcong representatives will also be at the meeting to discuss the plan. Mr. McCarthy stated he will have more to report after the meeting.

Minutes of the November 8, 2010 Lake Hopatcong Commission meeting were in the members' binders.

### **Lake Musconetcong Regional Planning Board**

Mr. Rattner stated that the Board was also discussing the Lake Hopatcong Water Level Management Plan, which impacts Lake Musconetcong. Mr. Rattner informed members that the Allied Biological aquatic management firm published a newsletter with an article entitled "Lake Musconetcong - Managing Invasives While Minimizing Impacts to NJ State Protected Plants". The article describes recent successful efforts to apply herbicides to portions of Lake Musconetcong to eliminate water chestnut growth in a manner that does not harm endangered species. As the result of the efforts, water chestnut growth in the treated area was reduced by 95% while the presence of two endangered species; the Robins Pond Weed and the White Water Lilly, increased by 50% from the previous year. Mr. Rattner explained the importance of the upcoming meeting at Lake Hopatcong and the need to establish a balance between the needs of Lake Hopatcong and downstream areas.

Minutes of the October 20, 2010 Lake Musconetcong Regional Planning Board are in the members' binders.

### **Musconetcong River Management Council**

Mr. Rattner had nothing to report.

**Morris County Open Space & Farmland Preservation Trust Fund**

Mr. Pinto stated that the Open Space Committee conducted its year-end review at its December 2010 meeting. One of the outcomes was a decision to hire a review appraiser to conduct a thorough analysis of all the appraisals submitted to Morris County. In order to accommodate this in the schedule, the commencement date for the submission of 2011 applications will be moved up one month; consequently the application submission deadline will be moved from the end of July to the end of June. Mr. Pinto highlighted several property closings. This report is in the members’ binders.

**CORRESPONDENCE AND REPORTS RECEIVED**

Ms. Marion informed members that with one exception the correspondence received during the past month consisted of acknowledgements from legislators of their receipt of the Board’s resolution concerning the PILOT program. The exception was a letter from the Morris County Agricultural Development Board concerning a Notice of Purchase of a Development Easement for the Hickey Farm in Washington Township. All correspondence is in the members’ binders.

**REPORTS OF MEETINGS**

**Highlands Council** – Mr. Soriano reported that he attended a meeting of the Highlands Council this afternoon, during which conformance petitions for Mount Olive and Denville were considered. While the Planning and Preservation areas cover portions of each of these two municipalities, both towns petitioned for conformance in the Preservation Area only. Mount Olive’s petition was approved conditionally upon the completion and adoption of a number of additional planning studies and reports. Because a seven acre area of Beaver Brook between the center line of the stream and its bank is located in the Preservation Area, Denville was also required to submit a petition for conformance. The center line of the brook is also the boundary with Rockaway Township. Denville’s petition was also approved by the Council

Mr. Soriano said that Governor Christie nominated two new members to the Highlands Council and referred the Board members to a January 14, 2011 list included in the members’ binders with the current Council membership status.

**OTHER BUSINESS**

Ms. Marion reviewed the 2011 and January 2012 Planning Board meeting schedule. Ms. Olcott moved approval of Resolution 2011-1, the 2011 Meeting Date Schedule. The motion was seconded by Mr. Rattner and was unanimously approved by roll call vote.

| <b>VOTE</b>          | <b>Aye</b> | <b>Nay</b> | <b>Abs.</b> |
|----------------------|------------|------------|-------------|
| William J.Chegwidden |            |            |             |
| Ted Eppel            | x          |            |             |
| Ann Grossi           | x          |            |             |

|                        |   |  |  |
|------------------------|---|--|--|
| Steve Hammond          |   |  |  |
| Ed McCarthy            | x |  |  |
| Isobel Olcott          | x |  |  |
| Steve Rattner          | x |  |  |
| Everton Scott          | x |  |  |
| Joseph Falkoski, Chair | x |  |  |
| Gene Feyl (Alt.)       |   |  |  |
| Paul VanGelder (Alt 1) |   |  |  |
| Stephen Jones (Alt 2)  |   |  |  |

**Draft Lake Hopatcong Water Level Management Plan, Musconetcong Watershed Assoc. Resolution** – Ms. Marion directed members to an e-mail and model resolution in their binders. The e-mail is from the Lake Musconetcong Watershed Association and it requests that the Morris County Board of Chosen Freeholders adopt a resolution objecting to the “Low Water” drawdown provisions included in the Lake Hopatcong Water Level Management Plan currently under discussion. Ms. Marion stated that the Freeholder Board is seeking recommendations from the Planning Board concerning this issue. Mr. McCarthy suggested that this matter be discussed by the Board after the upcoming Water Management Plan meeting. (See Liaison Reports above) Mr. Rattner detailed the related concerns of various municipalities and agencies. Freeholder Grossi stated that the Freeholders have not yet made a decision regarding the resolution. A discussion followed. Chairman Falkoski stated that the Planning Board will postpone consideration of its recommendation until after the upcoming meeting noted by Mr. McCarthy.

**Bylaws Amendment Committee** – Ms. Marion stated she will discuss this with Mr. Marell and prepare an initial draft for the Committee to review. Chairman Falkoski requested a copy of the draft.

**2011 Planning Initiatives** - Ms. Marion referred the members to a report in their binders summarizing six continuing and new major initiatives that staff will be undertaking during 2011. The initiatives include: 1) the NJDEP Wastewater Management Plan for Morris County, 2) Morris County Economic Development Support and Assistance, 3) Morris County Housing – New Residential Development Study, 4) Morris County Energy Master Plan, 5) Morris County Highlands Conformance and 6) Morris County Open Space Plan – Land Inventory Update.

Ms. Marion discussed the upcoming NJDEP meeting and work schedule associated with the Wastewater Management Plan. Mr. Soriano discussed recent activities in support of the Morris County Economic Development Corporation and proposed additional planning support for economic development. Freeholder Grossi expressed the need for amendments in municipal regulations to increase flexibility and responsiveness pertaining to changing economic conditions. A discussion followed.

Ms Marion and Mr. Soriano briefly discussed the proposed Housing Study, Energy Master Plan, Highlands Conformance and update to the Morris County Open Space Plan. Mr. Pinto described recent efforts by the Morris County GIS section to create the Public Lands Management project

that will allow municipalities and nonprofits to maintain their own open space data online in a county-supported secure environment. This project will enable the county open space inventory to remain current and provide a tool for use by municipalities to maintain their ROSI's and related information needed for Green Acres applications and other purposes. A demonstration of the GIS inventory maintenance project will be given at the March Planning Board meeting.

**Policy on Retention of Recordings and Action Authorizing the Destruction of Recordings –** Ms. Marion described the policy, a draft of which was furnished to all Board members, which is intended to establish a record concerning the retention and destruction of digital recordings of the Planning Board meetings in accordance with State regulations. Ms. Olcott moved approval of the policy. Mr. Scott seconded and the policy was approved by roll call vote.

| <b>VOTE</b>            | <b>Aye</b> | <b>Nay</b> | <b>Abs.</b> |
|------------------------|------------|------------|-------------|
| William J.Chegwidden   |            |            |             |
| Ted Eppel              | x          |            |             |
| Ann Grossi             | x          |            |             |
| Steve Hammond          |            |            |             |
| Ed McCarthy            | x          |            |             |
| Isobel Olcott          | x          |            |             |
| Steve Rattner          | x          |            |             |
| Everton Scott          | x          |            |             |
| Joseph Falkoski, Chair | x          |            |             |
| Gene Feyl (Alt.)       |            |            |             |
| Paul VanGelder (Alt 1) |            |            |             |
| Stephen Jones (Alt 2)  |            |            |             |

Ms. Marion then asked for action on the list of Meeting Recordings and Tapes identified for destruction as of January 20, 2011, a copy of which is appended to these minutes. Ms. Olcott moved the action. The action was seconded by Mr. Scott and unanimously approved by voice vote.

**LEGAL UPDATE**

Nothing to report.

**COMMENTS FROM THE PUBLIC**

None

**NEXT MEETING**

The next meeting, will be held on February 17, 2011 at 7:00 p.m.

## **ADJOURNMENT**

At 8:55 p.m., Mr. Rattner moved to adjourn the meeting. Ms. Olcott seconded and all approved by voice vote.

*Original signed by Christine Marion, P.P./AICP, Planning Director*