

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

30 Schuyler Place
July 21, 2011

Morristown
New Jersey

CALL TO ORDER

Chairman Falkoski called the meeting to order at 7:05 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 February 2, 2011.

ROLL CALL

Those present were:

Joseph Falkoski, Chairman
Steve Rattner, Vice-Chair

Christine Marion, Planning Director
Deena Cybulski, Assistant Director,
Transportation

Isobel Olcott, Secretary
Steve Hammond, County Engineer
Ted Eppel

Anthony Soriano, Supervising Planner
Greg Perry, Supervising Planner
Rene Axelrod, Recording Secretary

REVIEW OF MINUTES

Ms. Olcott moved approval of the minutes of the June 16, 2011 meeting. The motion was seconded by Mr. Rattner and was approved by roll call vote.

VOTE	Aye	Nay	Abs.
William J. Chegwiddden	-		
Ted Eppel	x		
Ann Grossi	-		
Steve Hammond	x		
Ed McCarthy	-		
Isobel Olcott	x		
Steve Rattner	x		
Everton Scott	-		
Joseph Falkoski, Chair	x		
Gene Feyl (Alt.)	-		
Paul Van Gelder (Alt 1)	-		
Stephen Jones (Alt 2)	-		

DIRECTOR'S REPORT

The Board accepted the Director's Report for June 2011, which will be placed on file.

REPORT OF FUNDS RECEIVED

Funds received for June, 2011 totaled \$3,370.00.

FUTURE MEETINGS

Ms. Marion informed the Board that on September 15, 2011 there will be a "Snow and Ice Management" workshop presented by the Groundwater Protection Committee from 8:00 a.m. to 3:30 p.m. at the Morris County Public Safety Training Academy.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan – Ms. Marion informed the Board that progress on completion of the Wastewater Management Plan remains on hold. Sewer service area delineation has not been completed. Staff is waiting for the Department of Environmental Protection (DEP) to mail out the remaining letters responding to public comments received during the Administrative Order public comment period.

Ms. Marion informed the Board that the Department of Planning and Development has applied to the DEP for a Septic Management Program grant, which will be used to assist municipalities in the implementation of the Septic Management Program required by the Water Quality Management Planning Rules. Ms. Marion, Mr. Frank Pinto, Ms. Michelin and GIS staff met with members of the Morris County Health Officers Association who are in support of the grant application. The grant will be used to update the county GIS database of septic system locations and to create an interactive mapping and monitoring tool. She stated that approximately 28,000 septic systems in Morris County are required to comply with these rules. A discussion followed. Ms. Olcott asked for a printout of the rules.

Ms. Marion informed the Board of a decision by the New Jersey Appellate Court on June 29, 2011 that upheld the Water Quality Management Planning Rules provision requiring the removal of sewer service areas from environmentally sensitive areas, including those areas designated as threatened and endangered species habitat. A discussion followed.

Watershed Organization Activities – Ms. Marion stated the Whippany River Watershed Action Committee is retrofitting two detention basins into recharge basins at the Morris View Health Care Facility and the Public Safety Training Academy. The construction contracts have been issued and there will be a pre-construction meeting on August 3, 2011. Reconstruction of the basins is scheduled for August and September.

Ms. Marion stated that she attended a meeting of the Rockaway River Watershed Cabinet last month at which a presentation on invasive plant species was given.

Ms. Marion informed the Board that the Raritan Highlands Compact started the process for preparing stewardship plans for some municipal parks. The Compact also installed a rain garden in Mount Arlington. Ms. Marion informed the Board that the Compact is dissolving and will be phased out by the end of this year or early next year.

Land Subdivision and Zoning

Developments Reviewed – Mr. Rattner reported that the Land Development Committee discussed three applications at their meeting. The first application concerns a site plan for a drive-through kiosk-style coffee shop located within the parking lot of an existing shopping plaza on Myrtle Avenue in the Town of Boonton. Mr. Rattner discussed several issues concerning traffic circulation and reported that the Committee conditionally approved the application. He next reported on a minor subdivision application in Chatham Borough in which two conforming residential lots will be created from an existing lot. Finally, Mr. Rattner discussed review of a site plan in the Town of Dover on Blackwell Street where a second floor office above a Chinese restaurant is proposed to be converted to two apartments.

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for June 2011. The motion was seconded by Mr. Eppel and approved by voice vote.

Legislative and Municipal

Recent Legislation –Mr. Soriano discussed the legislative activity report and said that many of the appropriation bills noted last month passed. He noted Senate Bill 2974 that extends the moratorium on the imposition of statewide non-residential development fees to July 2013 and requires return of fees paid subsequent to June 30, 2010. This bill was passed by both houses. A discussion followed. Mr. Soriano then discussed Senate Bill 2006, which was reported at a previous meeting. This bill prohibits municipal zoning ordinances from barring solar panels under certain circumstances. Mr. Soriano stated that the Governor issued a conditional veto, which would significantly limit the impact of the bill. Mr. Rattner questioned Assembly Bill 3893 concerning the elimination of municipal construction permit fees for non-commercial renewable energy systems. A discussion followed.

Mr. Soriano described in more detail Senate Bill 2950 that would temporarily create a new “adaptive approval” process permitting previously approved applications to be significantly modified and/or allow changes from zoning requirements based on the approved project’s current economic viability or feasibility due to changes in market or demographic conditions. Under this bill, the use and/or intensity of development could be changed without following the normal MLUL requirements for variances. In such cases, the original approving board would be required to approve a modified project if it met certain criteria. A discussion followed.

Mr. Soriano then summarized three Reorganization Plans issued by the Governor on June 29, 2011. The first plan eliminates COAH and transfers the agency’s duties and staff to the Department of State. The second plan transfers the State Planning Commission and Office for Planning Advocacy from the Department of Community Affairs to the Department of State. The last plan will move the Division of Business Assistance, Marketing and International Trade from the Economic Development Authority to the Department of State.

Master Plan & Land Use Ordinance Monthly Report – Mr. Soriano reported that the office received two Open Space and Recreation Plans from Montville Township and Roxbury Township. The Land Conservancy for New Jersey prepared both plans. The Montville plan identifies acres of open space that may be preserved; focuses on creating and expanding a system of trails; and includes information on trail design and funding sources. The Roxbury Township plan does not identify additional lands for preservation, but focuses on the establishment of an integrated greenway system.

Mr. Soriano reported that a total of thirteen ordinances were processed for the month of June 2011. He noted an ordinance from Long Hill Township, which prohibits large retail establishments as well as grocery stores of more than 80,000 square feet in the B-3 Planned Commercial Zone. The Town of Morristown proposed an ordinance that would amend the local definition of “Application for Development” such that submittals would not be deemed “Applications for Development” until a Certificate of Completeness was issued. The ordinance includes a definition for “Certificate of Completeness”. A discussion followed.

Long Range Planning

Ms. Olcott stated the committee did not meet.

LIAISON REPORTS

Lake Hopatcong Commission

Minutes of the Lake Hopatcong Commission May 16, 2011 were e-mailed to members.

Mr. Rattner discussed several issues identified in the Commission’s minutes concerning the implementation of the Lake’s Water Level Management Plan, the Citizens Action Committee and Commission activities. He reiterated the concerns of Board representative Ed McCarthy regarding the need for an audit of the Commission. A discussion followed.

Lake Musconetcong Regional Planning Board

Mr. Rattner informed the Board that the State is holding a meeting on the Lake Musconetcong Dam rehabilitation on August 4, 2011. He also informed the Board that the Department of Transportation (DOT) is holding a pre-construction meeting on July 27, 2011 concerning the replacement of the Netcong Traffic Circle.

Mr. Rattner stated that Lake Musconetcong is cleaner than last year and that the bass fisherman said they are having the best fishing they can remember. He stated that the recently applied herbicides have had no effect on the fish. The Board is currently facing an issue concerning the removal of about 4,000 tree stumps that have been in the lake since the 1930’s.

Mr. Rattner also reported on a study on the eradication of the water chestnut in the lake. DEP gave approval to drain the lake so that the water chestnut seeds can freeze over the winter, which will prevent germination and spread of the plant. He also stated that the board is looking for volunteers to hand pull water chestnuts on Saturday, August 20, 2011 starting at 9:00 a.m.

Finally, Mr. Rattner stated that the Board received a letter from the Morris County Planning Director requesting an invoice for \$900.00 for the County's share of the operational budget, but the Board had already received payment from the County in excess of its request. A discussion followed. Mr. Rattner will follow up and copy Ms. Marion on any correspondence.

Musconetcong River Management Council

Mr. Rattner informed the Board that on July 8, 2011, the Council presented plaques commemorating the location of Leni Lenape campsites in Warren County.

Morris County Open Space & Farmland Preservation Trust Fund

Mr. Eppel informed the Board that the Committee met on July 18 for an initial review of the eighteen applications received and that additional reviews will take place on September 12th, September 17th and October 1st. Site visits will also be conducted in September and October.

CORRESPONDENCE AND REPORTS RECEIVED

Ms. Marion stated she received four notices of purchase of development easement from the Morris County Agriculture Development Board. The four farms are all located in Washington Township.

She also reported receipt of a Notice of Intent from the U.S. Federal Energy Regulation Commission concerning an Environmental Assessment for the Transco Northeast Supply Link Gas Pipeline Project. Ms. Marion stated there are no physical improvements proposed in Morris County, but a 20,000 horsepower compressor station is proposed in nearby Roseland Borough in Essex County. A discussion followed.

Ms. Marion stated the Planning Board received notice of an amendment to the County Solid Waste Management Plan from the Board of Chosen Freeholders regarding the addition of a private vegetative waste processing facility in the Borough of Riverdale. The public hearing on the amendment will be held on August 10, 2011 at 7:30 p.m. in the Freeholders Public Meeting Room. She stated that Mr. Perry is investigating if a site plan had been submitted for the improvements. A discussion followed.

REPORTS OF MEETINGS

Highlands Council – Mr. Soriano reported there was no Council meeting in July and that the next meeting will be on August 3, 2011. He informed the Board that two Morris County items are on the August meeting agenda: the Borough of Wharton petition for conformance and the proposed redevelopment area designation of the Givaudan Fragrances Corporation in Mount Olive. He stated that Givaudan must obtain both a Redevelopment Area Designation from the Highlands Council and a Highlands Preservation Area Approval with redevelopment waiver from the NJDEP before proceeding with a planned expansion. A discussion followed.

OTHER BUSINESS

Chairman Falkoski introduced Deena Cybulski who will be replacing Frank Pinto as Director of the Morris County Department of Planning and Development. Ms. Cybulski stated she has worked in the Transportation Division for about fifteen years and is looking forward to working with the other divisions. Ms. Cybulski requested that the Board members contact her about any issues or items of which the Department should be aware.

Ms. Marion stated she attended a public meeting and open house on the creation of a 1,100 mile September 11th National Commemorative Trail at the Frelinghuysen Arboretum and sponsored by the Morris County Park Commission. The trail would link the three sites devastated on 9-11. The segment between Flight 93 National Memorial and the World Trade Center will pass through Morris County. The group wants to create a non-motorized route and a motorized route between the memorials, which they hope to have in place for the ten year anniversary. Attendees at the public meeting were able to offer suggestions and mark up maps for recommended routes.

Mr. Hammond offered to present a County Facility update to the Planning Board concerning Greystone/Central Park improvements and the Communications Center expansion. Ms. Marion will put Mr. Hammond's presentation on the agenda either for the September or October Planning Board Meeting.

LEGAL UPDATE

Nothing to report.

COMMENTS FROM THE PUBLIC

None.

NEXT MEETING

The next meeting is scheduled for September 15, 2011 at 7:00 p.m.

ADJOURNMENT

At 8:20 p.m., Mr. Hammond moved to adjourn the meeting. Ms. Olcott seconded and all approved by voice vote.

Respectfully submitted,

Christine Marion, P.P./AICP
Planning Director

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