

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

30 Schuyler Place  
September 15, 2011

Morristown  
New Jersey

**CALL TO ORDER**

Chairman Falkoski called the meeting to order at 7:00 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  
Isobel Olcott, Secretary  
Ted Eppel  
Ann Grossi, Freeholder  
Paul Van Gelder, Alt. 1

Christine Marion, Planning Director  
Anthony Soriano, Supervising Planner  
Greg Perry, Supervising Planner  
Barry Marell, Planning Board Attorney  
Rene Axelrod, Recording Secretary

**REVIEW OF MINUTES**

Ms. Olcott moved approval of the minutes of the July 21, 2011 meeting. The motion was seconded by Mr. Rattner and was approved by roll call vote, with a correction on page five that replaces “Mr.” Marion” with Ms. Marion.

<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	-		
Isobel Olcott	x		
Steve Rattner	x		
Everton Scott	-		
Joseph Falkoski, Chair	x		
Gene Feyl (Alt.)	-		
Paul Van Gelder (Alt 1)			x
Stephen Jones (Alt 2)	-		

## **DIRECTOR'S REPORT**

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

## **REPORT OF FUNDS RECEIVED**

Funds received for July, 2011 totaled \$5,560.00.

Funds received for August, 2011 totaled \$12,545.00.

## **FUTURE MEETINGS**

Ms. Marion informed the Board that Mr. Soriano and Mr. Sitlick will attend a meeting of the NJ County Planners Association on September 16<sup>th</sup> concerning the State Strategic Plan. She will attend a meeting of the New Jersey Association of Counties, also on the 16<sup>th</sup>, where New Jersey Department of Environmental Protection (NJDEP) Commissioner Martin will speak on the proposed NJDEP waiver rule and other Department initiatives. Ms. Marion informed the Board that the NJDEP cancelled the September 19<sup>th</sup> Wastewater Management Plan Coordination meeting and that she will attend the Warren County 25 Year Action Plan Morris Canal Greenway Stakeholder meeting on September 29<sup>th</sup>. Virginia Michelin will attend the Groundwater Protection Committee meeting on September 22<sup>nd</sup> and the Raritan Highlands Compact meeting on September 28<sup>th</sup>. Today, Ms. Michelin also attended a course on Alternatives for Snow and Ice Management, which she helped arrange for the Ground Water Protection Committee.

## **COMMITTEE REPORTS**

### **Environment and Watershed**

***Wastewater Management Plan*** – Ms. Marion reported that she received a call from NJDEP staff who informed her that Morris County will receive a \$40,000 grant to assist in implementing the Septic Management Program requirement of the Water Quality Management Rules. NJDEP staff also said that they wanted to meet with County staff to discuss solutions to impediments to completing the Wastewater Management Plan. Ms. Marion recommended that they hold the meeting after the Sewer Service Area delineation is finalized and the capacity analyses are completed.

***Watershed Organization Activities*** – Ms. Marion stated that the Rockaway River Watershed Cabinet meeting was cancelled.

### **Land Subdivision and Zoning**

***Developments Reviewed*** – Mr. Rattner briefly described the applications of K&G Management in Butler, Mack-Cali Corporation and Park Savoy in Florham Park, KDC Solar and Van Beuren Estates in Morris Township and Metem Corporation in Parsippany. He then discussed the Avalon Bay Communities application, located in Wharton Borough adjacent to Dewey Avenue.

The application is for a 248 unit multi-story apartment building with 507 parking spaces. Mr. Rattner said the application has environmental and traffic issues. A discussion followed.

Mr. Rattner reported that representatives of KNC Fuel attended the last Land Development Review Committee meeting and that the applicant is unhappy with certain County requirements. Mr. Rattner said that the applicant came to the meeting to make an informal appeal to the Committee. The site plan application proposes the installation of a canopy at an older gas station on Ridgedale Avenue in East Hanover. There are issues with the width of the proposed driveways and the location of a pylon sign in the county right-of-way. The County is requiring the applicant move the pylon sign out of the right-of-way. The Committee recommended that the applicant remove the existing pylon sign and place the signage on the canopy since the sign would be more visible to drivers and less intrusive to the adjoining residential property. The applicant stated that East Hanover is prohibiting signs on the canopy. Mr. Rattner said that the staff offered to contact East Hanover regarding issues with the sign and the County's recommendation. The applicant said he would go back to the Township and ask to be allowed to place the sign on the canopy. A discussion followed.

Ms. Olcott informed the Board that the Seeing Eye, Inc is proposing to install solar panels across from its main campus on Washington Valley Road in Morris Township. Ms. Olcott feels that this project will dramatically change the views along Washington Valley Road. Mr. Rattner informed the Board that the site is in an historic district and that a recently enacted law classifies solar arrays as inherently beneficial uses. A discussion followed

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

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

### **Legislative and Municipal**

***Recent Legislation*** –Mr. Soriano reported that the Governor signed several bills funding the Farmland Preservation and Green Acres programs into law. Various Morris County municipalities and nonprofits will receive approximately six million dollars for specific projects and another 65 million dollars will be awarded to regional projects.

The Governor also signed into law Senate Bill S2974, which extends the moratorium on the collection of non-residential development fees and requires the return of fees paid after June 30, 2010 to July, 2013. Senate Bill S3032, which has not yet been published, would require New Jersey to retain a 30% renewable energy target for the year 2020. Finally Mr. Soriano reported that, as of August 29, 2011, the Council on Affordable Housing (COAH) ceased to exist and that its functions and staff were now absorbed into the NJ Department of Community Affairs.

***Master Plan & Land Use Ordinance Monthly Report*** – Mr. Soriano reported that the Town of Morristown submitted its first Housing Element and Fair Share Plan, which addresses its first and second round affordable housing obligations. The plan was adopted on September 12, 2011. Morristown also submitted an Open Space and Recreation Plan Update and Environmental

Resource Inventory Update for which public hearings will be held on September 22, 2011. Mr. Soriano also reported that Mendham Borough adopted an amendment to its master plan expanding the Historic District located along East and West Main Street to add 66 properties.

Mr. Soriano reported that staff processed fourteen ordinances in July 2011. He noted an ordinance from Jefferson Township that expands the RA-3 Redevelopment District along Route 15 in the Preservation Area of the Highlands Region.

Mr. Soriano reported that staff processed ten ordinances in August 2011. He noted an ordinance from the Township of Hanover that will allow single family attached and multi-family development in the Public Use District, which currently allows only age-restricted independent and assisted living facilities. The ordinance would permit unrestricted single family attached and multi-family housing as an alternate use in the District, but at a lower density. 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 for June and July 2011 were e-mailed to members. There was no report.

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

Minutes of the Lake Musconetcong Regional Planning Board June 15, 2011 and July 20, 2011 meetings were e-mailed to members.

Mr. Rattner informed the Board that the Lake Musconetcong Regional Planning Board contacted Morris County regarding the dues payment of \$900 as discussed at a previous meeting. Ms. Marion informed the Board of the details of the payment and said that the matter was resolved.

Mr. Rattner stated he received an email from Ms. Marion concerning a letter of support from the Freeholder Director about a grant application to the NJDEP. The letter asked the NJDEP to reverse its denial of the \$12,000 grant request for the elimination of water chestnut plants from Lake Musconetcong. Freeholder Grossi said that she explained the issues concerning water chestnut and the dangers of allowing this plant to spread to the Freeholder Board. Mr. Rattner also discussed the impact of Hurricane Irene on Lake Musconetcong.

Mr. Rattner also reported that there was good volunteer turnout with over 20 boats in July and August for the manual harvesting of water chestnut plants from the lake. He said that experts from Rutgers are offering ideas for eradicating water chestnut. The Lake Board is also investigating actions taken by the Lake Musconetcong Community Association to eliminate water chestnut plants that should have been coordinated with the Board. Finally, he noted that

the lake is littered with tree stumps remaining from time of the creation of the lake. He said the Board is looking into methods of removing the stumps.

### **Musconetcong River Management Council**

Mr. Rattner had nothing additional to report.

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

Mr. Eppel stated that the Open Space Committee will be starting its site visits this Saturday. He reported that 467.6 acres have been preserved so far this year. For this round of applications, the sites are located throughout the county and the committee will be reviewing sites in areas where there was flooding. Freeholder Grossi said she discussed the acquisition of floodprone areas with the Freeholder Board and had reported to the Board what she witnessed on her trips to recent flood-damaged areas. A discussion followed.

Ms. Olcott asked Mr. Eppel about the number of applications received by the committee. Mr. Eppel replied that the number of applications received were about the same as in the previous year, although there is less money available and not enough to fund fully all applications. Ms. Olcott discussed the possibility of increasing open space purchases in the Lake Hiawatha area. Mr. Eppel responded that towns would first need to file an Open Space Trust Fund application and Freeholder Grossi explained some of the difficulties in the assessment of these properties. Ms. Olcott suggested having a program in the future that would try to preserve more open space around those streams and rivers that flood. A discussion followed.

Ms. Marion informed members she received notice that the American Planning Association is having a conference on September 28, 2011 in Nashville, Tennessee on Flood Hazard Mitigation Planning for Communities.

Freeholder Grossi stated that the Office of Temporary Assistance is accepting gift cards to assist people in the flood-damaged areas. Ms. Marion stated that the Morris County Office of Emergency Management (OEM) has a website with flood disaster information, including information about activities in individual towns. Mr. Perry suggested having Joe Garifo contact the Daily Record to publicize the information available on the OEM website and the resources available for flood victims.

### **CORRESPONDENCE AND REPORTS RECEIVED**

Ms. Marion had nothing to report.

### **REPORTS OF MEETINGS**

***Highlands Council*** – Mr. Soriano reported on several recent court decisions related to the Highlands Council and the Highlands Regional Master Plan. He said the court rejected a challenge by the Fair Share Housing Center which asserted that the Highlands Plan was not properly adopted by the Highlands Council because it was not adopted in accordance the New Jersey Administrative Procedures Act. The court found that the New Jersey Highlands Water

Protection and Planning Act provided an alternate process for adoption of the Highlands Regional Plan. Ms. Soriano described several other legal challenges to the validity of the Highlands Regional Master Plan and the Highlands TDR program that were also rejected by the courts. He reported that the court did invalidate the Highlands guidelines developed by COAH concerning Highlands-based modifications of the third round COAH rules. In this instance, the court found that COAH failed to go through the Administrative Procedures Act process, which was required in this instance.

Ms. Marion reported on another court case which upheld NJDEP requirements allowing the removal of lands from sewer service areas on the basis of threatened and endangered species and other environmental features

## **OTHER BUSINESS**

**East Hanover Corridor Study – NJDOT Local Transportation Assistance Unit** – Ms. Marion reported that the Department of Planning and Development and the Division of Engineering are starting a new project due to proposed redevelopment projects along East Hanover Avenue in Hanover Township. The County submitted a request to the NJDOT Local Assistance Unit to provide planning and design support for the East Hanover Avenue Corridor from Speedwell Avenue to Whippany Road. The NJDOT approved the project and will be providing engineering consultants at no cost to complete a planning and design study for this section of Hanover Avenue. The kickoff meeting is scheduled for October 4, 2011 from 10 a.m. to noon at the Frelinghuysen Arboretum, Classroom A. Ms. Marion is sending out a letter tomorrow to the mayors of Morris Township, Borough of Morris Plains and Township of Hanover to invite them to the meeting to discuss the project. A discussion followed.

Ms. Marion informed the Board that the Morristown Parking Authority has extended the hours of the parking attendants at the Schuyler Parking Deck and she had made arrangements with Personnel for members parking in the deck this evening. She will look into parking options for future meetings.

## **LEGAL UPDATE**

Nothing to report.

## **COMMENTS FROM THE PUBLIC**

None.

## **NEXT MEETING**

The next meeting is scheduled for October 20, 2011 at 7:00 p.m.

**ADJOURNMENT**

At 8:25 p.m., Ms. Olcott moved to adjourn the meeting. Chairman Falkoski 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.*