

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

30 Schuyler Place
July 19, 2012

Morristown
New Jersey

CALL TO ORDER

Chairman Falkoski called the meeting to order at 7:01 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 January 26, 2012.

ROLL CALL

Those present were:

Joseph Falkoski, Chairman
Steve Rattner, Vice-Chairman
Isobel Olcott, Secretary
Steve Hammond, County Engineer (arrived 7:04)
Ted Eppel (arrived 7:13)
Everton Scott (arrived 7:10)
Ann Grossi, Freeholder
Paul VanGelder, Alt. #1
Stephen Jones, Alt. # 2 (arrived 7:13)

Christine Marion, Planning Director
Anthony Soriano, Supervising Planner
Greg Perry, Supervising Planner
Deena Cybulski, Department Director
W. Randall Bush, Esq., First Assistant County Counsel
Rene Axelrod, Recording Secretary

REVIEW OF MINUTES

Ms. Olcott moved approval of the minutes of the May 17, 2012 meeting. The motion was seconded by Mr. Rattner and was approved by roll call vote.

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

DIRECTOR'S REPORT

The Board accepted the Director's Report for May-June 2012 which will be placed on file.

REPORT OF FUNDS RECEIVED

Funds received for May, 2012 totaled \$3,275.00.

Funds received for June, 2012 totaled \$5,915.00.

FUTURE MEETINGS

Ms. Marion stated that a presentation on the East Hanover Avenue Corridor Study will be made at the Board of Transportation meeting on July 24, 2012, at 2:00 p.m. by the consultant. Ms. Marion asked if anyone from the Board would be interested in attending. Mr. Rattner said he may be able to attend.

Ms. Marion stated that the public hearing for the Morris County Future Wastewater Management Plan Map will be held on August 13, 2012 from 5:30 p.m. to 8:00 p.m. in the Public Meeting Room of the Morris County Library. Ms. Marion also reported that the New Jersey Department of Environmental Protection issued a press release announcing that all participating counties have submitted future wastewater service areas maps. She invited Board members to attend the hearing.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan (WMP) – Ms. Marion reported that the County has received eleven consent resolutions to date: ten from municipalities and one from a sewage authority. She also received a letter from Mount Arlington stating that they will wait until the New Jersey Highlands Council makes a determination of consistency regarding their mapping before submitting a consent resolution. She noted that towns have 60 days from receipt of the notice from the County to submit a consent resolution. She reported that after receiving the notice, several municipalities requested additional changes to the map, but at this stage of the process the draft map can not be changed before public hearing. She stated that towns can request the changes as part of their public comment. Mr. Rattner asked for a copy of the Mount Arlington letter. A discussion followed.

Ms. Marion stated that she has not yet received a response from inquiries made to the NJDEP regarding completion of the Wastewater Management Plan (WMP) process. She is concerned since the County has entered into a grant agreement with the NJDEP that requires the WMP to be completed by the end of the year.

Watershed Activities – Ms. Marion stated that the Whippany River Watershed Association is assisting the Bethel AME Church in Morristown with a river clean up effort, which was very successful.

Ms. Marion stated that the Rockaway River Cabinet is helping to coordinate tree desnagging of the Rockaway River with the municipalities along the river. The county is mapping tree snag locations and the Cabinet will use this mapping in its applications for grants to offset tree removal costs by the river towns.

Land Subdivision and Zoning

Developments Reviewed – Mr. Rattner informed the Board that the Land Development Review Committee met twice since the last Board meeting. The first meeting was held on June 12, 2012. In addition to the review of several development applications, the Committee met with the representatives of the Stop & Shop Corporation Inc. who stated their objections to the Hanover and Horsehill, LLC site plan application (ShopRite project). Representatives and consultants for ShopRite also attended the meeting. Mr. Randy Bush, Esq., First Assistant County Counsel attended as the Planning Board attorney. Mr. Rattner stated that the Stop & Shop representatives believe that the ShopRite project is inconsistent with Hanover's zoning. They also discussed problems related to traffic and the classification of the project as a shopping center instead of a supermarket. Ms. Marion informed the Board that she received a letter from Ms. Lottinville, Counsel for Stop & Shop, regarding the availability of records. Ms. Marion stated that she responded in writing, after consulting with Mr. Bush, to Ms. Lottinville's letter. A discussion followed.

Mr. Rattner reported on the applications reviewed by the Committee at its July 10, 2012 meeting. He first reported on an application from Chabad of Randolph for a security fence surrounding its property on West Hanover Avenue in Randolph. Obtaining right-of-way is a concern for this application. The Littleton Plaza Site Plan on Parsippany Road and Route 202 proposes a small addition to a multi-tenant retail site. Mr. Rattner reported that a staff site inspection revealed that large boulders were moved into the site triangle presenting a safety issue. The Towaco Village Center in Montville, is proposing sidewalk improvements and changes to the parking layout. County traffic engineering will review this site plan with regard to the sidewalk improvements and parking modifications proposed within county right-of-way.

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for May and June 2012. The motion was seconded by Mr. Rattner and approved by voice vote.

Legislative and Municipal

Recent Legislation - Mr. Soriano briefly discussed several bills from the reports of June 14, 2012 and July 11, 2012. Assembly Bill A1338 passed both houses. This bill would amend the Permit Extension Act of 2008, extending certain local and state approvals until December 31, 2014. The permit extensions would also apply to portions of the Highlands Planning. Mr. Soriano displayed a map showing the general areas of the county where the extensions would apply.

Mr. Soriano then reported on several bills concerning affordable housing. Senate Bill S2011 would have extended the time frame for local expenditure of affordable housing trust funds. The bill passed both houses of the Legislature, but was vetoed by the Governor. Senate Bill S1566, the proposed NJ Residential Foreclosure Transformation Act, also passed both houses but was vetoed by the Governor.

Mr. Soriano then reported on recent Court actions regarding the transfer of affordable housing funds to the State. The Court decision requires the Council on Affordable Housing to provide written notice regarding the transfer of funds and explain to the municipalities how it calculates the amount of funds to be transferred to the State. Municipalities will be given a chance to appeal the fund transfer. A discussion followed.

Master Plan & Land Use Ordinance Monthly Report - Mr. Soriano reported that the Township of Long Hill Planning Board adopted a Valley Road Business District Element as part of its Master Plan on June 26, 2012. The amendment supports the identification of portions of Valley Road as the Township's downtown and also promotes the use of Complete Street strategies to encourage greater pedestrian, bicycle, automobile and potential transit accessibility in the area. Mr. Soriano reported that Mount Olive Township submitted a Highlands Preservation Area Master Plan Element as required for conformance in the Highlands Preservation Area. Finally, he reported that Lincoln Park submitted an Open Space and Recreation Plan, which was prepared with the assistance of the Land Conservancy of New Jersey. He noted one of the long term plan recommendations for the development of a voluntary registry through which landowners may offer the municipality the "right of first refusal" when their property is put up for sale. A discussion followed.

With regard to the Zoning Report, Mr. Soriano reported that staff processed four proposed and eight adopted ordinances for a total of 12 ordinances processed in May. Highlights of the May report included an amendment by Chatham Township to remove the Rolling Knolls Landfill as an area where Market Gardens may be permitted. He also noted that Roxbury Township proposed an ordinance that would permit the keeping of chickens on residential lots of less than five acres.

Mr. Soriano reported that in June, staff processed five proposed and three adopted ordinances for a total of eight ordinances processed. He noted that Montville Township's ordinance that amended its Historic Districts and Historic Sites land use regulations to incorporate the List of Historic Sites identified in the Montville Master Plan.

Long Range Planning

Ms. Olcott stated she received a memo from Mr. Soriano concerning the status of various Long Range planning activities. The memo includes details on projects including the Morris County State of the County Report, the proposed update to the Morris County Open Space Element and the status of the draft State Strategic Plan. She anticipates a meeting of the Long Range Committee to discuss these and other issues. Mr. Soriano reported on the status of the draft Strategic State Plan, stating that there will be at least one more public hearing on the Plan before

its adoption. He also stated that while changes have been made to the Plan originally reviewed by staff, these changes will not be made available for review until after the final public hearing. He said that several requests have been made for information about the proposed changes to the Plan. A discussion followed.

Ms. Olcott suggested that the Morris County should be proactive in identifying regional economic development priority areas that meet county goals, even if these areas are not consistent with State Strategic Plan Priority Growth Investment Area criteria. Mr. Soriano suggested that the first step in the process should be to attempt to map State defined Priority Growth Investment Areas based on the draft State criteria provided and compare the results to local commercial and industrial zones to determine where there is consistency. Subsequently, the task of identifying new Morris County priority criteria can be discussed. This process would also involve the County Economic Development Corporation and would require buy-in from local municipalities.

The Board instructed Mr. Soriano to begin preliminary review of State Plan priority investment criteria and the mapping process. Ms. Marion said that the Long Range Committee would meet to discuss this further. Freeholder Grossi asked to be kept informed on this matter.

LIAISON REPORTS

Lake Hopatcong Commission

Ms. Marion had nothing to report.

Lake Musconetcong Regional Planning Board

Mr. Rattner reported that the Lake Musconetcong Regional Planning Board discovered that some developments around the lake are not following their stormwater maintenance manuals, which is causing damage to the lake. The Board is contacting municipalities to request that they assure that the maintenance manuals are followed. Mr. Rattner also informed the Board that the Musconetcong Watershed Association hosted another successful water chestnut removal event in which approximately 80 volunteers participated and removed about 20 tons of vegetation. He also noted that the herbicides being applied to the lake appear to be working.

Musconetcong River Management Council

Mr. Rattner reported that the Council is reviewing the historic bridges that cross the Musconetcong River. He also stated that the Lake Hopatcong Management Plan, which regulates water flow, is being followed and seems to be working.

Morris County Open Space Trust

Mr. Eppel stated that the Trust has been very active and that there have been several recent closings. He noted the closing of property at 20 Hillcrest Avenue in Morristown in which an existing structure will be removed to create a pocket park. He reported on a closing on 35.6 acres in Montville that will become a recreation area and a closing on a half-acre addition to Stobaeus Park in Florham Park, which is the last of a five-property project. He reported on the addition of the 11.9-acre Timothy Tract in Rockaway Township that will expand Silas Condict Park. Finally, he reported on the Landing Recreation Project in Roxbury. He said that it took seven years to close on this 15.5 acre parcel due to delays in obtaining a wetlands permit. Mr. Eppel informed the Board that with these acquisitions, 20,648.52 acres have been preserved through the Preservation Trust.

Ms. Cybulski informed the Board of an event marking the preservation of the 600 acre Hunter's Glen site in Jefferson Township. She noted that Freeholder Grossi has been asked to speak at this event on August 13, 2012 and that Congressman Frelinghuysen is also scheduled to attend.

CORRESPONDENCE AND REPORTS RECEIVED

Ms. Marion stated she sent a letter regarding the elimination of the American Community Survey (ASC) to our Congressional representatives and she received a response letter from Congressman Frelinghuysen. Ms. Marion stated Congressman Frelinghuysen noted the concerns of other constituents who felt that Census Bureau actions were intrusive. She reported that the U.S. House of Representatives voted to defund the ACS, but that this issue has not yet been taken up by the U.S. Senate.

Ms. Marion reported that, after speaking with Chairman Falkoski, she sent a letter on behalf of Planning Board to the Morris County Park Commission indicating the Planning Board's support for a Park Commission grant application to the DEP for the extension of the Traction Line Trail in Madison. She said the letter outlined the consistency of the proposed extension with the goals of the Morris County Master Plan.

REPORTS OF MEETINGS

Ms. Marion had nothing to report.

Other Business

It was noted by Ms. Marion that related agenda issues were discussed earlier in the meeting.

LEGAL UPDATE

Mr. Bush had no further comment.

COMMENTS FROM THE PUBLIC

None.

NEXT MEETING

The next meeting is scheduled for September 20, 2012 at 7:00 p.m.

No meeting is scheduled for August 2012.

ADJOURNMENT

At 8:20 p.m., Mr. Hammond moved to adjourn the meeting. Mr. Eppel 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.