

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

**Meeting held via WebEx Videoconference**

30 Schuyler Place  
July 16, 2020

Morristown  
New Jersey

Vice-Chairman Isobel Olcott called the Regular Meeting to order at 7:02 p.m.

**OPEN PUBLIC MEETINGS LAW**

Public notice has been given according to the Open Public Meeting Act, published in the Newspaper of Record and the Morris County website.

**ROLL CALL**

Those present were:

Steve Rattner, Chairman (joined 7:35 via phone)	Joe Barilla, Planning Director
Isobel Olcott, Vice Chair	Greg Perry, Supervising Planner
Ted Eppel, Secretary	Anthony Soriano, Supervising Planner
Everton Scott	Mike DiGiulio, Senior Planner
Kaushik (Casey) Parikh, Alt. #1	Virginia Michelin, Principal Environmental Planner
Nita Galate	Mary Romance, Recording Secretary
Christopher Vitz, County Engineer	Staci L. Santucci, Esq., County Counsel

**REVIEW OF MINUTES**

Mr. Parikh moved the minutes of February 20, 2020 Planning Board meeting. Mr. Scott seconded the motion and the motion was approved by voice vote:

<b>VOTE</b>	<b>Aye</b>	<b>Nay</b>	<b>Abs.</b>
Deborah Smith, Freeholder Dir.	-		
Stephen Shaw, Freeholder Liaison	-		
Thomas Mastrangelo, Freeholder Alternate	-		
Isobel Olcott, Vice Chair	X		
Ted Eppel, Secretary	X		
Christian Francioli	-		
Nita Galate			-
Everton Scott	X		
Kaushik (Casey) Parikh, ( Alt. 1)	X		
Dennis Bull, (Alt #2)	-		
Christopher Vitz, County Engineer	X		
Roslyn Khurdan, Engineering Alternate	-		
Steve Rattner, Chairman			

## **DIRECTOR'S REPORT**

The Board accepted the Director's Report for the period of March 2020 through June 2020, and it will be placed on file.

## **REPORT OF FUNDS RECEIVED**

Mr. Barilla noted that overall revenues are significantly higher 2020 Year-to-Date over 2019. Funds received through June 2020 totaled \$89,240, whereas the figure was \$44,224 for the same period last year.

## **FUTURE MEETINGS**

Mr. Barilla stated that he would poll members of the Planning Board as to whether there should be a meeting in August 2020, or to continue with September 2020 as the next scheduled meeting.

## **COMMITTEE REPORTS**

### **Environmental and Watershed**

*County Wastewater Management Plan* – Mr. Barilla reported that there has been movement with the Wastewater Management Plan, and progress with Mine Hill and the Rockaway Valley Regional Sewage Authority, though COVID furloughs have slowed-down advancement for the summer. He noted that the County Planners Association has been conducting further dialog with the NJ Department of Environmental Protection to address issues relating to Wastewater Management Plans.

*Rockaway River Watershed Cabinet (RRWC)* – There was no report.

### **Land Subdivision and Zoning**

*Developments Reviewed* – Ms. Olcott provided highlights of the Land Development Review Committee for the period of March through June 2020. She indicated that she previously reported on the February Committee meeting and that written notes of this meeting are included in tonight's packet. She provided highlights from the applications addressed in the March, April, May and June reports:

## **MARCH REPORT**

**Montville, Monarch Communities Montville, 2020-21-3-SP-0 (County Route 621)** - This site plan involves various senior housing options including independent living (89 units), assisted living (50 units) and a memory care facility (26 units) on an 8.1 acre property. There are 117 parking spaces proposed. Five will be handicapped spaces. There are two proposed full access driveway connections to Changebridge Road, one is a boulevard style with a median separating the egress and ingress driveways and the other driveway is a conventional driveway design. Three interlocking subsurface stormwater management facilities are proposed with a water quality structure prior to the final outfall. There are two separate garden areas for residents on site. County Engineering will review for traffic and stormwater. Mr. Vitz anticipates that the existing signal will need only minor modifications.

## APRIL REPORT

**Florham Park, LCS Development, 2020-11-4-SP-0, 2020-11-4-P-0, 2020-11-4-F-0 (County Route 623 Park Ave)** - This site plan and subdivision application is for the construction of a 230-unit senior living facility and related site improvements within the Green at Florham Park. This site was previously approved for office use. The facility will be comprised of independent living, assisted living and memory care units. The 4-story 265,803 square foot building will have multiple wings and a common area. Stormwater management consists of multiple underground infiltration basins constructed beneath the parking areas. The proposal includes 229 parking spaces in surface parking and underneath the building. All access to the site is from internal roadways. Existing Lot 1.05 will be subdivided into two parcels. County Engineering will review for stormwater management and traffic. Mr. Eppel expressed concern regarding ingress/egress, reporting that there was significant commercial activity in this area. Ms. Olcott noted that although originally approved for office use, there will be less activity now as a planned senior living facility as compared to an office use.

**Mountain Lakes, Highview Commercial, 2020-25-1-SP-0, 2020-25-1-P-0 (Route 46)** - This site plan is for the redevelopment of the Zeris Inn (former banquet hall) property into a Wawa convenience store with vehicle fueling and a 112-room Home 2 Suites Hilton Hotel. The Wawa is of typical design, including a 5,585 square foot store with eight multi-product fuel dispensers. All access to the site will be from Route 46 and Fox Hill Rd. With this redevelopment there will be an overall reduction of 5,000 square feet of impervious coverage. Stormwater will discharge into the NJDOT system in Route 46 and the Conrail property along the western property boundary. The lot will be divided into two parcels. One parcel will contain the hotel and the other parcel will contain the Wawa. County Engineering will review the application for stormwater management. Mr. Vitz noted that this area is on the West side of Fox Hill.

## MAY REPORT

**Morris Township, Delbarton Art Center, 2020-22-4-SP-0 (County Route 510)** -This site plan is for an addition of 1,170 square feet to the loading dock of the Art Center building. This small addition will not impact County facilities or structures. Ms. Olcott reports that this project is the next phase of a development that currently includes tennis courts, permanent bleachers and an enclosed hockey rink. The plan will utilize existing driveway entrances. County Engineering will review stormwater management. Ms. Olcott noted that as this development will be visible from the road, this plan will change the streetscape.

## JUNE REPORT

**Wharton, 10 North Main Street 2020-39-1-SP-0 (County Route 634)** - Ms. Olcott reported that this is a large project with multiple considerations. This site plan application is for the redevelopment of several properties in Wharton totaling 1.711 acres that will include with two buildings with mixed-use residential/retail development. The structure facing North Main Street (County Route 634) will be five stories with retail on the ground level and will include 50 residential units on floors two through five. The second building will be two stories with 16 units and will front on Second Street, which is a municipal road. There are 83 parking spaces for this project located between the two buildings. Access will be from two full access driveway connections, one to North Main Street and the other to Second Street. The site plan indicates that there is an existing 25' half-width right-of-way for North Main Street. A determination will be

needed whether to require dedication of an 8-foot right-of-way (fee simple) or an 8-foot easement from this property.

Two subsurface detention basins are proposed that outfall to the existing County collection system in North Main Street. County Engineering will review the proposed driveway connection to North Main Street and the proposed stormwater management system. Ms. Olcott noted that the building on North Main Street is relatively close to the road, and that the intersection from Second Street to North Main had some issues. Mr. Vitz reported that the sight distance was very restricted and that the County is working with the applicant on improving this issue. Academy Street is the cross street here. Approval of this application is currently withheld.

JULY

**Boonton, Barrister Court, 2020-1-2-SP-0 (County Route 618)** - This site plan is for a 33 unit age-restricted three-story apartment building with 72 surface parking spaces on a 3.39 acre parcel. The project is an extension of a previously approved 38-unit age restricted development to the west and located in Boonton Township. Access will be from the proposed driveway connection to Powerville Road (County Route 618). Stormwater management includes the use of a subsurface retention basin and a surface detention basin. There does not appear to be any outdoor facilities proposed, but there is a clubhouse proposed in the Boonton Township section. County Engineering will review for stormwater management and identify any addition measures necessary for the proposed driveway connection to Powerville Road. Mr. Vitz reported that this extension had been reviewed for a previous development plan application, noting that the driveway is in the same location. County Engineering will be following-up because proper signs and striping will need to be in place.

Ms. Olcott then called for a Roll Call vote for each of the Reports of Actions Taken. Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for February 2020. Chris Vitz seconded the motion and it was approved.

**ROLL CALL**

<b>VOTE</b>	<b>Aye</b>	<b>Nay</b>	<b>Abs.</b>
Deborah Smith, Freeholder Dir.	-		
Stephen Shaw, Freeholder Liaison	-		
Thomas Mastrangelo, Freeholder Alternate	-		
Steve Rattner, Chair	X		
Isobel Olcott, Vice Chair	X		
Ted Eppel, Secretary	X		
Christian Francioli	-		
Nita Galate	X		
Everton Scott	X		
Kaushik (Casey) Parikh, ( Alt. 1)	X		
Dennis Bull, (Alt #2)	-		
Christopher Vitz, County Engineer	X		
Roslyn Khurdan, Engineering Alternate	-		

Everton Scott made a motion to approve the Report of Actions Taken on Development Plans for March 2020. Isobel Olcott seconded the motion and it was approved.

**ROLL CALL**

<b>VOTE</b>	<b>Aye</b>	<b>Nay</b>	<b>Abs.</b>
Deborah Smith, Freeholder Dir.	-		
Stephen Shaw, Freeholder Liaison	-		
Thomas Mastrangelo, Freeholder Alternate	-		
Steve Rattner, Chair	X		
Isobel Olcott, Vice Chair	X		
Ted Eppel, Secretary	X		
Christian Francioli	-		
Nita Galate	X		
Everton Scott	X		
Kaushik (Casey) Parikh, ( Alt. 1)	X		
Dennis Bull, (Alt #2)	-		
Christopher Vitz, County Engineer	X		
Roslyn Khurdan, Engineering Alternate	-		

Mr. Rattner made a motion to approve the Report of Actions Taken on Development Plans for April 2020. Mr. Parikh seconded the motion and it was approved.

**ROLL CALL**

<b>VOTE</b>	<b>Aye</b>	<b>Nay</b>	<b>Abs.</b>
Deborah Smith, Freeholder Dir.	-		
Stephen Shaw, Freeholder Liaison	-		
Thomas Mastrangelo, Freeholder Alternate	-		
Steve Rattner, Chair	X		
Isobel Olcott, Vice Chair	X		
Ted Eppel, Secretary	X		
Christian Francioli	-		
Nita Galate	X		
Everton Scott	X		
Kaushik (Casey) Parikh, ( Alt. 1)	X		
Dennis Bull, (Alt #2)	-		
Christopher Vitz, County Engineer	X		
Roslyn Khurdan, Engineering Alternate	-		

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for May 2020. Mr. Rattner seconded the motion and it was approved.

**ROLL CALL**

VOTE	Aye	Nay	Abs.
Deborah Smith, Freeholder Dir.	-		
Stephen Shaw, Freeholder Liaison	-		
Thomas Mastrangelo, Freeholder Alternate	-		
Steve Rattner, Chair	X		
Isobel Olcott, Vice Chair	X		
Ted Eppel, Secretary	X		
Christian Francioli	-		
Nita Galate	X		
Everton Scott	X		
Kaushik (Casey) Parikh, ( Alt. 1)	X		
Dennis Bull, (Alt #2)	-		
Christopher Vitz, County Engineer	X		
Roslyn Khurdan, Engineering Alternate	-		

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for June 2020. Mr. Rattner seconded the motion and it was approved.

**ROLL CALL**

VOTE	Aye	Nay	Abs.
Deborah Smith, Freeholder Dir.	-		
Stephen Shaw, Freeholder Liaison	-		
Thomas Mastrangelo, Freeholder Alternate	-		
Steve Rattner, Chair	X		
Isobel Olcott, Vice Chair	X		
Ted Eppel, Secretary	X		
Christian Francioli	-		
Nita Galate	X		
Everton Scott	X		
Kaushik (Casey) Parikh, ( Alt. 1)	X		
Dennis Bull, (Alt #2)	-		
Christopher Vitz, County Engineer	X		
Roslyn Khurdan, Engineering Alternate	-		

**Legislative and Municipal**

**Recent Legislation-** Mr. Soriano reported that there were two legislative reports covering the period between February 14, 2020 and July 5, 2020. He reported that many of the bills introduced in February and March were reintroductions of bills carried over from the previous

legislative session and proceeded to highlight more recently introduced bills, noting the following:

**Assembly Bill A3919** was signed into law on July 1, 2020 as P.L. 2020, c.53, *The Permit Extension Act of 2020*. This act extends certain permits, approvals, and deadlines and suspends certain State, regional, county, and municipal agency approvals for the duration of the current public health emergency. The law extends the time by which municipalities must act on local development applications from 60 days to 120 days. This bill does not extend the period by which counties are required to act on development applications.

**Assembly Bill 4164** was introduced on May 28, 2020; there is no companion bill. This bill would suspend the requirement that county planning boards act on development applications within a specific timeframe and continue for a 60-day period following the end of the current state of emergency. Mr. Soriano noted that the bill would eliminate automatic approvals after 30 days and does not include a time period by which the Board would have to grant an approval. Mr. Scott asked if the Governor signed the Executive Order extending permit time frames. Mr. Soriano noted that he had but that neither the Executive Order nor other signed legislation extended the time frame required for counties to act on applications.

**Senate Bill S2542** passed by the Senate and received in the Assembly on June 15, 2020. This bill allows municipalities to suspend or temporarily modify certain zoning requirements to facilitate the ability of a business to resume operations during the current public health emergency. Mr. Soriano gave the example of a municipality suspending its parking requirements in order to provide outdoor dining in the parking lot. Under the bill, a business may also seek emergency relief from terms and conditions of local approvals to allow a business to resume and municipalities may also suspend or modify provisions of a zoning ordinance to facilitate the resumption of business operations, which may also include streamlined review to secure a temporary zoning permit.

**Assembly Bill A1452** was introduced in the Senate on March 16, 2020. This bill requires DEP to evaluate extending sewer service in the Lake Hopatcong region. If the DEP determines that installation of sewer service would not significantly improve water quality of the lake or is otherwise not feasible, this bill would provide a gross income tax deduction for one-half of the cost of septic system maintenance under certain circumstances to incentivize greater septic system maintenance.

**Master Plan & Land Use Ordinance Monthly Report** – Mr. Soriano reported on the following submissions to the Planning Board:

- Mendham Borough submitted a Reexamination Report and Housing Element. The Reexamination Report addresses the need to create a new Housing Element and Fair Share Plan. The Housing Element and Fair Share Plan addresses Mendham's third round obligation as per its settlement agreement with the Fair Share Housing Center.
- East Hanover submitted a Housing Element and Fair Share Plan concerning its Third Round affordable housing obligation, much of which will be addressed through credits from the Nike and the Kushner Real Estate sites, and through overlays zones at Eagle Rock Road and Columbia Turnpike.

- Harding submitted a Reexamination Report that recommends changes to their master plan related to new affordable housing requirements, and includes new objectives related to natural resources, open space and “dark skies” protection. The report recommends updates to several master plan elements.
- Madison submitted an Open Space and Recreation Plan Element identifying the open space program’s importance in the preservation of community character. The Element updates existing conditions and proposes various actions including the exploration of opportunities to work with Morris County Parks to extend the traction line trail into the Downtown and to work with the County on eco-tourism opportunities

**ZONING** – Mr. Soriano presented highlights of the five Land Use Ordinance Reports, covering February through June 2020. A total of 47 ordinances were processed, including 26 proposed and 21 adopted ordinances. Sixteen ordinances addressed affordable housing issues, seven ordinances concerned redevelopment plans. He highlighted the adoption of an ordinance for the redevelopment of Larison’s Turkey Farm in Chester Borough that will allow the development of a restaurant, a pharmacy, two office buildings, 36 affordable rental apartments, a cell tower and an organic farm.

### **Long Range Planning**

*Land Use Plan Element* - Ms. Galate reported that the Long Range Committee continued to work on the Land Use Element of the County Master Plan. Mr. Soriano has incorporated Committee member comments and reviewed other draft sections of the plan for consistency, mapping adjustments and other amendments.

Mr. Soriano reported that since the Board last met, the surveys sent to municipalities requesting the identification of county land use issues have been returned, with fourteen municipalities responding. The vast majority of comments concerned affordable housing and traffic. This survey also asked about County actions that would help with local planning; several municipalities requested statistics on area trends and conditions, much of which is available on the County website. He noted that the availability of this county resource needs to be better communicated to municipalities. He reported that most issues noted in the survey were already reflected in some manner in the draft Land Use Element, and that further changes were made based on comments and other input from the Committee and staff. The draft document was provided to the full Board for review on May 28, 2020 via the Board’s secure website. He stated that he continues to fine-tune the document setup and format. He asked if the Board had any additional comment on the draft and there were none at this time.

Ms. Olcott asked about the next steps. Mr. Soriano stated that he would continue to review and edit the document to address format issues, catch any further typos and review for clarity and consistency. Table of Contents and listing of figures will be developed. Other staff will be asked to review the document to get an outside perspective on the clarity of the document, and to identify any remaining issues in need of correction or formatting.



Mr. Soriano then described the requirements for adoption of a county master plan element as identified in the New Jersey County Planning Act, including the need for a public hearing and distribution of copies of the draft element to municipalities in advance of the public hearing. He noted that digital copies would be created for distribution to municipalities prior to a public hearing and that the final draft would also be posted on the County website allowing for public comment in addition to that which might be received at a public hearing. Following the public hearing, the Board would decide if further amendments were needed. If no changes were deemed necessary, or following any amendments, the Board could adopt the Land Use Plan Element, after which copies of the adopted document would be sent to all county municipalities.

Mr. Rattner and Mrs. Olcott stated that the draft Land Use Element should be submitted to the municipalities at least 30 days prior to a public hearing date. Ms. Olcott stated that Mr. Soriano should confer with Ms. Galate and Mr. Rattner after the final edits were complete with regard to continuing this process. Mr. Scott approved of having additional staff review the draft document.

## **LIAISON REPORTS**

### **Lake Musconetcong Regional Planning Board/ Musconetcong River Management Council -**

Mr. Rattner reported that there was no meeting of Lake Musconetcong Regional Planning Board. The Musconetcong River Management Council did meet at which time updates on various grants were discussed. Mr. Rattner also noted that weed harvesting has stopped until a determination can be made on the cause of the boat sinking and operator death that occurred in June. Mr. Rattner also noted that a warmer winter has resulted in increased weed growth. He reported that the State has not come through with any additional funding for herbicides, so that additional support will be required from the homeowner association and Lake Musconetcong Regional Planning Board, with additional support from the two counties and four municipalities that border the area.

**Lake Hopatcong Commission** – There was no report.

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

Ms. Galate reported that the Committee will hold its first meeting for the current grant round on Thursday July 30. She reported that there was one closing in Lincoln Park on a .936-acre property. Mr. Rattner stated that Lincoln Park was to be congratulated for obtaining their first grant under this program.

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

Ms. Olcott reported that the Committee did not meet, but applications were available in April. She stated that a letter of intent was due from municipalities on June 30 and that the application deadline is July 31, 2020.

### **Morris County Complete Count Committee**

Ms. Olcott reported that the Complete Count Committee had one meeting in June. She reported that the Morris County response rate of 72.6% is the second highest in New Jersey, just behind Hunterdon County's response rate of 73%. She reported that no Census forms were mailed to post office boxes, so that municipalities like Harding, where many residents pick up their mail at

the post office, may not have received forms and would have to respond via the Census website form.

She reported that Committee members have been working to ensure everyone is counted, and is reaching out to residents through various methods. She highlighted the work of non-profit members that are encouraging participation online and in-person. She also cited the work of the Morris County Organization for Hispanic Affairs, which has helped ensure a good response in traditionally undercounted communities such as Dover. Ms. Olcott noted existing response problems in Florham Park and in the Martin Luther King area of Morristown.

Mr. Barilla reported that canvassing will begin in August and that in the coming weeks, mailers will be going-out to locations that have not received Census forms. Examples include specific post office boxes in Harding and a Census tract in Parsippany that includes the Mountain Club and Powder Mill Heights areas. Mr. Barilla reported that the County has conducted significant marketing on social media, advertised on the radio and in newspapers and is also working through various food pantries to distribute Census information. Ms. Olcott noted the hard work of staff and reported that she has written and disseminated letters to the editor, included in several local publications.

### **CORRESPONDENCE AND REPORTS RECEIVED**

Mr. Barilla reported that he has been receiving the usual correspondence but nothing of note for the Board.

### **REPORT OF MEETINGS**

Mr. Barilla reported that staff has attended many meetings over the past four months addressing typical business, and gave examples e.g. meetings concerning the Census and Wastewater Management Planning, various webinars and other planning related meetings.

### **OTHER BUSINESS**

Ms. Galate inquired about a document posted on the Board's secure website listing members personal contact information. Mr. Soriano noted that this is an internal document, distributed annually to members only, so that they may confirm that their contact information is accurate.

### **LEGAL UPDATE**

Ms. Santucci reported that she has no legal update. She confirmed the findings of the earlier discussion regarding legislative actions with regard to municipal permit and approval extensions.

### **COMMENTS FROM THE PUBLIC**

No members of the public were present.

### **NEXT MEETING**

Mr. Barilla indicated that he would poll members concerning the potential alternate meeting date of August 6, 2020. The next regularly scheduled for September 17, 2020 at 7:00 p.m.

**ADJOURNMENT**

At 8:21 p.m., Mr. Vitz moved to adjourn the meeting and all approved by voice vote.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joe Barilla". The signature is written in a cursive style with a large initial "J".

Joe Barilla, P.P./AICP  
Planning Director

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

