

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

30 Schuyler Place
May 20, 2021

Morristown
New Jersey

Meeting Held Via WebEx

Chairman Rattner called the Regular Meeting to order at 7:01 p.m.

OPEN PUBLIC MEETINGS LAW

Chairman Rattner stated that the Secretary of the Board provided public notice of this meeting on May 4, 2021 in a legal notice in accordance with the Open Public Meetings Act, and invited members to join in for the pledge of allegiance to the flag.

ROLL CALL

Tayfun Selen, Commissioner	Joseph Barilla, Planning Director
Steve Rattner, Chairman	Anthony Soriano, Supervising Planner
Isobel Olcott, Vice Chair	Greg Perry, Supervising Planner
Ted Eppel, Secretary	Virginia Michelin, Principal Environmental Planner
Everton Scott	Staci L. Santucci, Esq., County Counsel
Mohamed Seyam, Alternate 2	Mary Romance, Recording Secretary
Christopher Vitz, County Engineer	

STATEMENT REGARDING COMPLIANCE WITH OPEN PUBLIC MEETINGS LAW

Ms. Romance read the Statement Regarding Compliance with the Open Public Meetings Law.

REVIEW OF MINUTES

Ms. Olcott moved the Planning Board Meeting Minutes of April 15, 2021. Mr. Vitz seconded the motion. Mr. Rattner called for questions or comments and there being none, the motion was approved by voice vote. Mr. Scott abstained.

DIRECTOR'S REPORT

The Director's Report for April 2021 was reviewed and accepted.

REPORT OF FUNDS RECEIVED

Funds received for April were \$23,075. Year-to-date revenues totaled \$58,445.

FUTURE MEETINGS

Mr. Barilla reported that upcoming meetings concern the various Preservation Trust programs, with meetings scheduled for May and June. The annual Planning Conference will be held in early June, with staff attending multiple sessions.

COMMITTEE REPORTS

Environmental and Watershed

County Wastewater Management Plan (WMP) – Mr. Barilla reported that there has not been significant activity over the last month, but that staff continues to work with the New Jersey County Planning Association (NJCPA) with the New Jersey Department of Environmental Protection (DEP) to advance WMP chapters.

County Watershed Activities – Mr. Barilla reported that several groups are beginning to meet again, and that various stream and river projects are scheduled for the summer. He was unable to attend the last meeting of the Whippany River Watershed Commission due to a schedule conflict, but anticipates future attendance as his meeting schedule permits. He has not received any recent information from the Rockaway River Water Cabinet.

Stormwater Ordinance and Plan Review – Mr. Barilla reported that the County is receiving the final stormwater ordinances from municipalities.

Rockaway River Watershed Cabinet – Mr. Barilla stated that there was no report at this time.

Land Subdivision and Zoning

Developments Reviewed – Ms. Olcott highlighted three items from the written report of the Land Development Review Committee held on May 18, 2021:

East Hanover, 72 Eagle Rock, 2021-10-4-SP-0 (County Route 611) This site plan is for the redevelopment of a 146,448 square-foot office building and associated parking to accommodate four 4-story residential structures for a total of 265 units with 514 parking spaces and an 8,105 sq. ft clubhouse with an outdoor pool. Proposed access includes a shared full access driveway connection to Eagle Rock Avenue with adjacent lot 54.01 to the southeast and the conversion of an existing right-out only to a full access driveway connection near the northwestern property line. Stormwater management entails the use of the existing wet ponds. County Engineering will review for stormwater management, site frontage and driveway connections to Eagle Rock Avenue. Engineering will review the prospect of installing a painted left-turn lane into the roadway to allow left turns out of the travel-way into the site.

Hanover, Performance Ford/Lincoln Mercury, 2021-12-4-SP-0, (Route 10) This site plan is for the redevelopment and expansion of a former commercial site and vacant parcel for an automotive dealership on 6.43 acres located on Route 10 west. The plan proposes the renovation of an existing structure for a dealership, the construction of two additional structures that will house a separate dealership (10,565 square feet) and a service building (24,365 square feet) with 132 parking spaces and 84 vehicle storage spaces. Stormwater management includes the use of an existing surface detention basin, a new surface bio-retention basin and three subsurface detention

facilities. Access to Route 10 west will be from three driveways, a right-in only, a right-in/right-out and a right-out only. A major access permit will be required from the New Jersey Department of Transportation (NJDOT) for the driveway connections to Route 10. County Engineering will review for stormwater management. Mr. Perry stated that all drainage flows to the pond and ultimately into the Whippany River. The County will review for drainage, with particular attention to the bridge on Melanie Lane, recently reconstructed by the County.

Wharton, Wharton Woods, 2021-39-1-SP-0 2021-39-1-P-0 (County Route 661) This site plan and subdivision concerns a two-phase 90-unit multifamily development on 9.29 acres. The northern phase includes 36 units and the southern phase is for 54 units. Each unit will have a garage and a driveway space in addition to 21 common spaces for the northern phase and 28 for the southern phase. There were two prior approved multifamily residential projects (75 units in 2010 and 67 units in 2015) for this property that were never constructed. Some site work previously undertaken on the properties will be removed. The existing subsurface detention basins on the northern portion of the property will remain and be utilized for this development in addition to a proposed subsurface basin on the southern parcel. There are environmental concerns with respect to existing steep slopes and former mining activity in this area. Each phase will have a single full access roadway connection to Old Irondale Road. County Municipal water and sewer will be utilized. Engineering will review for stormwater management. Mr. Barilla noted that changes from the previous application will require a new review for stormwater management. Information pertaining to former mines in the area will also be reviewed.

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for April 2021. Mr. Eppel seconded the motion and it was approved by roll call vote:

ROLL CALL

VOTE	Aye	Nay	Abs.
Steve Rattner, Chairman	X		
Stephen Shaw, Commissioner Director	-		
Tayfun Selen, Commissioner Liaison	X		
Thomas Mastrangelo, Commissioner Alt.	-		
Isobel Olcott, Vice Chair	X		
Ted Eppel, Secretary	X		
Everton Scott	X		
Nita Galate	-		
Christian Francioli	-		
Dennis Bull, Alt.1	-		
Mohamed Seyam, Alt.2	X		
Christopher Vitz, County Engineer	X		
Roslyn Khurdan, (County Engineer Alt)	-		

Legislative and Municipal

Recent Legislation- Mr. Soriano described Assembly Bill A5547, which would provide grants to local governments to cover the costs of preparation and implementation of forest stewardship plans, noting the bill's importance in relation to a previously introduced bill (S3549) which requires local governments using state funds to prepare and implement forest stewardship plans for preserved recreation and conservation lands with more than 25 acres of forested area.

He then discussed current Senate Bill S3688, which would amend the Municipal Land Use Law to create new requirements for retail warehouses. Under the present Bill, when there is an application to build a retail warehouse, municipalities adjacent to the municipality in which the development is proposed would be notified by this "host" municipality and given the opportunity to adopt a "Resolution of Intermunicipal Concern." When an adjacent municipality adopts this resolution, it would require the creation of and hearing by a "Joint Intermunicipal Board." If concerns about the warehouse could not be resolved by this Board, an adjoining municipality would have the option to appeal approval of the subject warehouse to a new "State Intermunicipal Impact Advisory Board," which would have the power to approve or deny the project. The Bill would also require the development of a "Regional Economic Impact Report" addressing the impacts of the proposed retail warehouse. He noted that the Bill provides a forum for municipalities to resolve intermunicipal concerns, but also gives the State the power to overturn local land use authority concerning this use, setting a precedent for future bills with similar provisions concerning other major developments that may have regional or intermunicipal impacts.

Since the Bill was introduced, two Senate Substitute Bills were submitted by the NJ Association of Counties (NJAC) requiring the involvement of county planning boards and the State Planning Commission (SPC) in the approval process. When an application for a large warehouse, to be defined by the SPC, is made to a municipality, local review would be paused until the application is approved by either a county planning board, or the SPC, depending on whether the host municipality shares a county boundary. If not, a county planning board would have the authority to allow or disallow an application to move forward. If a host or adjacent municipality does not agree with the board's decision, an appeal could be made to the SPC. Warehouse applications in municipalities that share county boundaries would go directly to the SPC for review.

After this first Substitute did not advance out of Committee, a second Substitute was offered by the NJAC nearly identical to the first, with two added provisions. One provision requires a host municipality to update its master plan prior to the approval of a warehouse application, unless it has updated its master plan in the previous 12 months. The other provision requires that if a municipality approves a large warehouse development, the municipality must perform a municipal-wide revaluation or assessment within two years, unless a municipal revaluation or reassessment was performed in the five years prior to the approval.

Mr. Barilla informed the Board that the second Senate Substitute advanced out of Committee that morning. He stated that while the County encourages regional planning, there are many concerns over this Bill and its potential unintended consequences. He noted that these projects are typically contentious, and could place the County at the center of related litigation with associated costs. He

also noted potential staffing issues related to these reviews and the costs of potential litigation, stating that none of the proposed Bills contain a mechanism for the recapture of associated costs.

He also reported his concern that the Bill could open the door to further intrusion by the State on local zoning authority, anticipating that the NJ League of Municipalities would be strongly opposed to further State interference in local land use issues. He stated that low State staffing levels would likely result in more responsibility being placed on counties and that this bill is likely a knee-jerk reaction to some of the large projects being proposed in Monmouth and Ocean Counties. He reported that the bill needs to be substantially reworked and that the NJ Planners Association and NJAC are still providing comments.

Mr. Rattner noted that Warren County is dealing with warehouse project proposals and Mr. Barilla reported that he will be speaking with the Warren County Planning Director on this issue. Ms. Olcott commented on the long tradition in New Jersey of home rule; she felt that many legislators would be uncomfortable with this Bill. She also noted the potential impacts on economic development, and the potential for the County to be placed in a conflict between adjacent municipalities. She stated that the progress of this Bill should be followed by the Board. Mr. Scott and Mr. Rattner noted the lack of clear definition of what qualifies as a large warehouse. Mr. Scott also questioned why the application of a single project should trigger an update of a municipal master plan.

Master Plan & Land Use Ordinance Monthly Reports – Mr. Soriano reported that there were no Master Plans received in this reporting period.

Mr. Soriano provided highlights of the Land Use Ordinance Monthly Report, stating that 16 proposed ordinances and eight adopted ordinances were received in April. Of the proposed ordinances, eight were from Denville addressing affordable housing issues, these being the most significant newly proposed ordinances. Five of the proposed ordinances were to prohibit cannabis sales. Of the eight adopted ordinances, two prohibited the sale of cannabis and three were for stormwater control. He highlighted an ordinance concerning the Combe Landfill Redevelopment Plan in Washington Township that will permit the landfill to be used for solar energy generation.

Long Range Planning

Mr. Soriano reported on two updates to the Office of Planning and Preservation (OPP) website. The first concerned the update to the section in which links are provided to every municipal website and, where available, municipal master plans, land development ordinances and zoning maps. He noted that finding this information on each municipal website can be difficult, especially if a resident is unclear where to look. The County website provides a central location for this type of data. He noted that the County website includes a warning that municipalities may have additional information, that information may be changed without County knowledge or may not be updated to reflect recent changes; the County website directs the user to confirm information with the municipality. He noted that the availability of digital information varies by municipality.

He reported on a second major update to the OPP website concerning the Municipal Profiles section, which summarizes demographics, land use, housing, economic conditions, education and crime data for each Morris County municipality. Data sources include the US Census American

Community Survey, the Department of Community Affairs, NJ Dept. of Labor and Workforce Development, the NJ Department of Education and NJ State Police. Key data is collected and compiled for each municipality and transposed into clear, easy-to-read charts. He noted most demographic data will not change with the rollout of decennial census data anticipated in the fall since the decennial census does not address most of the items included in the profiles.

LIAISON REPORTS

Lake Hopatcong Commission

Mr. Barilla had no report.

Lake Musconetcong Regional Planning Board (LMRPB)

Mr. Rattner reported that the lake lowering had the intended result, to reduce weed growth, which is now all but nonexistent along the lowered shoreline, noting that the action did not impact fish; the fish look healthy and plentiful. Mr. Rattner also reported that the Annual Youth Fishing Contest is scheduled for Sunday, June 13, 2021 at Lakeside Park in Stanhope. The event will run from 9:00 AM to 11:00 AM and is open to ages three to 13.

Musconetcong River Management Council (MRMC) and Musconetcong Watershed Association

Mr. Rattner reported that the Wild & Scenic Film Festival, that supports environmental protection, was held virtually this year and had the best attendance ever recorded. Participants logged-on from 13 states, including Hawaii. He noted that support from the National Park Service is key, as they actively advertise and coordinate this event.

He then spoke about recent meetings held as a result of the MRMC's Annual Congressional Outreach Program, which Mr. Rattner had reported on at the March Planning Board meeting, when he spoke of highlighting the value of funding in this area with representatives and staff in Washington, D.C. He reported that there have been follow up meetings and while many problems have been identified and solutions found, there continues to be a funding problem. He reported that one of the congressmen said that additional funding will be available in the 2023 budget.

Mr. Rattner then reported on the serious concerns of the MRMC membership regarding the inaction by the DEP on numerous violations at a truck stop on Route 78 in Bloomsbury NJ. An application has been submitted to further expand this facility. The DEP continues to ignore existing State and Federal violations and has granted a draft permit that effectively rolls back regulations of the past 25 years. MRMC Executive Director Alan Hunt wrote a detailed letter explaining the deficiencies in the draft permit and the laws they were violating. The DEP has stated that they will not entertain public hearings on the draft permit. Mr. Rattner stated that the situation is frustrating to the three counties and the 18 municipalities that the river runs through, as well as the MRMC, its membership and the many non-government organizations involved in river protection

Morris County Open Space Trust Fund

Mr. Barilla reported that there was one closing this month, the Turkey Brook Park extension, which is 18.0 acres in the Township of Mount Olive. Mr. Rattner noted that Turkey Brook Park was one

of the first areas to be funded by the program and is now over 500 acres, resulting in an incredible recreation area. He noted that the municipality does a great job running the park and commented on the overall quality of the parks in Morris County.

Trail Construction Trust Fund Committee

Ms. Olcott reported that the County Commissioners approved Committee recommendations for changes in the application rules, including a new design application process and a new funding category for minor construction. Ms. Olcott reported that preapplication interviews have begun with municipalities who have expressed interest in applying.

CORRESPONDENCE AND REPORTS RECEIVED

Mr. Barilla had nothing further to report.

REPORT OF MEETINGS

Mr. Rattner noted that the Director's Report provided a comprehensive report of meetings. Ms. Olcott asked when 2020 Census data would become available and Mr. Soriano reported that municipal level data is anticipated in September 2021.

OTHER BUSINESS

There was no other business.

COMMENTS FROM THE PUBLIC

Virginia Michelin acknowledged Cathy Wilson on behalf of the Chairman. Ms. Wilson introduced herself as a resident of Morris Township and expressed interest in the bill concerning warehouses discussed earlier in the meeting and asked Mr. Barilla to elaborate on his comments on regional planning. Mr. Barilla spoke of the need for better communication between municipalities and the County Planning Board, encouraging municipalities to speak with the Board during development of their master plans, particularly when considering zoning changes along their borders. He stated that the County can facilitate their review and provide comments from a regional perspective. Staff can also provide input when a municipality is in the initial stages of redevelopment discussions at which time potential conflicts can be identified, particularly as they relate to county roads and traffic flow and other general regional issues that can be addressed at the beginning of the planning process. Ms. Wilson said that she supports better municipal communication, which is different from assigning approval authority to a higher body as in the bill discussed.

Ms. Wilson asked whether the Whippany River Watershed Action Committee (WRWAC) knows about the Route 10 redevelopment application discussed earlier. Mr. Barilla responded that there are a number of municipal and citizen representatives within the WRWAC group from the various areas through which the river flows. He noted this project will undergo extensive review due to DEP wetlands and flood hazard area permitting requirements and Hanover stormwater requirements. He noted there is always an extensive review, especially with a project along the banks of the river, and when there is a particular concern, the County will reach-out for comment. Ms. Wilson said that Morris Township is particularly vested in the WRWAC, with four representatives on the Committee.

Ms. Wilson asked about the Trail Construction Trust Fund change allowing applicants to submit for a new Minor Construction category. Ms. Olcott explained that this category is useful for municipalities that want to build a simple trail that does not require a major design process. Mr. Barilla noted that a County press release has been issued on the new Trail Construction application process. Ms. Wilson thanked the Board.

Mr. Rattner called for any other members of the Public. There being none, he closed the public portion at 8:11 pm.

NEXT MEETING

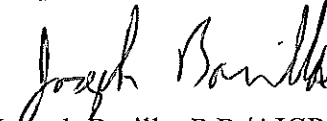
The next meeting is scheduled for June 17, 2021 at 7:00 p.m.

Mr. Rattner closed by thanking staff for the work they have done in support of the Board, noting the challenges of working remotely. The Board concurred.

ADJOURNMENT

At 8:14 p.m., Mr. Vitz moved to adjourn the meeting. All approved by voice vote.

Respectfully submitted,



Joseph Barilla, P.P./AICP
Planning Director

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