

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

30 Schuyler Place  
June 17, 2021

Morristown  
New Jersey

Meeting Held Via WebEx

Chairman Rattner called the Regular Meeting to order at 7:00 p.m.

**OPEN PUBLIC MEETINGS LAW**

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

**ROLL CALL**

Stephen Shaw, Commissioner Director (@ 7:10 pm)	Roslyn Khurdan, Engineer Alternate
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 (@ 7:25pm via phone)	Virginia Michelin, Principal Environmental Planner
Nita Galate	Mike DiGiulio, Senior Planner
Dennis Bull, Alternate #1	Staci L. Santucci, Esq., County Counsel
Mohamed Seyam, Alternate #2	Mary Romance, Recording Secretary

**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 May 20, 2021. Mr. Seyam seconded the motion. Mr. Rattner called for questions or comments and there being none, the motion was approved by voice vote. Ms. Galate and Mr. Bull abstained.

**DIRECTOR'S REPORT**

The Director's Report for May 2021 was reviewed and accepted. Responding to Ms. Galate's question regarding the description of ArcPro activities in the Director's Report, Mr. Barilla noted that the ArcPro software is a new version of the ArcMap GIS software.

## REPORT OF FUNDS RECEIVED

Funds received for May were \$13,050. Year-to-date revenues totaled \$71,495.

## FUTURE MEETINGS

Mr. Barilla said that he will provide reports under the appropriate categories.

## COMMITTEE REPORTS

### Environmental and Watershed

*County Wastewater Management Plan (WMP)* – Mr. Barilla indicated that he and Environmental Planner Virginia Michelin will be attending future meetings with the New Jersey Department of Environmental Protection (DEP). He noted past progress with the New Jersey County Planning Association (NJCPA) and the DEP, but also that there have been some recent difficulties with the DEP requiring renewed focus on advancement of the WMP chapters.

*County Watershed Activities* – Mr. Barilla said that he anticipates meeting with the president of the Rockaway River Watershed Cabinet to discuss recent Cabinet activities.

*Stormwater Ordinance and Plan Review* – Mr. Barilla reported that the County has received and reviewed 36 new stormwater ordinances. He anticipates receiving ordinances from the remaining three municipalities within the next couple of weeks.

### Land Subdivision and Zoning

*Developments Reviewed* – Ms. Olcott reported that the Land Development Review Committee meeting was held on June 15, 2021, noting that recent applications continue to focus on redevelopment with mixed-use and affordable housing. Ms. Olcott then highlighted three applications:

**Mt. Arlington, Station Square, 2021-26-2-SP-0 County Route 615)** - This site plan is for a partial redevelopment of the existing Mt. Arlington Plaza shopping center. A small section of the existing shopping center and a standalone bank building will be removed and replaced by two new structures. The first will be a four-story structure with retail on the first floor and 24 total apartment units on floors two through four. The second structure will replace the bank and will be five stories with a total of 47 apartment units. In addition, 12 new parking spaces will be added for a total of 277 parking spaces. There will be a small increase in impervious coverage. The existing site access will be unchanged, and includes a full access shared driveway connection to Hillside Avenue and a full access driveway connection to Howard Boulevard. County Engineering will review for traffic and stormwater management. Ms. Olcott indicated that Mr. Vitz has agreed to review any potential issues related to the speed limit of Howard Blvd. at this location.

**Rockaway Borough, 74 West Main Street Urban Renewal, 2021-34-2-SP-0 (County Route 513)** - This application is for a site plan and a minor subdivision of a 7.8-acre parcel with an existing single-family home. The minor subdivision will create two lots, one for the development (7.03 acres) and the second for the existing single-family home (.6 acres) with access to Mt.

Pleasant Avenue. There are proposed right-of-way dedications to both the County for West Main Street and the Borough for Mount Pleasant Avenue. The site plan is for a 70 unit (100% affordable) three story senior apartment building with 86 parking spaces. There are two proposed driveway connections to West Main Street, a full access driveway and an entrance only driveway. Stormwater management includes a subsurface detention basin within the parking lot, improvement to the remains of the Morris Canal (to be used as a surface detention basin) and a surface detention/infiltration basin. The applicant has proposed to improve part of the existing County collection system for West Main Street which outfalls on to municipal park property.

There is a proposed 8-foot-wide walking path proposed near the old Morris Canal. Exercise stations and benches are also proposed. There is also a proposed crosswalk from this property to an existing sidewalk providing access to the municipal park. County Engineering will review for stormwater management, upgrades to the West Main Street stormwater collection system, right-of-way dedication, driveways and crosswalk. Mr. Perry noted that the County drainage system on this section of Main Street flows back towards the municipal parkland through an easement and that the applicant will be replacing the pipe, increasing its capacity. The County will also work with the municipality regarding the outfall and will send out additional comments regarding this issue.

**Wharton, Wharton Main Street Housing, 2021-39-2-SP-0 2021-39-2-M-0 (County Route 634)** -This application involves a site plan for separate structures to be constructed on separate lots. The minor subdivision will create two lots, one for a four-bedroom group home and the other for a three-story 11-unit apartment building (100% affordable) with 13 parking spaces. Access for both properties will be from the municipal road. Drywells are proposed for the infiltration of rooftop stormwater runoff for both buildings and a portion of the proposed parking lot for the apartment building will be constructed with pervious pavers. County Engineering will review for stormwater management.

Ms. Olcott then addressed an application discussed last month, a site plan in Hanover Township, which had been withheld due to inadequate information on traffic.

**Hanover, Hanover Towne Center & Hanover Towne Center Commercial, 2021-12-1-SP-0, 2021-12-1-P-0 & 2021-12-2-SP-0 (Route 10)** - This application is for the redevelopment of an existing multi-tenant/multi-structure commercial property and two single-family residences to a 161,581 square foot big box discount club with a fueling center and 60 townhome units on 23.4 acres. A total of 808 surface parking spaces are proposed. Access for the discount club will be from a right-in/right-out driveway connection to Route 10 east and a full access driveway connection at the signalized intersection at the jug handle for Route 10 west. Access for the 60 townhomes will be from a driveway connection to Mount Pleasant Avenue. There is a proposed emergency access between Mount Pleasant Avenue and the parking lot and then from the parking lot to the exit driveway at the signalized intersection. The 60 townhomes are all market rate; a separate 210-unit senior rental structure, of which 60 units shall be affordable units, is to be constructed at 190 Park Avenue to provide the required affordable units for both projects. The existing Patriots Path from Mount Pleasant Avenue to the signalized jug handle will be relocated and a new spur will be provided through the residential project to the Aidekman Jewish Community Campus Greater MetroWest and then ultimately connect with a spur through the River Edge project to the southwest. Ms. Olcott stated that the traffic study has been approved and she recommended approving this major redevelopment. Mr. Perry noted that the municipality owns

the portion of the Patriots Path to be relocated. Dave Helmer of the Morris County Park Commission has been consulted with regards to the proposed Patriots Path relocation and he has no objections.

**Land Development Review Standards:** Mr. Barilla discussed the status of the update to the Land Development Review Application form concerning a new option to permit application fees to be paid electronically. This is being done in concert with the County Treasurer’s Office, which is expanding ways in which payments can be accepted for various fees and services for all relevant departments. He stated that details still needed to be worked-out with the IT Department and would therefore be tabling any action until the next Planning Board meeting. Mr. Barilla also noted that options are being considered concerning the submittal of digital applications and associated materials. He expects details to be worked out before the next meeting of the Land Development Review Committee, noting that hard copies of applications will continue to be required for review and administrative purposes. Digital application packages will be used for future digital archiving purposes.

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

**ROLL CALL**

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

**Legislative and Municipal**

**Recent Legislation-** Mr. Soriano highlighted two new bills concerning farmland, the first being Senate Bill S3839, which would change farmland assessment requirements for forested lands, exempting such lands from woodland management plan requirements when devoted to a USDA specialty crop. The second was Assembly Bill A5793, which would amend the Local Redevelopment and Housing Law to change the definition of redevelopment area and rehabilitation area to not include any farmland assessed properties. He noted incidents of municipalities defining active farmland as “blighted” and in need of redevelopment in response to development proposals.

He then highlighted two new bills addressing climate change, the first being Assembly Bill A5797, which requires state and county hazard mitigation plans to include climate change related threat assessments and hazard prevention/mitigation strategies. The second bill was Assembly Bill A5796 which requires water purveyors and owners of wastewater treatment facilities to consider climate change-related issues in asset management planning.

Of bills already being tracked, he noted three energy bills that passed both houses in the Legislature, these being Assembly Bill A3352, which requires all new warehouses to be solar ready, Senate Bill S3223, which makes electric vehicle charging stations a permitted accessory use in all zones, and Senate Bill S2142, which encourages development of zero-emission fueling and charging infrastructure in redevelopment projects.

Mr. Soriano reported that there has been no movement on Senate Bill S3688, concerning proposed county and state review of large warehouses. Responding to Commissioner Director Shaw's inquiry, he also reported that there had been no further action taken on the un-introduced bill concerning potential expansion of the authority of county planning boards for projects impacting county roads.

***Master Plan & Land Use Ordinance Monthly Reports*** – Mr. Soriano reported that one master plan amendment was received from Madison regarding their Housing Element and Fair Share Plan. He stated that it concerned redefining the categorization of two projects. There was no change in the affordable housing obligation or methods of addressing this obligation.

Mr. Sitlick then provided highlights of the Land Use Ordinance Monthly Report, stating that 23 ordinances were processed in May, including 10 introduced and 13 adopted ordinances. All but two of the introduced ordinances concerned cannabis sales. Of ordinances adopted, the bulk concerned Roxbury affordable housing ordinances with others concerning stormwater management and the prohibition of cannabis. Mr. Rattner brought up the topic of licensed cannabis delivery services, which Mr. Sitlick addressed. He stated that municipalities cannot block licensed delivery services that are located outside of the municipality from delivering cannabis to people inside of their municipality. Ms. Galate noted that many municipalities are voting to prohibit such facilities at this time to avoid automatic approvals as provided for under the legislation. This “opt-out” gives them more time to consider whether or not to permit certain cannabis uses and under what conditions.

### **Long Range Planning**

***Generalized Zoning Map Update*** – Mr. Sitlick reported on the updated Generalized Zoning Map, reporting that this map combines the 784 primary and distinct zoning districts collectively adopted throughout the County into eleven “generalized” categories. For 2021, the largest zone category remains Large Lot Single-Family (3 acres or more) at 31.5%, followed by Small Lot Single-Family (1 acre or less) at 22.3% and Medium Lot Single-Family (1 to 3 acres), at 16.6%. Rounding out the top 5 is land zoned for Public/Institutional use (13.5%) and land zoned for strictly Commercial or Industrial Use (7.9%).

He reported that from the beginning of 2020 to May 2021, the greatest percentage increase was in the Medium Density Multi-Family category, up 5.9%, followed by Mixed-Use, up 2.3%, and

Multi-Family, up 1.9%.The greatest percentage decrease was in the Commercial/Industrial category, down 0.7%, followed by Retail / Service, down 0.4%, and Public/Institutional, down 0.2%. Large Lot Single-Family was down only 0.1%.

He reported that most of these changes were driven by the rezoning of sites from Commercial/Industrial and Retail/Service to permit inclusionary multi-family development. In some cases, municipally owned Public/Institutional sites were rezoned to permit inclusionary multi-family as well. He identified examples of this phenomena from Hanover Township, Randolph Township and Roxbury Township.

## **LIAISON REPORTS**

### **Lake Hopatcong Commission**

Mr. Barilla noted that Harmful Algae Blooms (HABs) continue to dominate concerns this year and reported that he attended a presentation at the recent New Jersey Planning & Redevelopment Conference highlighting municipal projects to combat this problem.

### **Lake Musconetcong Regional Planning Board (LMRPB)/ Musconetcong River Management Council (MRMC) and Musconetcong Watershed Association**

Mr. Rattner reported that the LMRPB and the MRMC will be getting HAB sensors, funded by the State and that these will be monitored and reported to the State for tracking. The State is also providing funding for real-time bacteria sampling. He also reported log blockage along the Musconetcong River. He then reported on the annual Lake Musconetcong Fishing Contest, which was very well attended, noting that a seven-year-old caught a 17-inch Bass and a 13-inch Trout, both indicators of a healthy lake. The top winner was a 13-year old who caught 20 fish in 2-hour period.

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

Ms. Galate reported that the Committee is continuing to review diversions in Harding and Parsippany. She also reported that Chester Township has been leasing Black River Fields for twenty years from the West Morris Regional High School District, but after receiving funding from the Preservation Trust in 2019, they had a groundbreaking in May 2021 for the improvement of recreational facilities on this 45-acre property.

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

Ms. Olcott had no report, except to affirm funding applications will be submitted in July. Mr. Barilla noted that there have been several preapplication meetings and a couple of final payment inspections over the last month.

Commissioner Director Shaw reported that the County is working to increase promotion of all programs and that he was recently featured in a public service commercial as the grant process was opening up. He stated that County Communications Director Brian Murray intends to continue highlighting these public programs which benefit Morris County citizens and organizations. Ms. Olcott noted that increased knowledge of the Trail Construction Trust Fund will benefit the public.

## **CORRESPONDENCE AND REPORTS RECEIVED**

Mr. Barilla stated that he would address correspondence and reports received under heading of Report of Meetings.

### **REPORT OF MEETINGS**

Mr. Barilla reported that a survey concerning the Farmland Preservation Program would be going out to all municipalities within the week and posted on the County website to gather information from the public concerning the Farmland Preservation Program and to provide education on the program. This will also give citizens and municipalities the opportunity to relay their opinion as to areas where preservation efforts should be targeted. He also reported on the Historic Preservation meeting held on Wednesday, June 16, 2021 at which project funding was discussed. Recommendations will be presented to the County Commissioners at their work session meeting on June 23, 2021.

### **OTHER BUSINESS**

*Climate Change Resilience Strategy* - Mr. Soriano reported on the release of the DEP's Climate Change Resilience Strategy report. He stated the Strategy was developed in accordance with Executive Order 89, which established a Climate and Flood Resilience Program within the DEP and the Interagency Council of Climate Resilience, comprised of 17 state agencies, such as the DEP, DCA, DOT, BPU, Agriculture, Health, Banking and others. The purpose of the Council is to develop statewide policies to promote and protect the "physical, economic, social vitality and resilience of New Jersey's communities from the current and anticipated impacts of Climate Change." Mr. Soriano stated that the DEP first developed the 2020 New Jersey Science Climate Change Report, which summarizes current climate change data and existing and anticipated effects of climate change. The 120-page Climate Change Resilience Strategy document builds on the findings of this earlier report and is meant to begin discussion on potential resilience actions of state agencies, but it does not provide a specific work program or identify specific proposals for rule changes. Instead, it provides a framework that state agencies may use in the development of work plans and proposals to address the issues included in the report. The report focuses on six priority areas and includes 125 general recommendations and associated text. He stated that he was bringing this to the attention of the Board because the results of this state-agency review will eventually be incorporated into various rule proposals and requirements impact county and local planning. He anticipates the DEP will release rule change proposals by the end of the year.

### **COMMENTS FROM THE PUBLIC**

Chairman Rattner called for comments from the public and Ms. Michelin acknowledged Cathy Wilson as waiting to comment. Ms. Wilson identified herself as a resident of Morris Township and asked Mr. Barilla to elaborate on the process for County site plan review, noting the previously discussed project on Route 10 in Hanover Township. Mr. Barilla explained that the applicant submissions to the municipality and to the county coincide so that the reviews run concurrent with each other. Ms. Olcott addressed Ms. Wilson's question concerning the place that a concept plan has in the site plan review process, noting that a potential applicant might submit a concept plan as a point of discussion prior to submitting a formal site plan. Formal site plan or subdivision review includes the review of proposed plans against County planning standards for traffic and drainage. The municipality reviews components that are under their authority.

Ms. Wilson then asked Mr. Soriano for the bill number concerning the prohibition of defining assessed farmland as blighted for the purposes of redevelopment, stating that she thought the bill was significant. She also asked for the bill number concerning the making of electric vehicle charging stations a permitted use in all zone. Mr. Soriano identified both bills.

Ms. Wilson then asked Mr. Barilla to clarify what was being sent to municipalities concerning farmland. Mr. Barilla indicated that a questionnaire was being sent related to farmland preservation, what properties might be well suited for preservation, gauging the public's knowledge of the program and seeking input from municipalities. He stated that the Farmland Preservation Program is in the process of being updated, and this information will be reviewed and considered as part of this update process.

Ms. Wilson then asked about plans for resuming in-person meetings. Mr. Barilla noted that there will be in-person meetings again, but that various issues are under consideration, including a hybrid model for future meetings. Ms. Wilson expressed interest in the future hybrid meetings.

Mr. Rattner called for any other members of the Public. There being none, he closed the public portion at 8:06 pm.

#### **NEXT MEETING**

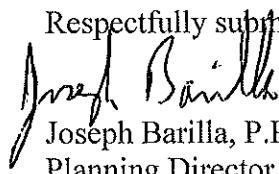
The next meeting is scheduled for June 17, 2021 at 7:00 p.m.

Mr. Rattner closed by thanking Ms. Michelin and Ms. Romance for their assistance with issues he had with the OneDrive system, stating that he appreciated the effort they put in to make it all work.

Commissioner Director Shaw expressed his appreciation for the work of the Complete Count Committee, headed-up by Ms. Olcott. Morris County received a plaque recognizing the achievement of the County as having the best response rate in the State. He also noted that County Administration was very supportive of this effort, noting Ms. Deena Leary, Assistant County Administrator, and her involvement throughout the process. Commissioner Director Shaw also indicated that the long term plan for meetings is to outfit conference rooms so that a hybrid approach to future meetings could be used.

#### **ADJOURNMENT**

At 8:11 p.m., Ms. Khurdan moved to adjourn the meeting, seconded by Ms. Olcott. 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.*