

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

30 Schuyler Place  
May 18, 2023

Morristown  
New Jersey

Meeting Held Via WebEx

Chairman Rattner called the Regular Meeting to order at 7:04 p.m.

**OPEN PUBLIC MEETINGS LAW**

Chairman Rattner stated that the Secretary of the Board provided public notice of this meeting 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**

Those present were:

Commissioner Stephen Shaw	Joe Barilla, Director, Planning and Preservation
Steve Rattner, Chairman	Virginia Michelin, Assistant Director, Planning and Preservation
Isobel Olcott, Vice-Chair	Staci L. Santucci, Esq., County Counsel
Everton Scott	Greg Perry, Supervising Planner
Nita Galate, Secretary (late 7:50)	Anthony Soriano, Supervising Planner
Mohamed Seyam	Mike DiGiulio, Senior Planner
Dennis Bull, Alt.1	Alyssa Ercan, Recording Secretary
Gregory Johnsen, Alt. 2	
Christopher Vitz, County Engineer	

**STATEMENT REGARDING COMPLIANCE WITH OPEN PUBLIC MEETINGS LAW**

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

**REVIEW OF MINUTES**

Vice-Chair Olcott moved the Planning Board Meeting Minutes of April 20, 2023. Mr. Scott seconded the motion. The motion was approved by roll call vote.

**ROLL CALL**

VOTE	Aye	Nay	Abstain
Steve Rattner, Chairman	X		
Stephen Shaw, Commissioner			X
John Krickus, Commissioner Director	-		
Thomas Mastrangelo, Commissioner Alt.	-		
Isobel Olcott, Vice Chair	X		
Nita Galate, Secretary	-		
Everton Scott	X		
Ted Eppel	-		
Mohamed Seyam			X
Dennis Bull, Alt.1	X		
Gregory Johnsen, Alt.2			X
Christopher Vitz, County Engineer	X		
Roslyn Khurdan, (County Engineer Alt)	-		

**DIRECTOR’S REPORT**

The Director’s Report for April 2023 was reviewed and accepted by the Board and will be placed on file.

**REPORT OF FUNDS RECEIVED**

Funds received for April 2023 were \$8,020.

**FUTURE MEETINGS**

Chairman Rattner noted that all future meetings were listed in the Director’s Report.

**COMMITTEE REPORTS**

**Environmental and Watershed**

*County Wastewater Management Plan* – Mr. Barilla reported that county planners attended a meeting with the Department of Environmental Protection (DEP) and that there will be more information from that meeting in the future. He reported that staff continues to work on wastewater management plan amendments and buildout analysis and noted work being performed by Virginia Michelin regarding a capacity analysis for Mount Arlington.

*County Watershed Activities* – Mr. Barilla reported on last month’s meeting with Congresswoman Sherrill regarding the Army Corp of Engineers study on the flooding in the Whippany River Watershed. Mr. Barilla noted that there will be more funds necessary to address the problem, but he hopes the process can start with actions such as de-snagging and analysis of properties without stormwater control.

Commissioner Shaw reported that multiple municipalities have been working together regarding the Whippany Watershed issues and that he anticipates that some additional grant funding will be coming from the federal level. He also reported that Colliers Engineering flew a helicopter equipped with advanced technology the length of the Whippany River to survey the watershed.

**Land Subdivision and Zoning**

*Developments Reviewed* – Ms. Olcott highlighted the following item from the Land Development Review Committee meeting held on May 17, 2023.

- Randolph, 1192 Sussex Turnpike, 2023-32-6-M-0 (County Route 617)**
- Randolph, 1192 Sussex Turnpike-Residential, 2023-32-6-SP-0 (County Route 617)**
- Randolph, 1192 Sussex Turnpike-Retail, 2023-32-7-SP-0 (County Route 617)**

This site plan concerns a redevelopment and a minor subdivision combining three lots into two. The existing structures on the properties will be removed and the rear of the property will feature a townhome development accessible from Woodland Terrace, a municipal road. The front of the property will feature a three-story mixed use (building 6,022 square feet of retail & ten apartment units) Some of these units will be affordable housing. The stormwater management for this redevelopment will include two bioretention basins with a connection to the Sussex Turnpike stormwater collection system. Mr. Vitz added that the proposed plan does not meet the County’s dimensions for two driveways on a county road and there are some concerns regarding site distance. Mr. Perry noted that the size of the development does not require a second driveway.

Vice-Chair Olcott made a motion to approve the Report of Actions Taken on Development Plans for April 2023. Mr. Scott seconded the motion, and it was approved by roll call vote.

**ROLL CALL**

VOTE	Aye	Nay	Abstain
Steve Rattner, Chairman	X		
Stephen Shaw, Commissioner	X		
John Krickus, Commissioner Director	-		
Thomas Mastrangelo, Commissioner Alt.	-		
Isobel Olcott, Vice Chair	X		
Nita Galate, Secretary	-		
Everton Scott	X		
Ted Eppel	-		
Mohamed Seyam	X		
Dennis Bull, Alt.1	X		
Gregory Johnsen, Alt.2	X		
Christopher Vitz, County Engineer	X		
Roslyn Khurdan, (County Engineer Alt)	-		

## **Legislative and Municipal**

**Recent Legislation-** Mr. Soriano reported on Assembly Bill A5383 which would ban foreign ownership of agricultural/horticultural or woodlands in the State and on Senate Bill S3739 which would delay the fourth round of affordable housing obligations until July 1, 2028. He then reported that Assembly Bill A179 was signed into law and will require the DEP to publish on its website each mitigation plan, annual certification, and asset management plan report submitted by water purveyors under the Water Quality Accountability Act.

Mr. Scott asked Mr. Soriano what the rationale was for delaying the fourth round of affordable housing obligations and Mr. Soriano explained that the legislation cites the COVID-19 pandemic and current economic hardships facing municipalities as reasons for the delay.

**Master Plan & Land Use Ordinance Monthly Reports** – Mr. Soriano reported on receipt of the 2023 Denville Township Master Plan and Reexamination Report, which updates the Township’s 2000 comprehensive Master Plan. He noted that the Plan included very detailed updates of demographic and economic data with new elements addressing Land Use, Historic Preservation, and Housing. Mr. Soriano reported that amendments include a climate change-related hazard vulnerability assessment, which is now required under law as part of all municipal land use plans.

Mr. Soriano reported on the March Land Use Ordinance Monthly Report, stating that the Office of Planning and Preservation received five proposed and thirteen adopted ordinances. He highlighted a change in the zoning in East Hanover related to the former 195-acre Novartis site, located at the intersection of Route 10 and Ridgedale Avenue. The current zoning would allow for the development of warehouse storage and distribution whereas the proposed zoning would eliminate this from the list of permitted uses. Mr. Soriano explained that the ordinance introduction references the State Planning Commission warehouse guidelines and notes concern related to the impact large-scale warehouse development would have at this site due to its proximity to Route 10, Ridgedale Avenue, and surrounding residential and commercial uses.

Mr. Soriano also reported on Morristown’s revised land development ordinance, which includes hundreds of changes primarily related to its new form-based zoning code.

Ms. Olcott asked Mr. Soriano how the East Hanover zoning ordinance affects the previous site plan approval by the Land Development Review Committee for this site. Mr. Barilla clarified that this ordinance would apply to additional areas of the property that have yet to be developed.

## **Long Range Planning**

Open Space Element Update – Mr. Soriano reported that staff has received open space inventory information from all municipalities and completed follow ups related to clarifications on the data received. The data has been entered into the Public Lands Inventory database. Staff are currently reviewing data available from the state open space database, as well as what has been received from the Municipal Utilities Authority, and have been inputting any missing data into the county database. They have also been researching data related to major regional trails and greenways in the county.

Environmental Justice Regulation Update – Mr. Soriano reported that new Environmental Justice regulations were adopted on April 17, 2023, explaining that the intent is to address the cumulative

impacts of pollution on local overburdened low income and minority communities that have been historically subjected to a disproportionately high number of environmental and public health stressors such as air pollution, water pollution, and contaminated sites. The state defines overburdened communities based on a set of criteria created by the DEP and established on a U.S. Census block level basis. Therefore, there can be specific areas of a municipality that meet the criteria as overburdened and other areas that do not.

Mr. Soriano noted that about 25,800 acres (8.4%) of Morris County is considered overburdened which includes about 111,000 persons (22% of the population). Overburdened areas as per DEP criteria include all or parts of 20 Morris County municipalities. Of the 20 municipalities, Dover, Victory Gardens and Wharton are deemed 100% overburdened. Regulations require anyone seeking a permit for a new or expanded major pollution generating facility located in an overburdened community to undergo a special environmental and public health review before they can obtain a DEP permit related to that facility.

## **LIASION REPORTS**

### **Lake Hopatcong Commission**

Mr. Barilla reported that consultants have begun working on the aeration water quality project and that he will keep the Board informed on the progress. He also noted that the Lake Hopatcong Commission is continuing to focus on past issues such as water quality and weed harvesting. Mr. Rattner added that the large rainfall amounts that fell in May have filled the lake and will help with water temperature.

### **Lake Musconetcong Regional Planning Board / Musconetcong River Management Council and Musconetcong Watershed Association**

Mr. Rattner stated there was nothing to report.

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

Mr. Scott reported that there was one closing of about five acres in the Borough of Wharton for the creation of Orchard Mine Park. The property currently serves as equipment storage for a landscaping business, with various garages and an office building. Wharton plans to transform the property into a passive recreational park which highlights and complements the pond. He explained that the design for the park will utilize natural features and include pedestrian access to the waterfront of the pond via trails, a viewing platform with seating, a plaza in the approximate location of Orchard Mine, the use of meadows, a native garden along the lakefront, a rain garden, and an allee of trees along the entrance to the park. Mr. Scott reported that Open Space applications and appraisals are due Friday, June 9.

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

Ms. Olcott reported that the 2023 Trail Construction Grant applications are now available and that there will be an orientation workshop for those interested in applying on May 23 at 1:00 PM.

## **CORRESPONDENCE AND REPORTS RECEIVED**

Highlands Warehousing Planning Standards – Mr. Barilla reported that the standards developed by the Highlands Council are less applicable in Morris County since most warehouses are being constructed as redevelopments in areas suitable for warehouse use. He noted that in other counties such as Warren and parts of Hunterdon, the warehouse development issue presents a greater challenge since they do not have the infrastructure to support the warehousing being proposed. Mr. Barilla explained that the Highlands warehouse standards identify the types of areas where warehousing would be best suited, specifically where road networks and existing utilities can handle the development, and areas where warehouse development will not threaten endangered species or compromise water quality. He stated that the Morris County Master Plan is in sync with the standards established by the Highlands Council.

## **REPORT OF MEETINGS**

Mount Arlington Borough State Plan Endorsement Pre-Petition Meeting –Mr. Soriano reported that he attended a State Office of Planning Advocacy meeting on May 9 concerning Mount Arlington, which is considering whether to go through the State Plan Endorsement process. He explained that Plan Endorsement is a process in which the municipality aligns their planning documents and regulations to be in conformance with the State Plan. He noted that meeting attendees included representatives from the Office of Planning Advocacy, Department of Environmental Protection, Department of Transportation, Department of Community Affairs and Highlands Council. State representatives described the process and many actions that would have to be undertaken by the Borough to achieve State Plan endorsement. After going over these items, the Highlands representative indicated that an alternative path to Plan Endorsement was for the municipality to seek Highlands Plan conformance, explaining that under a Memorandum of Understanding with the Office of Planning Advocacy, Highlands Plan Conformance automatically grants a municipality State Plan Endorsement. The Highlands representative also noted that, unlike the Office of Planning Advocacy, the Highlands Council could provide funding that could be used to address Highlands conformance requirements, which are similar to those required for State Plan Endorsement. Mr. Soriano explained that this meeting was largely a listening session for Mount Arlington to consider the various requirements and to help in consideration of whether either path was worth pursuing.

## **OTHER BUSINESS**

New Jersey Statewide Water Supply Plan Update –Ms. Michelin reported that the Department of Environmental Protection is currently working on the 2023-2028 Water Supply Plan and that the DEP is accepting feedback from the public. The Plan will focus on four priority areas: climate change, environmental justice and equity issues related to water supply management, specific water management recommendations for stressed water resources and extending the planning period from 2040 to 2050. Ms. Michelin plans to attend the virtual Water Advisory Council meeting for more updates and reported that the draft plan is scheduled to be available online in the Spring of 2023. Once the plan is published, the DEP will be holding public meetings.

Ms. Olcott asked Ms. Michelin if the DEP is tracking wells as a water source. She replied that she is not sure if private wells will be included in the new study.

**COMMENTS FROM THE PUBLIC**

There were no comments from the public.

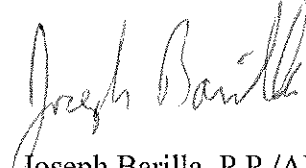
**NEXT MEETING**

The next meeting will be on June 15, 2023.

**ADJOURNMENT**

At 7:55 pm, Mr. Vitz moved to adjourn the meeting. Ms. Olcott seconded the motion, and all approved by voice vote.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joseph Barilla".

Joseph Barilla, P.P./AICP  
Planning Director

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

