

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

30 Schuyler Place  
January 21, 2010

Morristown  
New Jersey

**CALL TO ORDER**

Chairman Falkoski called the meeting to order at 7:30 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 27, 2009.

**ROLL CALL**

Those present were:

Joseph Falkoski, Chairman  
Steve Rattner, Vice-Chair  
Isobel Olcott, Sec.  
Steve Hammond, County Engineer  
Stu Klatzman  
Everton Scott  
Ted Eppel  
Ed McCarthy, Alt. 1

Barry Marell, Board Attorney  
Christine Marion, Planning Director  
Tony Soriano, Supervising Planner  
Greg Perry, Principal Planner  
Rene Axelrod, Recording Secretary

**2010 PLANNING BOARD APPOINTMENTS**

The Morris County Board of Chosen Freeholders made the following appointments to the Planning Board for 2010: Joseph Falkoski and Everton Scott (Regular Members each for a term of three years), Edward McCarthy (Alternate #1), and Paul VanGelder (Alternate #2).

**ELECTION OF OFFICERS**

Ms. Marion, as Interim Chair, opened the floor for nominations for the Planning Board Chair. Ms. Olcott made a motion to nominate Joseph Falkoski as Planning Board Chair and Mr. Eppel seconded. No other nominations for Chair were made; nominations were closed and all voted in favor of Mr. Falkoski as Chair. Mr. Falkoski resumed the chairmanship and opened nominations for Vice-Chair. Ms. Olcott nominated Steve Rattner and Mr. Klatzman seconded. No other nominations were made; nominations were closed and all voted in favor of Mr. Rattner as Vice-Chair. Mr. Falkoski then opened nominations for Board Secretary. Mr. Klatzman nominated Ms. Olcott for Board Secretary; Mr. Rattner seconded. No other nominations were made; nominations were closed and all voted in favor of Ms. Olcott as Board Secretary.

## **COMMITTEE APPOINTMENTS**

Chairman Falkoski suggested keeping all Committee Appointments the same. All agreed.

## **REVIEW OF MINUTES**

Ms. Olcott moved approval of the minutes of the November 5, 2009 meeting. The motion was seconded by Mr. Scott and unanimously approved by voice vote.

## **DIRECTOR'S REPORT**

The November 2009 and December 2009 Director's Reports were accepted by the Board and will be placed on file.

In order to reduce waste and costs of copying, paper and mailing, Ms. Marion informed members that information for Planning Board meetings is now sent by e-mail to all members prior to the meeting. Instead of paper copies, meeting documents will be viewed on a screen. She recommended that paper copies be provided at the meeting only for those items on which the Planning Board will be taking action. However, the Board members stated that it would not be necessary to provide a paper copy of the minutes for each member since the minutes were provided in advance to each member and were available electronically at the meeting. Paper copies of additional materials will be provided upon request by Board members. The Planning Board was in favor with the new approach.

## **REPORT OF FUNDS RECEIVED**

Funds received for November 2009 totaled \$20,540.00  
Funds received for December 2009 totaled \$4,902.25.

## **FUTURE MEETINGS**

Ms. Marion stated that she and staff will be attending a County Planners Association Meeting tomorrow, January 23, 2010. The current acting Director of OSG and a representative from New Jersey Future will talk about proposed changes to the State Plan and State Planning Commission. Mr. Soriano said that he attended the most recent meeting of the State Planning Commission, which was to approve the Draft Final State Plan for release for the required public hearings. Instead, the State Planning Commission postponed the approval of the draft Final State Plan to give the new Governor's transition team an opportunity to review and comment on the document.

Ms. Marion stated that on Wednesday January 27, 2010, she will be giving a presentation to the Ten Towns Great Swamp Committee on the Wastewater Management Plan.

Ms. Marion informed members that the Town of Dover adopted the first "Form-Based Code" in Morris County. She spoke to Michael Hantson, Dover's Engineer and Planner, who is willing to give a presentation on Dover's plans for its downtown to the Morris County Planning Board.

## COMMITTEE REPORTS

### **Environment and Watershed**

Wastewater Management Plan – Ms. Marion informed members that the Interim Draft Wastewater Management Plan was submitted to the Department of Environmental Protection on December 31, 2009. The report consists of 37 municipal chapters, of which eight are place holders for municipalities that petitioned for conformance with the Highlands Regional Master Plan. The document includes two tables showing the results of the septic and sewer capacity analysis. Ms. Marion stated that 30 to 40 percent of the municipalities have some sort of deficit with sewer or septic capacity. She indicated that addressing these deficits will require the development of creative solutions and cooperation between the NJDEP and the municipalities.

Ms. Marion informed members that Ms. Virginia Michelin, Mr. Howard Matteson, Wastewater Management Plan consultant, and she are scheduled to give a presentation on the Interim Draft Plan to the Morris County Freeholders on January 27, 2010. She also stated that the Interim Draft Plan and associated mapping will be posted on the County website over the next few weeks.

### **Land Subdivision and Zoning**

*Developments Reviewed* – Mr. Rattner stated that the Committee met twice since the last Planning Board meeting in November 2009. The Committee reviewed a number of large projects in November 2009. Mr. Rattner reported on the Green at Florham Park project and the Marveland Estates application in Mount Olive Township. He also described the N.Y.S. & W. Railway Corporation application in the Borough of Riverdale, which proposes a rail unloading facility for temporary brick storage. Chairman Falkoski explained some of the details. A discussion followed.

Mr. Rattner reported that there were only five new submissions for the month of December 2009. He described the Dover Gas Snack Store application on Mt. Hope Avenue at Route 46 in Dover. and the Hartington Trust Subdivision, at James Street and Van Beuren Road in Harding. Ms. Olcott gave some additional background on this subdivision.

Mr. Rattner highlighted several applications for January 2010 from the Committee Report. J.P. Morgan Chase Bank, at East Clinton Street and North Morris Street in the Town of Dover are looking to expand with a fourth drive-through lane. He also reported that Wharton Borough is proposing to convert the former vacant Birmingham Funeral Home to a doctor's office.

Mr. Klatzman made a motion to approve the Report of Actions Taken on Development Plans for November 2009 and the Report of Actions Taken on Development Plans for December 2009. The motion was seconded by Mr. Eppel and approved by voice vote.

## **Legislative and Municipal**

***Recent Legislation*** – Mr. Soriano informed the Board that the Legislative Action Report represented the last actions of the 2008-2009 Legislative Session. On the first day of the 2009-2010 Legislative Session, the Legislature reintroduced many bills not passed in the previous session, of which nearly 200 were monitored by staff. Mr. Soriano stated that a list of the reintroduced bills was sent to the Legislative Committee and that he would make this available to other members of the Board if requested. .

Mr. Soriano reported on several bills signed into law by Governor Corzine in the final days of his term of office. S713 (P.L.2009, c.256) establishes a forest stewardship and forest certification program in DEP, which provides special tax treatment for landowners that obtain certified forest stewardship plans from the NJDEP. A4347 (P.L.2009, c.336.) extends the expiration of certain permits pursuant to the 2008 Permit Extension Act. He noted that the Act does not extend permits in the Highlands Region, so that only permits issued for development in the seven Morris municipalities outside the Highlands could be extended.

Mr. Soriano noted that a bill that would have extended the wastewater management plan submission date to 2011 passed both houses, but was vetoed by the Governor. He noted that the bill was reintroduced in the new session. Finally, Mr. Soriano informed the members of Senate Bill S1, which proposes to abolish COAH and transfer its functions to the State Planning Commission. Mr. Soriano then briefly described a series of executive orders issued by the Governor.

***Master Plan & Land Use Ordinance Monthly Report*** – Mr. Soriano provided a brief summary on the reexamination report from the Township of Pequannock, the only master plan document received.

Mr. Soriano reported that during the month of November 2009 and December 2009, the office processed a total of 33 ordinances, consisting of 21 adopted and 12 proposed ordinances. He noted the Town of Dover's Ordinance 18-2009, which applies a new type of zoning, "Form-Based Code" to the downtown area. He stated that the Dover Town Engineer will be invited to make a presentation to the Planning Board concerning its Form-Based Code. Mr. Soriano gave a brief overview of the ordinance. A discussion followed.

## **Long Range Planning**

Ms. Olcott informed members that the Long Range Committee had met and reviewed the Morris County six-year Capital Program (2010-2015). The Committee determined that the Capital Budget is consistent with the Elements of the Morris County Master Plan. After describing some of the key projects, Ms. Olcott made a motion to accept the Committee recommendation. The motion was seconded by Mr. Klatzman and was unanimously approved by roll call vote. The Planning Director was instructed to write a letter to the County Administrator's Office stating that the 2010 Capital Improvement Budget is consistent with the Morris County Master Plan.

## **LIAISON REPORTS**

### **Lake Hopatcong Commission**

Mr. McCarthy stated that the Commission is still looking for money from grants and various other sources. Mr. McCarthy informed members of a bill signed by Governor Corzine, which allows the Greenwood Lake Commission to raise money through docking and boating fees. The monies raised through the fees are required to be placed in a dedicated account for the sole use of the lake commission. There was concern that such monies would be required to be deposited in the State's general fund. A discussion followed.

Minutes of the October 19, 2009 and November 10, 2009 Lake Hopatcong Commission Meeting were provided to the Planning Board members.

### **Lake Musconetcong Regional Planning Board**

Mr. Rattner reported that the Board received an update on the 319 grant project on dredging the Lake Musconetcong. Some of most significant issues to be resolved are the storage and transportation of the dredge spoils and the related costs. A discussion followed.

Minutes of the October 2009 and November 2009 meetings and the agenda for December 2009 meeting of the Lake Musconetcong Regional Planning Board were provided to the Planning Board members.

### **Morris County Open Space & Farmland Preservation Trust Fund**

Mr. Klatzman stated the new funding year would begin next month and that anyone representing a municipality or a non-profit may submit an application. Mr. Klatzman stated that the report of recent closings were sent via e-mail with the meeting materials.

## **CORRESPONDENCE AND REPORTS RECEIVED**

Nothing to report.

## **REPORTS OF MEETINGS**

Highlands Council - Mr. Soriano reported that he attended two Highlands meetings. The first was a meeting of the Highlands Development Credit Bank (HDC) on January 7, 2010. At that meeting, a twelve step process for the allocation of credits was outlined. He said that the immediate HDC schedule focused on the allocation of credits to "hardship" cases. Mr. Soriano informed members that he sent a request to Eileen Swan, Executive Director of the Highlands Council asking if any of the cases were from Morris County, but had not received a response.

Mr. Soriano also attended a Highlands Council meeting on January 21, 2010, where Jack Schrier chaired the meeting. Ms. Swan spoke about the conformance process and indicated that letters of completeness concerning conformance petitions would be sent to municipalities within a week. Mr. Soriano informed members that the County petition and associated draft documents for County Plan Conformance were submitted to the Highlands Council on December 7, 2009.

Mr. Soriano also reported attended a meeting of the State Planning Commission on January 13, 2010 at which an outline of the State Plan Impact Assessment Report was presented. He provided a brief summary of the presentation.

**OTHER BUSINESS**

2010 Meeting Schedule Resolution – Ms. Olcott moved approval of the 2010 Meeting Dates Schedule (Resolution 10-01). The motion was seconded by Mr. Eppel. The resolution was approved as follows:

<b>VOTE</b>	<b>Aye</b>	<b>Nay</b>	<b>Abs.</b>
Steve Hammond	x		
Stu Klatzman	x		
Isabel Olcott	x		
Steve Rattner	x		
Everton Scott	x		
Ted Eppel,	x		
Joseph Falkoski,	x		
Ed McCarthy, <i>Alt.</i> 1	x		
Paul VanGelder, <i>Alt</i> 2			
Gene F. Feyl, Freeholder Director			
Jack Schrier, Freeholder			
James Murray, Freeholder <i>Alt.</i>			

**LEGAL UPDATE**

Nothing to Report

**COMMENTS FROM THE PUBLIC**

None.

**NEXT MEETING**

The next meeting will be Thursday, February 18, 2010

**ADJOURNMENT**

At 8:45 p.m., Mr. Hammond moved to adjourn the meeting. Mr. Eppel seconded and all approved by voice vote.

*Original signed by Christine Marion, P.P./AICP, Planning Director*