

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

30 Schuyler Place
February 18, 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 February 11, 2010.

ROLL CALL

Those present were:

Joseph Falkoski, Chairman
Steve Rattner, Vice-Chair
Isobel Olcott, Sec.
Stu Klatzman
Ed McCarthy, Alt. 1

Barry Marell, Board Attorney
Tony Soriano, Supervising Planner
Virginia Michelin, Senior Environmental Planner
Greg Perry, Principal Planner
Rene Axelrod, Recording Secretary

PRESENTATION

Michael Hantson, Town Engineer and Planner, and the Mayor James P. Dodd, gave a presentation on the Form Based Code (FBC) recently adopted by the Town of Dover. Mr. Hantson described how FBC would be implemented in the downtown area. The building types and their relationship to public spaces would be the main determinants for new development in the four zones designated for FBC use. Board members discussed related land use and economic issues and thanked Mr. Hantson and Mayor Dodd for their presentation.

REVIEW OF MINUTES

Ms. Olcott moved approval of the minutes of the January 21, 2010 meeting. The motion was seconded by Mr. Rattner and unanimously approved by voice vote.

DIRECTOR'S REPORT

The Board accepted the January 2010 Director's Report and it will be placed on file.

REPORT OF FUNDS RECEIVED

Funds received for January 2010 totaled \$5,130.00.

FUTURE MEETINGS

Mr. Soriano had nothing to report.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan - Ms. Michelin reminded the Board that the interim draft narrative and facility tables for the Wastewater Management Plan were submitted to NJDEP on December 31, 2009. She reported that all supporting maps were given to NJDEP on February 4, 2010 when staff met with NJDEP to review the county build-out methodology. She provided each municipality with a copy of its chapter and maps to review. She noted that the entire document is posted on the Planning website at <http://www.morrisplanning.org/wastewater.asp> for the public information and that updates will also be posted on the website. She also reported that Denville had decided to opt out of Highlands Conformance and that staff will be drafting the Chapter and maps for the Township as a nonconforming Highlands municipality.

Land Subdivision and Zoning

Developments Reviewed – Mr. Rattner reported that the Committee reviewed three minor subdivisions at its last meeting. Depending on the amount and type of development applications on the review list, the Committee may hold its meeting immediately preceding the Planning Board meeting. Ms. Olcott highlighted the Sorrento's Baker application on Eagle Rock Avenue in East Hanover Township and said there will be no drainage impact on the county road.

Mr. Klatzman made a motion to approve the Report of Actions Taken on Development Plans for January 2010. The motion was seconded by Ms. Olcott and approved by voice vote.

Legislative and Municipal

Recent Legislation – Mr. Soriano stated that the legislature has introduced about 3,800 bills since the start of the new legislative session and said he was currently tracking about 225 bills. Nearly 50 bills are related to COAH and affordable housing, of which he noted Senate Bill S-1, which proposes to abolish COAH. About 20 bills were related to the Highlands. Two bills, Assembly Bill A-128 and Senate Bill S-458, would affect county government. A-128 would give county planning boards the authority to review site plans affecting county roads. Currently, the Board only has authority over site plans along county roads. S-458 would place a referendum on the general election ballot concerning the transfer of certain municipal responsibilities, not including planning or development review, from municipalities to the county. Finally, he described Senate Bill S-82, concerning the MLUL time of decision rule. Under the provisions of S-82, once an application for development is submitted to a municipality, the municipal governing body is prohibited from changing its development regulations in relation to the application, except those related to the protection of public health and safety. S-82 would not affect county development review procedures. A discussion followed.

Mr. Rattner informed members of Senate Bill S-922, which appropriates bond act monies for loans to fund State dam restoration projects. A discussion followed.

Mr. Soriano briefly reviewed the first four of the Governor's Executive Orders and also described Executive Order 12, which orders the formation of a Housing Opportunity Task Force and suspends the activities of COAH for 90 days.

Master Plan & Land Use Ordinance Monthly Report – Mr. Soriano provided a brief summary of the Borough of Madison 2009 Open Space and Recreation Plan Update. He also reported that during the month of January 2010, the office processed a total of 12 ordinances, consisting of four adopted and eight proposed ordinances.

Long Range Planning

Ms. Olcott stated the Committee did not meet.

LIAISON REPORTS

Lake Hopatcong Commission

Mr. McCarthy stated that the Commission is still looking for money from grants and various sources to fund lake maintenance activities. He stated that the minutes of the December 21, 2009 Lake Hopatcong Commission Meeting were provided to the Planning Board members via e-mail with the meeting materials.

Lake Musconetcong Regional Planning Board

Mr. Rattner informed members that Princeton Hydro purchased a machine to remove water chestnuts. The Regional Planning Board is exploring whether there may be an opportunity to use this machine in Lake Musconetcong. A discussion followed.

Minutes of the December 16, 2009 meeting of the Lake Musconetcong Regional Planning Board were provided to the Planning Board members via e-mail with the meeting materials.

Morris County Open Space & Farmland Preservation Trust Fund

Mr. Klatzman informed members that the Open Space committee will have its first meeting on March 3, 2010. He stated that the report of recent closings was sent via e-mail with the meeting materials.

CORRESPONDENCE AND REPORTS RECEIVED

Mr. Soriano informed members of a letter received from Eileen Swan, Executive Director of the Highlands Council. The letter refers to the Morris County submission of a Petition for Plan Conformance for County lands within the Highlands Preservation Area. As anticipated, the Council has found the County's petition administratively incomplete and requests that the County provide the additional submission materials within 90 days. A discussion followed.

REPORTS OF MEETINGS

Highlands Council – Ms. Soriano said that the Highlands Council meeting scheduled for February 18 was cancelled and therefore, there was nothing to report.

OTHER BUSINESS

Update on 2010 Census – Mr. Soriano referred to the 2010 Census Timeline sent via e-mail with the meeting materials. After reviewing the timeline, he described the County’s involvement in the Census Boundary Validation Program. The County will provide the Census Bureau with information needed to correct errors in the Bureau’s delineation of the County boundary.

Resolution 10-02 – Chairman Falkoski described the proceedings and findings of the Special Planning Board Attorney Review Committee and then read Resolution 10-02 appointing Mr. Marell as the Morris County Planning Board Attorney for 2010. Ms. Olcott made a motion to approve the resolution, Mr. Rattner seconded and it was unanimously approved by roll call vote.

Whippany River Watershed Action Committee Proposed Detention Basin Retrofit Project -

Ms. Michelin said that the Whippany River Watershed Action Committee (WRWAC), in conjunction with its consultant Princeton Hydro, is proposing to convert two existing stormwater management detention basins on County-owned property to bio-retention facilities. These basins are located on properties of the Morris County Public Safety Training Academy and the Morris View Healthcare Center on West Hanover Avenue. The proposal is a pilot project to demonstrate how other similar stormwater basins in the Whippany River Watershed and potentially, the County, could be altered to decrease pollutant loading from such contaminants as fecal coliform from geese, and to facilitate stormwater recharge. She described how this project would also complement a detention/retention basin study on County properties that Planning Board staff is undertaking as a requirement of the Wastewater Management Plan grant agreement.

She said that the WRWAC and Princeton Hydro are requesting a Freeholder Resolution in support of the pilot project so that they can proceed with the design phase of their work. She had a sample resolution provided by the WRWAC for the Freeholder’s consideration. Planning staff and the Board expressed concerns as to whether a change in the design of the basins could cause the basins to be classified as wetlands or whether other difficulties would arise concerning their maintenance. The Planning Board voted in favor of the concept and in favor of sending a draft resolution to the Freeholders for their consideration, provided that no construction on the bio-retention facilities proceeds without the review and approval of the plans by the County Engineer. The Board instructed that the Planning Director send a draft resolution to the Freeholder Board for its consideration.

LEGAL UPDATE

Nothing to Report

COMMENTS FROM THE PUBLIC

None.

NEXT MEETING

The next meeting will be Thursday, March 18, 2010.

ADJOURNMENT

At 9:05 p.m., Mr. Rattner moved to adjourn the meeting. Mr. McCarthy seconded and all approved by voice vote.

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