

**MINUTES OF THE REGULAR MEETING
MORRIS COUNTY PLANNING BOARD
FOR July 15, 2010**

30 Schuyler Place
July 15, 2010

Morristown
New Jersey

CALL TO ORDER

Chairman Falkoski called the meeting to order at 7:00 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 April 24, 2010.

ROLL CALL

Those present were:

Joseph Falkoski, Chairman
Steve Rattner, Vice-Chair
Isobel Olcott, Secretary
Steve Hammond, County Engineer
Stu Klatzman
Ted Eppel
Everton Scott (arrived 7:15 p.m.)
James Murray, Freeholder Alternate

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

REVIEW OF MINUTES

Ms. Olcott moved approval of the minutes of the June 17, 2010 meeting. The motion was seconded by Mr. Eppel and unanimously approved by voice vote.

DIRECTOR'S REPORT

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

REPORT OF FUNDS RECEIVED

Funds received for June 2010 totaled \$3,215.00.

FUTURE MEETINGS

Ms. Marion informed the Board that she will attend a New Jersey Future TDR Task Force meeting on July 19th. The Task Force will be reviewing its draft Final Report and discussing future actions to promote the use of Transfer of Development Rights (TDR) in New Jersey.

PlanSmart NJ is holding a policy conference, “Building ONE New Jersey: State Planning for Inclusion, Sustainability, and Economic Development” on July 23, 2010 at Princeton University. Ms. Marion will forward the link to the conference website to any Board members interested in attending.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan – Ms. Marion said she completed a draft letter that states the concerns of the Morris County Planning Board regarding the Wastewater Management Plan development process. This letter was forwarded to Mr. Rattner and Ms. Olcott and, pending their approval, the letter will be sent to the New Jersey Department of Environmental Protection (NJDEP).

A County Wastewater Management Plan Coordination meeting is scheduled for July 20th at the NJDEP. At this meeting, the counties will learn more about potential changes to the wastewater management process and meet Larry Baier’s replacement.

Morris County has received its first request from the NJDEP for input concerning a proposed revision to the existing Wastewater Management Plan for Washington Township. Washington Township wants to expand the sewer service area to several properties with failing septic systems. Ms. Marion said that there were no objections to revision request.

Land Subdivision and Zoning

Developments Reviewed – Mr. Rattner described several applications of interest to the committee. The committee did not act on the Christos Holding, LLC application concerning property on Route 10 and Mount Pleasant Avenue in East Hanover Township due to incomplete information. He stated that the other applications reviewed concerned a change of use and minor subdivisions. With regard to the Elbaum Medical Office application in Randolph, Ms. Olcott stated that staff paid particularly attention to drainage issues along Route 10 because of the Jackson Brook.

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

Legislative and Municipal

Recent Legislation – Mr. Soriano referenced the legislative report sent to the Board and described several bills. Both houses passed Senate Bill S29, reducing the property tax cap from 4% to 2.0%. Also passed by both houses was Assembly Bill A2217, which extends the expiration date of the special appraisal process for Green Acres and farmland preservation programs in the Highlands Region from 2009 to 2014. Two new bills were introduced. Senate Bill S2126 would make the development of solar and photovoltaic energy facilities over landfills and quarries a permitted use in all municipalities and Assembly Bill A2823 would authorize the State, without approval by the State House Commission, to use the power of eminent domain to acquire lands for recreation and conservation purposes, provided the lands are protective of drinking water sources. Mr. Rattner asked how S29 would impact S2048, which would allow an exemption of the levy cap by local units for shared services. Mr. Soriano indicated that S2048 referred to the 4% levy cap, which has been eliminated as per S29, so that S2048 would require modification if it were to move forward in the Legislature.

Master Plan & Land Use Ordinance Monthly Report – Mr. Soriano reported that the County received one master plan amendment for the current review period. The amendment from the Borough of Morris Plains would establish a new multi-family residential land use classification. A discussion followed.

Next, Mr. Soriano reported that staff processed three proposed and eight adopted land use ordinances during May 2010. He described several of the proposed ordinances. The Borough of Chester is proposing to add Massage, Body Work and Somatic Therapy establishments as permitted uses in all business zones provided that no more than three therapists provide services at any business location. The Borough of Madison is amending its OR Office-Research Zone to expand research uses, increase building height, and add landscape standards. He noted that the proposed ordinance would permit a credit for green roof systems in the calculation of impervious cover. A discussion followed.

Mr. Soriano also informed the Board of Ordinance #22-2010 from the Township of Hanover, which was received this month. The proposed ordinance amends the zoning along Hanover Avenue to create a new Industrial / Business District and a new Affordable Housing District. The new IB-3 zone would expand permitted uses in certain areas along Hanover Avenue. Mr. Soriano stated that another more limited rezoning proposal was made two years ago concerning a site across from the Mennen Company. At that time, Ms. Marion wrote a letter detailing concerns regarding the rezoning and the proposed uses. The current zoning proposal addresses a larger area and will allow a greater variety of uses. Ms. Marion discussed the proposal and said that she and Mr. Hammond attended a meeting concerning a proposed neighborhood shopping center development that would be consistent with the rezoning. She stated that Hanover Township has undertaken a more comprehensive review of the entire corridor, which is reflected in the current ordinance proposal and asked the Board if another letter should be written and sent to Morris Township. A discussion followed.

The Planning Board decided that the Legislative Committee and Ms. Marion will draft a letter incorporating the Planning Board comments.

Long Range Planning

The Committee did not meet.

LIAISON REPORTS

Lake Hopatcong Commission

Ms. Olcott said she read the minutes provided in the meeting materials and noted that the funds received for lake improvements were due to the efforts of Senator Bucco. Ms. Marion informed the Board that Russell Felter, Mayor of Jefferson Township, will be replacing Art Ondish as the Commission Chairman.

Lake Musconetcong Regional Planning Board

Mr. Rattner said that the Regional Board has not met since he reported on the last meeting held on June 16th. He thanked Ms. Marion for conducting research with regard to the Board funding. Ms. Marion discovered that the Morris County Freeholder Board provides most of the funding for the Lake Board, with a small portion funded from the Morris County Planning Board budget. Ms. Marion stated she will be in contact with the current chairman to obtain additional documentation regarding the county funding agreement. Mr. Rattner stated that he will ask the Stanhope Clerk to provide the missing documentation.

Morris County Open Space & Farmland Preservation Trust Fund

Mr. Klatzman informed members that the application deadline is July 23, 2010. He stated that landowners are waiting for the extension of the pre-Highlands values in property appraisal. Many landowners do not want to sell unless pre-Highlands figures can be used in the current assessment of value.

Ms. Klatzman described a recent closing in Rockaway Borough, where a group of citizens preserved a ten acre property along the Rockaway River with assistance from Barbara Murray of the Morris County Preservation Trust.

Musconetcong River Management Council

Mr. Rattner reported that the Council is still in the process of organizing. Many of the members are from different conservation groups. The Council is finding that the biggest threat to the river is runoff containing nitrates from agricultural uses. Mr. Rattner said that the Council has been successful at obtaining grants from entities such as the "Blue Water Project" foundation, which is providing grants for water protection and conservation.

CORRESPONDENCE AND REPORTS RECEIVED

Ms. Marion had nothing to report.

REPORTS OF MEETINGS

Highlands Council – Mr. Soriano stated that the Council meeting for July 15, 2010 was cancelled and reported on the Council’s June 24, 2010 meeting. The Highlands Council has distributed \$1.5 million to municipalities as compensation for basic plan conformance activities. Council staff is beginning to develop “Draft Consistency Review and Recommendations Reports” for municipalities, which is the next step in assessing municipal petitions for plan conformance. Mr. Soriano also described the Council review process, indicating that the steps involved will also be applied to county plan conformance.

Mr. Soriano also reported that the Council presented information concerning its TDR Program. The Council made offers to five “hardship” applicants to purchase their Highlands Development Credits totaling \$1.75 million to preserve 221 acres. Another round of hardship applications will be accepted until July 17, 2010. At the meeting, Highlands Executive Director Eileen Swan stated that there are no receiving areas for these credits at this time and that she was not sure whether the Council would be able to offer the promised \$250,000 planning grant to any municipalities that agree to become receiving areas due to state budget issues.

OTHER BUSINESS

Energy Master Plan – Ms. Marion thanked Mr. Scott for his help in putting together an Energy Master Plan Technical Review Subcommittee. Mr. Soriano stated that the Subcommittee met on June 30, 2010 at the County Department of Planning and Development offices. Attendees included Mr. William Deane of Dewberry, Inc., Nick Stecky of Stecky Associates, Michael Obremski of JCP&L and Frederick Lynk of PSE&G and Ms. Marion, Ms. Michelin and Mr. Soriano of Planning Board staff. Mr. Scott attended by teleconference.

Mr. Soriano reported that the Subcommittee determined that the initial draft scope of services would need to be scaled back to correspond to available funding. The Subcommittee also suggested the use of an RFQ process to identify potential consultants. The members suggested that using this process would allow the consultants to provide input on the scope of work given the available funding. Mr. Hammond stated that there may be some adjustment in funding. Mr. Eppel suggested a joint venture on the Energy Master Plan with the Planning Board and the MUA. Ms. Marion said she would look into this. A discussion followed.

COAH Update - Mr. Soriano stated that Mr. Sitlick is monitoring all COAH activities in Morris County and that seven Morris County municipalities are no longer under COAH jurisdiction. COAH’s substantive certification protection has expired in several towns since they did not submit their third round plans by the required deadline. Ms. Marion informed the Board that the Town of Dover is moving ahead with State Plan Plan Endorsement. A discussion followed

Economic Update - Mr. Soriano summarized the New Jersey Department of Labor and Workforce Development report “Employment and Economy” for the Newark/Union Labor Area, of which Morris County is a part. Mr. Soriano highlighted several items, noting that the most significant job loss reported in Morris County (350 jobs) occurred due to the relocation of ASCO from Florham Park. On the positive side, he reported recent payroll gains of 150 employees due

to the expansion of Morristown Memorial Hospital and the opening of the Turco Rehabilitation Center in Lincoln Park. The most significant future job growth is anticipated at Picatinny Arsenal in Rockaway Township. The facility will add approximately 600 jobs in connection with a \$14.8 million expansion. A discussion followed.

LEGAL UPDATE

Mr. Marell had nothing to report.

COMMENTS FROM THE PUBLIC

None

NEXT MEETING

The next meeting will be Thursday, September 16, 2010 at 7:00 p.m. Chairman Falkoski reminded members there will be no meeting in August.

ADJOURNMENT

At 8:00 p.m., Mr. Hammond moved to adjourn the meeting. Ms. Olcott seconded and all approved by voice vote.

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