

**MINUTES OF THE REGULAR MEETING  
MORRIS COUNTY PLANNING BOARD  
FOR SEPTEMBER 16, 2010**

30 Schuyler Place  
September 16, 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  
Ted Eppel  
Everton Scott

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

**REVIEW OF MINUTES**

Mr. Soriano noted that a correction needed on page three under "Recent Legislation". Mr. Rattner moved approval of the minutes of the July 15, 2010 meeting with the correction. The motion was seconded by Ms. Olcott and unanimously approved by voice vote.

**DIRECTOR'S REPORT**

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

**REPORT OF FUNDS RECEIVED**

Funds received for July 2010 totaled \$5,068.00 Funds received for August 2010 totaled \$13,308.55. Ms. Marion explained that the substantial increase in the amount of the August 2010 funds was due to a check received from the State for reimbursement for the Wastewater Management Plan.

Mr. Rattner questioned the amount of the 2009 Total Revenues. Ms. Marion said she would look into the matter.

## **FUTURE MEETINGS**

Ms. Marion informed the Board that the New Jersey Department of Transportation sent a letter inviting the membership to attend an informal Public Information Center meeting on a proposal to locate a wireless communication antenna facility on state-owned right-of-way on Route 23 northbound in the Borough of Butler. The meeting is scheduled on Tuesday, September 28, 2010 from 6:00 p.m. to 8:00 p.m. in the council chambers of Butler Borough Hall.

Ms. Marion informed the Board of a New Jersey Brownfields Redevelopment Task Force meeting on Tuesday, September 21, 2010, from 10:00 a.m. to 12:00 p.m. at the Department of Community Affairs.

## **COMMITTEE REPORTS**

### **Environment and Watershed**

*Wastewater Management Plan* – Ms. Marion said that she sent an email to Assistant Commissioner Lennon regarding Morris County’s concerns on the Wastewater Management Plan (WMP), including a list of issues with the ongoing WMP process. Virginia Michelin and she will be meeting with Assistant Commissioner Lennon and staff just before a WMP County Coordination meeting in Trenton on Thursday, September 23, 2010. Ms. Olcott asked if there will be any dramatic changes to the Wastewater Management Plan. Ms. Marion stated that because of the economic climate, she anticipates that the final plan will be friendlier to economic development. Ms. Marion discussed issues related to sewer service area mapping, indicating that some areas mapped as sewer service areas may not have sewerage capacity, and suggesting that this issue may be resolved by an interim plan or planning process. The current nitrate dilution model is under review as are issues related to treatment of areas within the Highlands Region. Ms. Marion hoped that some of these issues can be resolved at the upcoming meeting.

### **Land Subdivision and Zoning**

*Developments Reviewed* – Mr. Rattner noted several applications of interest from the August report. He described the application for redevelopment of a 1.2 acre property in Parsippany Troy Hills called the Par-Troy Renaissance Condos, located on Parsippany Road opposite Barrington Road. The proposal is for the removal of an existing office building and its replacement by a 2,503 sq. ft. bank and a six story, 50 unit condominium building and associated open space. The County Engineering Department is requiring additional information on several items. A discussion followed. Mr. Rattner also described the 23,110 sq. ft expansion proposal of the Indoor Sports Pavilion on West Hanover Avenue at Sussex Turnpike in Randolph Township. An associated drainage issue was discussed.

From the September report, Mr. Rattner described a proposed change in tenancy for the “Twice-as-Nice” commercial use on Mt. Pleasant Avenue in East Hanover Township. Where there was an issue with the outdoor display area’s encroachment within the County right-of-way. A discussion followed. He also mentioned the Fawn Hill Associates application on Spring Valley Road in Harding Township, which is a residential major subdivision of a 29.9 acre tract to create three new lots and establish new lot lines for two existing dwellings. Ms. Olcott provided background on these applications. A discussion followed. The last application mentioned by Mr. Rattner was Valley Sports Inc., on Valley Road in Long Hill Township, which is a proposed tenancy change with site upgrades. Mr. Perry detailed issues associated with this application. A discussion followed.

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for July 2010. The motion was seconded by Mr. Eppel and approved by voice vote. Mr. Scott made a motion to approve the Report of Actions Taken on Development Plans for August 2010. The motion was seconded by Mr. Rattner and approved by voice vote.

### **Legislative and Municipal**

***Recent Legislation*** – Mr. Soriano referenced the legislative report sent to the Board. Senate Bill S-2126, which would permit development of solar facilities over landfills and quarries, passed the Senate. The Governor signed Assembly Bill A-2217, which extends the dual appraisal process for Green Acres and farmland preservation in the Highlands until 2014. Two new bills, A-3121 and S-2217, were introduced with the intent of moving all state historic preservation programs from the NJDEP to the Department of State. He also noted the passage of several “Clean Water” appropriation bills (A-2927, A-2928 and A-2929) and mentioned that A2927 and A2928 appropriated New Jersey Environmental Infrastructure Trust Financing to the Musconetcong Sewerage Authority. Finally, he described Executive Orders # 15 and # 40, which relate to the elimination or merger of various state commissions and authorities.

***Master Plan & Land Use Ordinance Monthly Report*** – Mr. Soriano reported that the County received three (3) master plans during the current review period. He described the Historic Preservation Plan Element from the Borough of Mountain Lakes, which includes an expanded resource inventory. The Plan also recommends the creation of a Historic Preservation Ordinance, a Historic Preservation Advisory Commission and a list of designated historic landmarks. Chatham Borough prepared a new Open Space and Recreation Plan & Environmental Resource Inventory. The Open Space Plan recommends meeting with the Morris County Department of Planning and Development to discuss the expansion of walking and bicycling trails and common open space goals. Mr. Soriano notified the Morris County Department of Transportation and the Preservation Trust of the Chatham Borough Plan’s recommendations. Finally, he noted that the Township of Mount Olive 2010 Master Plan Reexamination Report was devoted to the impacts on local planning caused by the Highlands Act and the Highlands Regional Master Plan.

Concerning the Land Use Ordinance Monthly Report, Mr. Soriano reported that staff processed seven (7) proposed and ten (10) adopted land use ordinances during August 2010. Several ordinances addressed the use of Portable Home Storage Units (PODS). He reported that the Township of Denville is adding a Property Maintenance Code to its land use regulations for all

existing residential and nonresidential structures. Hanover Township adopted the I-B3 zone, which was discussed at the last County Planning Board meeting. Mr. Hammond stated that Hanover Township has approached Morris County and that the Township will be writing to Freeholder Feyl to request a cooperative transportation study along the Hanover Avenue corridor. A discussion followed.

### **Long Range Planning**

Ms. Olcott reported that the Committee did not meet.

Mr. Soriano informed the Board of an article in the September 16, 2010 Daily Record entitled "Ooops: Census takes back Riverdale population boom". The article highlights an error in the Census population estimate methodology discovered by Morris County Senior Planner Kevin Sitlick. This discovery resulted in a nationwide revision of population estimates by the Census Bureau. A discussion followed.

### **LIAISON REPORTS**

#### **Lake Hopatcong Commission**

Minutes for Lake Hopatcong Commission, June 21, 2010 meeting were sent to members.

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

Mr. Rattner stated the Board is still looking for funding and trying to manage the weeds, especially the water chestnuts. He reported on a meeting with Congressman Frelinghuysen to discuss funding assistance available for all the different projects. The Congressman said that he would have one of his staff explore appropriation opportunities.

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

Ms. Marion referred to the report sent to the Board.

#### **Musconetcong River Management Council**

Mr. Rattner had nothing to report.

### **CORRESPONDENCE AND REPORTS RECEIVED**

Ms. Marion noted the following correspondence received. A copy of a letter from the Township of Morris and a copy of the response from the State of New Jersey Highlands Council on issues pertaining to Highlands Plan conformance concerning the Township. The Morris County CADB sent a copy of a notice of a petition for the creation of municipally-approved Farmland Preservation Program (8 year preservation program) for the Searles Farm in Washington Township and a notice for a correction of the deed of easement for the Susan Peach Farm in Washington Township. Also, received was a request from the Town of Morristown for a letter of

support for Green Acres funding to preserve the property identified as 20 Hillcrest Avenue, Block 8303, Lot 3, in Morristown for local open space and recreational purpose.

## **REPORTS OF MEETINGS**

**Highlands Council** – Mr. Soriano informed the Board that the Highlands Council met on August 19, 2010. He reported that the Highlands Council provided the status of petitions for conformance and discussed its petition review process. The Council has completed reviews on several petitions, including three petitions from Morris County municipalities, but indicated that these reviews are not yet posted on the Highlands website. He reported that the majority of the meeting was spent discussing an application to the Council by Goldmine Partners, LLC concerning a former quarry property located on Gold Mine Road in Mount Olive. Goldmine Partners requested that the Council designate the site as suitable for redevelopment under the redevelopment guidelines of the Regional Master Plan. The Council approved the designation, with various conditions. Mr. Soriano said that Goldmine Partners would now have to apply to the NJDEP for a redevelopment waiver under the NJDEP Highlands Rules.

## **OTHER BUSINESS**

**Energy Master Plan** – Ms. Marion informed the Board that a revised draft scope of work was submitted to the county purchasing agent for review. Mr. Soriano described the revisions made in response to recommendations by the Energy Master Plan Technical Committee and said that one of the remaining questions was whether to issue a Request for Proposal or Request for Qualifications.

**Office of Planning Advocacy** – Ms. Marion briefly summarized the history of what is now called the Office of Planning Advocacy (OPA) and which has been moved to the Department of State. Prior to this move, the office was called the Office of Smart Growth and was located in the Department of Community Affairs. She noted all the time and effort made by the municipalities to complete cross acceptance and the current uncertainty with regard to the direction of the new OPA. She expressed her hope that the work completed to date would not be wasted and that the State would focus future efforts on increasing coordination between state agencies. She also asked the Board whether it was still in support of the State Plan or the State Planning concept. A discussion followed.

Ms. Marion asked the Board if it wished to send a letter in support of the State Plan and the State Planning Commission as a concept. Mr. Eppel discussed the issue of regional planning agencies, the conflicts between municipalities concerning regional issues and the potential for greater regional coordination. He asked whether a regional planning board could take the place of local planning boards. A discussion followed. Ms. Marion informed the Board that there have been planning proposals for greater coordination of municipal planning based on the development of a regional/county “growth fit” plan. The concept, referred to as “County-Centric Planning” was developed by Rutgers as part of the South Jersey Regional Development Forum and focuses on coordinating municipal land use plans at the county level. Ms. Olcott asked for more information concerning this concept, which Ms. Marion said she would provide.

Concerning the current state planning process, Ms. Olcott suggested sending a letter with questions to the OPA, asking the office to outline its intentions concerning the existing draft State Plan and to provide a mission statement. Mr. Soriano asked whether the Board supported adoption of the current draft State Plan. Chairman Falkoski stated that the current draft State Plan was started before the Highlands Act and the Highlands Regional Master Plan were adopted. A discussion followed.

Ms. Marion said that the State Plan issue would be discussed at the September 17, 2010 County Planners Association meeting and that she would report to the Board after that meeting and before sending a letter to the State.

**Letter to Hanover Township** – Mr. Soriano said that staff had sent a letter to Hanover Township concerning the proposed I-B3 Business zone as directed by the Board at its last meeting. The letter included a recommendation that the Township work cooperatively with the County to address some of the traffic and pedestrian issues along Hanover Avenue as part of its redevelopment efforts. He said that there have been recent discussions between the Township and the County Engineering Department regarding improvements to Hanover Avenue.

### **LEGAL UPDATE**

Mr. Marell informed the Board that Governor Christie signed the Open Public Records Act (OPRA) fee legislation. Mr. Marell reviewed some of the fees that must be charged for OPRA requests. The legislation goes into effect November 9, 2010. A discussion followed.

### **COMMENTS FROM THE PUBLIC**

None

### **NEXT MEETING**

The next meeting will be Thursday, October 21, 2010 at 7:00 p.m. Ms. Marion reminded members that the November meeting was moved to November 4, 2010.

### **ADJOURNMENT**

At 8:15 p.m., Mr. Hammond moved to adjourn the meeting. Mr. Scott seconded and all approved by voice vote.

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