

**MINUTES OF THE REGULAR MEETING
MORRIS COUNTY PLANNING BOARD
FOR December 2, 2010**

30 Schuyler Place
December 2, 2010

Morristown
New Jersey

CALL TO ORDER

Chairman Falkoski called the meeting to order at 7:05 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

Stu Klatzman

Ted Eppel

Ed McCarthy, Alt. #1

Paul VanGelder, Alt. #2

Gene F. Feyl, Freeholder Dir. (arrived 7:45)

Jack Schrier, Freeholder

James Murray, Freeholder, Alt.

Barry Marell, Board Attorney

Christine Marion, Planning Director

Frank Pinto, Dept. Director

Anthony Soriano, Supervising Planner

Greg Perry, Principal Planner

Rene Axelrod, Recording Secretary

Chairman Falkoski began the meeting by presenting resolutions of appreciation to Freeholder Jack Schrier and Freeholder James Murray for their years of service and dedication to the Morris County Planning Board. Freeholder Schrier thanked the members of the board and said how proud he was to have served on the board. Freeholder Murray also thanked the board and thanked Freeholder Schrier for his time on the board.

Freeholder Schrier read an honorary resolution from the Morris County Freeholders to Stu Klatzman in recognition of his dedicated service and contributions on the Morris County Planning Board and the various other committees on which he served. Freeholder Murray presented the resolution to Mr. Klatzman.

REVIEW OF MINUTES

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

DIRECTOR'S REPORT

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

Ms. Olcott asked about the Morris County Solar Initiative noted in the Director's Report. Ms. Marion stated that solar panels are being installed on a number of schools and buildings around the county under the Morris Model, the Morris County Improvement Authority's Renewable Energy Initiative. She said that a review was undertaken by staff to determine whether any of the public buildings were designated as historic sites or located within designated historic districts.

REPORT OF FUNDS RECEIVED

Funds received for October 2010 totaled \$7,408.00.

FUTURE MEETINGS

Nothing to Report.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan – Ms. Marion distributed copies of a draft letter addressed to Elizabeth Semple, the new NJDEP manager, concerning the lack of progress on the completion of the Wastewater Management Plan for Morris County. The NJDEP has not made final decisions on several critical issues, including the mapping of sewer service areas. NJDEP Commissioner Martin signed an administrative order requiring the Department to hold a public meeting before April 7, 2011 on the draft sewer service area maps. Ms. Marion said that she had spoken to Ms. Semple last week, who was unable to provide answers, and informed her of the draft letter. The letter states that, due to the lack of action on the part of the NJDEP and the upcoming April 2011 WMP submission deadline, Morris County will formulate its own solutions to outstanding issues so that it may complete the WMP process as required. Also, in the event that the NJDEP decides that different actions are necessary, Morris County will need an extension to revise the draft WMP and that further funding from the NJDEP may be required to cover any additional costs. Ms. Marion noted that the NJDEP delay may also jeopardize associated American Reinvestment and Recovery Act funding, which must be expended within a prescribed timeframe. She said that, if approved, the letter would be sent out immediately so that it would be received by Ms. Semple in advance of a meeting being held with the NJDEP on December 7, 2010, at which WMP issues will be discussed. A discussion followed.

Ms. Olcott made a motion to approve the letter. The motion was seconded by Mr. Klatzman and approved by voice vote.

Land Subdivision and Zoning

Developments Reviewed – Mr. Rattner said that most of the applications reviewed this month were small redevelopment projects. He stated that two applications were withheld: a proposed Quick Chek in the Borough of Butler and the proposed Wharton Woods housing project in the Borough of Wharton. Both applications require additional drainage information. A discussion followed.

Ms. Marion provided the board with an overview of the concept plans currently being considered for the redevelopment of the Honeywell property in Morris Township. Both concept plans include a mix of uses. The board discussed the proposed use of the site and traffic access issues associated with the plans.

Mr. Rattner stated that the site review committee has been expanding its activities. He explained that staff is now providing draft letters on certain applications for review and input by the committee members.

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

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Legislative and Municipal

Recent Legislation – Mr. Soriano noted several bills in the report “Legislative Action between Oct. 10, 2010 and Nov. 23, 2010” and described proposed changes to Assembly Bill A4337, which would abolish COAH. The present version of the bill includes a new option that would allow a municipality to be deemed compliant if it demonstrates that 10% of its total current housing stock is affordable. The bill also has been altered to require counties to adopt a municipal housing element. Mr. Soriano related the problems associated with the proposed county role, i.e. counties do not have the authority to adopt local plans. He said that the New Jersey County Planners Association is discussing this issue and that John Donnadio, NJ Association of Counties, is contacting the sponsors of the bill. Mr. Soriano described other changes to the bill concerning compliance thresholds, developers fees, and required set asides. A discussion followed.

Master Plan & Land Use Ordinance Monthly Report – Mr. Soriano reported that staff received three (3) master plan amendments since the board last met. Mount Arlington Borough submitted a proposed Highlands Master Plan Element that is virtually identical to the model element provided by the Highlands Council. Denville Township submitted a Bikeway Plan Element, which proposes greater coordination with the County of Morris to study the possibility of

providing additional bicycle lanes along existing county roads. Finally, Montville Township submitted their 2010 Land Use Plan Element which focuses on four distinct planning areas. The areas are: the Route 202 Corridor West extending from the Town of Boonton to Towaco; Towaco Center; the Lake Valhalla area; and the Route 46/Bloomfield Avenue corridor. The new land use plan also calls for the incorporation of various new design standards in the local land development ordinance.

Concerning the Land Use Ordinance Monthly Report, Mr. Soriano reported that staff processed seven (7) proposed ordinances, seven (7) adopted ordinances and one (1) defeated land use ordinance during October 2010. In November 2010, staff received and reviewed an additional seven (7) proposed and nine (9) adopted land use ordinances. Mr. Soriano noted an ordinance from the Borough of Madison, which proposes the creation of a new “Green Village Road Special Use District”. The District will include two sub-districts and allow a mix of commercial use and varied housing types.

Long Range Planning

Ms. Olcott said the committee did not meet.

LIAISON REPORTS

Lake Hopatcong Commission

Mr. McCarthy stated that the Commission continues to be hampered by a lack of funding and equipment in its efforts to maintain the lake. He said no new funding has been provided by the State. The Commission again discussed the issue of dedicated user fees and the potential problems and benefits associated with their use. Mr. McCarthy asked if the board had an opinion regarding the possible use of such fees as a potential solution to the current financial situation and the need to maintain the lake.

Members discussed whether the Planning Board should take a position regarding user fees for Lake Hopatcong. Freeholder Feyl said that the Freeholder Board would need consensus by the Lake’s municipalities before the Freeholders would support their use. A discussion followed regarding the State’s responsibility for lake maintenance. The board decided not to take a position on the issue of dedicated user fees at this time.

Minutes of the September 20, 2010 and October 16, 2010 Lake Hopatcong Commission meeting were previously sent to members via e-mail.

Lake Musconetcong Regional Planning Board

Nothing to report.

Minutes of the September 15, 2010 Lake Musconetcong Regional Planning Board were previously sent to members via e-mail.

Morris County Open Space & Farmland Preservation Trust Fund

Mr. Klatzman stated that the Trust Fund Committee's recommendations for funding proposed open space applications were presented to the Morris County Freeholders on November 10, 2010, at which time the recommendations were approved. He noted that 17.3 million dollars were approved to preserve a total of 735 acres of open space.

Mr. Klatzman referred to the closings summary report previously sent via-email to members. Mr. Pinto discussed preservation efforts in Pequannock Township related to the Pompton River Walkway. The status of Trust Fund resources was also discussed. Freeholder Feyl indicated that the current open space trust fund rate is under review. The need for municipalities to increase their role in future preservation efforts was discussed.

Musconetcong River Management Council

Mr. Rattner had nothing to report.

CORRESPONDENCE AND REPORTS RECEIVED

Nothing to report.

REPORTS OF MEETINGS

Highlands Council – Mr. Soriano reported that at its meeting on November 19, 2010, the Highlands Council conditionally approved plan conformance for Lebanon Borough and Hampton Borough. Both municipalities are in Hunterdon County.

Mr. Soriano distributed a Highlands Council membership list, which identified current and actively serving members of the Council, as well as the nominations for new members submitted by the Governor. He also discussed the required composition of the Council. Freeholder Schrier said that the next meeting of the Highlands Council will be December 16, 2010, the sixth anniversary of the first Highlands Council meeting. A discussion followed.

OTHER BUSINESS

Payment in Lieu of Taxes (PILOT) Program. Ms. Marion reported that the County Planning Director Robert Brewer from Cumberland County raised the subject of impending reductions in the "Payment in Lieu of Taxes" program at the last New Jersey Planners Association meeting. Mr. Brewer asked if county planning boards would consider endorsing a resolution in support of maintaining the PILOT program. The draft resolution calls on all State policy makers to reaffirm their commitment to property tax relief, environmental protection and fiscal fairness by reversing the decision to cut open space PILOT funding. Mr. Soriano said that Morris County municipalities received about \$645,000 in payments in 2009 from this program. Mr. Rattner noted that various other cuts in state support were also impacting local government funding. A discussion followed.

Freeholder Schrier made a motion to approve the resolution. Mr. Rattner seconded the motion and it was unanimously approved by roll call vote.

VOTE	Aye	Nay	Abs.
Ted Eppel	x		
Gene F. Feyl	x		
Steve Hammond	-		x
Stu Klatzmen	x		
Isobel Olcott	x		
Steve Rattner	x		
Jack J. Schrier	x		
Everton Scott	-		x
Joseph Falkoski, Chair	x		
James W. Murray, <i>Alt</i>	x		
Ed McCarthy, <i>Alt. 1</i>	x		
Paul VanGelder, <i>Alt. 2</i>	x		

Destruction of digital recordings of MCPB meetings - Ms. Marion stated that this issue will be discussed at the January meeting. State requirements concerning the destruction of digital recordings were discussed. Ms. Marion will discuss the policy on destruction of digital recordings with the Chairman and Legal Counsel prior to the January meeting.

Revision to Bylaws - Ms. Marion said there was a need to amend the planning board bylaws to reflect changes in scheduled meeting times and to review the bylaws for other potential changes. She will consult with the Chairman and Legal Counsel concerning this issue.

2011 MCPB Meeting Dates - Ms. Marion distributed a list of proposed Morris County Planning Board Meeting Dates for 2011. Based on the activities of the past year, Ms. Marion suggested canceling the August 28, 2011 meeting, and combining the November 17, 2011 meeting and December 15, 2011 meeting to a single meeting date on December 1, 2011. She said she would prepare the schedule for adoption at the January meeting.

2011 MCPB Attorney Selection Committee - Ms. Marion stated she will be contacting board members about attorney selection for 2011.

LEGAL UPDATE

Nothing to report.

COMMENTS FROM THE PUBLIC

None

NEXT MEETING

The next meeting, which is the Planning Board’s re-organization meeting, is scheduled for Thursday, January 20, 2011 at 7:00 p.m.

ADJOURNMENT

At 8:33 p.m., Mr. Klatzman moved to adjourn the meeting. Mr. McCarthy seconded and all approved by voice vote.

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