

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

30 Schuyler Place
May 15, 2014

Morristown
New Jersey

Vice-Chair Rattner called the meeting to order at 7:00 p.m.

OPEN PUBLIC MEETINGS LAW

Vice-Chair Rattner stated that the Secretary of the Board provided public notice of this meeting in a legal notice dated February 8, 2014.

ROLL CALL

Those present were:

Steve Rattner, Vice-Chair	Christine Marion, Planning Director
Isobel Olcott, Secretary	Anthony Soriano, Supervising Planner
Ted Eppel	Greg Perry, Supervising Planner
Christopher Vitz, County Engineer	Joe Barilla, Principal Planner
Stephen Jones, Alt. #1	Virginia Michelin, Principal Environmental Planner
Nita Galate, Alt. #2	W. Randall Bush, Planning Board Attorney

REVIEW OF MINUTES

Ms. Olcott moved approval of the minutes of the April 17, 2014 meeting. The motion was seconded by Mr. Eppel and was approved by roll call vote.

VOTE	Aye	Nay	Abs.
Ted Eppel	x		
Thomas Mastrangelo, Freeholder Dir.	-		
Isobel Olcott, Secretary	x		
Annabel Pierce	-		
Steve Rattner, Vice-Chair	x		
David Scapicchio, Freeholder	-		
Everton Scott	-		
Christopher Vitz, County Engineer	x		
John Cesaro, Freeholder Alt.	-		
Stephen Jones, (Alt.1)	x		
Nita Galate, (Alt. 2)	x		
Roslyn Khurdan, (Eng. Alt.)	-		
Joseph Falkoski, Chairman	-		

DIRECTOR'S REPORT

The Board accepted the Director's Report for April - May 2014 and it will be placed on file.

REPORT OF FUNDS RECEIVED

Funds received for April 2014 totaled \$6,830.

FUTURE MEETINGS

Ms. Marion informed the Board that Mr. Sitlick will be attending a State Data Center meeting in June. The meeting will cover the availability of new census data and mapping tools. Ms. Marion will keep the Board updated.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan – Ms. Michelin reported on the Wastewater Management Plan, stating that the chapter for Jefferson Township was submitted to the Department of Environmental Protection (DEP) in the beginning of April. DEP made some minor comments and Ms. Michelin anticipates that the chapter will go to public notice shortly. Ms. Michelin stated that she has started work on the Rockaway Valley Regional Sewerage Authority (RVRSA) chapters. She will be preparing seven of the ten towns served by the RVRSA, which are not conforming to the Highlands Regional Master Plan. She is working on the build-out for RVRSA towns since RVRSA wants to expand their plant capacity and hopes to have the build-out completed by fall.

Ms. Marion stated that Ms. Michelin is the sole staff developing the Wastewater Management Plan, and is coordinating the outreach effort to municipalities, collecting data and coordinating with the DEP. Ms. Michelin informed the Board that she is also trying to coordinate with Highlands Council staff, noting that the Highlands Council is responsible for WMP chapters for conforming municipalities. To provide for a more accurate flow number, she is working to include the Highlands information in the build-out table for the RVRSA.

Watershed Activities - Ms. Michelin informed the Board that through her role with the NJ American Water Resources Association, she is assisting in the development of a Soils Health Video.

Land Subdivision and Zoning

Developments Reviewed – Mr. Rattner reported there were ten applications reviewed at the May 15, 2014 Land Development Review Committee meeting. . He noted the following applications:

1. Site Plan for Lincoln Park Airport- Taxiway in Lincoln Park. This site plan concerns the replacement of two existing fuel storage tanks between hangers five and six and the improvement of the existing taxiway. He stated there are no county concerns.
2. Site Plan for Netcong Apartments in Netcong. This site plan is for a 72-unit apartment building with 108 parking spaces on a former industrial site. Mr. Rattner stated that traffic will be an issue, but that this is not under the purview of the County. He also stated that a stormwater management report will be required. Mr. Perry described issues related to outfalls from the Route 46 drainage system.

3. Site Plan for 679 Newark-Pompton Turnpike in Pequannock. Mr. Rattner reported that this site plan is for a 592 square foot addition to an existing medical office and additional site upgrades. County Traffic Engineering will review the existing driveway connection to Newark-Pompton Turnpike.
4. County College of Morris Route 10 Access in Randolph. This site plan concerns the reconfiguration of an existing parking lot with the new driveway connection to Route 10 east. County Engineering will review stormwater management.

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for April 2014. The motion was seconded by Mr. Vitz and approved by roll call vote.

VOTE	Aye	Nay	Abs.
Ted Eppel	x		
Thomas Mastrangelo, Freeholder Dir.	-		
Isobel Olcott, Secretary	x		
Annabel Pierce	-		
Steve Rattner, Vice-Chair	x		
David Scapicchio, Freeholder	-		
Everton Scott	-		
Christopher Vitz, County Engineer	x		
John Cesaro, Freeholder Alt.	-		
Stephen Jones, (Alt.1)	x		
Nita Galate, (Alt. 2)	x		
Roslyn Khurdan, (Eng. Alt.)	-		
Joseph Falkoski, Chairman	-		

Legislative and Municipal

Recent Legislation – Mr. Soriano reported that there was activity on 32 bills since the last Planning Board meeting. He stated that there has been no activity on Senate Bill 1240, the bill for which the Board passed a resolution of support at the last Planning Board meeting. He noted Senate Bill A3113 which would prohibit the application of new State and local rules and regulations to certain manufacturing facilities for 10 years. Mr. Jones asked if there is any news on the move to extend the Permit Extension Act again. Mr. Soriano stated he has not heard anything, but that there was a legislative session today at which it may have been introduced and that he would monitor related legislation.

Master Plan & Land Use Ordinance Monthly Report - Mr. Soriano reported on two master plan amendments. Denville Township updated its Environmental Resource Inventory that includes a comprehensive inventory and assessment of a variety of topics, including a category called “Extreme Phenomena” that addresses cyclones, landslides, earthquakes and climate change. Jefferson Township submitted a Highlands Preservation Area Master Plan Element and amendment to its master plan to comply with conformance requirements for that area of the Township located in the Highlands Preservation Area.

Mr. Soriano then reported on the Land Use Ordinance Monthly Report, stating that there were twelve ordinances proposed and four ordinances adopted for a total of sixteen ordinances processed for the month. A Borough of Morris Plains ordinance creates two new Affordable Housing Residential Districts on opposite sides of Route 53 on municipally-owned properties. An ordinance

introduced by the Township of Parsippany-Troy Hills would create two Professional Office Districts on township-owned properties on either side of Smithfield Park north of Interstate 80. Mr. Soriano reported that this ordinance is being proposed as a result of a settlement of litigation involving a billboard company.

Long Range Planning

Ms. Olcott stated the committee did not meet.

LAISON REPORTS

Lake Hopatcong Commission

Ms. Marion reported that the Commission cancelled their March 2014 meeting.

Lake Musconetcong Regional Planning Board/ Musconetcong River Management Council

Mr. Rattner stated the meeting will take place next week.

Morris County Open Space Trust/Flood Mitigation Committee

Mr. Eppel reported that one closing occurred this month on a .7 acre parcel located to the southwest of Brooklake Road and Burnside Avenue within an established residential neighborhood in Florham Park Borough. Mr. Jones noted that the area contains several lots located on a paper street adjacent to Stobaeus Park and he anticipates additional preservation activity in the area. Mr. Eppel reported that the next meeting of the Trust is on Monday night.

Morris County Agriculture Development Board. Ms. Marion informed the Board of the closing on the 124th and 125th preserved farms in Morris County. The preservation of these farms, both located in Chester Township, brought the total amount of preserved agricultural land in Morris County to 7,709 acres, which is approximately 12 square miles, which is roughly the area of Long Hill Township. Mr. Bush reported that there are eight more applications in the new funding round and that two additional applications are anticipated. He noted that the increased activity coincides with the June 30 cut-off date for consideration of pre-Highlands Act value in the assessment of these farms. Only post-Highlands Act value will be considered after June 30. Ms. Marion stated that Ms. Coyle has been sending out notices and reaching out to the communities to let them know that the Preservation Trust program is available to those interested in preserving their farms. Mr. Bush described how the particular characteristics of a farm parcel can affect value.

CORRESPONDENCE AND REPORTS RECEIVED

Ms. Marion had nothing to report.

Report of Meetings

Ms. Marion had nothing to report.

Other Business

Chatham Township Letter of Support for Safe Routes to School Application – Ms. Marion stated that Chatham Township requested a letter from the Morris County Planning Board in support of the municipality's application for funding through the New Jersey Department of Transportation (DOT) Safe Routes to School Program. Chatham intends to use the funding to make sidewalk improvements on Spring Street, Lafayette Avenue and Shunpike Road. She stated that she prepared a draft letter for the Board's consideration.

Ms. Olcott moved approval of the letter to be sent to the DOT, Mr. Eppel seconded and it was approved by voice vote. Ms. Galate opposed.

Status of Water Resources Enhancement Program – Ms. Michelin stated that the Water Resources Enhancement Program (WREP) was created in the fall of 2012 to help municipalities determine the use of properties purchased under the Flood Mitigation Program. These properties have had their structures removed and are restricted from future development. Ms. Michelin and Joe Barilla have identified several low maintenance options for these properties, such as rain gardens and community gardens. She had contacted the Township of Parsippany-Troy Hills in May of 2013 regarding the program, and that the Township invited her and Mr. Barilla to conduct site reviews and soil sampling and to provide a preliminary analysis on seventeen preserved properties in the Lake Hiawatha section of the Township. The Township approved of their proposals and she is now working with Parsippany-Troy Hills to identify funding opportunities from the Federal Emergency Management Agency, the NJ Office of Emergency Management and the NJ Green Acres Program. The Township is also reviewing the possible use of its Trust Fund to improve these properties. Ms. Marion stated that once pavement is removed from the flood mitigation properties, the WREP program provides an opportunity to enhance their flood mitigation potential.

COAH Update – Mr. Soriano informed the Board that on April 30, 2014, COAH released its new proposed third round rules. He and Mr. Sitlick are in the process of reviewing the rules and the affordable housing obligation figures. They will both be attending a webinar on June 4th concerning the new rules, which Mr. Soriano described as complex and sometimes unclear.

Mr. Soriano distributed summary tables illustrating Morris County's total COAH Obligation under the proposed rules to the Planning Board members. He noted that county-wide obligations are substantially lower under the proposed rules and generally lower for most individual municipalities. He described the various components of the obligation, but noted that there is some ambiguity as to how the component parts were generated.

Mr. Soriano reported that the new rules stress inclusionary zoning as the preferred means of meeting the fair share housing obligation and that alternative means seem to be available only when

inclusionary zoning is proved impractical, noting that further review of this provision is necessary. The rules include a concept called “buildable limit” which reduces the affordable housing obligation due to a lack of available land, as calculated by COAH using State GIS data. The new rules also establish a default 10% set-aside for inclusionary development, compared to the 20% set-aside included in prior versions of the COAH rules. Each inclusionary development proposal must be accompanied by an Economic Feasibility Analysis to assure that proposed projects provide a realistic opportunity for development. There is no obligation to provide rental units and rental and other bonuses are eliminated. Highlands conforming municipalities are not treated differently in the rules, but because conforming municipalities have less “developable” land due to the Highlands regulations, their obligation may be lessened due to the new buildable limit provision. Mr. Soriano reported the next steps in the proposed rule adoption.

LEGAL UPDATE

Mr. Bush had nothing to report.

Ms. Marion asked the Board whether they received an e-mail concerning their Financial Disclosure Form. She stated that anyone having a problem filling out the form may come to the Board offices for assistance with the on-line form, which must be completed by June 13th.

Comments from the Public

There were no comments from the Public.

NEXT MEETING

The next meeting is scheduled for June 19, 2014 at 7:00 p.m.

ADJOURNMENT

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

Respectfully submitted,

Christine Marion, P.P./AICP
Planning Director

Original was signed and is on file at the office of the Morris County Planning Board.