

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

30 Schuyler Place  
May 21, 2015

Morristown  
New Jersey

Chairman Falkoski called the Regular Meeting to order at 7:03 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 January 26, 2015.

**ROLL CALL**

Those present were:

Joseph Falkoski, Chairman	Christine Marion, Planning Director
Steve Rattner, Vice-Chairman	Deena Leary, Department Director
Isobel Olcott, Secretary	Anthony Soriano, Supervising Planner
Ted Eppel	Greg Perry, Supervising Planner
Everton Scott	Joe Barilla, Principal Planner
Christopher Vitz, County Engineer	W. Randall Bush, Planning Board Attorney
Stephen Jones, Alternate #1 (arrived 7:30)	Rene Axelrod, Recording Secretary
Nita Galate, Alternate #2	

**REVIEW OF MINUTES**

Ms. Olcott moved approval of the minutes of the April 16, 2015 meeting. The motion was seconded by Mr. Eppel, and was approved by roll call vote.

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

## **DIRECTOR'S REPORT**

The Board accepted the Director's April 2015 Report and it will be placed on file.

## **REPORT OF FUNDS RECEIVED**

Funds received for April 2015 totaled \$13,840.

## **FUTURE MEETINGS**

Ms. Marion had nothing to report.

## **COMMITTEE REPORTS**

### **Environment and Watershed**

***Wastewater Management Plan*** – Ms. Marion stated that work continues on the County Wastewater Management Plan. She reported that Ms. Michelin is working with the Rockaway River Valley Regional Sewerage Authority (RVRSA) and has just submitted Denville Township's build-out analysis to Denville and is waiting for feedback. Ms. Marion stated that the issues between Mine Hill Township and the RVRSA are being resolved. She stated that new NJDEP (DEP) rules may be released sometime in July with adoption of the rules planned for early next year.

***Watershed Activities*** – Ms. Marion stated she attended a meeting of the Rockaway River Water Cabinet. She informed the board that the consultant completed the macro-invertebrate study indicating that most sites show stable water quality; however, three sites were found to have deteriorating water quality conditions. She stated that the Cabinet will further investigate these areas, which include the Beaver Brook, Den Brook and Jackson Brook.

***Highlands RMP Monitoring*** – Mr. Soriano stated that he submitted comments and recommendations to the Highlands Council on behalf of the Planning Board relating to the Highlands Regional Master Plan Monitoring Report and potential amendment of the Regional Master Plan (RMP). He stated that these comments and recommendations focused on economic development in the Highlands Region; changes in the requirements for county conformance; possible changes to the Highlands Act that could be included as recommendations in a revised RMP; and other various amendments to the policies and objectives. Ms. Olcott was concerned that the Highlands Council may not review the comments. Mr. Soriano noted that the Council must respond to all formal comments in writing. Ms. Marion reported that two meetings were held with Highlands Council staff at which many of the issues brought up in the report were discussed. She noted that discussions with Council Executive Director Nordstrom and Highlands staff demonstrate a willingness to pursue greater economic development issues. Ms. Marion said she plans to meet with Megan Hunscher of the MCEDC and Director Nordstrom to discuss a pilot economic development project.

Steve Rattner reported that he attended a seminar concerning the use of rain gardens at which there was a discussion concerning the difficulty in replicating nitrate dilution results in laboratory versus field environments. He said he would attempt to obtain a copy of the PowerPoint presentation for the Board.

### **Land Subdivision and Zoning**

***Developments Reviewed*** – Mr. Rattner and Ms. Olcott reported on the May 21, 2015 committee meeting held before the Planning Board meeting. Ms. Olcott stated the Committee reviewed 18 applications. Ms. Olcott and Mr. Rattner noted the following applications:

1. 294 Main Street, Chester –this site plan is for a small addition and reconfiguration of a parking lot for an existing retail property. The County will need to review the site distance from the driveway.
2. Black River Parking Expansion, Chester Township – Chester Township submitted a site plan for paving a municipal parking lot at the Black River Park. The plan does not show any provision for an ADA ramp near the driveway entrance. The application was conditionally approved.
3. Delta Gas, Chester Township - This is a site plan for the redevelopment of the Delta gasoline station and convenience store with access to Mendham Road. The application was conditionally approved, pending changes to the driveway.
4. The Removal Process, Inc., Jefferson Township – This subdivision concerns a lot line adjustment reconfiguring six existing lots into four lots. There are no county concerns.
5. Kinnelon DPW Garage, Kinnelon Borough –This application proposes the expansion of the Kinnelon DPW garage. A municipal sign in the County road right-of-way will need to be relocated.
6. Hillandale-Saint Johns Property, Mendham Township – This site plan concerns the redevelopment of a former school to a 53 unit age-restricted residential community. The County will review for stormwater management.
7. Towaco Station, Montville – This is a subdivision and site plan for a mixed use (retail/residential) 8,000 sq. ft. two story structure with 23 residential town homes. The site will share and expand an existing driveway with a similar style mixed use building adjacent to this property. On-street parallel parking will be provided within the Route 202 right-of-way in conformance with the municipal master plan. The County will review stormwater management, Route 202 frontage improvements and access.
8. 250 Johnson Road, Morris Plains – This is a site plan for the redevelopment of an existing vacant office building into a three building, 197-unit apartment complex. There will be a total of 30 low and moderate income units to be dispersed throughout the three buildings. County engineering will review for stormwater management.
9. Mataj Development, Morristown – This is a site plan for the removal and replacement of an existing single story retail structure with a larger two story building with retail on the first floor and an apartment on the second floor. Approval is withheld at this time as more work on the application is needed.
10. Debeck Associate, Mt. Olive – This is a site plan for a 17,100 sq. ft. auto dealership with 152 parking and auto storage spaces. This site is served by on-site well and septic system and is located in the Highlands Preservation Zone. The County will review stormwater

management and access to Route 202. The Highlands Council will also need to approve this project.

11. Water's Edge, Parsippany – This site plan is for a 32-unit townhouse development on a site that has steep slopes and wetlands and is adjacent to the Jersey City Reservoir. The County will review stormwater and access to Route 202. This application is withheld pending further review and submittal of further information.
12. UPS, Parsippany – This site plan is for a UPS Corporate Information Technology office building and parking spaces within the Morris Corporate Center office campus. The site is located within the Troy Brook watershed. County engineering will review for stormwater management.

Ms. Marion informed the Board of the letter received from Connell Foley LLP asking for a meeting in reference to the site plan application submitted by UPS. Mr. Bush stated that the Planning Board can meet with the applicants, but must state that the Board's jurisdiction is limited to impacts on county drainage and roads.. Mr. Rattner stated that a representative from Connell Foley LLP attended the Development Review Committee meeting. Mr. Bush suggested that a letter be sent indicating the Planning Board's areas of jurisdiction, and meet with the applicant if requested. Mr. Bush stated he would confer with Ms. Marion as pertains to this issue.

Mr. Vitz made a motion to approve the Report of Actions Taken on Development Plans for April 2015. The motion was seconded by Ms. Olcott and approved by roll call vote.

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

**Recent Legislation** – Mr. Soriano stated there were several agricultural bills recently introduced including A3476 which would clarify the definition of agricultural deed restrictions and S2910, which would permit certain breweries to sell beer at community farm markets. Mr. Soriano also reported on Senate Bill 2847 that would create a Land Use Court, which is proposed to be a new limited court that would have jurisdiction over all land use cases concerning decisions made by county and municipal government authorities or other state agencies that issue permits or approvals. He noted that the proposed court would not have jurisdiction over cases concerning the Fair Housing Act.

***Master Plan & Land Use Ordinance Monthly Report*** – Mr. Soriano summarized the proposed Chester Township Master Plan Housing Element and Fair Share Plan amendment to the Chester Township Master Plan. He stated that, as a conforming municipality, the Chester Township Housing Element identifies affordable housing goals and objectives relating to the Highlands Regional Master Plan. He reported that the proposed Housing Element indicates that COAH certification will be sought once the Highlands Council approves the plan, but does not mention the recent Supreme Court decisions invalidating the last third round rules and remanding further COAH housing authority to the courts.

Mr. Soriano then summarized the April 2015 Land Use Ordinance Monthly Report, stating that there were six proposed ordinances and five adopted ordinances for a total of eleven ordinances processed. He reported that Hanover Township amended their Land Use and Development Regulations for the I-B3 Industrial and Business District to reduce the minimum lot sizes for retail sales and service uses meeting certain requirements. He stated that in the Township of Long Hill intends to rezone the Gillette Sports Training Center site from a Conservation Zone to a Recreation Zone. Lastly, he reported that the Borough of Madison proposed an ordinance to prohibit pipelines that are not public utilities that distribute services to end users and are unregulated by the State of New Jersey Board of Public Utilities and that the proposed ordinance was identical to an ordinance recently adopted by Chatham Township.

### **Long Range Planning**

Ms. Olcott stated the Committee did not meet. Mr. Soriano informed the Board that 2014 population updates were just released by the U.S. Census Bureau. He reported that Morris County grew by 1.5% or 7,451 persons during this period and has a 2014 population of 499,727. He reported that Riverdale Borough and Hanover Township were in the top twenty municipalities in the State in terms of percent population increase. Ms. Marion reminded the Board that the 2014 figures are one year estimates. Ms. Olcott stated that ongoing redevelopment of properties for apartments should result in future population increases.

### **LIAISON REPORTS**

**Lake Hopatcong Commission** - Ms. Marion stated that a report was received from Mr. Jarvis, in which it was reported that there was major public concerns regarding water levels expressed at the last Commission meeting. Ms. Marion reported that the Commission will reconvene the Water Level Management Plan Team to discuss options and amendments to the Water Level Management Plan. She stated that the report also discussed the lack of available funding and that there has been no money for weed harvesting since the passage of the State Open Space Ballot question. Ms. Marion stated that Mr. Jarvis hopes to define a funding source for Lake Hopatcong and supports development of a ballot question to create a fund for non-tidal waters of New Jersey.

### **Lake Musconetcong Regional Planning Board/ Musconetcong River Management Council**

Mr. Rattner informed the Board that the Musconetcong River Management Council is still fighting construction of a 300-unit project that is a half mile from the river. He informed the Board that Rider University is completing the three year study of road salt and the effect it has on the river. He stated that the Lake Musconetcong Regional Planning Board conduct its regular

weed harvesting this year and that the Board is considering the use of certain bacteria that would reduce nitrates, phosphates and the organic material at the bottom of the lake by 25% per year. A test of this bacterial treatment over a three to five acre area is being considered for a pilot study.

### **Morris County Open Space Trust Fund**

Ms. Marion stated that applications are due June 19, 2015.

### **Correspondence and Reports Received**

Ms. Marion stated that she received three response letters to the Planning Board's Resolution 2015-2 which opposed Senate Bill S-2818 which proposes to modify requirements concerning preliminary site plan and subdivision approvals. She stated she received a letter of response from the sponsor of the bill, Dr. Jeff Van Drew, Senator, from Senator Anthony R. Bucco, and Assemblywoman Nancy F. Munoz, all thanking the Board for their input.

### **Report of Meetings**

Ms. Marion had nothing to report.

### **Other Business**

#### **Presentation on County Planning-Related Laws and the Role of County Planning Board**

Ms. Marion stated that Mr. Soriano prepared a review of New Jersey State Statutes, other than the County Planning Act, that affect the County Planning Board. She stated that most of the laws could be categorized into several roles including coordination, collaboration, notification and other tasks. She described several New Jersey laws in which the County Planning Board had one or more of these roles, including the County Historical Commission Act, the Agriculture Retention and Development Act, the State Planning Act, the State Transfer of Development Rights Act, the Water Quality Planning Act, the Stormwater Management Act and the Highlands Water Protection and Planning Act. She also identified Board responsibilities related to soil conservation districts, and COAH.

Mr. Marion then informed the Board on the need to amend the Official County Map. She stated that she will work with Mr. Vitz and Ms. Leary to identify aspects of the map in need of amendment. She reported that amended map will require adoption by the Morris County Freeholders.

**COAH update** - Mr. Soriano reported that he asked Mr. Sitlick to review the latest developments concerning the Court takeover of the COAH affordable housing process. He discussed the recent report prepared on behalf of the Fair Share Housing Center in which consultant Mr. David Kinsey prepared a statewide analysis based on the COAH second round rules. Mr. Soriano said the report provided Mr. Kinsey's opinion concerning municipal affordable housing obligations in accordance with recent court decisions. The report is not an official document and has not been adopted by any state or local government agency, and that various assumptions were made in the

report. He stated that the report focused on prospective / future need, but that the consultant calculated this need for the period 1999 to 2025, making it difficult to compare with most recently proposed COAH figures. He stated that the report estimated the Morris County affordable housing obligation for 1999-2015 as 20,135 new units. He stated that the report used state information in its analysis which is likely to be challenged at the local level and that the Court is likely to employ its own experts in the evaluation of municipal affordable housing obligations. He reported that municipalities should begin submitting their plans to the Court for its review beginning on June 8, 2015.

## **LEGAL UPDATE**

Mr. Bush had nothing to report.

## **Comments from the Public**

Mr. Jones gave an update on a meeting he attended concerning the Edgewater Townhouse/Condo fire. He stated that a report will be issued tomorrow concerning the fire and that some of the issues raised in the report were associated with lightweight construction material. Mr. Jones informed the Board that he has been appointed to be an advisor on a New Jersey task force to address lightweight construction issues. He stated that the New Jersey Legislature will soon release a bill related to the mandatory installation of sprinkler systems in all new townhomes. Mr. Jones also stated that the Board may want to consider Assembly Bill 2579 that would authorize municipalities to finance water conservation, storm shelter construction and hurricane resistant projects.

## **NEXT MEETING**

The next meeting is scheduled for June 18, 2015 at 7:00 p.m.

## **ADJOURNMENT**

At 8:25 p.m., Mr. Vitz moved to adjourn the meeting. Mr. Eppel 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.*