

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

30 Schuyler Place
June 16, 2016

Morristown
New Jersey

Chairman Rattner called the Regular Meeting to order at 7:03 p.m.

OPEN PUBLIC MEETINGS LAW

Chairman Rattner stated that the Secretary of the Board provided public notice of this meeting in a legal notice dated February 1, 2016.

ROLL CALL

Those present were:

Steve Rattner, Chairman	Christine Marion, Planning Director
Ted Eppel, Secretary (arrived 7:06)	Anthony Soriano, Supervising Planner
Stephen Jones (arrived 7:40)	Greg Perry, Supervising Planner
Everton Scott	Joseph Barilla, Principal Planner
Christopher Vitz, County Engineer	W. Randall Bush, Attorney
Nita Galate, Alt.1	Rene Axelrod, Recording Secretary
Anthony Abrantes, Alt.2	

Chairman Rattner asked members to join in for the pledge of allegiance to the flag.

REVIEW OF MINUTES

Mr. Abrantes moved approval of the minutes of the April 21, 2016 meeting. The motion was seconded by Mr. Scott and was approved by roll call vote.

VOTE	Aye	Nay	Abs.
Kathryn A. DeFillippo, Freeholder Dir.	-		
Ted Eppel, Secretary	x		
Stephen Jones	-		
Christine Meyers, Freeholder	-		
Isobel Olcott, Vice Chair	-		
Annabel Pierce	-		
Everton Scott	x		
Christopher Vitz, County Engineer	x		
Deborah Smith, Freeholder Alt.	-		
Nita Galate (alt. 1)	x		
Anthony Abrantes, (alt. 2)	x		
Roslyn Khurdan, (Eng. alt.)	-		
Steve Rattner, Chairman	x		

DIRECTOR'S REPORT

The Board accepted the Director's Report for April/May 2016 and it will be placed on file.

REPORT OF FUNDS RECEIVED

Funds received for April 2016 totaled \$6,930.

Funds received for May 2016 totaled \$4,120.

FUTURE MEETINGS

Ms. Marion had no meetings to report.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan – Ms. Marion reported that the County has a new Department of Environmental Protection (DEP) liaison. She stated that the liaison has requested a change in the gallons per person input figure being used for Nitrate Dilution Model calculations. She reported that this change will have consequences for Morris and other counties and that staff is pursuing further interpretation from the DEP.

Ms. Marion then reported that the Wastewater Management Rules have not yet been adopted. She also reported that she and Ms. Michelin met with the planner from Boonton Township to go over the Wastewater Management Plan process and that staff is still working to complete the chapters for towns within the Rockaway Valley River Sewer Authority (RVRSA). Ms. Marion informed the Board that Mine Hill Township has been installing the meters needed to provide data to resolve their flow calculation issues. She reported that Ms. Michelin is also currently working with Parsippany Township, Jefferson Township and Long Hill Township to complete their WMP chapters.

Chairman Rattner and Ms. Marion explained the origin of the water use figures being used by the DEP in their Nitrate Dilution calculations.

Watershed Activities – Ms. Marion reported that a Rockaway River Watershed Cabinet meeting was held on June 15th and that the Cabinet has completed their 15th macro-invertebrate study. She stated that the report noted the declining water quality of the Den Brook in Denville in the area downstream of the Openaki Bridge. She stated that the elimination of a pond and the warming of the water in this area has contributed to deteriorating water quality. She stated that the Cabinet will be on hiatus for the summer and will resume activities in September.

Land Subdivision and Zoning

Developments Reviewed – Mr. Vitz reported on the May 18, 2016 Land Development Review Committee meeting and noted the following applications:

1. The Green at Florham Park-Building 2, Florham Park- This project involves the construction of 130,000 square feet of office space and 600 parking spaces. Mr. Vitz stated that Engineering will review drainage and that other review items have been addressed previously in connection with the general development plan for this project.

2. Sun Valley III, Florham Park - This site, located on North Passaic Avenue, will add 160 residential units as an extension of the Sun Valley apartment complex. The proposed driveway connects with the county road on an angle that does not meet county standards. Mr. Vitz reported that the applicant has been informed and that he is waiting for a response.

Mr. Vitz reported on the June 16, 2016 Land Development Review Committee meeting. The applications consisted of several small single family subdivisions of three, four and five lots.

Mr. Scott informed the Board that he met with Mr. Ray Cody, Administrator of Madison Borough and that Mr. Cody remains concerned about traffic issues on Park Avenue presented by growing development in the area. Mr. Scott stated that he told Mr. Cody that he would let the Board know of his ongoing concerns, but that the County has no authority over local land use decisions.

Mr. Vitz made a motion to approve the Report of Actions Taken on Development Plans for April 2016. The motion was seconded by Mr. Scott and approved by roll call vote.

VOTE	Aye	Nay	Abs.
Kathryn A. DeFillippo, Freeholder Dir.	-		
Ted Eppel, Secretary	x		
Stephen Jones	-		
Christine Meyers, Freeholder	-		
Isobel Olcott, Vice Chair	-		
Annabel Pierce	-		
Everton Scott	x		
Christopher Vitz, County Engineer	x		
Deborah Smith, Freeholder Alt.	-		
Nita Galate (alt. 1)	x		
Anthony Abrantes, (alt. 2)	x		
Roslyn Khurdan, (Eng. alt.)	-		
Steve Rattner, Chairman	x		

Mr. Scott made a motion to approve the Report of Actions Taken on Development Plans for May 2016. The motion was seconded by Mr. Vitz and approved by roll call vote.

VOTE	Aye	Nay	Abs.
Kathryn A. DeFillippo, Freeholder Dir.	-		
Ted Eppel, Secretary	x		
Stephen Jones	-		
Christine Meyers, Freeholder	-		
Isobel Olcott, Vice Chair	-		
Annabel Pierce	-		
Everton Scott	x		
Christopher Vitz, County Engineer	x		
Deborah Smith, Freeholder Alt.	-		
Nita Galate (alt. 1)	x		
Anthony Abrantes, (alt. 2)	x		
Roslyn Khurdan, (Eng. alt.)	-		
Steve Rattner, Chairman	x		

Legislative and Municipal

Recent Legislation – Mr. Soriano reported on the introduction of Senate Bill S2087, which would extend the “Permit Extension Act of 2008” for another two years, marking the fourth such extension. Mr. Soriano then reported on Senate Bill S2294, which would require the sale of 671 acres of unused State-owned Greystone Park Psychiatric Hospital property to Morris County. Mr. Bush informed the Board that the Morris County Freeholders have adopted two resolutions with respect to this bill. He stated that, under the bill, there would be a use and maintenance agreement between the County and the State that would run for 30 years. The resolutions also address the access road that will be coming from Hanover Avenue into Greystone Central Park to alleviate the traffic issue. Mr. Eppel stated that he was concerned with traffic issues at this location.

Mr. Soriano then reported on the introduction of Assembly Bill A3777, which would allow the relocation of certain exception areas on preserved farmland. Finally, Mr. Soriano reported that Senate Bill S969 was conditionally vetoed. He stated that this bill would implement a 2014 voter approved dedication of corporate business tax revenues for certain environmental, open space, farmland and historic preservation purposes.

Master Plan & Land Use Ordinance Monthly Report – Mr. Soriano reported that the County received one master plan amendment from the Township of Hanover. He described the Route10 Corridor Planning and Zoning Report as an amendment to the Land Use Plan Element of the Hanover Master Plan. The intent of the Plan is to promote and enhance the revitalization of the Hanover portion of the Route 10 corridor. Ms. Marion asked if traffic was addressed in the Plan and Mr. Soriano stated that the focus was land use and potential redevelopment areas.

Mr. Soriano reported that there were six proposed ordinances and one adopted ordinance for a total of seven ordinances processed in April. He noted a proposed ordinance from Mendham Borough

that would allow for outdoor dining in the Historic Business Zone. He also reported that Hanover Township proposed an ordinance pertaining the location of gasoline stations along Route 10.

Mr. Soriano reported that four proposed ordinances, three adopted ordinances and one defeated ordinance for a total of eight ordinances were processed for May. He highlighted an ordinance from Roxbury Township that would allow affordable housing in their Government Use District (GU District) in accordance with the Township Housing Element and Fair Share Plan.

Long Range Planning

Morris County Circulation Element – Mr. Soriano reported that the consultant made modifications to the introductory and background sections of the second draft plan and incorporated comments for the completion of a third draft plan document. He stated that this third draft was not final, but was being submitted to the NJTPA so that the final grant monies provided in connection with the project could be released. He reported that the NJTPA should finalize their review by the end of the month, after which staff will make further amendments to the Plan and set up a meeting with the Long Range Committee for presentation and review. He stated that the consultant will attend this meeting, after which final amendments will be made and the document will be submitted to the full Board. He stated that he anticipates that the Plan will be subject to Board adoption before the end of the year.

LIAISON REPORTS

Lake Hopatcong Commission

Ms. Marion stated she has not received any reports.

Lake Musconetcong Regional Planning Board/ Musconetcong River Management Council

Chairman Rattner reported that the Musconetcong River Management Council is working on the fourth dam removal on the Musconetcong River and congratulated the Musconetcong Watershed Association for its efforts in the removal of various dams along the River.

Mr. Rattner stated that the Lake Musconetcong Regional Planning Board was informed that the weeds pulled from the lake are no longer allowed to be spread on State lands. Mr. Rattner stated that Professor Joseph Heckman, Rutgers University, Department of Planned Biology and Pathology has taken samples of the weeds to do an analysis to see if there may be a beneficial use of these nutrient rich weeds for organic farms. Mr. Rattner reported that a new probiotic treatment is being tested on the Stanhope side of the lake which may cut down on sludge at bottom of the lake in a manner more cost effective than dredging. Mr. Rattner also noted that local property owners along the lake have raised funding and are providing assistance in lake maintenance. He reported that the DEP is requesting additional studies not originally contemplated in the lake management plan, which may require the expenditure of additional funds from the organization's budget.

Morris County Open Space Trust Fund

Ms. Marion informed the Board that Open Space applications are due on July 17th and that she is expecting numerous applications. Mr. Bush reported that a closing occurred on the Scheller Farm in Washington Township and informed the Board of upcoming closings for the Tinc Farm in Mount Olive Township and the Konkus Farm in Chester Township.

Correspondence and Reports Received

Ms. Marion had nothing to report.

Report of Meetings

Ms. Marion stated that Ms. Michelin and Mr. Barilla attended a meeting held by the Department of Environmental Protection (DEP) on preliminary draft MS4 permits and stormwater management requirements. Ms. Marion stated that the DEP is attempting to better monitor and enforce stormwater requirements in response to pressure from environmental groups and the Environmental Protection Agency (EPA) so as to meet the requirements of the Clean Water Act. She stated that NJDEP is soliciting input from municipalities on the proposed DEP changes, which will require better monitoring and maintenance of stormwater detention basins. She stated that the municipalities would be required to inventory all basins and report on their maintenance, whether publicly or privately owned. Ms. Marion stated that the County also has an MS4 permit for its basins and stormwater facilities and that the County will also be subject to the new requirements. She reported that work has begun on an update of the County's catch basin / detention basin GIS database.

Mr. Soriano stated that he, Ms. Marion and Ms. Michelin attended a DEP meeting for public officials on April 21 regarding septic density proposals for the Highlands Preservation Area. He reported that he also attended a DEP public hearing on this topic that was held on June 1 at the offices of the Highlands Council. He stated that out of the approximately 100 persons commenting at the public hearing, only a few were in favor of the new rules. He stated that responses to the public comments will be published in the New Jersey Register sometime in July.

Chairman Rattner asked Mr. Soriano whether DEP proposed changes concerning the number of gallons per household to be used in septic area calculations were included in the DEP's proposals for the number of septic systems in the Highlands. Mr. Soriano stated that the new Highlands calculations used different data, which was from well test data obtained from individual homes complying with the Well Testing Act.

Other Business

Resolution Supporting Chatham Township Safe Routes to School Grant Application

Ms. Marion stated that she received a request from Chatham Township for a Planning Board resolution in support of the Township's application for "Safe Routes to School" funding. The Morris County Freeholder Board has already adopted a resolution supporting this grant request and asked if the Morris County Planning Board would do the same. She referenced "Resolution

No. 2016-2 Supporting Chatham Township’s Safe Routes to School Application”, which was prepared by staff for consideration by the Board. She stated that the grant would help fund the installation of a sidewalk on Shunpike Road (CR 646) from Falmouth Avenue to Pine Street.

Mr. Abrantes made a motion to approve Resolution No. 2016-2 Supporting Chatham Township Safe Routes to School grant application. The motion was seconded by Mr. Vitz and approved by roll call vote.

VOTE	Aye	Nay	Abs.
Kathryn A. DeFillippo, Freeholder Dir.	-		
Ted Eppel, Secretary	x		
Stephen Jones	x		
Christine Meyers, Freeholder	-		
Isobel Olcott, Vice Chair	-		
Annabel Pierce	-		
Everton Scott	x		
Christopher Vitz, County Engineer	x		
Deborah Smith, Freeholder Alt.	-		
Nita Galate (alt. 1)	x		
Anthony Abrantes, (alt. 2)	x		
Roslyn Khurdan, (Eng. alt.)	-		
Steve Rattner, Chairman	x		

Affordable Housing Update

Mr. Soriano stated that the Superior Court is now reviewing the affordable housing plans that have been resubmitted based on the Supreme Court decision last year. He stated that these plans are being reviewed to determine if the obligations and proposed fair share methodologies are consistent with the second round rules as directed by the Supreme Court. Mr. Soriano stated that he recently learned that the courts have instructed some towns to meet with the Fair Share Housing Center to determine whether a compromise can be achieved concerning the obligations calculated by the Fair Share Housing Center and the obligations calculated by Econsult, which are substantially lower. He stated that this may be an effort on the part of the judges to avoid further litigation as to these obligations. He also reported that a decision is still pending from the Appellate Court as to whether or not the housing obligation calculation must include the “gap period” obligation incurred between 1999 and 2015. He stated that if this gap period must be included, then the obligations calculated by Econsult for many of municipalities would have to be recalculated and new housing elements would have to be developed. He stated that whatever the decision of the Appellate Court is, it is likely that it will be appealed to the Supreme Court, further extending this period of uncertainty.

Mr. Soriano informed the Board that Ms. Michelin and Mr. Sitlick completed an update of the map of Low and Moderate Income and Inclusionary Housing Development in Morris County that was distributed to each Board member. He stated that the map includes developments constructed and under construction and projects over four units in size, and excludes accessory apartments and special needs housing. Also included are tables providing details of the developments, a housing resource guide and the names of municipal housing liaisons.

LEGAL UPDATE

Mr. Bush had nothing further to report.

COMMENTS FROM THE PUBLIC

None.

NEXT MEETING

The next meeting is scheduled for July 21, 2016.

Chairman Rattner requested that after July 4th, staff should email members to find out who will be attending the July 21, 2016 meeting. Ms. Marion reminded members that there is no scheduled meeting in August, but the alternate meeting date is August 4, 2016.

ADJOURNMENT

At 8:10 p.m., Mr. Vitz moved to adjourn the meeting. Chairman Rattner 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.