

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

30 Schuyler Place
January 17, 2019

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 4, 2018 and invited members to join in for the pledge of allegiance to the flag.

ROLL CALL

Those present were:

Steve Rattner, Chairman	Anthony Soriano, Supervising Planner
Isobel Olcott, Vice Chair	Greg Perry, Principal Planner
Ted Eppel, Secretary	Joe Barilla, Principal Planner
Stephen Shaw, Freeholder Liaison	Staci L. Santucci, Esq., First Assistant County Counsel
Roslyn Khurdan, Engineering Alt.	Barbara Murray, Program Coordinator
Nita Galate	Rene Axelrod, Recording Secretary
Christian Francioli, Alt 1	

2019 Appointments to the Planning Board

Mr. Soriano stated that the Freeholder Board made the following appointments: Freeholder Cabana as Freeholder Director, Stephen Shaw as Freeholder member of the Board, and Deborah Smith as Freeholder Alternate. He stated that Everton Scott and Nita Galate were reappointed to the Board, that David Scapicchio was appointed as Alternate #2 and that Christian Francioli was appointed as Alternate #1.

Mr. Soriano opened the floor for nominations for Planning Board Chairman. Ms. Olcott moved the nomination of Steve Rattner as Planning Board Chairman and Mr. Eppel seconded. There were no other nominations for Chairman; nominations were closed by Mr. Eppel and all voted in favor of Mr. Rattner as Chairman by voice vote.

Chairman Rattner opened the floor for nominations for Vice-Chairman. Mr. Eppel nominated Ms. Olcott and Chairman Rattner seconded. There were no other nominations for Vice-Chairman; nominations were closed by Chairman Rattner and all voted in favor of Ms. Olcott as Vice-Chairman by voice vote.

Chairman Rattner continued the nominations for Board Secretary. Ms. Olcott nominated Mr. Eppel and there were no other nominations for Secretary. Nominations were closed by Chairman Rattner and all voted in favor of Mr. Eppel as Secretary by voice vote.

Chairman Rattner asked Freeholder Shaw to introduce himself to the Board. Freeholder Shaw briefly summarized his background.

Chairman Rattner asked members if they would continue their Committee appointments from last year. All agreed to continue their appointments. Chairman Rattner stated that Annabel Pierce's term has ended as liaison to the Morris County Open Space Trust. Nita Galate agreed to be the new liaison to the Morris County Open Space Trust. Committee appointments are as follows:

Legislative & Municipal – Everton Scott, Chairman, Ted Eppel, Annabel Pierce and Nita Galate (Alternate)

Land Development Review – Isobel Olcott, Chairman, Chris Vitz, Co. Engineer, Everton Scott.

Environmental & Watershed – Ted Eppel, Chairman, Chris Vitz, Co. Engineer, Christian Francioli (Alternate)

Long Range Planning – Nita Galate, Chairman, Ted Eppel, Annabel Pierce, Isobel Olcott

REVIEW OF MINUTES

Ms. Olcott moved the minutes of the December 6, 2018 Planning Board meeting. Mr. Eppel seconded the motion and the motion was approved by voice vote. Freeholder Shaw abstained.

DIRECTOR'S REPORT

The Board accepted the Director's Report for December 2018 and it will be placed on file.

REPORT OF FUNDS RECEIVED

Funds received for December 2018 totaled \$5,800.

FUTURE MEETINGS

Mr. Soriano informed the Board that staff members will attend the New Jersey Chapter of the American Planning Association Conference in New Brunswick on January 24, 2019 and January 25, 2019. Mr. Soriano stated that Ms. Marion will conduct a training session for New Jersey Planning Officials at the Public Safety Training Academy on January 26, 2019.

COMMITTEE REPORTS

Environmental and Watershed

County Wastewater Management Plan- Mr. Soriano stated that there has been no movement on the Parsippany-Troy Hills chapter and that the Department of Environmental Protection (DEP) is proposing to reduce the Parsippany-Troy Hills sewer service area. He stated that Mine Hill is moving forward with an amendment to expand its sewer service area, but that their chapter is stalled pending further DEP review.

Land Subdivision and Zoning

Developments Reviewed – Ms. Olcott reported on the Land Development Review Committee meeting held on December 19, 2018. She noted the following:

1. Denville, Glenmont Commons, Casterline Rd. – This site plan and subdivision is for a large multifamily development. The submission was incomplete and is being withheld. An advisory report was sent to the applicant.
2. Hanover, Hanover & Horsehill Bank, East Hanover Ave. (County Route 650) – This is a site plan for the construction of a Chase Bank on the remaining vacant retail pad at the Hanover & Horsehill commercial property at the Shoprite of Greater Morristown. County Engineering will review the stormwater management report and that advisory comments will be made regarding the existing parking shortage on site.
3. Montville, Fox Hollow at Olde Lane, Abbott Road – The application is for a seven lot single-family residential subdivision of undeveloped property. Six lots will be developed with single-family homes and that the seventh lot will be preserved as open space. The development will be connected to the municipal potable water system and each proposed home will have a septic system. Access for all lots will be from a cul-de-sac extension off Abbott Road. County Engineering will review for stormwater management.
4. Morristown, 113 Washington Street – The site plan is for the redevelopment of a .17 acre mixed-use property. The existing detached garage will be demolished and replaced with a three-story barn that will contain an apartment on the upper floor. The main building on the property will be renovated to contain one apartment on the upper floor and non-residential uses on the lower floor. An ADA compliant ramp will be installed with landscape improvements. County Engineering will review for site drainage and driveway compliance.
5. Parsippany, Octagon, 10 Commerce Center, Johnson Rd and Route 10 – This site plan application is for additional development in an existing office park. A new restaurant is proposed in front of the existing office building and a five-story hotel is proposed in the eastern portion of the property. The County Planning Board will provide advisory comments on the intensification of use on the site. Mr. Barilla described the on-site parking situation.
6. Roxbury, Ledgewood Commons Phase Two, Route 10 East and Righter Rd. – The applicant is proposing changes to Phase Two of the Ledgewood Commons project. The amended plan will reconfigure retail tenant building “A”, which includes the demolition of the existing Walmart and construction of a new stand-alone Walmart Supercenter. The advisory comments submitted by the County Planning Board concerning the original redevelopment plan for the site will be revisited.
7. Washington Township, 10 East Mill Rd. - This site plan application is for the renovation and expansion of the small non-residential accessory building. Mr. Barilla stated that right-of-way acquisition adjustments will be necessary due to the location of the existing building.

Ms. Olcott reported on the Land Development Review Committee meeting on January 17, 2019. She noted the following:

1. Denville, QuickChek, Franklin Road - This site plan concerns a convenience store and motor fueling facility. Access will be from a right-in/right-out connection from Route 10 with a full access driveway from Franklin Rd. Stormwater management will be reviewed by County Engineering.
2. Parsippany, MCC Blue – This site plan concerns a parking lot expansion at the northeastern corner of the intersection of Upper Pond Road and Interpace Parkway. The increased number of employees at this location has generated a need for additional parking. County Engineering will review for stormwater management. Mr. Eppel questioned the status of a pond on the site and Mr. Perry reported that the basin in question was designed to handle overflow during storm events.
3. Randolph, Randolph High School Improvements – This site plan is for expansion of a parking lot and the addition of a building for concessions and restrooms. County Engineering will review for stormwater management.

Mr. Eppel made a motion to approve the Report of Actions Taken on Development Plans for December 2018. Ms. Olcott seconded the motion and it was approved by roll call vote.

ROLL CALL

VOTE	Aye	Nay	Abs.
Douglas R. Cabana, Freeholder Dir.	-		
Ted Eppel, Secretary	x		
Stephen Shaw, Freeholder	x		
Isobel Olcott, Vice Chair	x		
Annabel Pierce	-		
Everton Scott	-		
Christopher Vitz, County Engineer	-		
Deborah Smith, Freeholder Alt.	-		
Nita Galate	x		
Christian Francioli (alt. 1)	x		
Roslyn Khurdan, (Eng. alt.)	x		
Dave Scapicchio, (alt #2)	-		
Steve Rattner, Chairman	x		

Legislative and Municipal

Recent Legislation- Mr. Soriano reported on three newly introduced bills, starting with Senate Bill S3275, which would prohibit municipal zoning ordinances from regulating solar panels under certain circumstances. Senate Bill 3283 would permit municipalities to establish a affordable housing preference for first responders. Senate Bill S3249 would authorize the Office of Emergency Management to lower reservoir levels prior to certain severe weather events. Mr. Soriano also reported on the status of a number of appropriation bills dealing with environmental infrastructure and farmland preservation.

Mr. Soriano then reported on two recent court cases, the first being Borough of Glassboro v. Grossman, which concerns the use of eminent domain and the Local Redevelopment and Housing Law. The court finding is that, when facing a challenge from a landowner, municipalities must articulate a definitive need for a property through evidence to show the necessity of a taking as part of an eminent domain action. He then reported on NJ Highlands Coalition V NJDEP. This case concerned the definition of the term “final approval” when applied to Exemption #17 of the Highlands Preservation and Planning Act and how this is different from how the term may be interpreted under the Municipal Land Use Law. Final approvals associated with this exemption included all local approvals and all DEP approvals and permits.

Master Plan & Land Use Ordinance Monthly Report – Mr. Soriano stated that five master plan amendments and one re-examination report were received. Three of the amendments were from the Borough of Wharton, including an amendment to the Stormwater Management Plan, a Washington Forge Pond Management Plan and a Highlands Center/Sustainable Economic Development Plan. The Township of Harding submitted a Housing Element and Fair Share Plan prepared in association with settlement agreements related to Harding’s court-approved Third Round housing obligation and that a Master Plan was received from the Borough of Rockaway addressing Land Use, Economic Development, Community Facilities and Recycling. The Township of Mendham submitted a Reexamination of their Master Plan that addressed changes in policy concerning the Pitney Farm and St. John the Baptist properties and the shortage of local housing affordable to young families and senior citizens.

Mr. Sitlick stated that one proposed ordinance, fourteen adopted ordinances and one tabled ordinance were processed in December 2018. He noted an ordinance from the Township of Long Hill concerning the rezoning of Block 1160, Lot 23 from the R-4 Residence District to the B-D Downtown Valley Commercial District.

Chairman Rattner asked whether the conformance of Wharton with the Highlands Regional Master Plan through the creation Borough of Wharton Stormwater Plan required the municipality to conduct remediation on an impaired water body. Mr. Soriano reported that the conformance requirement appeared to be limited to the development of the Plan for remediation.

Long Range Planning

Ms. Galate stated that the Long Range Committee met on the Land Use Element of the County Master Plan. She stated that staff has begun land use analysis in preparation for the development of an existing land use map, is updating county zoning data and is conducting other data gathering for the project. Ms. Olcott informed the Board that the Land Use Element will include data similar to that included in the State of the County Report and that the project will be conducted in-house. Mr. Rattner acknowledged Ms. Olcott's efforts to initiate this project. Freeholder Shaw discussed various land use issues facing Morris County including housing millennials, seniors and others and the County commitment to open space and parks.

2019-2024 County Capital Program Consistency Review - Ms. Galate informed the Board that the Long Range Committee completed its review of the County of Morris 2019-2024 Capital Facility Program for consistency with the Morris County Master Plan. Ms. Galate made a motion for the Planning Board to approve the findings. Ms. Olcott seconded the motion and all approved by voice vote.

Freeholder Shaw informed the Board that he is on the Capital Funding Committee and that they are still trying to find other areas for savings. Ms. Olcott asked Freeholder Shaw if he would update the Board on the Morris County Courthouse project at a later meeting.

LIAISON REPORTS

Lake Hopatcong Commission

Mr. Soriano reported that 427 volunteers cleaned 17 miles of shoreline and removed 12,790 pound of trash for the Lake Hopatcong clean up. He stated that Princeton Hydro has been working with the municipalities to identify potential locations for stormwater, shoreline and stream bank stabilization projects. Princeton Hydro also finished an aquatic plant survey and that they have created a database with this information. He reported that during the 2018 season, 3,925 cubic yards of weeds were harvested.

Lake Musconetcong Regional Planning Board

Chairman Rattner reported that the Board did not have a quorum for their last two meetings. Freeholder Shaw stated that the Freeholders are looking for an alternate for the Musconetcong River Management Council.

Musconetcong River Management Council

Chairman Rattner stated that the Council is working on removing all of the unused dams on the Musconetcong River and that the Warren Glen dam is the last dam to be removed. He stated that the Morris Canal Commission and the Scenic By-Way groups are being reactivated to broaden their geographic scope beyond Warren County to better reflect the location of the Morris Canal. He stated that the Canal Society received a grant from the NJDOT for reconstruction of a bridge. He reported that the Lake Hopatcong drawdown has ended and is now filling due to rain. He also reported on the discovery of a new invasive species called the New Zealand Mud Snail in the

Musconetcong River. He reported on the remediation of the Changewater Getty site on the Delaware River and the identification of 60 Native American sites and a dozen historic churches along the Musconetcong River and surrounding watershed area.

Morris County Open Space Trust Fund

Ms. Murray reported that she is creating the calendar for the year and that the first meeting will be on March 19, 2019. She reported that the Freeholders are still appointing Committee members. Ms. Murray informed the Board of the closing on the eleven-acre Foote's Pond/Loyola Acquisition Project in Morristown. She also reported on a closing in Morris Plains on the 1.4 acre Malapardis and Johnson Road open space.

Trail Construction Trust Fund Committee

Ms. Olcott stated that the Freeholders will consider a resolution concerning recommendations for \$797,000 for six trail construction applications at their next meeting. She also reported that there will be a debriefing meeting to discuss how the rules and regulations process is working. Ms. Murray stated that she is meeting with Ms. Chaplick to set up a schedule.

CORRESPONDENCE AND REPORTS RECEIVED

Mr. Soriano had nothing to report.

REPORT OF MEETINGS

Mr. Soriano had nothing to report.

OTHER BUSINESS

Resolution 2019-1: 2019 Meeting Schedule Resolution - Ms. Olcott moved approval of Resolution 2019-1 concerning the 2019 Meeting Date Schedule. Mr. Eppel seconded the motion, which was approved unanimously by voice vote.

U.S. Census Update Presentation

Mr. Sitlick gave a PowerPoint presentation on recent Morris County demographic and economic trends. He stated that the sources used are the U.S. Census Bureau, American Community Survey 2013 and the New Jersey Department of Labor and Workforce. He presented slides on a variety of topics, including births, population growth, racial diversity, age, median household income and housing costs, poverty rates, income, migration, employment, educational attainment and other demographic data. He also provided information concerning unemployment, county business characteristics, occupational characteristics, and anticipated job growth by occupation and industry. He summarized major findings and the Board thanked Mr. Sitlick for his presentation. Ms. Olcott stated that the development of affordable housing in Morris County may change the composition of employment and commuter activity. Freeholder Shaw commented on the number of people identified in the ALICE program and the challenges associated with housing working people with lower incomes.

Legal Update

Ms. Santucci stated that she checked on the proposed legislation concerning the Open Public Meetings Act and there is no change in status. She stated that she will continue to monitor the legislation.

COMMENTS FROM THE PUBLIC

Mr. Soriano informed the Board that Rene Axelrod will be retiring next month.

NEXT MEETING

The next meeting is scheduled for February 21, 2019 at 7:00 p.m.

ADJOURNMENT

At 8:45 p.m., Ms. Khurdan 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.