

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

30 Schuyler Place
March 21, 2019

Morristown
New Jersey

Ms. Olcott called the Regular Meeting to order at 7:13 p.m.

OPEN PUBLIC MEETINGS LAW

Ms. Olcott stated that the Secretary of the Board provided public notice of this meeting in a legal notice dated February 3, 2019 and invited members to join in the Pledge of Allegiance to the Flag.

ROLL CALL

Those present were:

| | |
|----------------------------------|--|
| Isobel Olcott, Vice Chair | Christine Marion, Planning Director |
| Stephen Shaw, Freeholder Liaison | Greg Perry, Supervising Planner |
| Chris Vitz, County Engineer | Joe Barilla, Principal Planner |
| Everton Scott, Member | Staci L. Santucci, Esq., Planning Board Attorney |
| Nita Galate, Member (7:25) | Anthony Soriano, Supervising Planner |

REVIEW OF MINUTES

Mr. Shaw moved the minutes of the February 21, 2019 Planning Board meeting. Ms. Galate seconded the motion and the motion was approved by voice vote.

DIRECTOR'S REPORT

Ms. Marion provided a written report and stated that she will report on topics under each of the items.

REPORT OF FUNDS RECEIVED

Funds received for February, 2019 totaled \$8,090.

FUTURE MEETINGS

Ms. Marion reported that she received an invitation for a regional meeting on the Route 24 Freeway coordinated by Madison. She stated that the meeting will be held on Thursday, April 18 at 9 a.m. in Madison and that Congresswoman Mikey Sherrill and a number of New Jersey Legislators were invited to attend.

COMMITTEE REPORTS

Environmental and Watershed

County Wastewater Management Plan- Ms. Marion reported that the NJDEP has scheduled a meeting with Mine Hill and Morris County Planning staff on April 12 to discuss the Mine Hill chapter of the Wastewater Management Plan. She reported that the deadline to submit a completed plan to NJDEP is fast approaching.

Watershed- Ms. Marion reported that the Rockaway River Watershed Cabinet met on March 20 and that the Cabinet is in the process of developing projects. She stated that Denville is considering the use of drones to study stream corridors and that government use of drones will be the subject of a upcoming webinar.

Land Subdivision and Zoning

Developments Reviewed – Ms. Olcott reported on the Land Development Review Committee meeting held on March 21, 2019. She noted the following:

Chatham Township, Arbor Green at Chatham (County Route 646) - This application concerns a site plan and minor subdivision for a 24-unit multi-family affordable housing project located on the grounds of the Chatham Township Police and Department of Public Works complex. The applicant is proposing to subdivide a 3.8-acre lot out of the 14.56-acre property and create two apartment buildings, including: four single-bedroom, 14 two- bedroom and six three-bedroom units, all designated for low and moderate income tenants. There will be a new driveway connection to the county road, even though there is an existing driveway, which serves the complex. Staff has concerns about the new driveway connection and the overall layout of the project. Approval is being withheld at this time due to grading, driveway connection and other issues to be resolved.

Chatham Township, Dixiedale Residential (Hillside Avenue) - This application concerns a site plan for a 53-unity townhouse development on the Dixiedale Farm property totaling 30.38 acres on a site containing very steep slopes. The existing large home on site will be converted to a clubhouse with three three-bedroom units in addition to 50 proposed townhomes broken up into groupings of two to four, three bedroom structures. There is one proposed access driveway to Hillside Avenue and two emergency access driveways at either end of the property to Hillside Avenue. A county culvert is situated within the River Road right-of-way and that a maintenance easement will be required. The application is conditionally approved.

Jefferson Township, ARC Properties, (Route 15) - This site plan is for a change of use and site improvements at the former Pathmark Supermarket on Route 15. A medical office facility is proposed for the site and there will be a slight reduction in impervious coverage. County Engineering will review the stormwater report.

Madison, 49 Park Avenue (County Route 623) - This application concerns a two-lot minor subdivision of a .684-acre property. The existing residential structure is being used as a rooming house and will be converted back to a single family home while a new two-family residential

structure will be constructed on the new lot. Access for the single-family home will be from a new driveway connection to Park Avenue utilizing an existing curb cut and the two-family structure will utilize the existing common driveway with the adjacent property. The new driveway will need to meet county driveway standards, including sight distance.

Mine Hill, Sunshine Ridge (5th Avenue) - This application concerns a subdivision that will create three single-family residential lots from two parcels (5.03 acres). The existing home will remain, and two new residences will be constructed. Access to the lots will be provided by the extension of 5th Avenue.

Mount Olive, Fratelli Beretta USA (Clark Drive) - This application concerns a site plan for two warehouse additions to an existing office/warehouse structure. A subsurface infiltration/detention basin is proposed. County Engineering will review for stormwater management.

Mount Olive, Waterloo Road Development (Continental Drive) - This site plan is for a 63,440 square foot office/warehouse structure with 124 parking spaces on an 11.13 acre parcel within the Mount Olive Foreign Trade Zone. A number of NJDEP permits and approvals will be needed for this application. County Engineering will review for stormwater management. The project is conditionally approved.

Roxbury, Heritage Lenel, LLC (Lenel Road) - This site plan is for 21,000 square foot office/warehouse structure. County Engineering will review the stormwater management plan.

Victory Gardens, Pack Mentality (County Route 665) - This site plan is for the adaptive reuse of a former bank into a dog daycare and boarding facility on Salem Street that includes a drive-through for pet drop-off. The application is conditionally approved pending review of the existing driveway connection to South Salem Street.

Ms. Galate made a motion to approve the Report of Actions Taken on Development Plans for February 2019. Mr. Scott 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 | - | | |
| Stephen Shaw, Freeholder | x | | |
| Isobel Olcott, Vice Chair | x | | |
| Annabel Pierce | - | | |
| Everton Scott | x | | |
| Christopher Vitz, County Engineer | x | | |
| Deborah Smith, Freeholder Alt. | - | | |
| Nita Galate | x | | |
| Christian Francioli (Alt. #1) | - | | |
| Roslyn Khurdan, (Eng. Alt.) | - | | |
| Steve Rattner, Chairman | - | | |

Legislative and Municipal

Recent Legislation – Mr. Soriano reported on recent legislative activity. Senate Bill S3560 imposes a moratorium on affordable housing litigation through November 2020. Assembly Bill A5119 would amend the Municipal Land Use law to identify manufactured home communities as an inherently beneficial use, so long as it provides workforce housing for 15 years or more.

Assembly Bill 5092 would establish a personal vehicle-sharing program to facilitate car sharing through a special insurance program that would provide insurance with coverage for all authorized to drive a vehicle pursuant to the requirements of the program, even though there is only one owner. He stated that the Circulation Element of the Morris County Master Plan notes that fewer people are buying cars and that this is related to the growth in car sharing.

Finally, Mr. Soriano reported that Governor Murphy signed into law Senate Bill S1073 on March 18, 2010, authorizing municipalities and counties to establish stormwater utilities to reduce flooding. He stated that the bill was approved as P.L.2019 c.42 and is called “The Clean Storm Water and Flood Reduction Act.”

He summarized the bill, which permits the creation of storm water utilities by counties, municipalities or water/sewer authorities, funded by user fees or issuance of bonds. The law is permissive, not mandatory, providing an local option for creation of such authorities. Fees are not specified, but that the DEP must create a Storm Water Utility Guidance Manual within 18 months addressing the establishment of these authorities and the means and methods of computing rates. The fees would be based on how much impervious coverage there is on a property and other conditions to be determined. In addition, the fees must directly relate to the cost of the utility and must be based on a fair and equitable approximation of the proportional contribution of the storm water runoff of any real property.

He stated that if a county or municipality were to set-up one of these utilities, they would also be required to provide a partial fee reduction in the form of credit, for any property that has installed, is operating or maintaining storm water best management practices, such as rain gardens. The failure to pay fees would subject a landowner to the same enforcement mechanisms that water and sewer authorities now have, and land actively devoted to agriculture/horticulture would be exempt from fees. He stated that municipalities have the option to enter into shared service agreements to create and operate such an authority, or municipalities might enter into a shared service agreement with the county and that entities may contract with a private firm to operate such a utility. He stated that areas with combined sewer overflow (CSOs) issues are most likely to consider this option, and there are no CSO areas in Morris County.

Mr. Shaw stated that the criticism of the legislation is that it is not very specific and that it was the hope of the development community that these authorities would take over maintenance of private stormwater basins. Mr. Scott asked whether the legislation mandated the use of the fees for the authorities and Mr. Soriano informed him that 90% must go to the utility, while 5% can go to the DEP for administrative purposes and 5% can go to a municipality or county. Ms. Marion stated that tax-exempt properties could also be charged under this program.

Master Plan & Land Use Ordinance Monthly Report – Mr. Soriano reported that no master plan amendments were submitted in this period. He reported that in February, the County received eleven introduced ordinances and three adopted ordinances and that several of the ordinances concerned redevelopment plans. He noted a proposed Jefferson ordinance concerning the development of two sites: one with medical offices and the other with a 35-unit multifamily project. He described a redevelopment ordinance proposed in Mine Hill that would permit the development of a 390-unit multifamily inclusionary development. Finally, he noted two ordinances in Randolph designed to implement proposals in the 2017 Mount Freedom Planning Report.

Long Range Planning

Ms. Galate reported that staff continues to compile data for the new Land Use Element. Mr. Soriano reported that one of the tasks is to review MODIV tax data to develop an existing land use map. He informed the Board that 3,300 unmatched parcels were identified in the database, and that staff has corrected 1,400 of these. Other work conducted includes creation of charts, updating the zoning database, and development of certain preliminary text. He stated that he will have more time to devote to the land use plan effort now that the municipal profiles are complete.

LIAISON REPORTS

Lake Musconetcong Regional Planning Board

There was no report.

Lake Hopatcong Commission

There was no report.

Morris County Open Space Trust Fund

Ms. Galate reported that the first meeting of the year was held on March 19 and that the Committee agenda included orientation, election of officers, and discussion of the grant application process. Ms. Marion stated that applications are due on June 14. She stated that a workshop will be held on March 28 to review the grant application process and to go over application rules, including changes, such as allowing demolition costs to be included in the grant application. She reported that the workshop will also provide a review of the application process.

Trail Construction Trust Fund Committee

Ms. Olcott reported that the Committee discussed changes in the rules and reviewed the performance of last year's process. She stated that changes have been codified and that they will be presented to the Freeholders at their March 27 meeting. She stated that staff is in process of revising 2019 application materials for release in April and that grant agreements for 2018 grantees are being completed and distributed. She reported that staff will host a workshop at the Cultural Center on April 23 to review program changes for potential applicants.

CORRESPONDENCE AND REPORTS RECEIVED

Ms. Marion reported that she received correspondence from the Highlands Council announcing the availability of funding in the Highlands Open Space Partnership Program, which offers up to a 50% match for eligible projects in the Highlands Region. The deadline for applications is Tuesday, April 30 and eligible applicants include charitable conservancies, non-profits, the State of NJ and the 88 municipalities in the Highlands Region.

REPORT OF MEETINGS

Ms. Marion had nothing to report.

OTHER BUSINESS

Ms. Marion reported that she received a number of requests from municipalities and from the Morris County Park Commission for letters of support for their Green Acres Stewardship grant applications. She reported that letters were drafted and send on behalf of Planning Board indicating the consistency of these applications with the Morris County Master Plan. She reported that these letters supported applications from: 1) the Morris County Park Commission, which is proposing to upgrade trail networks at the Frelinghuysen Arboretum; 2) Mendham Township, which is proposing open space improvements to the Pitney Farm site and; 3) the Harding Land Trust, which is proposing to develop a low-maintenance naturalistic landscape at the Gatehouse property. She also reported that Parsippany-Troy Hills is proposing to construct an artificial turf cricket field on south of Smith Field Park and that she is waiting for further information concerning this application and will generate a letter of support when the information is received.

Ms. Galate asked about a report she read concerning Boonton Town's loss of their urbanized municipality designation. Ms. Marion explained that NJDEP modified its determination of an urbanized municipality for wastewater management planning purposes the Town no longer qualifies. To determine future wastewater flows, only population projections are needed for urbanized municipalities. For non-urbanized municipalities, a buildout analysis is required, which is based on an analysis of the development potential of vacant land. She stated that the change of Boonton's status will mean significantly more work on the part of staff.

Legal Update

Ms. Santucci had nothing to report.

Ms. Olcott asked Freeholder Shaw if he would like to report on any Freeholder activity. Mr. Shaw stated that the Freeholders plan adopt the budget at their next meeting and that discussions concerning the Courthouse will commence after the budget is resolved. He attended a roundtable discussion concerning development trends and millennial housing preferences at the Morris County Economic Development Corporation. He stated that some developers believe that millennials will return to the suburban market, but that at this time, there appears to be an almost unlimited demand for multi-family rental housing. He also reported that another millennial trend may be a desire to rent, rather than own a single family home. He reported that developers are

focusing on redevelopment projects, and that redevelopment of golf courses is a current trend as many country clubs in the state are going bankrupt.

Ms. Marion asked if Mr. Shaw if there had been any analysis concerning the occupants of the rental units. Mr. Shaw reported that both millennials and empty nesters are moving into these apartments. He also stated that there is a high turnover rate during the first year, but that renters are typically moving to other rental housing. He stated that Morris County remains an attractive location to live due to its good fundamentals, infrastructure and amenities.

COMMENTS FROM THE PUBLIC.

None.

NEXT MEETING

Ms. Olcott stated that the next meeting is scheduled for April 18, 2019, at 7:00 p.m.

ADJOURNMENT

At 8:03 p.m., Mr. Vitz moved to adjourn the meeting, Mr. Scott 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.