

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

30 Schuyler Place  
June 20, 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 3, 2019 and invited members to join in the Pledge of Allegiance to the Flag.

**ROLL CALL**

Those present were:

Steve Rattner, Chairman	Christine Marion, Planning Director
Isobel Olcott, Vice Chair	Greg Perry, Supervising Planner
Nita Galate, Member	Joe Barilla, Principal Planner
Annabel Pierce, Member	Staci L. Santucci, Esq., Planning Board Attorney
Stephen Shaw, Freeholder Member	Anthony Soriano, Supervising Planner
Christopher Vitz, County Engineer	Barbara Murray, Principal Planner
	Kevin Sitlick, Senior Planner
	Mary Romance, Clerk/Recording Secretary

**REVIEW OF MINUTES**

Ms. Olcott moved the minutes of the May 16, 2019 Planning Board meeting. Mr. Vitz seconded the motion. Chairman Rattner called for a vote:

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

The motion was approved.

## **DIRECTOR'S REPORT**

Ms. Marion reported on the progress on the public land inventory by Barbara Murray. Ms. Murray has been working with Steve Rice to update the database and make corrections. Ms. Murray described her activities on the project, stating that a public interface of the preserved land inventory is under development.

Chairman Rattner expressed his interest in the Stormwater Utilities Workshop held on June 19 included in the Directors Report. Ms. Marion stated that should will provide him with handouts and information from that meeting.

Ms. Marion reported that additional report items will be addressed later in the meeting.

## **REPORT OF FUNDS RECEIVED**

Funds received for May, 2019 totaled \$5,895.

## **FUTURE MEETINGS**

Ms. Marion stated that there was nothing to report.

## **COMMITTEE REPORTS**

### **Environmental and Watershed**

*County Wastewater Management Plan* - Ms. Marion reported that Virginia Michelin continues work with NJDEP and Mine Hill Twp. on the Mine Hill Chapter of the Wastewater Management Plan (WMP) with and that the plan will be submitted to NJDEP when complete.

*Watershed* - Ms. Marion reported that a meeting of the Rockaway River Watershed Cabinet will be held on Wednesday June 26 at the Rockaway Valley Regional Sewage Authority (RVRSA). There will be a presentation and tour of the RVRSA, highlighting recent upgrades.

### **Land Subdivision and Zoning**

*Developments Reviewed* – Ms. Olcott reported on the Land Development Review Committee meeting of June 18, 2019. She noted the following:

Mendham Township, Pitney Farm Estates, 2019-19-2-P-0 (Ballantine Road) – This preliminary plan is for a five lot subdivision on 5.1 acres of the former Township-owned Pitney Farm property. A walled garden, reflective of the Pitney family garden, will remain; and a park will be developed. A trail application is anticipated. This property is adjacent to municipal open space that was purchased with funding for the County Preservation Trust Fund. County Engineering will review for stormwater management.

Ms. Olcott noted that the Pitney family was supportive of the Frelinghuysen Arboretum, were leaders in the preservation movement and that this property, which had been a Revolutionary War farm, has historic implications.

Mountain Lakes, Sunrise Assisted Living, 2019-25-1-SP-0 (Bloomfield Avenue) - This site plan is for an 81,200 square foot three story 90-unit assisted living facility with 48 parking spaces on a 5.8 acre property. A portion of the beds in this facility will be applicable to the municipality’s affordable housing obligation. County Engineering will review for stormwater management.

Randolph, Performance Ford, 2019-32-4-SP-0 (Canfield Avenue & Route 10 East) – This site plan is for a car dealership and a convenience store with motor fueling facility at the southeastern corner of the intersection of Canfield Avenue and Route 10. The dealership will include a 34,980 square foot structure and 231 parking spaces. The convenience store will be 5,682 square feet with 53 parking spaces and four multi-dispenser pump islands. The applicant is requesting a waiver from the required stormwater infiltration requirement due to existing conditions on site and the proposed motor fueling facility. County Engineering will review for stormwater management and review the proposed intersection improvements.

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for May 2019. Mr. Vitz seconded the motion and it was approved by roll call vote.

**ROLL CALL**

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

**Legislative and Municipal**

*Legislative Action* – Mr. Soriano noted the following three newly introduced bills from his monthly legislative report.

Senate Bill S3670 requires that the land use plan element of a municipal master plan include a climate change-related hazard-vulnerability assessment. This assessment would consider

environmental impacts associated with climate change and extreme weather-related events and include methods that could mitigate future weather hazards.

Assembly Bill A5309 amends the Fair Housing Act, to authorize the use of workforce housing transfer agreements with respect to moderate-income housing obligations and allows municipalities to transfer of up to 50% of this obligation between municipalities. Low-income obligations may not be transferred. The receiving municipality may satisfy its increased moderate income housing responsibility by construction of workforce housing, affordable to households making between 80 and 120 percent of the regional median income and may reserve that housing for households that have at least one member who works or resides in the community.

Senate Bill S3752 establishes uniform regulation of small wireless facilities by local governments, limiting local authorities ability to prohibit, regulate or charge for colocation of facilities until July 1, 2022. This regulation would only apply if a facility is collocated in the right-of-way of properties zoned exclusively for commercial or industrial use.

Mr. Soriano highlighted bills previously tracked, reporting that Senate Bill S731, which permits the operation of low-speed electric-assisted bicycles on streets, highways, sidewalks, and bicycle paths, was signed into law. He also reported that ACR235 was introduced as a companion resolution to SCR125. These resolutions support amendment to the New Jersey Constitution to allow public funds to be used for historic preservation of places of worship.

Mr. Soriano also updated the Board on Senate Bill S106, which makes various changes to law addressing meetings of public bodies. Ms. Santucci noted that County Counsel would undertake a comprehensive review of existing committees, subcommittees and advisory boards to be prepared to be in compliance if and when legislation is passed on this matter.

Mr. Rattner highlighted Assembly Bill A5433, which provides gross income tax credit for installation of solar-powered residential hydrogen refueling stations.

***Master Plan & Land Use Ordinance Monthly Report*** – Mr. Soriano reported that the Borough of Chester submitted a Housing Element and Fair Share Plan. The Plan addresses the settlement agreement between the Borough, the Fair Share Housing Center and Larisons LLC Turkey Farms. He reported that the Borough is seeking Highlands Center Designation for the Turkey Farm site, which would facilitate permits needed to redevelop the site.

Mr. Sitlick reported that 16 proposed and 12 adopted ordinances were received and processed in May. He highlighted three ordinances:

Chester Borough Ordinance 2019-13 concerns an inclusionary overlay zone for the Chester Mall that would permit mixed-use development consisting of 10 dwelling units per acre multi-family residential use, with an affordable housing component above first floor retail and office use.

The Glen Alpin/Hurstmont Redevelopment Plan in Harding Township involves two historic mansions. Under this plan, the Hurstmont mansion would be demolished and replaced by a

Continuing Care Retirement Community (CCRC) with 250 beds, of which 40 would be affordable. In addition, the Plan preserves the historic Glen Alpin site and restores it as a community asset.

Borough of Mountain Lakes Ordinance 4-19 establishes two inclusionary zones along Route 46, which would permit townhouses and multi-family housing at 14-units per acre consistent with the Borough's affordable housing settlement agreement.

### **Long Range Planning**

**Land Use Plan Element** – Ms. Galate reported that Mr. Soriano and staff continue to develop the draft Land Use Element and that excerpts have been sent to the Committee for review.

Mr. Soriano reported that Long Hill Township contacted the County and asked for a review of their draft Conservation, Historic Preservation and Open Space Element, currently under development. He reported that Virginia Michelin, Ray Chang and Barbara Murray reviewed the documents and that comments were compiled and submitted to the Township.

### **LIAISON REPORTS**

#### **Lake Musconetcong Regional Planning Board**

Chairman Rattner stated that the Lake Musconetcong Regional Planning Board (LMRPB) recently held its annual fishing contest and that water quality is improving, as evidenced by the catching of several trout, which only thrive in cleaner waters. He also stated that the LMRPB is negotiating for funding similar to that received by the Lake Hopatcong Commission, noting that the LMRPB has an operating budget of about \$40,000 a year and relies heavily on volunteers.

He reported that the Musconetcong River Management Council is planning another film festival this fall with the National Park Service at Centenary College. He also reported on an invasive species called the New Zealand Mud Snail, currently spreading up river near Lake Musconetcong. He stated that fish die when ingesting this mollusk, and that one female can produce forty million offspring over a three year period. Methods and chemicals for control are being investigated. He noted that Federal funding is available for those states with an Invasive Species Plan and that while 43 states have one, New Jersey does not.

Mr. Rattner spoke of a plan to increase publicity for the Musconetcong River and the entire Watershed. The National Park Service (NPS) provides brochures for those who meet certain qualifications and it is planned to have the NPS create a brochure for the Musconetcong River.

Mr. Rattner noted that he has been fielding calls regarding the new Stormwater Utilities legislation. He anticipates a big push on this controversial subject by a number of groups.

### **Lake Hopatcong Commission**

Ms. Marion stated that an official meeting of the Commission (LHC) will take place at the Lake Hopatcong Train Station, which owned by and houses the offices of the Lake Hopatcong Foundation. The Foundation is working to support Senate Bill S3632, which would establish a Triploid Grass Carp Commission to study use of the Triploid Grass Carp in freshwater lakes for weed control. She reported that the weed harvesters are expected to be in the water for the season. She reported that the Weldon quarry is in the process of correcting the issues associated with its two notices of violation concerning discharges into the lake. She also reported that the LHC intends to update the water level management plan and that the Citizen's Advisory Committee intends to reorganize and restructure their Committees and their bylaws at their June meeting.

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

Ms. Galate reported that there were two closings in Denville, these being the Jonathan's Woods Extension (Donaldson) and Knuth-Diocese Property Acquisition Project. Open Space applications were due June 14, 2019. The Board will convene in early September to review. Ms. Galate acknowledged the good work of Ms. Murray and staff.

### **Trail Construction Trust Fund Committee**

Ms. Olcott reported that Letters of Intent for grant applications are due Friday, June 28<sup>th</sup> and that grant applications are due on July 31, 2019. Staff are currently conducting pre-application meetings with potential applicants and have met with Washington, Netcong, Mendham Township, Rockaway Borough and Chatham Township to date. A kickoff meeting was held for a project approved in 2018 in Mount Arlington at Lake Rogerene. A ceremony for the completed Summerhill Park project in Madison was held on June 1<sup>st</sup>, which is National Trails Day.

## **CORRESPONDENCE AND REPORTS RECEIVED**

Freeholder Shaw noted that the Capital Budget is complete and that the process for the next Capital Budget was addressed at the Freeholder meeting of June 19<sup>th</sup>. He noted that it is never too early to get prepared in order to be first in queue for paving programs and similar programs. He noted that a working group consisting of municipalities and the County has formed to come up with solutions for traffic in the Route 24 Freeway area. Freeholder Shaw also announced that Morris County has again received a Triple A credit rating, which is the highest rating available.

Ms. Marion received from the Board of Chosen Freeholders, a proposed amendment to the Morris County Solid Waste Management Plan, dated April 20, 2019. The amendment is for the Elimination of Inclusion of a Small-Scale Thermal Destruction Facility – Energy Recovery System (ERS)/Incinerator located at the Novartis Pharmaceuticals Corporation in East Hanover. A public hearing will be held on June 26, 2019 at 7:00p.m., in the Freeholder's Public Meeting Room.

Ms. Marion also reported that she received notice from the Rockaway River Watershed Cabinet (RRWC) of an upcoming workshop hosted by the New Jersey Water Watch Network on Harmful

Algal Blooms and Lake Monitoring. This workshop will be held in Pennington at the Watershed Center on July 17, 2019 at 7 p.m.

## **REPORT OF MEETINGS**

Ms. Marion had nothing further to report.

## **OTHER BUSINESS**

### **2018 Population & Housing Data**

Mr. Sitlick gave a PowerPoint presentation on the latest Census Bureau population and housing unit estimates for Morris County, stating that the data is largely based on the 2018 U.S. Census Bureau Population Estimates Program. He reported that 20 of New Jersey's 21 counties had their 2017 population estimates revised downward and that these revisions had a significant impact on municipal population estimates. He summarized trends shown by the data and noted the components of change and possible contributors for the population reductions, including an aging population, out-migration and declining birthrates.

Freeholder Shaw expressed interest in how the data can inform the Board of Chosen Freeholders in considering future priorities for Morris County. Mr. Sitlick noted that the data suggests a potential need for increased services for the aging population, such as transportation assistance. He also noted the changing demands for different types of housing, such as multi-family. Ms. Olcott noted the potential impact of affordable housing on population and housing. Freeholder Shaw stated that millennials might choose housing that is "subscription-based" (rental) as well as single-family homes and highlighted the importance of transportation opportunities. He noted examples of the difficult sales climate related to larger homes on larger lots in various areas of the County.

Mr. Sitlick then reported that he completed his review of Census Tracts and Census Block Groups associated the Census Bureau's 2020 Participant Statistical Areas Program (PSAP).

### **Legal Update**

Ms. Santucci, having reported on pending legislation earlier, had nothing further to report.

## **COMMENTS FROM THE PUBLIC**

Chairman Rattner asked for comments from the public. Mr. Alexander Taylor of American Realty Partners, LLC, stated that, Morris County is a nice place to live, he believes that people are leaving Morris County to places like Hoboken because there is more work to be had in that area.

## **NEXT MEETING**

Chairman Rattner stated that the next meeting is scheduled for July 18, 2019 at 7:00 p.m.

## **ADJOURNMENT**

At 8:33 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 is signed and on file at the office of the Morris County Planning Board.*