

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

30 Schuyler Place  
September 19, 2019

Morristown  
New Jersey

Chairman Steve 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 for the pledge of allegiance to the flag.

**ROLL CALL**

Those present were:

Steve Rattner	Christine Marion, Planning Director
Isobel Olcott, Vice Chair	Anthony Soriano, Supervising Planner
Ted Eppel, Secretary	Greg Perry, Supervising Planner
Stephen Shaw, Freeholder Liaison	Kevin Sitlick, Senior Planner
Christopher Vitz, County Engineer	Staci L. Santucci, Morris County Counsel
Nita Galate	Deena Leary, Assistant County Adm.
	Mary Romance, Clerk/Recording Secretary

**REVIEW OF MINUTES**

Vice-Chair Isobel Olcott moved the minutes of the July 18, 2019 Planning Board Meeting. Secretary Ted Eppel seconded the motion. Chairman Rattner called for a vote:

<b>VOTE</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
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	X		
Deborah Smith, Freeholder Alt.			
Nita Galate	-		X
Steve Rattner, Chairman	X		

The motion was approved.

## **DIRECTOR'S REPORT**

Ms. Marion noted that many of the items in her report will be covered on the meeting agenda. Ms. Olcott asked Ms. Marion about the Census data provided to the Morris County Chamber of Commerce concerning age groups and requested she be provided a copy. She also asked about recently updated school enrollment figures and Ms. Marion reported that new data shows rising and falling enrollments vary by municipality. Mr. Soriano noted that the Census will be releasing new data in the coming weeks and that Mr. Sitlick will prepare a summary of highlights.

The Board accepted the Director's Report for July - August 2019 and it will be placed on file.

## **REPORT OF FUNDS RECEIVED**

Funds received for July 2019 totaled \$6,635. Funds received for August totaled \$5,020.

## **FUTURE MEETINGS**

Ms. Marion informed the Board that the New Jersey County Planners Association is meeting on Friday, September 20, 2019. She and Mr. Perry will be conducting a roundtable discussion regarding Land Development Review Standards in Morris County.

## **COMMITTEE REPORTS**

### **Environmental and Watershed**

*County Wastewater Management Plan* - Ms. Marion reported that work continues on the Mine Hill Wastewater Management Plan, with ongoing discussions between Mine Hill and the New Jersey Department of Environmental Protection (NJDEP). She reported that Virginia Michelin continues to move this project forward.

*Watershed Activities* – Ms. Marion reported on the Rockaway River Watershed Cabinet meeting of September 18, 2019. She stated that membership is about half of what it was when the organization was created and that several towns have stopped participating. Members are considering their mission as it relates to the future. Ms. Marion expressed appreciation for the continuing support of the County.

### **Land Subdivision and Zoning**

*Developments Reviewed* – Ms. Olcott reported on the Land Development Review Committee meeting of August 14, 2019 and noted the following applications:

**Hanover, Whippany Village, 2019-12-8-SP-0 (County Route 637)** - This site plan is for a three-story mixed-use structure with 46 residential units and 17,080 square feet of retail space with 163 parking spaces on a 4.85-acre parcel. This project is part of the Whippany Village Redevelopment Plan, which includes multiple retail structures and a mixed-use residential/retail structure. All access driveways to Route 10 and Troy Hills Road and stormwater management improvements

have been constructed as part of a prior site plan approved in 2011. County Engineering will review the stormwater management report to confirm compliance with the approved stormwater management plan.

**Hanover, Springhill Suites, 2019-12-7-SP-0 (Route 10)** - This site plan is for the redevelopment of the former Campbell & Pratt Heating Oil distributorship to a four-story 130 room hotel with 134 parking spaces on a 5.14 acre parcel. There is a right in/right out driveway connection to westbound Route 10. County Engineering will review the stormwater management plan.

**Hanover, Irene Estates, 2019-12-6-P-0 (County Route 511 & 623)** - This application concerns a prior 5-lot subdivision application reviewed from 2006 through 2013 that was never approved. The current 5-lot subdivision is basically the same plan with some modifications to the proposed stormwater management system. Improvements along road frontages have been installed and the previously required deeds were accepted by the County of Morris in March of 2015. County Engineering will review the new stormwater management plan.

**Jefferson, Route 15 Wawa, 2019-14-4-SP-0 (Route 15)** - This site plan concerns the redevelopment of a portion of a former supermarket parking lot with a 5,677 square foot Wawa convenience store with multiple motor fueling dispensers on a 2.01-acre lease area with 50 parking spaces. The existing access driveway connections to Route 15 South and Bowling Green Parkway will remain with some minor improvements. A reduction of 22,441 square feet of impervious coverage will be provided by elimination of existing pavement. Stormwater management includes a collection system, which will be routed to the Route 15 stormwater collection system. County Engineering will review the submitted stormwater management report.

**Mine Hill, 106 Hurd Street, 2019-20-2-SP-0 (Hurd Street)** - This site plan is for a three-story 50 unit multifamily residential structure with 99 parking spaces on a 6.26 acre parcel. Access will be from a single driveway connection to Hurd Street. Stormwater management includes the use of a surface basin with a sand filter bottom to provide for infiltration. Ms. Olcott noted a significant slope downward toward Heddon Park, stating that the basin will outfall overland toward Ford Street. County Engineering will review the stormwater management report. The County Park Commission will be providing comment due to the site's close proximity to Heddon Park. Mr. Perry has been working directly with the County Park Commission and their engineering staff concerning drainage issues associated with this application.

Ms. Olcott then reported on the Land Development Review Committee meeting held before the Planning Board meeting on September 19, 2019 and noted the following applications:

**Boonton Township, TerrAscend Agricultural Facility, 2019-2-2-SP-0 (County Route 603)** - This site plan is for a change of tenancy and upgrades to an existing greenhouse agricultural facility on a 15.94-acre parcel that is adjacent to existing Park Commission property. Three existing greenhouse structures, a residence, a barn and some paved areas will be removed and replaced by two greenhouses, a head house and paved areas for driveway and parking. In addition, an existing greenhouse, residence and the existing driveway connection to Old Denville Road will be retained. A subsurface detention/infiltration basin will be provided for stormwater management. County Engineering will review for stormwater management and review the existing driveway connection to Old Denville Road. Accurate information with respect to the right-of-way for Old Denville Road

will need to be provided and if less than a 33-foot half width, a right-of-way dedication will be required.

**Denville, Weiss-Aug Co. Inc., 2019-8-5-SP-0 (Luger Road)** - This site plan is for a 63,315 square foot industrial building on a 14.142-acre parcel with 126 parking spaces. Access will be to Luger Road, which connects to Route 53. Stormwater management involves the use of a subsurface infiltration basin, a subsurface detention basin and a surface detention basin which ultimately outfalls to a tributary of Den Brook. This site is impacted by both freshwater wetlands and the Den Brook tributary. County Engineering will review for stormwater management.

**Netcong, Crown Walk, 2019-28-1-SP-0 (Route 46)** - This site plan is for a five-story, 80-unit apartment building with 131 parking spaces on a 2.279-acre former industrial site. The site has frontage along Route 46 west with the access to Flanders Road. There is an existing sidewalk extending from the Netcong Train Station on Main Street along Route 46 West to the western boundary line of the adjacent property to the east. Stormwater management includes the use of a subsurface detention basin with an outfall to an existing stormwater collection facility located on NJ Transit railroad property. County Engineering will review for stormwater management.

**Pequannock, 500 Route 23 North, 2019-31-3-SP-0 (Route 23)** - This site plan is for a 6,000 square foot multi-tenant retail structure within the existing parking lot of the Plaza 23 shopping center. Access is from an existing right in/right out driveway to Route 23 North and a full access driveway to County Route 680. There is a 4,360 square foot reduction in impervious coverage of the site. County Engineering will need to review the submitted Traffic Impact Analysis and the existing driveway connection to Jackson Avenue. Ms. Olcott noted that County Engineering is working to resolve signal utilization concerns and Mr. Vitz stated that he is looking into this issue.

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

<b>VOTE</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
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	X		
Deborah Smith, Freeholder Alt.	-		
Nita Galate	X		
Christian Francioli ( Alt. #1)	-		
Roslyn Khurdan, (Eng. Alt.)	-		
Steve Rattner, Chairman	X		

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

<b>VOTE</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
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	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 highlighted several bills signed into law including:

**P.L. 2019, c.229** amends the Local Redevelopment and Housing Law to specify that a municipality may determine an area to be in need of redevelopment if the area contains buildings that are used as, or were previously used as, a shopping mall, a shopping plaza, or a professional office park, and the buildings have been partially vacant for at least two years.

**P.L. 2019, c.225** permits municipalities to establish temporary supplemental zoning boards of adjustment to address application backlogs. The law will permit a mayor, in conjunction with passage of an ordinance, to establish a temporary zoning board upon finding that the permanent board is chronically unable to process applications. The temporary board would have all powers of permanent board but would only accept new applications for a year.

Mr. Soriano also noted two newly introduced bills, these being Assembly Bill A5756, which would establish a Business Grievance Board in, but not of, the NJDEP to address disputes between businesses operating in the State and the DEP and Assembly Bill A5717, titled the New Jersey Innovation Evergreen Act that would authorize the sale of tax credits to fund investments in certain NJ high-growth businesses.

**Master Plan** – Mr. Soriano reported that the Board received six master plan items. Montville submitted a new Housing Element and Fair Share Plan, a Land Use Amendment to implement the new Housing Element and Fair Share Plan and a Reexamination Report that identified major changes since the last comprehensive master plan was completed in 2013. He reported that Hanover submitted a land use amendment concerning the rezoning of the former Nabisco site on Deforest Ave. for affordable housing. Finally, he reported that Parsippany-Troy Hills submitted a new Housing Element and Fair Share Plan along with a Reexamination Report that included recommended changes needed to implement the new Housing Element.

***Land Use Ordinance Monthly Report*** - Mr. Sitlick reported on Land Use Ordinance monthly reports for July and August 2019. In July, seven proposed ordinances and seven adopted ordinances were processed. He highlighted an ordinance from East Hanover concerning the rezoning of the former Nabisco site for affordable housing and an ordinance from Montville concerning the adoption of a Redevelopment Plan that would allow a 349-unit inclusionary multifamily development on a 39-acre site on Route 46.

In August, five proposed ordinances and ten adopted ordinances were processed. He highlighted two ordinances from Montville that establish inclusionary housing zones. The first is on Stiles Lane and includes several parcels totaling 31 acres, currently used for industrial/warehouse. The second ordinance would establish an inclusionary housing zone on a vacant 13-acre site on Route 202.

**Long Range Planning** Ms. Galate reported that the Long Range Planning Committee met on August 20, 2019 to discuss the Land Use Element. The Committee was provided with revisions to the draft Introduction and draft Goals, Objectives and Recommendations, which were reviewed by the Committee. Mr. Soriano stated that the recommendations of the Committee were incorporated into the revised document and that he plans to submit a preliminary draft Trends summary to the Committee prior to the next meeting. He also noted that the content for the background sections on land use and demographics sections is about 75% complete.

### **Liaison Reports**

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

Chairman Rattner commented on the complications of working with the State of New Jersey and the New Jersey Department of Environmental Protection (DEP), as well as the State Park with regard to the ongoing algae situation. He noted that drones have been used to survey the lake and that duckweed and eelgrass have been discovered. He reported that the State failed to provide anticipated funding for the Musconetcong Regional Planning Board, but acknowledged continued annual support from several towns and the County of Morris, which is much appreciated.

#### **Musconetcong River Management Council**

Chairman Rattner had nothing further to report.

**Lake Hopatcong Commission** – Ms. Marion reported that meetings continue regarding the Harmful Algae Blooms (HABs) and issues around the lake regarding stormwater management. Chairman Rattner noted that Morris County has taken on the responsibility to do extra work to address drainage from the storm drains. He stated that the DEP has concluded that the source of nutrients entering the lake includes old septic systems (about 50%), agricultural runoff (about 30%) and other miscellaneous surface runoff (about 20%). He noted some of the difficulties noted by municipalities considering the use of a stormwater utility to help address this issue.

Freeholder Shaw said that in the meetings he has attended, the NJDEP was unprepared to address any State action to deal with stormwater management. Instead, the DEP emphasized the need for municipal and county action, seemingly unaware that counties and municipalities have been

conducting stormwater maintenance all along, sweeping, clearing and labeling catch basins and that local and regional governments have been doing stormwater management as per their own stormwater management plans as mandated. Freeholder Shaw also noted that Morris County has decided to step-up their efforts on facility maintenance, as have the municipalities.

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

Ms. Galate reported that six applications totaling \$1,973,150 have been received. Site visits were conducted on September 14. Final presentations and deliberations will occur on October 22, 2019. Ms. Galate described how various county grant programs are working together, giving as example the utilization of open space and historic preservation grants in Mount Olive.

Freeholder Shaw reported that the Board of Chosen Freeholders will celebrate the 25<sup>th</sup> Anniversary of the Open Space Trust Fund with two events on Friday, October 18.

Ms. Leary noted how successful these preservation programs have been, and that due to their success, significant effort is needed to track and analyze related data. She reported that he Freeholder Board is considering investing a portion of Preservation Trust money to contract with an outside vender to support the Preservation Trust database and GIS mapping.

Ms. Galate notes the positive response of the public to these initiatives. Chairman Rattner highlighted the value of diverse participation in the Preservation Trust programs throughout the County. Ms. Olcott described the origins of open space preservation efforts in the County. Board members discussed current trends in preservation applications. Freeholder Shaw noted that much of what is eligible for preservation has been preserved, and that the County will be reviewing future program needs and use of funds. Chairman Rattner noted the high cost of maintaining preserved areas, especially those used for active recreation. Freeholder Shaw identified the Trails Program as an innovative program for the improvement of preserved land.

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

Ms. Olcott informed the Board that the Trail Construction Grant Committee will meet in October to review six applications totaling \$827,412. Deliberations begin on October 2, 2019 and hearings with individual applicants will take place at the end of October, followed by recommendations to the Freeholder Board.

## **CORRESPONDENCE AND REPORTS RECEIVED**

Ms. Marion informed the Board that there was nothing to report

## **REPORT OF MEETINGS**

Ms. Marion had nothing further to report.

## **OTHER BUSINESS**

*Census Update: LUCA and PSAP* - Mr. Sitlick reported that the Census Bureau has accepted 98% of the address records he submitted last year on behalf of Morris County as part of the Local Update of Census Addresses (LUCA) Program. This program gives state, local and county governments the opportunity to review and propose corrections and additions to the Census Bureau address list for use in the 2020 Census.

He also reported that the County will receive updated Census tract and block group geographies for 2020 Census in January as a result of County participation in the Census Bureau's Participants Statistical Areas Program (PSAP), which was completed last year. He stated that this program provides an opportunity for review census tract boundaries and block groups and to suggest changes based on Census Bureau criteria. Mr. Sitlick reviewed 121 census tracts and block groups and made edits to 24 of them as part of this effort. He stated that after receipt of the updates, the County will have 90 days to review and propose any further changes.

Mr. Sitlick reported that Census forms will be mailed in March for the April 1, 2020 Census and by March 2021 the Census Bureau will have completed delivery of Redistricting Counts to the States. Chairman Rattner stated that the Census Bureau is still looking for help.

*Morris County Building Permit Activity* - Mr. Sitlick summarized the 2018 Morris County Building Permit Data report in a PowerPoint presentation. He reported that authorized residential building permits in Morris County rose for the fourth year in a row, up 28.6% between 2017 and 2018 and that the 1,673 units authorized by Morris County in 2018 was more than quadruple the number authorized in 2008. He reported that Rockaway Township, Roxbury and Dover topped the list of residential units authorized by building permits in 2018; these three municipalities account for nearly 48% of all units. He reported that multi-family units represented 66.3% of residential building permits and that one and two-family units represented 33.7% of the units authorized. Mr. Shaw noted that ten years ago the percentages for these two types of housing units would have been flipped.

Mr. Sitlick reported that 291,222 square feet of office space was authorized by building permits in 2018 in Morris County, a 386% increase over 2017 and that authorized retail space jumped by more than 18 times compared to 2017, to 426,297 square feet. He stated that the top three municipalities for office were Parsippany, Morris Plains and Jefferson and that the top three municipalities for retail were Parsippany, Hanover and Madison. He reported that square footage in the "Other Nonresidential" category increased 12.5% in 2018 and that the 1.4 million square feet approved in this category was twice the combined total square footage in the office and retail categories. The top three municipalities in the Other Nonresidential category were Hanover, Morristown and Mount Olive.

Mr. Sitlick summarized preliminary building permit data for the first five months of 2019, reporting that a total of 278 housing units have been authorized as of May 31, 2019. He reported that 62,000 square feet have been authorized in the Office category, 10,000 square feet have been authorized in the Retail category and 320,000 square feet have been authorized in the Other Nonresidential category.

Appointment to the Morris County Complete Count Committee - Ms. Leary informed the Board that Morris County is forming a Complete Count Committee (CCC) to assist in the process of administering a outreach strategy to encourage full participation in the 2020 Census. The purpose of the Committee is to bring attention to the upcoming Census, to encourage participation and to increase participation of historically hard to reach groups.

Ms. Leary reported that the Morris County Freeholder Board adopted a resolution to create a Complete Count Committee and will be appointing members by resolution at their next meeting. She explained that this will be a short-term Committee and that the Freeholders are looking for representation from the Morris County Planning Board. Ms. Olcott volunteered to represent the Planning Board and Ms. Galate volunteered to serve as the alternate representative. Ms. Leary expressed her appreciation.

Highlands Update - Mr. Soriano reported that the Highlands Regional Master Plan Amendment concerning conformance requirements has been adopted and that, as discussed at a previous meeting, the section on county conformance focuses on the county responsibilities pertaining to county roads and stormwater management. He stated the details of new county conformance requirements still need to be developed. He reported that the Highlands is seeking a consultant to develop a Economic Sustainability Plan for the Highlands Region, and that Governor Murphy has nominated three new members to the Highlands Council, pending Senate confirmation

## **LEGAL UPDATE**

Ms. Santucci had nothing to report.

## **COMMENTS FROM THE PUBLIC**

None.

## **NEXT MEETING**

The next meeting is scheduled for October 17, 2019 at 7:00 p.m.

## **ADJOURNMENT**

At 8:39 p.m., Mr. Vitz moved to adjourn the meeting, Mr. Shaw seconded, and all approved by voice vote.

Respectfully submitted,

Christine Marion, P.P./AICP  
Planning Director

*Original signed and on file at the office of the Morris County Planning Board.*