

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

30 Schuyler Place
February 20, 2020

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, 2020, and invited members to join in for the pledge of allegiance to the flag.

ROLL CALL

Those present were:

Steve Rattner, Chairman	Christine Marion, Planning Director
Isobel Olcott, Vice Chair	Joe Barilla, Assistant Planning Director
Ted Eppel, Secretary	Greg Perry, Supervising Planner
Everton Scott	Anthony Soriano, Supervising Planner
Kaushik (Casey) Parikh, Alt. #1	Mike DiGiulio, Senior Planner
Dennis Bull, Alt. #2	Mary Romance, Recording Secretary
Christopher Vitz, County Engineer	Staci L. Santucci, Esq., County Counsel

Appointment to the Planning Board

Chairman Rattner welcomed Mr. Dennis Bull to the Morris County Planning Board and asked him to introduce himself to the Board. Mr. Bull said that he is from Succasunna, that he is a life-long resident of Roxbury Township and that he has been in the construction trade for 26 years.

REVIEW OF MINUTES

Ms. Olcott moved the minutes of the January 16, 2020 Planning Board meeting. Mr. Eppel seconded the motion and the motion was approved by voice vote. Abstaining were Freeholder Shaw, Mr. Scott and Mr. Bull.

DIRECTOR'S REPORT

The Board accepted the Director's Report for January 2020 and it will be placed on file. Ms. Marion will be reporting on specific activities under the relevant agenda items.

Ms. Marion noted that the Office of Planning and Preservation has been particularly busy with activities related to the 2020 Census. Isobel Olcott, Chair of the Morris County Complete Count Committee, will provide details later in the meeting.

REPORT OF FUNDS RECEIVED

Funds received for January 2020 totaled \$54,955. Mr. Perry noted that there were three projects contributing significantly to overall revenues for the month.

FUTURE MEETINGS

Ms. Marion stated that the New Jersey County Planners Association will be holding a special meeting with the New Jersey Department of Environmental Protection (NJDEP) on February 25, 2020, regarding the Wastewater Management Planning Process, which may be shifting again due to changes in personnel at the NJDEP. She also reported that the Plan Implementation Committee of the New Jersey State Planning Commission is meeting on February 26, 2020 in Trenton. New business will include a discussion of County Regional Plan Endorsement guidelines and Mr. Soriano will be attending.

COMMITTEE REPORTS

Environmental and Watershed

County Wastewater Management Plan - Ms. Marion reported that the County continues to wait for the Mine Hill Chapter to go to Public Notice, although it appears to be moving closer to publication in the New Jersey Register. The County will continue working on the remaining towns in the Rockaway Valley Regional Sewerage Authority.

Rockaway River Watershed Cabinet (RRWC) – Ms. Marion reported that the next meeting of the RRWC will be in March.

Land Subdivision and Zoning

Developments Reviewed – Ms. Olcott reported on the Land Development Review Committee meeting held on February 20, 2020, noting the following two items:

Lincoln Park, 115 Main Street, 2020-16-1-M-0 (County Route 202) This site plan is for a 175 unit four story apartment building with 331 parking spaces on a 4.53 acre site (14 unit will be low/moderate). This site is associated with the Merida Transit Village project, which received County approval in August 2019. Between the two projects there are a total of 220 units of which 34 are proposed for low and moderate income households. Access for this site will be from a single full access driveway connection to Route 202. A right-of-way dedication will be required for a portion of the site's Route 202 frontage. Sidewalks will added. Stormwater management includes the use of two subsurface detention basins and a surface bio-retention basin. Each of the subsurface basins have a separate water quality structure prior to the outfall from the system. County Engineering will review for stormwater management and the proposed driveway connection and frontage improvements.

Mine Hill, KRE Mine Hill, 2020-20-1-SP-0 (County Route 669) This site plan is for a 390 unit multi-family development on 75.36 acres (312 market rate, 78 affordable) with 876 parking spaces. Site amenities will offer a club with a pool, an outdoor recreation area and a dog run. There are two proposed full access driveway connections to Canfield Avenue. Stormwater management measures include five infiltration basins and a wet pond/detention basin. Four of the infiltration basins are routed toward the wet pond. The other infiltration basin outfalls to the County collection

system for Canfield Avenue. The County Park Commission has been informed of this development due to adjacent parkland. County Engineering will review for stormwater management, Canfield Avenue frontage improvements and the two driveway connections.

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for January 2020. Mr. Eppel seconded the motion and it was approved.

ROLL CALL

VOTE	Aye	Nay	Abs.
Deborah Smith, Freeholder Dir.	-		
Stephen Shaw, Freeholder Liaison	X		
Thomas Mastrangelo, Freeholder Alternate	-		
Isobel Olcott, Vice Chair	X		
Ted Eppel, Secretary	X		
Christian Francioli	-		
Nita Galate	-		
Everton Scott	X		
Kaushik (Casey) Parikh, (Alt. 1)	X		
Dennis Bull, (Alt #2)	-		X
Christopher Vitz, County Engineer	X		
Roslyn Khurdan, Engineering Alternate	-		
Steve Rattner, Chairman	X		

Legislative and Municipal

Recent Legislation- Mr. Soriano reported that over 5,000 bills were introduced in the new session and that he has identified 300 bills to track. He stated that almost all these bills are reintroductions from the previous session, and noted two new bills:

Senate Bill S1245 - This bill amends Right-to-Farm act, authorizing a person to construct or install housing for an equine related farm employee as part of a building constructed on or approved to be constructed for the housing or boarding of horses on any commercial farm. The SADC would adopt rules and regulations to implement the bill along with agricultural management practices that permit the housing of the employee in the same building in which horses are housed. The bill requires that, *“notwithstanding any local health code or zoning ordinance to the contrary,”* meeting the rules and regulations and management practices will authorize equine-related farm employees to be housed in the same building as horses if the housing is in a separate area or separate level from where the horses are boarded. While housing must meet state uniform construction standards, a certificate of occupancy may not be denied if housing meets SADC regulations. Ms. Marion noted that this is a new, site-specific Agricultural Management Practice. Because it is Right-to-Farm, it could take the place of local subdivision or site plan review, so the County Agricultural Development Boards would typically have to review and approve these types of uses.

Assembly Bill A2306 – This bill requires each county to submit information monthly to the NJ Department of Community Affairs concerning affordable housing and senior citizen housing units

located within the county, so the state may provide a central state directory of this information. Counties would be required to organize this information by municipality, providing the name/address of each building or development in which units are located, the name of the landlord/manager of the property, whether applications are being accepted, whether there is a waitlist, and instruction on how to apply for a unit. Mr. Soriano noted the only way counties could provide this information to the state would be for municipalities to also be required to provide this information to counties.

Mr. Scott reported that Governor Murphy signed Executive Order 100 concerning regulatory reform efforts to reduce emissions and adapt to climate change. Ms. Marion stated that the NJDEP is now involved in hearings on proposed regulatory requirements through their land use program and that the Executive Order is directed toward state agency requirements to enact resiliency planning. Should there ultimately be any amendments to the County Planning Act or Municipal Land Use Law, the NJDEP would initiate these changes.

Mr. Soriano then provided a handout summarizing bills he tracked in the last legislative session that were signed into law, stating that 70 bills were signed into law, and that the majority of new laws addressed the issues of preservation, environment, transportation, housing, and agriculture.

Master Plan & Land Use Ordinance Monthly Report – Mr. Soriano reported that a Housing Element and Fair Share Plan was submitted by Parsippany-Troy Hills Township. The plan will address a 190-unit rehab obligation, a prior round obligation of 664 units and a prospective need obligation of 1,314 units, subsequently reduced to 845 units based on a vacant land adjustment.

Mr. Soriano reported that there is no Land Use Ordinance Report for January 2020 since no ordinances were received in January.

Long Range Planning

Land Use Plan Element - Ms. Olcott informed the Board that the Long Range Planning Committee met on February 6, 2020 and reviewed the draft of the third section of the Land Use Plan, which provides background on County land use, environmental conditions and the regulatory environment. Mr. Soriano is incorporating Committee comments and will then review other draft sections of the plan for consistency, possible additions, mapping adjustments and other amendments. The Committee also reviewed and approved the submission of a municipal survey, which was sent to municipal Planning Board Chairs on February 11, 2020 to obtain local Planning Board input on county land trends and issues. Municipal responses are requested by March 27, 2020 and will be reviewed by the Committee to determine whether further changes are needed to the draft Plan. Once complete, the Committee will provide a final draft to the Morris County Planning Board for review by the full Board.

LIAISON REPORTS

Lake Musconetcong Regional Planning Board/ Musconetcong River Management Council - Chairman Rattner reported that the Federal Budget appropriation for Wild and Scenic River Act (Act) funding was signed into law, with a 56% increase in funding nation-wide. He reported that, the Musconetcong Management Council received a 22% increase, from \$118,000 to \$150,000, and that the Council is attempting to have the river designated as a “Water Trail” under the Act to

increase tourism. He also noted that tourism is one of the priorities for the Department of the Interior, which oversees the National Park Service. Mr. Rattner will provide Ms. Marion with contact information to facilitate coordination between Morris County Tourism and the National Park Service regarding forthcoming visits to Washington, D.C. to lobby for this “Water Trail” designation. He spoke of the importance of supporting this priority.

Chairman Rattner further noted that there is overlap among those involved in Watershed groups and the Management Council, with a shared interest in tourism and funding. He stated that tourism can affect federal funding for additional items such as mapping. Mr. Rattner informed the Board that three sections of the Musconetcong River qualify for Wild and Scenic designation. These three sections are designated A (upper level), B (mid-level) and C (emptying out into the Delaware River). He reported that Section C was never approved for designation because this area never submitted an application.

Lake Hopatcong Commission – Ms. Marion received minutes of the meeting of December 2019 from Commission Representative Mr. Wilsusen and reported that the legislature will be submitting a bill funding \$2 to 2.5 million for the Commission. Ms. Marion also reported on a recent presentation given by Fred Lubnow of Princeton Hydro on 2019 Water Quality Monitoring Data. According to the presentation, the phosphorus concentrations in Lake Hopatcong were higher than average in 2019, adding to the problem of Harmful Algae Bloom (HAB) growth. Also, the average surface water temperature mid-lake is increasing. Funding continues to be a concern.

Freeholder Shaw informed the Board that the Freeholders of Morris and Sussex are jointly supporting efforts to deal with Lake Hopatcong algal blooms and that the Freeholders have agreed to allocate a \$50,000 in matching funds to support a state grant application which would provide \$500,000 to address water quality restoration. Combined with an additional match from the Lake Hopatcong foundation and in-kind donations by municipalities bordering the lake, there is potential for a \$750,000 infusion of funds. He stated that the first round grant applications have been submitted. This is a competitive grant and applicants should have information on whether they’ve been successful in two weeks. Freeholder Shaw noted that Marty Kane of the Lake Hopatcong Foundation is spearheading this effort.

Mr. Rattner spoke of interrelated interests among the Highlands Council and Lake Hopatcong groups, noting that these groups are well positioned to successfully support a 319(h), which requires a local contribution. At various meetings these groups have offered to help with funding to assist with local share requirements among their member municipalities.

Morris County Open Space Trust Fund

Ms. Marion notes that there is no report this month.

Trail Construction Trust Fund Committee

Ms. Olcott reported that recommendations to revise the rules will be sent to the Freeholders for their consideration, when completed. The proposed rules changes would offer a new category of grant funding for design and permitting with a maximum award of \$25,000. This proposed change is a result of Committee findings that some applications lacked the engineering design details necessary to provide accurate project cost estimates because municipalities were reluctant to spend funding on design before a grant is awarded. The proposed change would allow municipalities to apply for an independent design grant that would help eliminate this problem. Under the proposed

rules, there would be a design and construction phase, and the design phase would need to be completed within two years. Very simple projects would not be expected to conduct this design phase.

The Committee is hopeful that this new two-phase process will be helpful to municipalities in presenting viable applications. Ms. Marion noted that this process is similar to the existing process in place for Historic Preservation Program grant applications, which has proved to be very successful. She also reported that at the Freeholder Meeting of February 26, 2020, grant agreement documents were received from Chatham Township, Mendham Township and Netcong Borough for approved 2019 awards. The County anticipates receiving an additional three grant agreement documents from the remaining 2019 applicants.

Morris County Complete Count Committee

Ms. Olcott reported on the activities and recent meeting of Morris County Complete Count Committee. Between March 12 and 20, invitations will be mailed to households to participate in the Census, and that Census forms can be completed on paper, online or by phone. She reported that various participation reminders would be sent to households after the invitations have been received.

This Committee, representing Morris County and nonprofit organizations that serve the county, is working on promoting participation in the 2020 Census, conducting outreach to municipalities and working with non-profit groups who serve those identified as hard-to-count-populations by the Census Bureau. The regional office of the Census Bureau is working closely with the Committee, attending meetings, providing support information and materials. Marvin Joss, Census Partnership Specialist, has been very helpful and very complimentary of Morris County. At the last meeting there were representatives from the State League of Women Voters, who are doing their part in getting the word out.

Ms. Olcott noted that a complete and accurate count in the 2000 Census is critical because Federal funding for numerous programs is calculated based on population. She provided the following information, which emphasizes the significance of Federal funding:

- In New Jersey, 2016 Federal funding of approximately \$22.7 billion was distributed through various agencies, such as the Supplemental Nutrition Assistance Program, Medicare, highway planning and construction, housing choice vouchers, and school lunch program.
- In Morris County, Federal funding for Fiscal Year 2019 in the amount of \$2.7 billion was disseminated through various agencies, of which \$1.8 billion was associated with Department of Defense, significantly Picatinny Arsenal. Ms. Olcott noted that the County benefits from revenues derived from Picatinny. Ms. Olcott commended Mr. Barilla for his assistance in providing this information.

Ms. Olcott provided each Board member with a packet of information for local dissemination. Additionally, she asked Board members to encourage participation through their workplace.

Ms. Marion informed the Board on the use of the grant awarded to the County by the New Jersey Department of State to promote Census participation. The County is using this grant to provide resources directly to non-profits and municipalities to facilitate Census participation. These

resources include laptops that can be used as kiosks for responding to the Census, translation services, printing, social media outreach and non-perishable snack items for events. A kickoff event is scheduled for Wednesday, March 11, 2020, which coincides with the Census timetable for sending invitations encouraging participation in the Census. This event will publicize the importance of supporting Census participation, highlighting available resources that nonprofits and municipalities can use to encourage participation.

Ms. Marion stated that it is critical that every person in Morris County is counted. Netcong Borough has already contacted the County to express interest in being involved. The County has sent-out an email blast to other potential participants in this effort, notifying them that laptops are available to borrow. She stated that information is also available on the County website.

Mr. Parikh noted the importance of providing and maintaining a website presence. Ms. Marion is coordinating with County staff in the Office of Communications and Digital Media. Larry Ragonese and his team are assembling a media package, including samples of information that can be used by various entities to spread the word on the importance of the 2020 Census.

Ms. Olcott applauded the work done by our non-profit participants, who are dedicated to those they serve and are committed to helping the cause. She cited fellow Committee members Deena Leary, Assistant County Administrator, Sharon Yoo, Director of Human Services, and Planning Director Christine Marion, crediting their coordinated work in running the Committee and the work of their staffs.

CORRESPONDENCE AND REPORTS RECEIVED

Ms. Marion reported on three correspondence items. These included two letters of support for the Lake Hopatcong Commission, one from the Sussex County Board of Chosen Freeholders, and another from the Morris County Board of Chosen Freeholders. A public notice memorandum was also received from the Morris County Agricultural Development Board announcing that the Lebensfreude, LLC property in Washington Township has been enrolled in the Farmland Preservation Program for a period of eight years.

REPORT OF MEETINGS

Ms. Marion had no report of meetings.

OTHER BUSINESS

Freeholder Update – Freeholder Shaw informed the Board that the Freeholders have accomplished much since the beginning of the year, most significantly the introduction of the operating and capital budgets. He reported that there is no tax increase with this budget, which continues to fund essential services and includes a significant commitment to infrastructure throughout the County, including various bridge projects and the resurfacing of over 30 miles of roads. Freeholder Shaw reported that he has been reappointed as liaison to the Morris County Planning Board and Chairman Rattner stated that he was grateful for his reappointment, noting his excellent attendance record.

LEGAL UPDATE

Ms. Santucci reported that she has no legal update.

COMMENTS FROM THE PUBLIC

No members of the public were present.

NEXT MEETING

The next meeting is scheduled for March 19, 2020 at 7:00 p.m.

ADJOURNMENT

At 8:01 p.m., Mr. Vitz moved to adjourn the meeting and all approved by voice vote.

Respectfully submitted,



Christine Marion, P.F./AICP
Planning Director

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