

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

30 Schuyler Place
March 17, 2011

Morristown
New Jersey

CALL TO ORDER

Chairman Falkoski called the meeting to order at 7:03 p.m.

OPEN PUBLIC MEETINGS LAW

Chairman Falkoski stated that the Secretary of the Board provided public notice of this meeting in a legal notice dated February 2, 2011.

ROLL CALL

Those present were:

Joseph Falkoski, Chairman	Barry Marell, Board Attorney
Steve Rattner, Vice-Chair	Christine Marion, Planning Director
Isobel Olcott, Secretary	Frank Pinto, Department Director
Steve Hammond, County Engineer	Anthony Soriano, Supervising Planner
Ann Grossi, Freeholder (arrived late)	Greg Perry, Principal Planner
Everton Scott	Rene Axelrod, Recording Secretary
Ted Eppel	
Ed McCarthy (arrived late)	
Stephen Jones, Alt #2	

REVIEW OF MINUTES

Ms. Olcott moved approval of the minutes of the February 17, 2011 meeting. The motion was seconded by Mr. Rattner. The motion was approved by voice vote, with Messrs. Scott, Eppel and McCarthy abstaining.

DIRECTOR'S REPORT

The Board accepted the Director's Report for February 2011 and it will be placed on file.

REPORT OF FUNDS RECEIVED

Funds received for February 2011 totaled \$4,180.00

FUTURE MEETINGS

Ms. Marion had nothing to report.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan - Ms. Marion informed the Board that on March 1, 2011 Mr. Pinto and she met with Randolph Township officials who are attempting to determine the Township's best course of action concerning the Wastewater Management Plan (WMP) and Highlands Plan conformance. Ms. Marion noted that it was difficult to provide municipalities with direction on how to proceed due to unresolved issues concerning the Highlands and COAH.

Ms. Marion informed members that she and Virginia Michelin also attended a Roxbury Township Council meeting on March 8, 2011 concerning WMP issues. Also in attendance was Clay Sherman from the New Jersey Department of Environmental Protection (NJDEP) who responded to extensive questions from the Township Council about proposed sewer service area changes and their potential impact on the community. Ms. Marion reported that the meeting went well and credited Ms. Michelin for her work in providing both mapping and information for the meeting and for her work with Township staff.

Ms. Marion stated that she and Ms. Michelin recently attended a WMP County Coordination Meeting at the NJDEP, and noted that WMP submission requirement questions remain unresolved. She said the submittal date for the county WMP remains April 7, 2011, despite the lack of information provided by the NJDEP. Ms. Marion asked Elizabeth Semple, NJDEP Manager of Land Use and Water Quality Management Planning, whether extensions would be granted, but Ms Semple was unable to provide an answer. Ms. Marion then informed the Board that she attended the Morris County Municipal Summit yesterday evening, and that Mr. Wayne Staub from the NJDEP Office of Economic Growth and Sustainability said that the NJDEP is working on extensions for the counties. A discussion followed.

Land Subdivision and Zoning

Developments Reviewed – Mr. Rattner said that the committee reviewed six applications, most of which are expansion or redevelopment proposals. He said the exception was the High Gate at Chatham application, which proposes a major subdivision of 6.33 acres for the purpose of creating seven house lots and a bio-retention facility. He and Ms. Olcott noted potential difficulties associated with the proposed development. Other applications discussed included: 1) ARMAC's application to expand an existing office/manufacturing facility in Florham Park; 2) the application of Krasney Financial to expand a historic cottage for office use in Mendham Borough; and 3) the application of the Handel Construction Company for the construction of a new two story mixed-use building in Pequannock. Various stormwater management and access issues associated with the applications were discussed.

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for February 2011. The motion was seconded by Mr. Rattner and approved by voice vote.

2010 Annual Land Development Activity Report - Ms. Marion thanked Messrs. Goytil and Cass for their work on the 2010 Development Activity Report. She noted this report's theme is solar energy, and that the cover photo depicted the Benjamin Moore solar farm in Flanders. Ms. Marion stated that the report described reduced development activity in 2010, reflecting the sluggish economy, but noted that there has been an increase in submissions and proposals so far this year. Ms. Olcott pointed out the report's findings concerning the diminishing availability of developable vacant land outside the Highlands Preservation Area.

Mr. Pinto described the Benjamin Moore solar project and noted how such projects are becoming a more common land use. A discussion followed concerning solar development and land use issues.

Ms. Marion stated that the next step concerning the 2010 Development Activity Report is to post it on the Planning Board website.

Legislative and Municipal

Recent Legislation – Mr. Soriano gave an update on Senate Bill 1, which would abolish COAH, noting that an anticipated new bill concerning this matter has not yet been introduced. He also provided an update concerning court activity regarding COAH's third round rules. The Supreme Court recently ordered a stay from an earlier Appellate Court decision that would have required new rules to be issued by March 5, 2011. He noted that this action puts the COAH rule rewriting process on indefinite hold.

Mr. Soriano reported on other legislative activity, including the Governor's conditional veto of Senate Bill 483, which would alter the conditions under which General Development Plan (GDP) approval could be granted. The veto sought to expand the application of GDP approvals to mixed-use developments and eliminate the bill's current provision that limits the amended GDP approval standards to designated Smart Growth areas.

Mr. Soriano then made a presentation concerning a recently proposed NJDEP rule, N.J.A.C. 7:1B Waiver of Department (NJDEP) Rules. Mr. Soriano highlighted the major sections of the proposed rule, noting that the proposal follows through on a section of the Governor's Executive Order 2. A discussion followed. Ms. Olcott suggested making a list of comments for review by the board at the next meeting for possible submission to the NJDEP.

Mr. Rattner informed the Board that he anticipates the proposal of new legislation in the next few weeks concerning decisions by administrative law judges and the appropriate appeal process related to those decisions. A discussion followed.

Master Plan & Land Use Ordinance Monthly Report – Mr. Soriano provided a summary of a Reexamination Report received from the Borough of Madison. The report recommends that the Borough prepare an entirely new Master Plan, expanding on the sustainable design goals identified in its 2009 Land Use Plan.

Mr. Soriano then went over the Land Use Ordinance Monthly Report, indicating that staff processed six proposed ordinances and three adopted ordinances during February 2011. He described a proposed Roxbury Township ordinance which responds to the “time of decision” law. Beginning in May 2011, municipalities will be prevented from amending zoning related to a specific application once that application has been submitted, except in circumstances related to public health and safety. The proposed Roxbury ordinance would add a new definition entitled “Date of Submission of an Application for Development” as the date on which an application is deemed administratively sufficient, is assigned a docket number, and is scheduled for a public hearing to determine completeness. A discussion followed.

Long Range Planning

Ms. Olcott stated that the Committee did not meet.

LIAISON REPORTS

Lake Hopatcong Commission

Mr. McCarthy stated that the lack of funding continues to preclude the Commission from addressing key issues and that there has not yet been a final decision regarding NJDEP mandated water level requirements. The potential impact of lowered water levels on County Park Commission marina operations was discussed. Mr. Rattner said that while the controversy over the quantity of water held in the lake is caused by competing economic and environmental issues, none of the parties involved are focusing on the lake’s water quality. He discussed various additional issues related to maintenance of lake water levels and potential downstream impacts. Ms. Marion also noted that the existing lake water level measurement and release mechanisms have not been updated since the 1930’s.

Minutes of the Lake Hopatcong Commission December 13, 2010 and Special Meeting of January 31, 2011 were sent to members via email.

Lake Musconetcong Regional Planning Board

Mr. Rattner said that the Lake Musconetcong Board is holding its annual Clean-Up Day in coordination with the Musconetcong Watershed Association on Saturday April 16, 2011 at 9:00am. The clean-up effort will occur at Lake Musconetcong and all along the Musconetcong River. Mr. Rattner named several environmental and other groups planning to participate this year.

Mr. Rattner reported that the board is trying to determine how it is going to undertake weed harvesting due to the lack of funding. Any harvesting efforts will have to rely on volunteers. He said that the board is seeking funding to apply herbicides, which were very effective last year in controlling the growth of water chestnuts. Mr. Rattner said fundraisers were being considered to pay for herbicides and other lake maintenance needs. A discussion followed.

Minutes of the January 19, 2011 Lake Musconetcong Regional Planning Board were sent to members via email.

Morris County Open Space & Farmland Preservation Trust Fund

Mr. Eppel stated the committee will meet on Monday.

Reports were sent to members via email.

CORRESPONDENCE AND REPORTS RECEIVED

Ms. Marion read a letter she received from Maria Thompson, a resident of Chester Township. The letter detailed the reasons Ms. Thompson opposes the proposed Marveland Estates residential development, located in the Flanders section of Mount Olive.

REPORTS OF MEETINGS

Highlands Council- Mr. Soriano had nothing to report. He stated that he did not attend the Highlands Council meeting held today, since no Morris County-related matters were on the agenda.

OTHER BUSINESS

Draft Revisions to the Bylaws – Ms. Marion distributed a draft final copy of the proposed bylaws and informed the Board that the bylaws have to be sent to Board members at least ten days prior to the next meeting if they are to be adopted at that meeting. Ms. Marion asked that Board members review the draft and submit any changes or suggestions to her as soon as possible. Mr. Rattner signed a copy of the draft in accordance with the bylaw amendment procedure. Mr. Marell suggested adding a provision to the bylaws indicating that written notices can be filed either by mail or electronic transmission.

Energy Master Plan - Ms. Marion reported that Mr. Soriano and she met with Bill Hudzik from the County Engineering Department, who is managing the County Energy Efficiency Program. Mr. Hudzik recommended several changes to the RFP. Ms. Marion hopes to have the RFP publicized in a few months.

Ms. Marion informed members that the newly proposed State Strategic Planning Process is on the agenda of tomorrow's County Planners Association meeting. The Office for Planning Advocacy, formerly the Office of Smart Growth, is leading this process to reinvent the State Plan. Through this process, the Governor's Office is seeking to horizontally integrate state agency plans with the State Plan, which this Board has long advocated. The Office for Planning Advocacy is seeking input on this process, and a meeting of the Long Range Committee was recommended.

LEGAL UPDATE

Nothing to report.

COMMENTS FROM THE PUBLIC

None

NEXT MEETING

The next meeting will be held on April 21, 2011 at 7:00 p.m. Ms. Marion said that Carol Spencer of the Morris County Information Technology Department will be attending to train members on the use of Google Docs.

ADJOURNMENT

At 8:33 p.m., Mr. Hammond moved to adjourn the meeting. Chairman Falkoski seconded and all approved by voice vote.

Respectfully submitted,

Christine Marion, P.P./AICP
Planning Director