

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

30 Schuyler Place
April 21, 2011

Morristown
New Jersey

CALL TO ORDER

Chairman Falkoski called the meeting to order at 7:05 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
Steve Rattner, Vice-Chair
Isobel Olcott, Secretary
Steve Hammond, County Engineer
Ann Grossi, Freeholder
Ted Eppel
Stephen Jones, Alt #2 (arrived late)

Barry Marell, Board Attorney
Christine Marion, Planning Director
Anthony Soriano, Supervising Planner
Greg Perry, Principal Planner
Rene Axelrod, Recording Secretary
Arne Goytil, Assistant Planning Director

PRESENTATION ON GREEN INITIATIVES

Chairman Falkoski introduced Mr. Ray Perkins, Regional Account Manager for MaGrann Associates and Councilman in Mount Olive Township. Mr. Perkins gave a PowerPoint presentation on Green Building Fundamentals, which demonstrated how energy efficiency could be incorporated into new housing construction in accordance with Energy Star and the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) standards. Mr. Perkins stated that Mount Olive Township approved a green resolution in 2007, which became the basis for its application to the Sustainable Jersey certification program. He said that Mount Olive Township was one of the first municipalities to achieve the certification. Mr. Perkins discussed the benefits of the National Green Building Program and provided energy efficient design and construction examples for consideration in new development. A discussion followed.

Mr. Perkins stated that he is seeking a resolution of support for Green Building by the Morris County Planning Board and the Morris County Board of Freeholders before making similar presentations to local Planning Boards in Morris County. Mr. Perkins provided a sample resolution for Board consideration. He indicated that members of the Morris County Board of

Freeholders had not yet seen his presentation, but that Freeholder members had suggested he begin his presentation with the Morris County Planning Board. A discussion followed.

RESOLUTION HONORING ARNE GOYTIL

Ms. Marion informed the Board that Mr. Arne Goytil, Assistant Planning Director, will be retiring after forty years of service. Chairman Falkoski read a resolution highlighting Mr. Goytil's many accomplishments with Morris County. Mr. Rattner moved approval of the resolution. The motion was seconded by Ms. Olcott and approved by voice vote.

GREEN BUILDING MODEL RESOLUTION

Chairman Falkoski asked Board members for their feelings on considering the Green Building Model Resolution provided by Mr. Perkins. Mr. Jones said that he is a member of United States Green Building Council and sits on the International Code Council Board of Directors. Mr. Jones stated that energy conservation and green building is what is driving the market at present and will probably continue to drive the market for the next ten years. He explained that New Jersey recently adopted new energy efficiency standards and will also begin teaching the new energy codes. He informed the Board that a new IGCC (International Green Construction Code) would soon replace the energy code standards identified as ICC700 in the Model Resolution. Mr. Jones suggested not tailoring the resolution to be specific to any particular standards. A discussion followed.

Chairman Falkoski asked Mr. Jones to work with Ms. Marion to create a new resolution for consideration at the next Planning Board meeting.

REVIEW OF MINUTES

Ms. Olcott moved approval of the minutes of the March 17, 2011 meeting. The motion was seconded by Mr. Rattner and was approved by voice vote.

DIRECTOR'S REPORT

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

REPORT OF FUNDS RECEIVED

Funds received for March 2011 totaled \$3,470.00.

FUTURE MEETINGS

Ms. Marion stated that the Office for Planning Advocacy has scheduled a stakeholder meeting on the State Strategic Planning Process for the northwest counties on April 28, 2011 from 2 p.m. to 4 p.m. at the Morris County Library in Hanover Township. She said that the purpose of the invitation-only meeting obtaining input on changes to the state planning process.

Ms. Marion informed the Board that she is the keynote speaker at a nonprofit conference sponsored by the Morris County Board of Freeholders and the County Department of Human Services. The conference will be held at the Meadow Wood Manor on Thursday April 28, 2011. She will talk about the 2010 Census and demographic trends in Morris County.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan - Ms. Marion informed the Board that the deadline for submission of the County Wastewater Management Plan was April 7, 2011. She sent a letter to the NJDEP requesting an extension, but she has not yet received a reply. Many of the County's questions and issues with the Wastewater Management Plan remain unresolved by the NJDEP.

Watershed Organization Activities – Ms. Marion stated that she and several Freeholders serve as members on various watershed organizations such as the Whippany River Watershed Action Committee and the Rockaway River Cabinet. She will begin reporting on the activities of these organizations at future Morris County Planning Board meetings.

Whippany River Watershed Action Committee - The report was sent to members by e-mail.

Land Subdivision and Zoning

Developments Reviewed – Mr. Rattner stated that the committee reviewed ten development applications, almost all of which concerned renovations, redevelopment or minor activity. The only application that is not a redevelopment project is the Green at Florham Park subdivision.

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

Legislative and Municipal

Recent Legislation – Referring to the legislative report, Mr. Soriano reported on Senate Bill 2804, which would change the Freshwater Wetlands Protection Act rules with regard to agriculture and related exemptions and permit requirements under the Act. He also discussed Senate Bill 2013, which the Governor signed into law. He said that this law changes the expiration period for existing State of New Jersey rules from five years to seven years and changes the procedures for re-adoption of these rules. He indicated that the Red Tape Review Commission study originally recommended these changes.

NJDEP Proposed Waiver Rule Comment Letter – Mr. Soriano described the letter prepared on behalf of the Morris County Planning Board as instructed at the previous Board meeting. The letter is in response to the proposed NJDEP waiver rules (NJDEP Docket Number 03-11-02) published in the March 7, 2011 New Jersey Register. A discussion followed.

Ms. Marion informed the Board that several groups came out against the proposed waiver rules at a recent State public hearing on the issue. She also reported that there are some counties that are in favor of the rules. As the Board did not take a position for or against the proposed rule at the last meeting, she indicated that the letter is neutral, but includes comments asking for greater specificity and suggesting changes. A discussion followed.

Master Plan & Land Use Ordinance Monthly Report – Mr. Soriano reported that he received two Master Plan Amendments. The Township of Parsippany-Troy Hills submitted an Open Space and Recreation Plan that includes a three-part analysis of open space needs using balanced land use standards, population ratio guidelines and an accessibility analysis. The Town of Boonton submitted a Master Plan Reexamination Report and Master Plan Amendment concerning supermarket development in the B-5 Business District. The zoning currently prohibits supermarkets in the district and that the proposed master plan amendment recommends permitting them in the district. A discussion followed.

Mr. Soriano discussed the March Zoning Report, stating that municipalities submitted seven proposed and four adopted ordinances. He indicated that the ordinance amendments were relatively minor in nature, dealing with such issues as signage and fencing.

Long Range Planning

The Committee met on April 21, 2011 to discuss the newly proposed State Strategic Planning Process. Ms. Olcott reported that the Committee members deliberated for two hours and instructed staff to summarize their major issues and concerns for submission to the State Plan Steering Committee. She indicated that the State Plan Steering Committee invitation letter just received by the Board raised new concerns about the Steering Committee's intent for the new planning process, especially regarding potential state control over local zoning matters.

Ms. Marion related a brief history of the current draft state plan process. She said that the Long Range Committee was prepared to begin the process anew, but would consider retaining parts of the current draft plan that might be salvaged. She also said that the Long Range Committee recommends that any new state planning effort focus on state infrastructure coordination and horizontal integration between state agencies, rather than on local planning and zoning, which should be left to local governments. The issue of State Planning Area designations and their impact on local planning was also discussed.

Ms. Marion said that she will be attending the stakeholder meeting on the State Strategic Planning Process on April 28. The Board suggested Mr. Soriano also attend that meeting.

Several Planning Board members noted difficulty in accessing Planning Board documents on Goggle Docs. A discussion followed. Board members stated that they preferred to receive future meeting materials by e-mail or paper copies through regular mail.

LIAISON REPORTS

Lake Hopatcong Commission

Minutes of the Lake Hopatcong Commission February 22, 2011 and March 21, 2011 were sent to members via e-mail.

Lake Musconetcong Regional Planning Board

Mr. Rattner reported that the Lake Musconetcong Regional Planning Board is reviewing several proposals for fundraising to pay for weed harvesting and herbicides.

He informed the Board that there had been a major fish kill reported in Lake Musconetcong, the cause of which is currently unknown. He said the State no longer has a fish pathologist; however, Rutgers University staff did look at some of the fish. He described a number of factors identified by Rutgers staff that contributed to the fish kill.

Mr. Rattner also reported that the annual Clean-Up Day on April 16, 2011 went well considering the bad weather.

Minutes of the February 16, 2011 and March 16, 2011 Lake Musconetcong Regional Planning Board were sent to members via Email.

Musconetcong River Management Council

Mr. Rattner informed the Board that the Council discussed the controversy over “fracking,” the process of creating or expanding fractures in rock through hydraulic pressure to extract natural gas or oil within the rock. He said there is a great deal of objection to process and the Council adopted a resolution opposing the use of fracking as currently proposed.

Mr. Rattner updated the Board on the status of the NJDEP Lake Hopatcong water level management plan. He said that the Citizens Action Committee (CAC) met and came to an agreement on lowering the lake. The DEP has agreed to establish parameters associated with potential lake draw down. The DEP will not lower the lake level if the surface water temperature exceeds 21 degrees centigrade or if dissolved oxygen falls below five parts per million. It is still unclear how these parameters will be measured, but the Council is generally pleased with the proposed changes and the increased attention to water quality issues.

Finally, Mr. Rattner stated that the Council received a report from a National Park Service representative regarding funding issues, noting that federal subsidies are no longer available to pay for office space for nonprofit councils and committees.

Morris County Open Space & Farmland Preservation Trust Fund

Mr. Eppel said he is enjoying serving on the committee. He reviewed recently closed projects and stated that the committee anticipates many more closings shortly. Mr. Eppel informed the Board that nearly 20,000 acres have been preserved. He said that the next meeting will not be until September 2011.

Reports were sent to members via e-mail.

CORRESPONDENCE AND REPORTS RECEIVED

Delaware River Basin Commission Notice of Applications Received – Ms. Marion stated that the only application in Morris County concerns the Thomas & Betts Corporation located in Washington Township. The application is for approval to withdraw up to 5.52 million gallons of water per day for 30 days from existing Well No. 3, which is a reduction in its current allocation.

Randolph Township Resolution concerning the Open Public Records Act – Ms. Marion informed the Board of a copy of a resolution received from Randolph Township on the Open Public Records Act (N.J.S.A-1 et seq.). Randolph Township recommends amending the Open Public Records Act to deem a public entity that posts its information on a website in a manner that meets the intent of the law, as having fulfilled the requests for that information and not requiring the municipality to provide the information in another format.

REPORTS OF MEETINGS

Nothing to report.

OTHER BUSINESS

Draft Revisions to the Bylaws - Mr. Marell directed the Board to Article V, Section 4 and suggested that the language be changed so that written notice requirements be permitted to be sent by either mail or electronically. He also recommended amended this section to require notification not less than 48 hours prior to the meeting only for special meetings.

Mr. Marell discussed the current composition of committees where a quorum could be present, i.e., any instance in which five Board members are present at a committee meeting. To avoid any inadvertent violation of the Open Public Meetings Act, Ms. Marion stated that Article VII, Section 3 will be changed so that the Chairperson of the Board shall be an ex-officio member of each Standing and Special Committee with the right to vote except for the Land Development Review Committee. This section was also changed so that either the County Engineer or his or her designee shall attend meetings of the Land Development Review Committee. A discussion followed.

LEGAL UPDATE

Nothing to report.

COMMENTS FROM THE PUBLIC

None

NEXT MEETING

The next meeting will be held on May 19, 2011 at 7:00 p.m.

ADJOURNMENT

At 9:25 p.m., Mr. Hammond moved to adjourn the meeting. Ms. Olcott 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.