

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

30 Schuyler Place  
May 19, 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  
Steve Rattner, Vice-Chair  
Isobel Olcott, Secretary  
Steve Hammond, County Engineer  
Ed McCarthy  
Everton Scott (arrived late)  
Ted Eppel  
Paul Van Gelder Alt.#1  
Stephen Jones, Alt #2 (arrived late)

Christine Marion, Planning Director  
Frank Pinto, Department Director  
Anthony Soriano, Supervising Planner  
Greg Perry, Principal Planner  
Rene Axelrod, Recording Secretary

**PRESENTATION OF ANALYSIS OF NEW RESIDENTIAL CONSTRUCTION IN MORRIS COUNTY**

Mr. Soriano introduced Mr. Kevin Sitlick, Senior Planner, and described the research and analysis completed to date regarding new residential construction in Morris County. Mr. Sitlick then gave a PowerPoint presentation describing new residential units sold in Morris County between 2003 and 2009 from NJ Department of Community Affairs Warranty Data. Mr. Sitlick presented tables showing sales by type of unit (single family, townhouse and multi-family) and by median price, and graphs depicting changes in the sales and price data over the seven-year period. He described the preliminary findings based on information obtained to date. He stated that the next stage of the study would incorporate information on building size and location and 2010 data, which should become available at the end of June. A discussion followed.

## REVIEW OF MINUTES

Ms. Olcott moved approval of the minutes of the April 21, 2011 meeting. The motion was seconded by Mr. Rattner and was approved by roll call vote.

VOTE	Aye	Nay	Abs.
William J. Chegwiddden	-		
Ted Eppel	x		
Ann Grossi	-		
Steve Hammond	x		
Ed McCarthy			x
Isobel Olcott	x		
Steve Rattner	x		
Everton Scott			x
Joseph Falkoski, Chair	x		
Gene Feyl (Alt.)	-		
Paul Van Gelder (Alt 1)			x
Stephen Jones (Alt 2)	x		

## DIRECTOR'S REPORT

The Board accepted the Director's Report for April 2011, which will be placed on file.

## REPORT OF FUNDS RECEIVED

Funds received for April 2011 totaled \$1,715.00

## FUTURE MEETINGS

Ms. Marion stated that the New Jersey Brownfield's Redevelopment Task Force Implementation Committee would meet on May 24, 2011. On the agenda is an update to the Site Mart Program. The State Planning Commission Plan Implementation Committee is meeting on May 25, 2011 to review modifications to the plan implementation agendas for Cape May and Upper Township. Ms. Marion informed the Board that the Office for Planning Advocacy in the Department of State under the Lieutenant Governor now staffs the State Planning Commission.

## COMMITTEE REPORTS

### Environment and Watershed

**Wastewater Management Plan** – Ms. Marion distributed a status report on the Wastewater Management Plan for Morris County, which lists milestones of the project and impediments preventing Plan completion. Ms. Marion suggested that the Environmental and Watershed Committee review this report. She stated it has been almost three years since work began on the Wastewater Water Management Plan, and inaction by the NJDEP has stalled staff efforts

to complete the plan. She stated concern that the entire project may be terminated, which would have negative consequences for economic development in Morris County. She said that her report offered possible solutions for moving the project forward, including completing the plan in phases.

Ms. Marion said the main impediment to the project is the lack of decisions by the NJDEP. She asked if the Board would consider requesting assistance from the Freeholders and/or seeking assistance from Morris County's legislative representatives. Ms. Marion stated that the ARRA grant ends June 30, 2011, which will require action soon to avoid the possible loss of grant funding. A discussion followed.

Mr. Hammond suggested seeking a change order with regard to the ARRA funding that would amend the time frame in which the money must be spent and base the request on the inaction of the NJDEP. Ms. Olcott stated that she would talk to the Chief of Staff to the State Treasurer and inform her that inaction by the NJDEP may hinder economic development projects.

Mr. Rattner informed the Board that he attended a New Jersey Association of Environmental Authorities meeting where he spoke to several people from NJDEP. Mr. Rattner read a letter from Michelle Putman, NJDEP Division Director of Water Quality, requiring staff to suspend current activities, pending potential regulatory revisions that would incorporate "realistic, reasonable cost benefit" into the WMP process. He was also informed of a conceptual "Map X" developed by the NJDEP identifying areas removed from the sewer service area that may be placed back into a sewer service area if capacity is expanded. Ms. Marion said she was aware of this map, but that the DEP had not yet officially endorsed the proposal. Mr. Rattner said he would look into the matter.

Mr. Hammond suggested sending a letter outlining the issues to NJDEP. Ms. Olcott stated that an extension must be obtained to avoid losing the grant monies. A discussion followed. Mr. Pinto stated he would inform the Freeholders of this matter. He suggested contacting the NJ Association of Counties to seek their support in securing an extension on the grant funding deadlines. Ms. Marion will also submit a request directly to the NJDEP outlining the issues and request a grant funding extension as suggested.

***Watershed Organization Activities*** – Ms. Marion stated she attended a meeting of the Rockaway River Watershed Cabinet where Dr. Leland Pollock gave a presentation of the annual macro-invertebrate study. This study provides information on the water quality trends in the Rockaway Watershed. The trends show general improvement in areas sampled except for one section of Den Brook in Denville. A discussion followed.

## **Land Subdivision and Zoning**

*Developments Reviewed* – Mr. Rattner stated that there was no written report because the Land Development Review Committee met just prior to the Planning Board meeting to review one major application. The site plan is for the installation of solar panels on the Record newspaper plant property off Green Pond Road in Rockaway Township. The site contains steep wooded slopes and is in the Highlands Planning Area. The Committee identified drainage issues and noted that the project will remove 20 acres of trees. Mr. Rattner stated that the Soil Conservation Service will review the project. The Committee conditionally approved the project. A discussion followed.

Mr. Rattner also discussed two other applications. Whippany Village at Route 10 and Whippany Road in Hanover Township was conditionally approved pending the resolution of drainage and traffic issues. The second application concerned an addition to Hanover Manor on Eagle Rock Avenue in East Hanover, which also has drainage and traffic issues.

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for April 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 described Senate Bill 2006, which passed both houses. If signed into law, this bill would prohibit local zoning ordinances from barring solar panels under certain circumstances. A discussion followed. Ms. Olcott asked for a copy of Senate Bill 2006. Mr. Soriano also reported that Senate Bill 2344 was signed into law on May 5, 2011. This bill allows municipalities to reexamine their municipal master plans every ten years instead of every six years. He also noted a number of funding bills introduced for open space and farmland preservation. Finally, Mr. Soriano reported that Senate Bill 82 went into effect on May 5, 2011. This law (P.L. 2010 c.9) prevents municipalities from changing the underlying zoning for a parcel once a developer has submitted an application for development, except in certain circumstances.

*Master Plan & Land Use Ordinance Monthly Report* – Mr. Soriano reported that the office did not receive any master plan amendments over the past month. Mr. Sitlick noted ordinances from the April 2011 Zoning Report, stating that the Township of Hanover is amending the regulations pertaining to its Designed Shopping Center District (DS) to allow 100% affordable housing as a conditional use. Mr. Soriano stated that during April, municipalities submitted nine adopted ordinances and four proposed ordinances to the County.

## **Long Range Planning**

Ms. Olcott stated that the letter Ms. Marion sent to Mr. Kennedy, Deputy Director of the Office for Planning Advocacy, reflected the Board's concerns with the proposed State Strategic Planning Process. Ms. Marion reported on the April 28, 2011 Stakeholder meeting that she and Mr. Soriano attended. Those in attendance told the state representatives that horizontal integration and coordination between state agencies are critical to future state

planning efforts and that these must be accomplished before requesting that local governments align their plans with that of the state. Ms. Marion said that Mr. Kennedy had already met with developer's representatives who noted that both state and local regulations impeded economic growth. Mr. Kennedy asked the stakeholders how to better align local zoning with economic development interests to address this issue. However, stakeholders at the meeting indicated that state planning efforts should instead focus on aligning state agencies plans, programs and policies. Conflicts between the state land use policy and NJDEP regulatory actions were a major concern and the stakeholders stated the need for strong leadership to prevent individual state regulatory agencies from impeding state land use planning policies and objectives. A discussion followed.

Ms. Marion stated she will be attending a New Jersey County Planners Association meeting tomorrow, as will Mr. Kennedy, where she hopes to hear reports of other stakeholder meetings.

## **LIAISON REPORTS**

### **Lake Hopatcong Commission**

Mr. McCarthy stated that the Commission's funds are down to \$98,000 and that he has concerns that the Commission has had no financial or fiscal audit. He recommended that the Board write a letter requesting an audit of the Commission. He also reported that Mr. Jarvis, the Morris County Planning Board liaison, has resigned from the Commission

Ms. Marion stated that the County does not contribute any funding to the Lake Hopatcong Commission. Mr. Hammond said that the County has assisted the Commission by providing personnel in the past year to help maintain the harvesters. Mr. McCarthy said that the State stopped funding the Commission, which is currently relying on grants to continue its operations. A discussion followed. . The Planning Board did not take action on any recommendations.

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

Mr. Rattner thanked Morris County for its contribution to the Lake Board this year and the in-kind services provided by the Morris County Department of Public Works. The Board has one-third of the monies needed for its lake maintenance operations. Mr. Rattner stated that the Board hopes that the local homeowners association would provide another one-third of the needed funding. Mr. Rattner described proposals by the Board to obtain the remaining one-third funding. A discussion followed.

Minutes of the April 20, 2011 Lake Musconetcong Regional Planning Board were sent to members via email.

### **Musconetcong River Management Council**

Mr. Rattner read a letter he received from the NJDEP, dated April 25, 2011, concerning the listing of a section of the Musconetcong River within the Section 303(d) Report of Water Quality Limited Waters. He reported that the letter acknowledges errors made in the analysis of the waterway and that total phosphorous and nitrogen will be delisted from 303(d) Report, retroactive to 2010. NJDEP invited Mr. Rattner to Trenton to discuss issues associated with the New Jersey revolving loan program.

### **Morris County Open Space & Farmland Preservation Trust Fund**

Mr. Eppel stated that the committee did not meet. Mr. Pinto informed the Board that the program is getting very close to preserving 20,000 acres of farmland. The County will plan an event to celebrate reaching this milestone. The Trust Fund report was sent to each member via e-mail.

### **CORRESPONDENCE AND REPORTS RECEIVED**

Ms. Marion received a copy of a letter from Long Hill Township to Tifa Realty, Inc. in reference to future requests for administrative site plan waivers. The letter states the Long Hill Township Administrative Site Plan Waiver Subcommittee will refer all future applications for site plan waivers to the full planning board until the issues related to street frontage improvements to Division Avenue required by the County in 2005 are satisfactorily resolved.

### **REPORTS OF MEETINGS**

*Highlands Council* – Mr. Soriano reported on a Highlands Council meeting that he attended today where both Washington Township and Kinnelon Borough had their petitions for plan conformance conditionally approved. The Highlands Council also approved the designation of a redevelopment area for several parcels along Sand Shore Road in Mount Olive. He described the issues associated with the Council’s designation and said that the next step for the applicant is to obtain a Highlands Preservation Area Approval and Waiver for redevelopment in the Preservation Area from the NJDEP.

### **OTHER BUSINESS**

*Draft Revisions to the Bylaws* - Ms. Marion indicated that she sent copies of the revised Bylaws to all members. Mr. Eppel moved approval of the revisions to the Bylaws. The motion was seconded by Ms. Olcott and was approved by roll call vote.

<b>VOTE</b>	<b>Aye</b>	<b>Nay</b>	<b>Abs.</b>
William J. Chegwiddden	-		
Ted Eppel	x		
Ann Grossi	-		
Steve Hammond	x		
Ed McCarthy	x		
Isobel Olcott	x		
Steve Rattner	x		
Everton Scott	x		
Joseph Falkoski, Chair	x		
Gene Feyl (Alt.)	-		
Paul Van Gelder (Alt 1)	x		
Stephen Jones (Alt 2)	x		

**Resolution 11-02 Green Building** - Mr. Rattner moved approval of Resolution 11-02 Encouraging Use of Green Building Techniques. The motion was seconded by Ms. Olcott and was approved by roll call vote.

<b>VOTE</b>	<b>Aye</b>	<b>Nay</b>	<b>Abs.</b>
William J. Chegwiddden	-		
Ted Eppel	x		
Ann Grossi	-		
Steve Hammond	x		
Ed McCarthy	x		
Isobel Olcott	x		
Steve Rattner	x		
Everton Scott	x		
Joseph Falkoski, Chair	x		
Gene Feyl (Alt.)	-		
Paul Van Gelder (Alt 1)	x		
Stephen Jones (Alt 2)	x		

Mr. Jones gave an update on green building codes. The International Code Council is scheduled to release the new green building codes by January 2012. He stated that with the adoption of this resolution, that Morris County is one of the leading counties in support of green building.

**LEGAL UPDATE**

Nothing to report.

**COMMENTS FROM THE PUBLIC**

None

**NEXT MEETING**

The next meeting is scheduled for June 16, 2011 at 7:00 p.m.

**ADJOURNMENT**

At 8:56 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.*