

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

30 Schuyler Place  
March 15, 2012

Morristown  
New Jersey

**CALL TO ORDER**

Vice-Chairman Rattner called the meeting to order at 7:03 p.m.

**OPEN PUBLIC MEETINGS LAW**

Vice-Chairman Rattner stated that the Secretary of the Board provided public notice of this meeting in a legal notice dated January 26, 2012.

**ROLL CALL**

Those present were:

Steve Rattner, Vice-Chair  
Steve Hammond  
Ted Eppel (arrived 7:20)  
Ed McCarthy  
Paul VanGelder, Alt #1  
Stephen Jones, Alt #2

Christine Marion, Planning Director  
Anthony Soriano, Supervising Planner  
Greg Perry, Supervising Planner  
Deena Cybulski, Department Director  
W. Randall Bush, Esq., First Assistant County Counsel  
Kevin Sitlick, Senior Planner

**REVIEW OF MINUTES**

Mr. Jones moved approval of the minutes of the February 16, 2012 meeting. The motion was seconded by Ed McCarthy and was approved by roll call vote.

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

## **DIRECTOR'S REPORT**

The Board accepted the Director's Report for February 2012, which will be placed on file.

## **REPORT OF FUNDS RECEIVED**

Funds received for February, 2012 totaled \$11,475.00.

Mr. Rattner noted a substantial increase in total funds received. Ms. Marion informed members that the total reflected the receipt of one substantially larger application.

## **FUTURE MEETINGS**

Ms. Marion stated that the New Jersey County Planners Association meeting will be held on March 16, 2012, and a New Jersey State Planning Commission meeting will be held on March 21, 2012. She stated that the NJ State Planning Commission would not be taking action on the State Strategic Plan at its meeting on the 21<sup>st</sup>, but would be going over the next steps in the process of adopting the State Strategic Plan. She noted other future meetings listed on the agenda.

## **COMMITTEE REPORTS**

### **Environment and Watershed**

***Wastewater Management Plan*** (WMP) – Ms. Marion informed members that the Freeholder Board approved a resolution for transmission of the draft sewer service area map to the Department of Environmental Protection (DEP). A law recently enacted by the Governor permits the County to submit only the draft sewer service area map to the DEP. Ms. Marion reported that she and Ms. Michelin attended a DEP stakeholder meeting on March 7, 2012 to discuss how best to protect water quality. She was concerned that much of discussion centered on land use controls. DEP stated that it would hold additional meetings with other groups to discuss water quality management issues. Ms. Marion also reported that the Freeholders approved a grant agreement that will help fund development of the remaining portions of the WMP, including the associated Septic Management Planning Program. The grant agreement is under DEP attorney review.

Vice-Chairman Rattner introduced Mr. W. Randall Bush, Esq. who is First Assistant Morris County Counsel and will be the new Planning Board Attorney. Mr. Bush gave the Board a brief summary of his background and he was welcomed by the Board.

***Watershed Activities*** – Ms. Marion informed the Board she was unable to attend the Rockaway River Cabinet meeting; however, she did speak with the Executive Director. Denville Mayor Andes and Wharton Mayor and Freeholder Director Chegwidde attended the Cabinet meeting to discuss a coordinated approach to desnagging the Rockaway River. Wharton Mayor and Freeholder Director Chegwidde had contacted all of the Rockaway River municipalities agreed

to participate in this effort. The Cabinet has offered to assist in preparing a coordinated grant application to the DEP for the desnagging project. Mr. Hammond explained some of the problems that could arise in the clearing of the river. A discussion followed.

**Land Subdivision and Zoning**

*Developments Reviewed* – Mr. Rattner stated there were five applications reviewed at the March 6, 2012 Land Development Review Committee meeting and described two notable applications. The application for the Martins Academy in Long Hill Township involves an existing commercial/residential building on a contaminated property. The applicant seeks to convert the building into a day care center without making any major improvements. Mr. Rattner stated that this application was deemed incomplete due to the lack of required information. He also described Phase 1 of the Speedwell Avenue Redevelopment project in Morristown that proposes the construction of 268 multi-family units, the realignment and extension of Prospect Street and the demolition of six existing houses along Early Street. Mr. Rattner asked Mr. Hammond about a county drainage structure located in an area near Morristown High School. Mr. Hammond stated that the work on the culvert near the high school was completed a few years ago, but did not know off-hand how far the county drainage system extended toward Speedwell Avenue. A discussion followed.

Mr. Jones made a motion to approve the Report of Actions Taken on Development Plans for February 2012. The motion was seconded by Mr. McCarthy and 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	-		
Steve Rattner	x		
Everton Scott	-		
Joseph Falkoski, Chair	-		
Gene Feyl (Alt.)	-		
Paul VanGelder (Alt 1)	x		
Stephen Jones (Alt 2)	x		

Mr. Rattner asked Mr. Soriano for an update on the Highlands Council meeting that he had attended just prior to the Planning Board meeting. Mr. Soriano reported that the Highlands Council removed Executive Director Eileen Swan and passed a resolution thanking her for her service. A discussion followed.

## **Legislative and Municipal**

***Recent Legislation*** - Mr. Soriano informed members of several bills that were not included in the Legislative Action Report that was emailed to the members last week. Bill A1338, which revises the Permit Extension Act by extending approvals through 12/31/2014, moved forward in the legislature with amendments. Mr. Soriano also discussed S495 that would establish the Lake Hopatcong Fund and appropriate \$400,000 for fiscal year 2012 and \$400,000 annually thereafter from license fees. A2717 would extend to eight years the period in which affordable housing fees would have to be committed or spent before forfeiture by municipalities. He noted that many fees collected by municipalities may be forfeited to the State if not expended or committed by July 2012. A discussion followed. Ms. Cybulski stated that Community Development is also following the bill as it may eventually be involved in dispersing these funds.

Mr. Soriano stated that the DEP Wavier Rule has been adopted and will go in effect August 1, 2012. He also informed the Board that the courts have rescinded the Executive Order that abolished COAH. Mr. Soriano distributed a summary of the March 8, 2012 Appellate Court Ruling. A discussion followed.

***Master Plan & Land Use Ordinance Monthly Report*** - Mr. Soriano reported that two master plan amendments were received. The Borough of Chatham introduced an amendment to the Circulation Plan Element on “Complete Streets” policies. This amendment promotes increased opportunities for bicycling, walking and transit use throughout the Borough and details methods to improve safety and provide a comprehensive transportation system. The Township of Morris is proposing an amendment to its Land Use Plan Element and Circulation Plan Element for the potential redevelopment of the 147-acre Honeywell site. The amendment provides details concerning the creation of a mixed-use PUD overlay zone that would permit the site to be redeveloped with a combination of office and residential use. A discussion followed.

Mr. Sitlick reported that staff processed six proposed and two adopted ordinances in February. He described the Chester Township solar energy ordinance designed to limit the visual impact of solar facilities on nearby residentially zoned lands. Mr. Jones informed members of an incident related to a homeowner that requested the removal of trees from municipally-owned property because they blocked sunlight to his solar panels. Mr. Jones stated that local regulations have not yet caught up with the advancements in solar technology. A discussion followed.

## **Long Range Planning**

Ms. Marion had nothing to report.

## **LIAISON REPORTS**

### **Lake Hopatcong Commission**

Minutes of the Lake Hopatcong Commission for January 17, 2012 were previously e-mailed to members.

Mr. McCarthy informed members that while S495 moves through the legislative process, the Lake Hopatcong Commission has already signed a memorandum of understanding with the State authorizing the transfer of lake maintenance equipment to the State. The Commission is now waiting for S495 to be enacted.

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

Mr. Rattner had nothing to report.

### **Musconetcong River Management Council**

Mr. Rattner informed the Board that Trout Unlimited is conducting stabilization activities on the river banks in Mansfield Township. He also reported that the U.S. Parks Service representative on the Council indicated that the Parks Service has funds remaining from last year that will be used to fund the Council.

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

Mr. Eppel informed the Board that the Trust anticipates closing on about 220 acres by the end of March. Ms. Cybulski updated members on the new flood mitigation program that will provide monies to municipalities to buy flood prone residential properties. The Freeholders voted to approve the program and a committee of five Open Space Committee members will be formed to make recommendations to the Freeholders. Ms. Cybulski described the program in detail and stated that the County will be launching a webpage with program information. A discussion followed. Mr. Jones informed the Board on a draft rule currently being considered by the Code Advisory Board concerning Flood Resistant Construction and damage provisions. A discussion followed.

## **CORRESPONDENCE AND REPORTS RECEIVED**

Ms. Marion stated that she received Resolution #2012-62 from Hopatcong Borough supporting S495. Ms. Marion stated that the Freeholders also adopted a resolution that supports the funding of the Lake Hopatcong Commission. She also reported on a letter from the Warren County Planning Department for a meeting on March 15, 2012 at 7:00 p.m. regarding its 25-year action plan for the Morris Canal. She also received a copy of a resolution from the Somerset County authorizing the submittal of its future wastewater service area map to the DEP.

## REPORTS OF MEETINGS

**The State Strategic Plan Public Hearing-** Ms Marion reported on the February 27, 2012 public hearing held at the Haggerty Center. She said that while several organizations and individuals spoke in favor the draft State Strategic Plan, the majority of those in attendance spoke out against the plan. Ms. Marion stated that the State Planning Commission has completed six public hearings and the Commission is now in the process of responding to comments. Mr. Soriano said that the Plan could be adopted by the beginning of May 2012. He noted that the Commission might make amendments to the draft Plan from the public comments. He also reminded the Board that an Advance Notice of proposed changes to the State Plan Rules has been released, which includes proposed criteria for the designation of Priority Growth Investment Areas and other State Plan designations. He had provided an overview of the proposed criteria, which will be discussed along with other State Plan issues at the NJCPA meeting to be held on March 16, 2012. A discussion followed.

## OTHER BUSINESS

**Presentation on Draft New Housing Construction Report-** Mr. Soriano described the recent efforts by Long Range staff to compile information regarding new housing construction in Morris County between 2003 and 2010. He stated that the review of housing data was initiated by Ms. Olcott and that new information has been obtained since the preliminary data report presented in 2011. He turned the presentation over to Mr. Sitlick who had compiled the State data used in the analysis. Mr. Sitlick proceeded to give an presentation on the data analyzed by different housing type, price, size and location. Mr. Sitlick presented details concerning 5,481 new units of housing that were sold in Morris County during the study period, showing differences in price by type and the frequency of sales by location in the County. He noted that the greatest activity in new housing sales was in Parsippany, Riverdale, Mount Olive, Jefferson and Denville. He reported that most new housing sold was single family detached, but that this type of housing was making up a smaller part of overall sales in recent years. He discussed the changes in median price for new housing by housing type over the study period.

Ms. Soriano then discussed some of the factors that may affect future housing development in Morris County, including various physical and regulatory constraints. These factors included wastewater treatment capacity, the supply of vacant residentially zoned land, Highlands regulations, changes in housing composition, market demand and current economic issues. Ms. Marion stated she is reviewing the current draft report, which will undergo final edits before submittal to the Long Range Committee.

Ms. Marion stated that the Development Review section is seeing more redevelopment applications with mixed use components. Ms. Marion noted several applications recently reviewed by the Board and said that she anticipates that there will be more mixed-use development proposals in the future. A discussion followed.

Ms. Marion stated that Mr. Perry, Mr. Barilla and Mr. Cass are working on the Draft of the Annual Report that will be given to the Land Development Review Committee for review.

## **LEGAL UPDATE**

Mr. Bush said that the report presented by staff summed up the issues presented by the Appellate Court in their reinstatement of COAH. He had nothing to add at this time.

## **COMMENTS FROM THE PUBLIC**

The meeting was attended by a student from Rutgers University who was observing the Board activities for a planning class.

Mr. Jones asked if any Board members had experience with requests by applicants for larger utility poles in the public right-of-way to accommodate increased power needs for new or existing land uses. Mr. Perry indicated that there have been requests for larger utility poles in the county right-of-way to accommodate increased power needs. A discussion followed.

## **NEXT MEETING**

The next meeting is scheduled for April 19, 2012 at 7:00 p.m.

## **ADJOURNMENT**

At 8:50 p.m., Mr. Hammond moved to adjourn the meeting. Mr. VanGelder 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.*