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MINUTES OF THE REGULAR MEETING
MORRIS COUNTY PLANNING BOARD

30 Schuyler Place — Morristown
December 1, 2011 — 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
Ted Eppel
Steve Hammond, County Engineer
Everton Scott (arrived late)
Ann Grossi, Freeholder
Ed McCarthy
Stephen Jones, Alternate #2 (arrived late)

Christine Marion, Planning Director
Anthony Soriano, Supervising Planner
Greg Perry, Supervising Planner
Deena Cybulski, Department Director
Rene Axelrod, Recording Secretary
Barry Marell Esq., Counsel

REVIEW OF MINUTES

Ms. Olcott moved approval of the revised minutes of the October 20, 2011 meeting. The motion was seconded by Mr. Rattner and was approved by roll call vote.

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

DIRECTOR'S REPORT

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

REPORT OF FUNDS RECEIVED

Funds received for October, 2011 totaled $11,605.00.

Funds received for November, 2011 totaled $7,095.00.

Mr. Rattner asked about the recent increase in revenues and development submission activity for the year. Mr. Perry stated that this November has been unusual for the number of applications submitted.. Mr. Rattner noted an increase in submissions over the last few months.

.FUTURE MEETINGS

Ms. Marion stated she will be attending a New Jersey County Planners meeting tomorrow December 2, 2011.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan – Ms. Marion anticipates submitting the County Wastewater Management Plan to the NJDEP by December 31, 2011. She informed the Board that there are some remaining issues with what is being called "Map X" which depicts sewer service areas where there are no environmental features that would prevent the extension of sewer service, but where there is a current lack of capacity. Ms. Marion informed the Board that legislation was introduced that would extend the required submission date for the Wastewater Management Plan for another three years. The legislation would also not allow NJDEP to revoke current sewer service areas until the Department approves the County wastewater management plan. Mr. Scott inquired as to the status of related meetings with the municipalities. Ms. Marion stated there have not been recent meetings with participating municipalities, but that she and staff were in constant contact with municipal officials and staff with respect to sharing and providing information. She noted recent contact with the municipalities concerning the local ordinances required by the Water Quality Management Planning rules.

Watershed Organization Activities – Ms. Marion stated she received a report from the Whippany River Watershed Action Committee concerning the basin retrofits at the Morris County Hill Complex. The retrofits are almost complete and are being monitored by staff. She also informed the Board that the Rockaway River Watershed Cabinet had a meeting yesterday that focused on Hurricane Irene. Cabinet members provided photographs of the damage that had occurred during the hurricane.

Land Subdivision and Zoning

Developments Reviewed – Mr. Rattner stated that the Committee did not meet this month as there were only two minor applications submitted. Instead, Mr. Hammond and Mr. Barilla reviewed the items. Mr. Rattner described the two applications. The first was for a change in occupancy at an existing office park for a pharmacology school for Fairleigh Dickinson University. The second concerned the Bock Minor Subdivision for the creation of two residential lots from a single lot in Pequannock. He anticipated an increase in applications in December.

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

Legislative and Municipal

Recent Legislation – Mr. Soriano discussed Assembly Bill A4335, which would extend the Wastewater Management Plan submission deadline for three years. Amendments to Senate Bill S3078 now allow both counties and municipalities to use part of their open space trust funds for the purchase of flood-prone properties. He noted the Board had requested that staff send a letter to the bill's sponsor asking why counties were not included in the original version, but that the amended bill was posted before the letter was written. Mr. Soriano described Assembly Bill A4367 that would change the extension date in the Permit Extension Act from December 31, 2011 to December 31, 2015. He noted that the extension would not apply in the Highlands Region or in State Planning Areas 4B and 5. He reported on Senate Bill S3110 concerning storm sewer discharges and discussed two other Assembly Bills (A4320 and A4287) which would authorize the lowering of water levels in reservoirs in the event of a severe storm event. Ms. Marion noted the difficulties associated with coordination of lowering water levels in anticipation of severe storm events. A discussion followed. Ms. Olcott asked about Assembly Bill A4292, which would change restrictions on certain county or municipal stream cleaning activities. Mr. Soriano described the proposed changes.

Master Plan & Land Use Ordinance Monthly Report – Mr. Soriano stated there were no master plans received since the last Planning Board meeting.

Mr. Soriano reported that in October, staff processed nine proposed ordinances and seven adopted ordinances. Mr. Soriano described a proposed ordinance from Harding Township that would make changes to the New Vernon Village B1 Zone.

Mr. Soriano reported that in November, staff processed five proposed ordinances and six adopted ordinances. He discussed a proposed ordinance from the Town of Boonton that would redefine the term "Date of Submission" A discussion followed.

Long Range Planning

Ms. Olcott stated the Committee met earlier this evening. She informed members of a draft letter from the Morris County Planning Board to the New Jersey Office for Planning Advocacy

commenting on the draft final State Strategic Plan. She said the letter addressed the issue of economic development in the Highlands Region and recommends that non-conforming municipalities be provided the same economic consideration and benefits as non-Highlands municipalities in the State Planning process. Mr. Soriano highlighted several other comments included in the letter and stated that the draft letter will be revised before being sent to the State.

LIAISON REPORTS

Lake Hopatcong Commission

Minutes of the Lake Hopatcong Commission for October 17, 2011 were e-mailed to members. Mr. McCarthy informed the Board that the state has agreed to take over staffing and equipment responsibilities necessary for maintenance of the lake. He anticipates a much-improved lake next year. The Lake Hopatcong Commission will conduct related studies, coordinate lake-related activities with associated counties and municipalities, and continue to have responsibilities associated with administration of 319 grants.

Lake Musconetcong Regional Planning Board

Minutes of the Lake Musconetcong Regional Planning Board meetings held on September 21, 2011 and October 19, 2011 were e-mailed to members.

Mr. Rattner stated the November meeting was cancelled.

Mr. Rattner informed the Board that the state approved the lake draw down for three weeks to try to freeze the water chestnut. Mr. Rattner stated that the Lake Board is having problems finding a contractor to clean out the swirl chamber, which needs to be done while lake levels are low. Mr. Rattner stated that the water chestnut is showing up in some of the shallow areas down river and that it is a major problem. He stated there is not enough funding to apply herbicides to the entire lake.

Musconetcong River Management Council

Mr. Rattner informed the Board that the Musconetcong River Management Council is making progress removing the old dams. A discussion followed.

Morris County Open Space & Farmland Preservation Trust Fund

Mr. Eppel informed the Board that the County held the 20,000 Acres Event at Ayers/Knuth Farm in Denville, NJ. He thanked the Freeholders for their support. Ms. Cybulski informed members that details of the 20,000 Acres Event could be viewed on the county website.

CORRESPONDENCE AND REPORTS RECEIVED

Ms. Marion had nothing to report.

REPORTS OF MEETINGS

Ms. Marion reported that she attended the East Hanover Corridor Study Technical Meeting #1 on November 22, 2011. The County coordinated the meeting with NJDOT and the consultant and invited local officials, engineers and traffic safety officers from Morris Plains, Morris Township and Hanover Township. At that meeting, the project consultant gave an analysis of existing conditions and presented a modeling application that simulated the movement of traffic in the study area for verification by the attendees. Ms. Marion stated that the engineer from Morris Township requested that the study be extended from Speedwell Avenue to the Stiles/Burnham Road intersection. Mr. Hammond stated that Freeholder Chegwidden, Freeholder Feyl and the mayors from Morris Township and Morris Plains will meet to discuss this issue. A discussion followed.

OTHER BUSINESS

Mr. Jones informed the Board of a Senate bill and proposed Department of Community Affair regulation of concern. Senate Bill S2888 would provide property tax exemptions for the installation of large-scale solar panel systems as well as an exemption for municipal construction permit fees for those systems. He noted that fees generated by the permits pay for the required inspections. Also, rule proposal published in the New Jersey Register would cause a significant impact on a municipality's ability to regulate local construction activity. Mr. Jones stated that this proposal did not go through the standard review process by the various sub-code committees or advisory boards. If adopted, the rule would exempt business, factory, storage and mercantile uses from the current permit process, which could lead to significant problems when final building approvals are sought. He stated that the New Jersey League of Municipalities is opposed to the proposed rule change.

Chairman Falkoski informed the Board that Mr. Barry Marell has decided not to apply for the position of Planning Board Attorney next year. Chairman Falkoski read a resolution of appreciation for Mr. Marell's many years of service to the Board and wished him the best. Mr. Marell thanked the Board.

LEGAL UPDATE

Nothing to report.

COMMENTS FROM THE PUBLIC

None.

NEXT MEETING

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

ADJOURNMENT

At 7:50 p.m., Mr. Hammond moved to adjourn the meeting. Mr. Rattner seconded and all approved by voice vote.

Respectfully submitted,

Christine G. Marion

Christine Marion, P.P./AICP
Planning Director

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