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Received
Jan. 31, 201

MINUTES OF THE REGULAR MEETING
MORRIS COUNTY PLANNING BOARD

30 Schuyler Place
October 18, 2012

Morristown
New Jersey

CALL TO ORDER

Chairman Falkoski called the meeting to order at 7:02 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 January 26, 2012.

ROLL CALL

Those present were:

Joseph Falkoski, Chairman
Steve Rattner, Vice-Chairman
Isobel Olcott, Secretary
Steve Hammond, County Engineer
Ted Eppel
Ed McCarthy (arrived 7:04)
Everton Scott (arrived 7:05)
Ann Grossi, Freeholder

Christine Marion, Planning Director
Anthony Soriano, Supervising Planner
Greg Perry, Supervising Planner
Deena Leary, Department Director
W. Randall Bush, Esq., First Assistant County Counsel
Rene Axelrod, Recording Secretary
Virginia Michelin, Senior Environmental Planner

PRESENTATION – Community Planning Month Proclamation

Ms. Marion announced that October is National Community Planning Month and the Freeholders wished to recognize the Board members' contributions. Freeholder Grossi then presented the Morris County Planning Board with a Proclamation from the Morris County Freeholders. Freeholder Grossi read the Proclamation in its entirety to the Board. The Proclamation acknowledged the benefits of planning and recognized the participation and dedication of the members of the planning and zoning boards and other citizen volunteers who have contributed their time and expertise to the improvement of Morris County. She stated that William J. Chegwidden, Director of the Morris County Board of Chosen Freeholders, proclaimed October 2012 to be Community Planning Month in Morris County.

REVIEW OF MINUTES

Ms. Olcott moved approval of the minutes of the September 20, 2012 meeting. The motion was seconded by Mr. Eppel 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		
Paul VanGelder (Alt 1)	-		
Stephen Jones, (Alt. 2)	-		

DIRECTOR'S REPORT

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

REPORT OF FUNDS RECEIVED

Funds received for September 2012 totaled $5,010.00.

FUTURE MEETINGS

Ms. Marion stated she is attending a County Planners Association meeting tomorrow and the topic will be the State Strategic Plan.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan – Ms. Marion informed the Board that staff continues to work with the Department of Environmental Protection (DEP) to finalize responses to comments on the future wastewater service area map. Ms. Marion stated that Ms. Michelin and she met with two DEP representatives today to discuss ongoing and future Wastewater Management Plan (WMP) activities and requirements. Ms. Marion stated that DEP is focusing on sewer service areas and is moving away from areas served by septic. She stated that some modifications to the county WMP work program will be required. DEP is also working on future revisions to the WMP rules, but that these will not likely be released until 2015. Ms. Marion noted that the County will need to develop a procedure to process site specific amendments to the future wastewater service area map.

Watershed Activities – Ms. Marion stated that the Rockaway River Cabinet had hoped to establish a stormwater basin retrofit project at the Rockaway Town Square Mall, but the Rutgers Extension Service could not come to an agreement with the mall operator. She said that the Cabinet is now looking into other projects where DEP grant money may be used. Ms. Marion stated that the Whippany River Watershed Action Committee conducted a bus tour of stormwater facilities to review best management practices. Ms. Marion and Ms. Michelin also informed the Board of the Passaic River Flood Risk Management Study that is underway. Finally, Ms. Marion informed the Board that Ms. Michelin and Mr. Barilla are reviewing methods by which the county may provide assistance to municipalities in their efforts to reclaim properties that have been purchased as part of the flood mitigation program.

Land Subdivision and Zoning

Developments Reviewed – Mr. Rattner informed the Board of four applications reviewed at the October 9, 2012 Land Development Review Committee Meeting. The first application concerns a proposed daycare center at the intersection of Columbia Turnpike and Fernwood Road in Florham Park. He indicated there are parking and circulation concerns. He then reported on an application concerning the relocation of the Whippany Firehouse in Hanover Township that County Engineering will review stormwater management. Mr. Rattner then reported on a proposed subdivision at Primrose Farm Estates in Harding that will create two open space lots and that there were no County concerns with regard to the application. The last application described by Mr. Rattner was the Merry Heart application in Rockaway Township. The application proposes a nursing home and assisted living housing facilities. Proposed access to the site from Mount Hope Avenue is of concern. Approval is withheld on this application pending the submission of additional information. A discussion followed.

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for September 2012. The motion was seconded by Mr. Eppel and 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	x		
Joseph Falkoski, Chair	x		
Paul VanGelder (Alt 1)	-		
Stephen Jones, (Alt. 2)	-		

Legislative and Municipal

Recent Legislation - Mr. Soriano noted several bills contained in the report dated October 10, 2012. Assembly Bill A3304 would amend the powers of the Lake Hopatcong Commission. Mr. Soriano reported on the lack of progress of Senate Bill S495 concerning funding for the Lake Hopatcong Commission. Mr. Soriano informed the Board that the Governor signed Assembly Bill A1338 into law. This bill amends the Permit Extension Act of 2008 and extends the length of permit approvals in various areas, including the Highlands Planning Area.

Master Plan & Land Use Ordinance Monthly Report - Mr. Soriano reported on two master plan amendments. The first was a master plan re-examination report received from the Borough of Lincoln Park. He reported that the bulk of the report is a detailed action plan for the revitalization of the Lincoln Park downtown area. He then reported on a Montville Township Highlands Environmental Resource Inventory (ERI) that was prepared as required by the Highlands Council for conformance with the Highlands Master Plan. He indicated that the ERI identifies all natural resources in Montville Township as noted in the Highlands Regional Master Plan.

Mr. Soriano informed the Board that there were ten (10) ordinances processed for the month of September 2012 including two proposed ordinances, six adopted ordinances and two defeated or withdrawn ordinances. He stated the most noteworthy ordinance made changes to the permitted uses and conditional uses in five of the six existing Business Zones in the Borough of Chatham.

Long Range Planning

Ms. Olcott informed the Board that the Long Range Committee did not meet. She asked Mr. Soriano to report on the draft New Residential Construction Sales Report that was sent out to the Board members for comment. He stated that he received no comments from Board members, and the Board's next step would be to take action to approve the release of the report. Upon approval, the report will be readied for posting on the Department's website. He also stated that a brief presentation on the report may take place at the Freeholder's work session on December 12, 2012, if there is an opening in their agenda. Ms. Olcott stated that the report provides information relevant to the economic health of the County.

Freeholder Grossi then informed the Board that the Morris County Economic Development Corporation has hired Mr. Jim Jones as the Executive Director. She reported that Mr. Jones is a retired developer who is currently devoting his time to promoting economic development in Morris County. Ms. Olcott asked if the Board will have an opportunity to meet Mr. Jones for an exchange of ideas. Ms. Leary will ask Mr. Jones if he can attend one of the Morris County Planning Board meetings in the near future. Freeholder Grossi discussed the benefits that can be realized by having an active economic development effort. A discussion followed.

Chairman Falkoski asked the Board for a motion on approval the New Residential Construction Report. Ms. Olcott made a motion to move approval of the Report. The motion was seconded by Mr. Eppel and approved by voice vote.

LIAISON REPORTS

Lake Hopatcong Commission

Mr. McCarthy reported that the Commission has about $20,000.00 left in the bank and forcing the layoff its only remaining employee. He stated again that serious funding issues will impact the continued operation of the Commission. A lengthy discussion followed.

The Morris County Planning Board agreed to send a letter to Governor Christie asking for funding support for the Lake Hopatcong Commission. Ms. Marion will have the letter ready for the next Planning Board meeting on December 6, 2012.

Lake Musconetcong Regional Planning Board

Mr. Rattner reported on staffing issues at the Lake Musconetcong Regional Planning Board and discussed the Board's reliance on volunteers. He also reported that the Board is missing two members and no replacements have been assigned by the State.

Musconetcong River Management Council

Mr. Rattner informed Board members that the State considers monitoring water levels too costly and that State representatives believe that the only thing truly affecting the lake is the amount of rainfall. He then stated that the Musconetcong River Management Council has been active in marshaling resources and obtaining grants and that they have been very successful in their education and river revitalization efforts. He discussed various activities undertaken by the Council to promote these efforts.

Morris County Open Space Trust

Mr. Eppel informed the Board of the completion of several closings since the last Planning Board meeting. He noted the Hunter's Glenn closing in Jefferson Township that will preserve 188.1 acres. Jefferson Township intends to use this area for a combination of active and passive recreation purposes. He also mentioned the Gonsky tract, which will add 0.8 acres to Schooley's Mountain Park in Washington Township. He stated that with these closings, the Preservation Trust has helped preserved over 20,881 acres.

CORRESPONDENCE AND REPORTS RECEIVED

Mr. Bush informed the Board that an appeal was received on October 4, 2012 from the Gibbons law firm representing Stop and Shop Supermarkets, LLC. Stop and Shop is opposing the Planning Board's approval of the Hanover & Horsehill site plan application in Hanover Township. He reported that he responded to the appeal. He stated another letter was received from Gibbons law firm on October 17, 2012, concerning a possible public hearing and that he responded on October 18, 2012.

REPORTS OF MEETINGS

Ms. Marion informed the Board of a meeting held this morning with representatives of the Dallessio Auto Dealership in Boonton. Ms. Marion said there were concerns by the applicant and property owner on a few of the county requirements for approval. She reported that a an agreement was reached concerning approval requirements. A discussion followed.

Other Business

State Strategic Plan Update – Mr. Soriano reported that the State Strategic Plan was not released on October 13, 2012 as anticipated. Mr. Soriano stated that the Office for Planning Advocacy is preparing its responses to comments received at the second set of State Plan public hearings. He reported that the plan will be likely be adopted by November 13, 2012, and if it is not, another round of public hearings will be required. A discussion followed. Ms. Marion also reported on a proposed State Plan planning area change in Mount Olive Township that would help promote local economic development efforts.

Economic Development/Investment Area Mapping Project - Mr. Soriano reported on the preliminary mapping by staff using the current investment area criteria found in the draft State Strategic Plan. He summarized the mapping effort to date and how the draft criteria relate to areas of existing commercial and industrial development in the county, including differences in conforming and nonconforming Highlands areas.

Wastewater Management Plan Amendment Procedures - Ms. Marion stated that applicants may now submit site specific amendments to the future wastewater service area map and that the County needs to develop a procedure to process these amendments. Ms. Michelin stated that amendments can be processed once the DEP adopts the County future wastewater service area map. She stated that the NJDEP and the County have already received a request for a WMP amendment and the NJDEP has provided information concerning this process. She informed the Board that there is preliminary guidance on Planning and Development's website concerning NJDEP's amendment procedure. Ms. Marion recommended that the Environmental and Watershed Committee meet to review possible WMP procedures and make recommendations concerning the level of County Planning Board involvement in the process. Ms. Marion informed that Board that the Board of Chosen Freeholders would need to adopt a consent resolution for each site-specific amendment. The Board agreed that the Environmental and Watershed Committee should work to develop procedures for the County's review of site specific amendments.

LEGAL UPDATE

Mr. Bush reported to the Morris County Planning Board ("Board") that the Gibbons Law Firm ("Gibbons") submitted letters on October 4, 2012 and October 17, 2012. The Gibbons October 4, 2012 letter requested a public hearing and appeal pursuant to N.J.S.A. 40:27-6.9. Mr. Bush responded to Gibbons in a letter dated October 16, 2012 that the Gibbons request was premature pursuant to the statute. Mr. Bush informed the Board that the September 2012 Report of Actions Taken on Development Plans, which included the Hanover and Horsehill site

plan ("site plan") matter, had now been ratified and approved. The October 17, 2012 Gibbons letter requested that the Board conduct a public hearing with respect to the site plan pursuant to the Board's bylaws. Mr. Bush advised the Board that he did not consider that the request for a public hearing concerning the site plan rose to a matter of public interest and that Gibbons could pursue other remedies on behalf of its client. Mr. Bush also stated that any action concerning an appeal of the Board with respect to the site plan would be on the record established by the Board up to the point of the Board's approval of the September 2012 Report of Actions Taken. There is a portion of the Board meeting established as an opportunity for comment by the public. Any comment during the public portion of the meeting would not be included as part of any record with respect to the site plan. Member Olcott moved that a public hearing not be scheduled on the application as requested by Gibbons on October 17, 2012. The motion was seconded by Mr. Scott. The motion 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	x		
Joseph Falkoski, Chair	x		
Paul VanGelder (Alt 1)	-		
Stephen Jones, (Alt. 2)	-		

COMMENTS FROM THE PUBLIC

Nancy Lottinville, Esq., Gibbons law firm, asked to confirm that the date of the County Planning Board's action on the approval of the Hanover and Horsehill site plan was today's date and that there is agreement that the appeal process would run from today's date. Mr. Bush and staff responded that her statements were accurate.

NEXT MEETING

The next meeting is scheduled for December 6, 2012 at 7:00 p.m.

ADJOURNMENT

At 8:25 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.