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Received
Jan. 31, 2013

MINUTES OF THE REGULAR MEETING
MORRIS COUNTY PLANNING BOARD

30 Schuyler Place — Morristown
December 6, 2012 — New Jersey

CALL TO ORDER

Secretary Olcott called the meeting to order at 7:03 p.m.

OPEN PUBLIC MEETINGS LAW

Secretary Olcott 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:

Isobel Olcott, Secretary
Steve Hammond, County Engineer
Ted Eppel
Ed McCarthy

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

Ms. Olcott announced that there was no quorum.

Ms. Leary introduced Mr. Jim Jones, the new Executive Director of the Morris County Economic Development Corporation (EDC) and Ms. Leigh Schopp, Economic Development Manager. Ms. Leary stated that the EDC works very closely with the Chamber of Commerce and felt that it would be beneficial for the EDC and the Planning Board to work together. Ms. Leary invited them to attend future Planning Board Meetings.

REVIEW OF MINUTES

Ms. Marion noted that a revision was made to the October 18, 2012 minutes under the Legal Update section. There being no quorum, a vote on the minutes of the October 18, 2012 meeting was not taken.

DIRECTOR'S REPORT

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

Ms. Olcott asked about the recent release of U.S. Census American Community Survey data. Ms. Marion said that the data is currently under review by Mr. Sitlick. Ms. Olcott suggested a presentation would be of interest and Ms. Marion stated that a presentation could be made at the next Board meeting.

REPORT OF FUNDS RECEIVED

Funds received for October 2012 totaled $1,915.00.

Funds received for November totaled $6,215.00.

FUTURE MEETINGS

Ms. Marion stated that the public meeting on the East Hanover Avenue Corridor Traffic Study will be held on December 11, 2012 at 7:00 p.m. at the Morris County Public Safety Academy. She reported that a copy of the Traffic Study is posted on the Morris County website and that copies were available at the Morris County Library, Morris Plains Borough Clerk, Morris Township Clerk, Hanover Township Clerk, and the Morris County Department of Planning & Development for review by the public. Ms. Marion also reported that the State Planning Commission will hold a public hearing on December 11, 2012 regarding a State Plan Map Amendment for Mount Olive Township. She also reported that Mr. Soriano will give a presentation at the Freeholder Work Session meeting on December 12, 2012 at 9:30 a.m. in the Knox Room on the New Housing Construction Report. She invited Planning Board members to attend this presentation.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan – Ms. Marion reported that staff is waiting for a revised work program from the Department of Environmental Protection (DEP) concerning the Wastewater Management Plan (WMP). She stated that the DEP is focusing on future wastewater service areas and is leaving the final form of the completed WMP up to counties. Early next year, she would like to discuss the possibility of creating an independent County Wastewater Management Plan Element. Ms. Michelin then described the status of the Future Wastewater Service Area map and processes completed for its anticipated approval. She informed the Board that the map now only requires DEP's approval. A discussion followed.

Ms. Michelin informed the Board that Morris County had successfully applied for a Septic Management Plan Grant from the DEP. The grant will be used to develop a web-based GIS tool that will help participating municipalities administer required periodic septic system inspection and maintenance. She also noted that municipal participation in this program is voluntary. She stated that kick-off meetings will be held on January 11th, 16th, 17th, 2013 to explain the program and get input from municipalities. A discussion followed.

Watershed Activities – Ms. Marion stated that in an article its 2012 Annual Report, the Whippany River Watershed Action Committee thanked the Morris County Freeholders for their continued support.

Ms. Michelin updated the Board regarding the Bethel AME Church stream restoration study and reported that the Church will be applying for a 319 Grant in 2013.

Land Subdivision and Zoning

Developments Reviewed – Ms. Olcott described several applications reviewed at the November 14, 2012 Land Development Review Committee meeting. An application by US Northeast Properties in Florham Park is for a minor subdivision that will create two commercial lots. One lot will be redeveloped with a medical office building and an existing restaurant will remain on the second lot. She stated that County Engineering will review the drainage and shared driveway design for this application. Ms. Olcott then reported on the Kitzis Minor Subdivision application in Morris Township. There is a site distance issue related to the proposed driveway connection to Spring Valley Road that County Engineering will review. Finally, Ms. Olcott described the Wharton Hill application in Wharton for the conversion of service bays at an existing full service gasoline station to retail use. She stated that County Engineering will review the existing driveway connection to North Main Street (County Route 634).

Ms. Olcott then described several applications from the December 6, 2012 Land Development Review Committee Meeting. She reported on an application for Axel's Express in Dover, where a taxi and limo business will be added to an existing motor vehicle repair garage. She reported County concerns with potential right-of-way encroachments, internal circulation and deficient driveway conditions. County Engineering will review this application for proper driveway design and sight distance. Ms. Olcott then reported on the Milelli Site Plan application in Mine Hill Township. She said that the project is not on a County road, but the application is subject to County review because it involves more than three residences. She said there were no County concerns on this application. Ms. Olcott then described the Iron Mountain Industrial Park application in Mine Hill Township. She stated that this application was previously seen by the Committee and none of the requirements of the April 27, 2010 report had been met. She stated that a drainage report and other required plan details have not been provided.

Ms. Olcott then described the Honeywell application in Morris Township and stated that the Board will be addressing this multi-phase project over time. County staff has asked for a 30 day extension to review the project, which has been granted. She noted the controversy that has surrounded the plans for redevelopment of this property and asked Mr. Bush to comment on the County Planning Board's exposure to this controversy moving forward. Ms. Leary and Ms. Marion noted that the application before the County Planning Board marks the first formal submission by Honeywell to the Board and the first opportunity for the Board to issue official comments in response to the application. Mr. Hammond discussed related road improvements. A discussion followed.

Finally, Ms. Olcott reported on an application by Toyota of Morristown in Morris Township. Ms. Olcott stated that two adjacent lots are being consolidated into a single lot and that a 26,000

square foot addition to the existing showroom is proposed. Ms. Olcott reported that the County is concerned with the site drainage issues and asked Mr. Barilla to comment on the project. A discussion followed.

There being no quorum, no vote was taken on the Report of Actions Taken on Development Plans for October and November, 2012.

Legislative and Municipal

Recent Legislation - Mr. Soriano informed the Board of legislative activity that occurred after the completion of the Legislative Action Report. He reported that Senate Bills S2156 and S2157, concerning the "New Jersey Residential Foreclosure Transformation Act", passed both houses. The Governor vetoed a previous version of these bills. Mr. Soriano also reported that a number of Green Acres and Blue Acres appropriation bills passed both houses and that these bills include funds for preservation efforts in Morris County.

Master Plan & Land Use Ordinance Monthly Report - Mr. Soriano reported that two land use plan amendments and one circulation plan element were received from Hanover Township. The first amendment introduces two new commercial/industrial land use categories. The second amendment resolves certain inconsistencies between the Township Land Use Ordinance and Master Plan. Mr. Soriano then described the proposed Circulation Plan Element, that references a number of county roads and county road intersections where improvements are anticipated. The draft Plan also supports the goals of the Morris County Circulation Plan Element. He stated that he forwarded his summary of the draft Plan to the Morris County Department of Transportation.

Mr. Soriano then reported on the October and November Zoning Reports. He informed the Board that there were sixteen (16) ordinances processed for the month of October 2012, including ten proposed and six adopted ordinances. He described a proposed ordinance for the Town of Morristown concerning the Morris Street Redevelopment Plan. He reported that several proposed ordinances were received from Parsippany Township regarding permitted uses in various business districts. Mr. Soriano reported that the ordinance permitting the Honeywell site mixed use development in Morris Township was adopted.

Mr. Soriano reported the November 2012 Zoning Report included eight proposed and two adopted ordinances for a total of ten ordinances processed. Mr. Soriano highlighted a proposed ordinance concerning the Speedwell Redevelopment Plan in the Town of Morristown. He also reported that the previously proposed Morris Street Redevelopment Plan in the Town of Morristown was adopted. A discussion followed.

Long Range Planning

Ms. Olcott informed the Board that the Long Range Committee did not meet.

LIAISON REPORTS

Lake Hopatcong Commission

Minutes of the Lake Hopatcong Commission September 17, 2012 were emailed to members.

Mr. McCarthy reported that the Commission is out of money and that the only full time employee has been let go. He stated that Mayor Felter of Jefferson Township has arranged for Jefferson Township staff to receive calls on behalf of the Commission.

Ms. Olcott reported that Ms. Marion composed a letter to Governor Christie in support of funding for the Lake Hopatcong Commission as requested by the Board at last month's meeting. The Board directed that the letter be mailed and copied to the recipients included in the draft, i.e. Morris County Legislators, Morris County Board of Freeholders, Ms. Leary, Director of Morris County Planning and Development, Morris County Planning Board, Mayors of Jefferson, Mt. Arlington, Netcong and Roxbury. In addition, the Board requested that copies be sent to Sussex County, the New Jersey Association of Environmental Commissions and to the Morris County Park Commission.

Lake Musconetcong Regional Planning Board

No Report.

Musconetcong River Management Council

No Report.

Morris County Open Space Trust

Mr. Eppel highlighted two closings that have occurred since the last Planning Board meeting. He stated both are additions to the South Branch Preserve project area in the Township of Mount Olive. He reported that the Land Conservancy of New Jersey, in cooperation with Mount Olive Township, began acquiring lands in this region in 2012 and that the properties protect the headwaters of the South Branch of the Raritan River. He stated that with these new closings, the Trust Fund has helped preserve just over 20,900 acres in Morris County.

Ms. Leary reported that the first four flood mitigation closings have occurred and that closings on all eleven properties currently in the program are anticipated by the end of the year. Ms. Leary will provide reports to the Board concerning future flood mitigation closings. A discussion followed.

Ms. Olcott stated that a vote was to be taken to appoint Mr. Eppel to a second term on the Open Space Trust Fund, but that this vote will have to be carried over to next month due to a lack of quorum. Mr. Bush suggested Mr. Eppel serve until a successor is appointed or until he is officially reappointed. This action was affirmed by the Board.

CORRESPONDENCE AND REPORTS RECEIVED

Ms. Marion had nothing to report.

REPORTS OF MEETINGS

Ms. Marion had nothing to report.

Other Business

State Strategic Plan Update – Mr. Soriano reported on the recent State Planning Commission (SPC) activity concerning the revised draft State Strategic Plan (Plan). He reported that the SPC postponed adoption of the recently revised draft Plan at its November 13, 2012 meeting so that additional amendments could be made with regard to coastal communities. He presented highlights from a report he submitted to the Board concerning the revised draft Plan. The November 9, 2012 version of the plan includes the State's criteria for defining priority investment areas, indicates how these criteria will be represented on the State's "site evaluator" web-based tool, and addresses the role of municipalities and counties with regard to the Plan. The new Plan also clarifies the relationship between the State Plan and the Highlands Regional Master Plan. The focus of the Plan remains on horizontal integration between state agencies, but that vertical integration of municipal and county plans also remains a goal. He stated that this vertical integration continues to be encouraged through incentives, i.e. the application of discretionary state funding in priority growth or preservation areas and where state defined "Garden State Values" are promoted. A discussion followed.

Lake Hopatcong Letter- Discussed above under Lake Hopatcong Commission.

COAH Update – Mr. Soriano provided an update on recent court activities related to COAH's development of third round affordable housing rules. He stated that the New Jersey Supreme Court heard arguments concerning these rules on November 14, 2012, and the decision of the court will determine the validity of COAH's "growth share" methodology. Both COAH and the New Jersey State League of Municipalities are appealing an earlier Appellate Court decision that invalidated this methodology. Mr. Soriano expects the court to make its decision some time in 2013.

LEGAL UPDATE

Mr. Bush stated that the Freeholder Board conducted its Public Hearing on November 28, 2012 on the Stop and Shop appeal of the Planning Board's approval of the Hanover and Horsehill L.L.C application in Hanover Township. He stated that the Freeholder Board has 30 days after the hearing to make its decision and that the decision of the Board will likely be ratified by resolution at the December 27, 2012 Freeholder Meeting. Mr. Busch offered to provide copies of the transcript at the request of any Planning Board member. Mr. Bush thanked staff for their cooperation in this matter. A discussion followed.

Comments from the Public

Ms. Olcott thanked Mr. Jim Jones and Ms. Leigh Schopp of the Morris County Economic Development Corporation (EDC) for attending the meeting and welcomed them to attend future meetings. Mr. Jones stated he found the information at the meeting valuable and said he would like to meet with Mr. Soriano to discuss the draft State Strategic Plan. Mr. Jones discussed several recent economic development opportunities that the EDC has been facilitating.

Ms. Marion stated that due to the inactivity and/or inability of the Department of Environmental Protection and the State Planning Commission to move forward with the Wastewater Management Plan and the State Strategic Plan, the Board may want to consider moving ahead with related County plans independently. A discussion followed.

NEXT MEETING

The next meeting is scheduled for January 17, 2012 at 7:00 p.m.

ADJOURNMENT

At 8:35 p.m., Mr. Hammond moved to adjourn the meeting. Mr. Eppel seconded, and all approved by voice vote.

Respectfully submitted,

Christine A. Marion

Christine Marion, P.P./AICP
Planning Director

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