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Received Feb. 25th

MINUTES OF THE REGULAR MEETING
MORRIS COUNTY PLANNING BOARD

30 Schuyler Place — Morristown
January 17, 2013 — New Jersey

CALL TO ORDER

Secretary Olcott 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 January 26, 2012.

ROLL CALL

Those present were:

Joseph Falkoski, Chairman
Steve Rattner, Vice-Chairman
Isobel Olcott, Secretary
Steve Hammond, County Engineer
Everton Scott
Ted Eppel
Stephen Jones, Alternate #1 (arrived 8:27 pm)

Christine Marion, Planning Director
Deena Leary, Department Director
Anthony Soriano, Supervising Planner
Greg Perry, Principal Planner
Joseph Barilla, Senior Planner
Kevin Sitlick, Senior Planner
W. Randall Bush, Esq., First Assistant County Counsel
Rene Axelrod, Recording Secretary

ELECTION OF OFFICERS

Ms. Marion, as Interim Chair, opened the floor for nominations for the Planning Board Chair. Ms. Olcott moved the nomination of Joseph Falkoski as Planning Board Chair and Mr. Rattner seconded. No other nominations for Chair were made; nominations were closed and all voted in favor of Mr. Falkoski as Chair. Mr. Falkoski took the chair and opened the floor for nominations for Vice-Chair. Ms. Olcott nominated Steve Rattner and Mr. Eppel seconded. No other nominations were made; nominations were closed and all voted in favor of Mr. Rattner as Vice-Chair. Mr. Falkoski then opened the floor for nominations for Board Secretary. Mr. Rattner nominated Ms. Olcott for Board Secretary and Mr. Eppel seconded. No other nominations were made; nominations were closed and all voted in favor of Ms. Olcott as Board Secretary.

COMMITTEE APPOINTMENTS

Chairman Falkoski asked members if they would like to continue their Committee appointments from last year. All agreed to continue.

REVIEW OF MINUTES

Ms. Olcott moved approval of the minutes of the October 18, 2012 meeting. The motion was seconded by Mr. Eppel and was approved by roll call vote.

VOTE	Aye	Nay	Abs.
Ted Eppel	x		
Ann Grossi	-		
Steve Hammond	x		
Thomas Mastrangelo	-		
Ed McCarthy	-		
Isobel Olcott	x		
Steve Rattner	x		
Everton Scott			x
Joseph Falkoski, Chair			x
John Cesaro, (F. Alt)	-		
Stephen Jones, (Alt.1)	-		
Vacant, (Alt. 2)	-		

Ms. Olcott moved approval of the minutes of December 6, 2012 meeting. The motion was seconded by Mr. Rattner and approved by roll call vote. There was no quorum at the December 6, 2012 meeting.

VOTE	Aye	Nay	Abs.
Ted Eppel	x		
Ann Grossi	-		
Steve Hammond	x		
Thomas Mastrangelo	-		
Ed McCarthy	-		
Isobel Olcott	x		
Steve Rattner	x		
Everton Scott	x		
Joseph Falkoski, Chair	x		
John Cesaro, (F. Alt)	-		
Stephen Jones, (Alt.1)	-		
Vacant, (Alt. 2)	-		

DIRECTOR'S REPORT

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

Mr. Scott asked about the progress by the NJDEP on the adoption of the new sewer service area maps. Ms. Marion stated that the Deputy Attorney Generals for the Department of Environmental Protection were still reviewing the maps and the process..

REPORT OF FUNDS RECEIVED

Funds received for December 2012 totaled $1,595.00.

FUTURE MEETINGS

Ms. Marion stated that she will be attending a New Jersey County Planners Association Meeting on January 18, 2013, where representatives from FEMA have been invited to speak about Hazard Mitigation Plans.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan – Ms. Marion restated that the NJDEP has not yet adopted the Future Wastewater Service Area Map for Morris County. She reported that County staff has begun developing a Septic Management Program web-based tool, which is being funded through a $45,000 grant from the NJDEP. She reported that Virginia Michelin has held kick-off meetings with municipal representatives and that attendees have been very positive about the program. Highlands Council staff who attended one of the kick-off meetings, reported that the Highlands Council will require conforming municipalities to implement a septic management program and therefore, may want to partner with the County in this effort. Ms. Marion informed the Board that a Septic Management Program Technical Advisory Committee meeting will be held on January 24, 2013.

Land Subdivision and Zoning

Developments Reviewed

Ms. Olcott made a motion to approve the Report of Action Taken on Development Plans for October 2012. The motion was seconded by Mr. Rattner and approved by roll call vote.

VOTE	Aye	Nay	Abs.
Ted Eppel	x		
Ann Grossi	-		
Steve Hammond	x		
Thomas Mastrangelo	-		
Ed McCarthy	-		
Isobel Olcott	x		
Steve Rattner	x		
Everton Scott	x		
Joseph Falkoski, Chair	x		
John Cesaro, (F. Alt)	-		
Stephen Jones, (Alt.1)	-		
Vacant, (Alt. 2)	-		

Ms. Olcott made a motion to approve the Report of Action Taken on Development Plans for November 2012. The motion was seconded by Mr. Rattner and approved by roll call vote.

VOTE	Aye	Nay	Abs.
Ted Eppel	x		
Ann Grossi	-		
Steve Hammond	x		
Thomas Mastrangelo	-		
Ed McCarthy	-		
Isobel Olcott	x		
Steve Rattner	x		
Everton Scott	x		
Joseph Falkoski, Chair	x		
John Cesaro, (F. Alt)	-		
Stephen Jones, (Alt.1)	-		
Vacant, (Alt. 2)	-		

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VOTE	Aye	Nay	Abs.
Ted Eppel	x		
Ann Grossi	-		
Steve Hammond	x		
Thomas Mastrangelo	-		
Ed McCarthy	-		
Isobel Olcott	x		
Steve Rattner	x		
Everton Scott	x		
Joseph Falkoski, Chair	x		
John Cesaro, (F. Alt)	-		
Stephen Jones, (Alt.1)	-		
Vacant, (Alt. 2)	-		

Development Review

Mr. Rattner informed the Board that the Land Development Review Committee met prior to tonight's Planning Board meeting. The first application he discussed concerned the demolition and redevelopment of the former Mercury auto dealership on the corner of Speedwell Avenue and Spring Street. The site will be redeveloped as a CVS Pharmacy and that County Engineering will need to review the stormwater management plan. He then reported on an application for a McDonalds restaurant on South Salem Street in Randolph. The application proposes the installation of dual drive-thru ordering stations that will alleviate long queues and other improvements to the existing McDonalds restaurant. He reported that there are no County concerns concerning this application.

Legislative and Municipal

Recent Legislation - Mr. Soriano informed the Board of the introduction of Senate Bill 2447. The bill proposes changes to the Local Redevelopment and Housing Law so that the underutilization of property could not be the sole criteria on which a site could be designated an area in need of redevelopment, under which eminent domain could be used. He next reported on Senate Bill 2358 that would require new electric lines to be located underground in areas affected by severe weather, as defined in the bill. Mr. Scott requested a copy of this bill. The last bill he discussed was Assembly Bill A3363 that concerns the introduction of a new bond initiative to fund regarding Green Acres purchases for water supply and flood plain protection, and farmland and historic preservation.

Master Plan & Land Use Ordinance Monthly Report - Mr. Soriano stated there were no master plan amendments this month.

Mr. Sitlick provided highlights of the Zoning Report, informing the Board that there were sixteen ordinances processed for the month of December 2012, including three proposed and twelve adopted ordinances and one tabled ordinance. He described a proposed ordinance in Mountain Lakes that will amend the Affordable Housing Zone. Mr. Sitlick also described a Morristown amendment that made several changes to the Speedwell Redevelopment Plan.

Long Range Planning

Presentation on New Demographic, Housing & Employment Data – Ms. Olcott stated that she asked staff to prepare an update on recently released Census and related demographic and economic data. Mr. Sitlick gave a PowerPoint presentation on demographic, housing and employment data recently released by the U.S. Census, NJ Department of Labor and Workforce Development and NJ Department of Community Affairs. Topics included current and projection population, age, building permits, household sizes, housing values, educational attainment, income, employment, unemployment, and projected occupational growth.

LIAISON REPORTS

Lake Hopatcong Commission

No Report

Lake Musconetcong Regional Planning Board

Mr. Rattner discussed the ongoing problem of water chestnut infestation. He reported that Rutgers had determined that freezing the plant would offer the best control, but that the NJDEP may not allow the necessary lake drainage. He reported that NJDEP is developing programs to address this issue.

Morris County Open Space Trust

Mr. Eppel highlighted two of four recent project closings. He first reported on the closing on the Primrose Farm Estates property (Phases 1 and 2) in Harding Township. He then reported on the closing on property at Pleasant Valley Mills Farm in Mendham Township. He stated that, including recent closing, the Preservation Trust has helped preserve over 21,288 acres in Morris County.

Flood Mitigation Program – Mr. Eppel then presented an update concerning recent flood mitigation activities. He reported that the Preservation Trust has closed on seven properties, expending a total of $803,352 from the fund. Ms. Leary and Mr. Bush explained the responsibility of the committee and the various sources of funding that can be pooled together to purchase properties in the Flood Mitigation Program buyout program. A discussion followed.

Based on the various questions of the Board, Ms. Marion stated that she will contact Ms. Jennifer McCulloch, the Flood Mitigation Program Coordinator, to invite her to the next Planning Board meeting to give a presentation on the program. Mr. Eppel noted flood mitigation issues

associated with the Rockaway River and the need for new laws to address the responsibility for stream bank maintenance to mitigate downstream flooding. A discussion followed.

CORRESPONDENCE AND REPORTS RECEIVED

Ms. Marion reported that she received two pieces of correspondence. She received notice from the Department of Transportation (DOT) concerning a Pre-Construction Public Information meeting regarding intersection improvements at Route 10 and Commerce Blvd. in Roxbury Township. Chris Vitz, of Morris County Engineering attended this meeting. Ms. Marion also informed the Board that she received a copy of a letter from the New Jersey County Planners Association to Governor Chris Christie regarding the Association's continued support for adoption of the New Jersey State Strategic Plan.

REPORTS OF MEETINGS

Public Meeting on the East Hanover Avenue Corridor Study – Ms. Marion stated a public meeting on the Study was held on December 11, 2012 with about fifty people attending. She reported that Ms. Leary and Freeholder Lyon were also in attendance. Ms. Marion reported that the meeting was a great success and that she has received numerous comments, letters and e-mails from the public. She stated the project will continue and that the Technical Advisory Committee will meet once she is done responding to the comments.

January 16, 2013 State Planning Commission Meeting – Ms. Marion stated she attended the State Planning Commission meeting on January 16, 2013 in support of Mount Olive and had also submitted a letter in support of the Township's requested map amendments. She reported that the entire municipality is currently designated as Planning Area 5 and that Mount Olive is seeking to change that designation in two areas. Mount Olive is seeking a Planning Area 2 designation in the northern section of the Township in the area of the International Trade Center and a Planning Area 1 designation in the Flanders area. She stated that there was some opposition to these changes by environmental groups, but that the State Planning Commission voted to approve the amendments Ms. Marion will send copy of the support letter for amendment to the Board.

Other Business

Resolution 2013-1: 2013 Meeting Schedule Resolution - Ms. Olcott moved approval of Resolution 2013-1, 2013 Meeting Date Schedule. The motion was seconded by Mr. Eppel and was unanimously approved by roll call vote.

VOTE	Aye	Nay	Abs.
Ted Eppel	x		
Ann Grossi	-		
Steve Hammond	x		
Thomas Mastrangelo	-		
Ed McCarthy	-		
Isobel Olcott	x		
Steve Rattner	x		
Everton Scott	x		
Joseph Falkoski, Chair	x		
John Cesaro, (F. Alt)	-		
Stephen Jones, (Alt.1)	-		
Vacant, (Alt. 2)	-		

Authorization for Destruction of Planning Board Meeting Recordings 10/20/2011 – 9/20/2012

Ms. Olcott moved the action to destroy Planning Board Meeting Recordings 10/20/2011 – 9/20/2012, which was seconded by Mr. Eppel and approved by roll call vote.

VOTE	Aye	Nay	Abs.
Ted Eppel	x		
Ann Grossi	-		
Steve Hammond	x		
Thomas Mastrangelo	-		
Ed McCarthy	-		
Isobel Olcott	x		
Steve Rattner		x	
Everton Scott	x		
Joseph Falkoski, Chair	x		
John Cesaro, (F. Alt)	-		
Stephen Jones, (Alt.1)	-		
Vacant, (Alt. 2)	-		

2013-2018 Morris County Capital Improvement Program

Ms. Olcott provided an overview of several items in the proposed Capital Budget. Mr. Hammond and Ms. Leary described various projects included in the budget, including appropriations for the

Central Park turf field, an Arts Center at the County College, the Park Commission, the Morris View facility and roadway improvements.

Ms. Olcott made a motion on the 2013-2018 Morris County Capital Improvement Program, stating that the Capital Budget is consistent with the Morris County Master Plan. The motion was seconded by Mr. Rattner and approved by roll call vote. The Board asked Ms. Marion to inform the Freeholder Board of the Planning Board determination of consistency.

VOTE	Aye	Nay	Abs.
Ted Eppel	x		
Ann Grossi	-		
Steve Hammond	x		
Thomas Mastrangelo	-		
Ed McCarthy	-		
Isobel Olcott	x		
Steve Rattner	x		
Everton Scott	x		
Joseph Falkoski, Chair	x		
John Cesaro, (F. Alt)	-		
Stephen Jones, (Alt.1)	-		
Vacant, (Alt. 2)	-		

Ms. Leary recognized Mr. Jones and Ms. Schopp from the Economic Development Corporation and thanked them for attending the meeting.

Closed Session

Chairman Falkoski requested a motion to approve the following resolution to go into closed session to discuss the matter of current litigation. The motion was made by Mr. Eppel, seconded by Ms. Olcott, and approved by roll call vote.

Chairman Falkoski read the following resolution:

RESOLUTION TO ENTER INTO CLOSED SESSION

WHEREAS, pursuant to P.L. 1975 Ch. 231, the Open Public Meetings Act, the Morris County Planning Board may exclude the public to discuss matters as are provided under the Act; and

WHEREAS, said Act provided that this Board may exclude the public from the discussion of such matters,

NOW, THEREFORE, BE IT RESOLVED, that the Morris County Planning Board hereby excludes the public in order to discuss such matters. The general nature of the subject to be discussed is current litigation concerning the Morris Commons site plan.

	Aye	Nay	Abs.
Ted Eppel	x		
Ann Grossi	-		
Steve Hammond	x		
Thomas Mastrangelo	-		
Ed McCarthy	-		
Isobel Olcott	x		
Steve Rattner	x		
Everton Scott	x		
Joseph Falkoski, Chair	x		
John Cesaro, (F. Alt)	-		
Stephen Jones, (Alt.1)	x		
Vacant, (Alt. 2)	-		

The Board returned to open session at 8:45 p.m.

Mr. Rattner made a motion to authorize the Board Attorney to initiate discussions with Mr. Richard Berger, Esq., attorney, to explore amicably settling the lawsuit against the Planning Board with respect to the Morris Commons site plan. The motion was seconded by Mrs. Olcott and approved by roll call vote.

	Aye	Nay	Abs.
Ted Eppel	x		
Ann Grossi	-		
Steve Hammond	x		
Thomas Mastrangelo	-		
Ed McCarthy	-		
Isobel Olcott	x		
Steve Rattner	x		
Everton Scott	x		
Joseph Falkoski, Chair	x		
John Cesaro, (F. Alt)	-		
Stephen Jones, (Alt.1)	x		
Vacant, (Alt. 2)	-		

LEGAL UPDATE

Mr. Bush stated that the Freeholders conducted an appeal hearing for Hanover and Horsehill, LLC, on November 28, 2012. The Freeholder Board adopted Resolution No. 58 at the December 27, 2012 Freeholder meeting that upheld the decision of the Planning Board on the appeal by Stop and Shop. Mr. Bush stated that Stop and Shop has 45 days from December 27, 2012 to exhaust their remedies by way of a prerogative writ action in Superior Court. He stated as of today that action has not occurred.

Mr. Bush once again thanked Christine Marion, Greg Perry, Joe Barilla, Steve Hammond and Chris Vitz for their help in this matter.

COMMENTS FROM THE PUBLIC

Ms. Leary asked Ms. Marion to remind the Board of the Master Plan Open House in Morristown on January 23, 2013 at the Hyatt from 5:30 pm to 8:30 pm. Ms. Marion stated she had sent an email to members with invitation to the open house.

NEXT MEETING

The next meeting is scheduled for February 21, 2013 at 7:00 p.m.

ADJOURNMENT

At 8:50 p.m., Mr. Hammond moved to adjourn the meeting. Ms. Olcott 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.