MINUTES OF THE REGULAR MEETING
MORRIS COUNTY PLANNING BOARD

MAR 2 2 2013

30 Schuyler Place
February 21, 2013

Morristown
New Jersey

Chairman Falkoski called the meeting to order at 7:00 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 29, 2013.

ROLL CALL

Those present were:

Joseph Falkoski, Chairman
Steve Rattner, Vice-Chairman
Isobel Olcott, Secretary
Steve Hammond, County Engineer
Everton Scott (arrived 7:05 p.m.)
Stephen Jones, Alternate #1

Christine Marion, Planning Director
Deena Leary, Department Director
Anthony Soriano, Supervising Planner
Greg Perry, Principal Planner
Jennifer McCulloch, Program Coordinator
W. Randall Bush, Esq., First Assistant County Counsel
Rene Axelrod, Recording Secretary

Presentation on Morris County Flood Mitigation Program

Ms. Jennifer McCulloch, Flood Mitigation Program Coordinator gave a PowerPoint presentation concerning the Morris County Flood Mitigation Program to the Morris County Planning Board. She noted increases in the frequency and severity of flooding in New Jersey during the past few decades and gave an overview of the purpose, eligibility requirements, application review, and property acquisition process of the County Flood Mitigation Program. Ms. Leary informed the Board that Ms. McCulloch has been asked to speak at a National Conference of State Flood Managers in June 2013. The Board thanked Ms. McCulloch for her presentation.

Mr. Jones informed the Board of recent issues related to construction of structures in flood hazard areas. He reported that new information on base flood elevations and proposed changes in DCA construction standards will affect building requirements and related building costs in flood zones. He provided examples of how the new construction standards could create problems with meeting zoning ordinance requirements. In particular, new building elevations may exceed building height limitations, which would require a homeowner to seek a "d" or use variance.

REVIEW OF MINUTES

Ms. Marion reported a discussion with Mr. Bush concerning voting procedures related to approval of meeting minutes. She stated that, in accordance with the Planning Board By-laws and Roberts Rules of Order, all Board members are eligible to vote on the minutes, even if they did not attend the meeting in question.

Ms. Olcott moved approval of the minutes of the January 17, 2013 meeting. The motion was seconded by Mr. Rattner and was approved by roll call vote.

VOTE	Aye	Nay	Abs.
Ted Eppel	-		
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)	-		

DIRECTOR'S REPORT

The Board accepted the Director's Report for January 2013, which will be placed on file.

REPORT OF FUNDS RECEIVED

Funds received for January 2013 totaled $4,005.00.

FUTURE MEETINGS

Ms. Marion reported that the River Friendly Technical Advisory Committee is meeting on February 22, 2013.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan – Ms. Marion reported that the Septic Management Program web tool project, headed by Ms. Virginia Michelin and MCGIS, is well underway. She stated that Harding Township, Mount Olive Township and Mount Arlington Borough have submitted

their letters of intent regarding participation in the program. Ms. Marion stated that this voluntary web-based tool would permit municipalities to maintain local septic systems maintenance information, allow local health officials to provide related educational materials to residents and assist in notification for cyclical inspections and pump-outs. Ms Marion noted that health officers attending the first Septic Management Program Technical Advisory Committee meeting were impressed with the program.

Ms. Marion informed the Board that the Department of Environmental Protection (DEP) still has not approved the future Wastewater Sewer Service Area Map. Ms. Marion suggested that the Board may want to take action if the map has still not been approved by the Board's next meeting in March. She reported that the NJDEP delay of map approval is impeding local wastewater management activities.

Land Subdivision and Zoning

Developments Reviewed – Mr. Rattner stated that the Development Review Committee met prior to tonight's Planning Board meeting and reviewed six applications, most of which were minor in nature. He described the application for Net Access Corporation in Parsippany, which is proposing to add 75,000 square feet to its existing building for data storage expansion and reduce the number of parking spaces since there are few employees.

Ms. Olcott made a motion to approve the Report of Action Taken on Development Plans for January 2013. The motion was seconded by Mr. Rattner and approved by roll call vote.

VOTE	Aye	Nay	Abs.
Ted Eppel	-		
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)	-		

Legislative and Municipal

Recent Legislation - Mr. Soriano reported that several open space appropriation bills were recently signed into law for expenditures of Green Acres funding. The legislature has also introduced several new bills proposing new preservation funding, including Assembly Bill A3777, the "Green Acres, Farmland, Blue Acres and Historic Preservation Bond Act of 2013,"

Assembly Bill S2529, the "Preserve New Jersey Act of 2013" and several other related bills. He also noted the passage of Senate Bill S589, which concerns the standards under which properties may receive farmland tax assessment.

Mr. Soriano also reported on several economic development bills, including the "New Jobs for New Jersey Act" (S2211 & A3312), which passed both Houses. The two bills supporting the "New Jersey Residential Foreclosure Act (S2157 and A3413), discussed at previous meetings, had been conditionally vetoed by the Governor.

He then reported on Assembly Bill A3761 concerning amendments to the Municipal Land Use Law to allow expanded use of noncontiguous clustering as a land use tool. He summarized a report he prepared and submitted to the Board concerning this bill.

Master Plan & Land Use Ordinance Monthly Report - Mr. Soriano stated that there were no master plan amendments this month. Concerning the Land use Ordinance Monthly Report, Mr. Soriano stated that five proposed ordinances and one adopted ordinance were received in January 2013. He noted a Mine Hill Township ordinance establishing an Agricultural Overlay Zone (AOZ) in an existing Office/Industrial (O/I) district wherein several properties were being actively farmed. Ms. Marion reported that Mine Hill also recently adopted it's first Right-to-Farm ordinance.

Long Range Planning

Ms. Olcott stated that Long Range Planning did not meet. She asked Mr. Soriano to give an update on the State of the County Report. Mr. Soriano reported that preliminary drafts have been completed for six of the eight major sections and that work continues on the remaining sections.

LIAISON REPORTS

Lake Hopatcong Commission

Ms. Marion reported that the Lake Hopatcong Commission no longer has an updated website and she is no longer receiving the minutes since the administrator was laid off due to lack of funding.

Lake Musconetcong Regional Planning Board/Musconetcong River Management Council

Mr. Rattner informed the Board that the annual volunteer weed pull event is scheduled for July 6, 2013 and up to 100 volunteers are anticipated to participate. He reported that in 2012, harvesting removed 1,800 tons of weeds from the lake. He stated the Regional Board will not be receiving any money from the State for herbicides.

Mr. Rattner stated that the Musconetcong River Management Council is doing more with less funding with increased volunteerism, including increased assistance from the Musconetcong Watershed Association and the Heritage Conservatory. He reported that a National Park Service representative provided information about the anticipated sequester and the potential reduction in

funding provided to the Board as a result. He also stated that the agreement with the National Park Service that expires on October 31, 2013, will be renewed. As part of the renewed agreement, the National Park Service is recommending that county representatives become voting members.

He also reported that presentations have been made to the Board supporting the reintroduction of shad to the river, but that the NJDEP does not favor reintroduction at this time due to anticipated water quality issues. He also stated that the New Jersey Audubon Society and the New Jersey Division of Fish and Wildlife are entering into an agreement concerning stream restoration activities below the Point Mountain Bridge. The Audubon Society may be able to obtain grants and funding for the federal government not available to state.

Morris County Open Space Trust

Ms. Marion informed the Board of one closing for Block 16, Lot 2201 in the Township of Washington. She stated that this 7.83 acre parcel is being preserved as part of the Hickey Trail Connector Project and more formal and extensive trails will be developed on the property over the long term.

Ms. Leary informed the Board of a change in the Open Space Preservation Trust fund application process. Municipal open space applications and appraisals are now both due to the County in June. Ms. Leary also invited the Board to the Whippany River Watershed Action Committee Presentation to be held March 14, 2013 at 2:00 p.m. at the Morris County Administration Building. An email notification with meeting details will be sent to Board members.

CORRESPONDENCE AND REPORTS RECEIVED

Ms. Marion reported on two pieces of correspondence. The first is from the Board of Chosen Freeholders providing notice on a hearing held on February 13, 2013 regarding the Morris County District Solid Waste Management Plan Amendment and the contract to operate the two solid waste transfer stations. The second is a notice from the Agricultural Development Board on the termination of the eight year, municipal approved Farmland Preservation Program for Schaffer Farms in Chester Township.

REPORTS OF MEETINGS

Ms. Marion had nothing to report.

Comments from the Public

Mr. Hammond suggested receiving Comments from the Public before going in to closed session.

Mr. Jones and Ms. Schopp from the Morris County Economic Development Corporation were in attendance. Ms. Marion informed the Board that she and Mr. Jones were presenters at a recent Leadership Morris Class and suggested that Mr. Jones also give the same presentation to the

Board. The Board concurred; Mr. Jones accepted the invitation and will work out a schedule with Ms. Marion.

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 involving the Morris Commons site plan and litigation involving the Hanover and Horsehill site plan approval.

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 Ms. Olcott, seconded by Mr. Stephen Jones, and approved by roll call vote.

	Aye	Nay	Abs.
Ted Eppel	-		
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 motion was made to go back to open session by Ms. Olcott, seconded by Mr. Rattner, and approved by roll call vote.

	Aye	Nay	Abs.
Ted Eppel	-		
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 staff will provide reports on the progress on Morris Commons and the litigation concerning Hanover and Horsehill, L.L.C.

NEXT MEETING

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

ADJOURNMENT

At 8:32 p.m., Mr. Hammond moved to adjourn the meeting. Ms. Olcott 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.