Susan Gouveia

From: Lashway, Lisa
Sent: Tuesday, April 22, 2014 9:51 AM
To: Canning, Sean; Susan Gouveia; Natafalusy, Catherine
Subject: FW: MCPB Minutes
Attachments: 201404211151.pdf

Please see attached.

Lisa Lashway
Mt. Olive Twp. Clerk
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From: Axelrod, Rene [mailto:raxelrod@co.morris.nj.us]
Sent: Monday, April 21, 2014 11:58 AM
Cc: Marion, Christine
Subject: MCPB Minutes

Good Afternoon

Attached find the minutes from the Morris County Planning Board Meeting of March 20, 2014.

Feel Free to contact me if you have any questions.

Thanks
Rene

Rene Axelrod, Principal Planning Aide
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MINUTES OF THE REGULAR MEETING
MORRIS COUNTY PLANNING BOARD

30 Schuyler Place
March 20, 2014

Morristown
New Jersey

Chairman Falkoski called the meeting to order at 7:04 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 8, 2014.

ROLL CALL

Those present were:

Joseph Falkoski, Chairman
Isobel Olcott, Secretary
Steve Rattner, Vice-Chair
Ted Eppel
Annabel Pierce
David Scapicchio, Freeholder
Christopher Vitz, County Engineer
Stephen Jones, Alt. #1
Nita Galate, Alt. #2

Christine Marion, Planning Director
Deena Leary, Department Director
Anthony Soriano, Supervising Planner
Greg Perry, Supervising Planner
Joe Barilla, Principal Planner
W. Randall Bush, Planning Board Attorney
Rene Axelrod, Recording Secretary

REVIEW OF MINUTES

Ms. Olcott moved approval of the minutes of the February 20, 2014 meeting. The motion was seconded by Mr. Eppel and was approved by roll call vote.

VOTE	Aye	Nay	Abs.
Ted Eppel	x		
Thomas Mastrangelo, Freeholder Dir.	-		
Isobel Olcott, Secretary	x		
Annabel Pierce	x		
Steve Rattner, Vice-Chair			x
David Scapicchio, Freeholder			x
Everton Scott	-		
Christopher Vitz, County Engineer	x		
John Cesaro, Freeholder Alt.	-		
Stephen Jones, (Alt.1)			x
Nita Galate, (Alt. 2)	x		
Roslyn Khurdan, (Eng. Alt.)	-		
Joseph Falkoski, Chairman	x		

Ms. Leary introduced Freeholder David Scapicchio and asked that each member of the Planning Board introduce themselves.

DIRECTOR'S REPORT

The Board accepted the Director's Report for February-March 2014 and it will be placed on file.

REPORT OF FUNDS RECEIVED

Funds received for February 2014 totaled $5,790.

FUTURE MEETINGS

Ms. Marion stated that the Morris Canal Greenways Conference will be held at the Frelinghuysen Arboretum on March 27, 2014 from 1:00PM to 5:00PM. Ms. Marion informed the Board that she will be giving a presentation to the Roxbury Economic Development Corporation on March 27, 2014 as requested by the Roxbury Township Manager.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan – Ms. Marion reported that she attended two meetings with the Departmental of Environmental Protection (DEP). She stated that the first meeting concerned the DEP review of the Water Quality Management Planning Rules and the planned rewrite of the rules. The DEP wants to separate the wastewater planning process from the permitting process. Ms. Marion stated that DEP is targeting the completion of the new draft rules by spring. She stated that staff sent comments and questions to the DEP and that she will keep the Board informed on the changes.

Ms. Marion reported that Virginia Michelin and she attended a meeting between representatives of Mine Hill Township, the Rockaway Valley Regional Sewerage Authority (RVRSA) and the DEP. She stated that Mine Hill Township is a customer and not a member of RVRSA, but is interested in expanding sewage treatment in their municipality to address areas where septic failures have occurred. Ms. Marion stated that RVRSA is conducting an anti-degradation study to determine whether they can re-rate or expand their plant. Ms. Marion stated that the meeting went well and that Mine Hill and RVRSA understand the requirements to expand sewer service in Mine Hill.

Watershed Activities - Ms. Marion reported that she attended a Rockaway River Watershed Cabinet meeting. Ms. Pat Rector from the Rutgers Cooperative Extension made a presentation concerning the types of activities that the Rockaway River Watershed Cabinet may conduct, such as rain barrel and rain garden programs. Ms. Marion asked Ms. Rector what pertinent issues she saw impacting the Rockaway Watershed and was told that erosion and sedimentation were major problems facing the watershed.

Land Subdivision and Zoning

Developments Reviewed – Mr. Rattner reported on applications reviewed at the March 20, 2014 Land Development Review Committee meeting. The site plan application of 5669 Berkshire Valley Road, LLC, proposes an addition to an existing retail structure in Jefferson Township in the Highlands Preservation Area. He noted that while the building and the parking areas are being

expanded, impervious cover is being reduced due the proposed dedication of County road right-of way. Edwards Holdings, LLC in Parsippany-Troy Hills, concerning a site at the intersection of New Road and Edwards Road, proposes a 15,600 square foot warehouse/office building. Mr. Rattner stated that the existing survey shows an overlap of the deed between a County-owned parcel and this site that needs to be resolved. In Rockaway Township, an existing Best Western Hotel would be razed and redeveloped as a Marriott Fairfield Inn & Suites Hotel on Green Pond Road. He stated that there are access issues concerning Green Pond Road that must be resolved. Also in Rockaway Township is a proposed ten lot subdivision of a 12.17 acre parcel. County Engineering will review proposed stormwater management plan.

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for February 2014. The motion was seconded by Mr. Vitz and approved by roll call vote.

VOTE	Aye	Nay	Abs.
Ted Eppel	x		
Thomas Mastrangelo, Freeholder Dir.	-		
Isobel Olcott, Secretary	x		
Annabel Pierce	x		
Steve Rattner, Vice-Chair	x		
David Scapicchio, Freeholder			x
Everton Scott	-		
Christopher Vitz, County Engineer	x		
John Cesaro, Freeholder Alt.	-		
Stephen Jones, (Alt.1)	x		
Nita Galate, (Alt. 2)	x		
Roslyn Khurdan, (Eng. Alt.)	-		
Joseph Falkoski, Chairman	x		

Ms. Marion informed the Board that the Land Development Review Committee received draft copies of the Annual Land Development Activity Report. She stated that the cover features the development of CVS and Quick Chek retail stores at key intersections, which represents a continuing trend in Morris County. The Board will receive copies at the next meeting.

Legislative and Municipal

Recent Legislation - Mr. Soriano reported that there was activity on about 75 tracked bills since the last Board meeting. He described the changes proposed by Assembly Bill A2900 that would amend the Open Public Meetings Act. Assembly Bill A2866 would provide municipalities with affordable housing credit toward their municipal fair share housing obligation for funds transferred to the New Jersey Affordable Housing Trust Fund. Assembly Bill A-2912 would add an additional $75 fee for the recording of deeds and mortgages. Mr. Soriano stated that said this amount, minus county administration costs, would be collected by the County Clerk and sent to the New Jersey Affordable Housing Trust Fund. Senate Concurrent Resolution SCR-84 proposes, via a ballot question, to restructure Corporate Business Tax revenues to provide funding for open space, farmland and historic preservation.

Senate Bill S-1240 and its companion bill, A-2852 would make all commercial and industrially zoned lands located along commercial corridors exempt from the Highlands Act, the Highlands Regional Master Plan and associated NJDEP rules and regulations. Mr. Soriano noted that about

12,000 acres of commercial and industrial land is located in conforming areas of Highlands Region in Morris County and that most of this would qualify for this exemption. Mr. Soriano indicated that there was bi-partisan support and that the bills were the topic of a Planning Board Legislative Committee meeting held prior to the Planning Board meeting.

Mr. Rattner made a motion to support Senate Bill S-1240 and A-2852. The motion was seconded by Ms. Olcott and approved by voice vote. Mr. Bush recommended that staff draft a resolution of support for consideration at the next Planning Board meeting.

Master Plan & Land Use Ordinance Monthly Report - Mr. Soriano reported that two master plan amendments were received. Boonton Township amended its Housing Element and Fair Share Plan to remove analysis and findings based on the third round "growth share" analysis since the courts have invalidated this affordable housing obligation methodology. The amendment to the Land Use Element of Madison Borough added a number of accessory uses to the PCD-O district, which contains Giralda Farms.

Mr. Soriano then reported on the Land Use Ordinance Monthly report, stating that nine new ordinances were processed in February 2014, consisting of five proposed ordinances and four adopted ordinances. An ordinance from the Borough of Florham Park would amend the Planned Office District to allow corporate suites as a commercial component of a Planned Unit Development. He noted that the use resembles an extended stay hotel and that the Planned Office District covers approximately 200 acres and includes the Jets training facility and BASF offices.

Long Range Planning

Ms. Olcott stated the committee did not meet.

LAISON REPORTS

Lake Hopatcong Commission

Ms. Marion stated she received a report from Mr. Jarvis on the Commission's activities. Lake Hopatcong, , the lake is recovering well from the draw-down due to the recent snowfall and rains and was aided by NJDEP deviating from the Water Level Management Plan. She stated that Mr. Jarvis feels that there are still amendments needed to the Water Level Management Plan associated with the five foot draw-down.

Ms. Leary asked Mr. Vitz about the placement of navigation lights on the two Morris County bridges crossing Lake Hopatcong. Mr. Vitz reported that the addition of navigation lights is a requirement of the U.S. Coast Guard. He stated that the County has two months to add the lights and will be responsible for maintenance.

Lake Musconetcong Regional Planning Board/ Musconetcong River Management Council

Mr. Rattner stated that the hand pull of the water chestnut is scheduled for July 19, 2014. He stated that the Lake Musconetcong Regional Planning budget has been approved and that the property owners association will be conducting its fund raising efforts. He stated that available funding is at its lowest level in ten years.

Mr. Rattner reported that cooperation with the Department of Environmental Protection (DEP) has improved within the last year and that the State agreed to update the boat ramp used for the weed harvester. He stated that the DEP allowed Lake Musconetcong to be lowered for the entire winter season as recommended by the Rutgers study on weed control. Mr. Rattner explained the process of refilling the lake and the problems related to lake dredging.

Morris County Open Space Trust/Flood Mitigation Committees

Mr. Eppel reported that he attended a reorganization meeting last night that was chaired by Ms. Leary. Ms. Marion informed the Board that the Trust Fund Committee has five new members. Mr. Eppel stated that the Flood Mitigation Committee will have their next meeting in April 2014.

CORRESPONDENCE AND REPORTS RECEIVED

Ms. Marion had nothing to report.

Report of Meetings

Ms. Marion had nothing additional to report.

Other Business

COAH Update- Mr. Soriano gave an update on COAH rule making and the associated recent activity of the NJ Appellate and Supreme Courts. The Supreme Court has ordered COAH to approve new third round rules by May 1, 2014 and to proceed in a manner that would result in rule adoption by October 22, 2014. Municipalities have been responding to the COAH request to identify the commitment of local affordable housing trust monies and that there has been no further demands from the State concerning the forfeiture of these funds.

Building Permit Report- Mr. Soriano summarized the 2013 Morris County Building Permit Report. He stated that the current report has been expanded to include not only residential, but also office and retail activity. He reported that Morristown, Hanover Township and Mount Olive Township led residential building permit activity in 2013 and that the majority of this activity concerned multi-family housing. He then summarized recent office and retail building permit activity, noting that much of the recent office activity was centered in Hanover Township, Parsippany-Troy Hills Township and the Borough of Florham Park.

NJTPA Circulation Element – Ms. Marion informed the Board of a press release by Morris County announcing that the County has received $350,000 in a federal grant to prepare a new Circulation Element of Morris County Master Plan, in conjunction with the North Jersey Transportation Planning Authority (NJTPA). Ms. Leary stated that the project will start in the fall. She also stated that the county match is being provided through in-kind services.

Ms. Marion updated the Board concerning the status of the Preservation Trust Strategy Report. She said the Trust Fund is being evaluated and that a consultant has been hired to conduct the analysis of the Trust Fund which includes an update of the open space database and mapping efforts. She stated that the consultant is conducting a survey of all the municipalities and non-profits that have received funds and has also met with these municipalities to discus the Trust Fund and local needs.

The consultant is now in the process of reviewing the information and will be developing a report that will be completed by June.

CLOSED SESSION

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 ShopRite litigation by Stop and Shop.

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. Eppel, and approved by roll call vote.

VOTE	Aye	Nay	Abs.
Ted Eppel	x		
Thomas Mastrangelo, Freeholder Dir.	-		
Isobel Olcott, Secretary	x		
Annabel Pierce	x		
Steve Rattner, Vice-Chair	x		
David Scapicchio, Freeholder	x		
Everton Scott	-		
Christopher Vitz, County Engineer	x		
John Cesaro, (F. Alt)	-		
Stephen Jones, (Alt.1)	x		
Nita Galate, (Alt. 2)	x		
Roslyn Khurdan, (Eng. Alt.)	-		
Joseph Falkoski, Chairman	x		

Chairman Falkoski requested a motion to go back into open session. The motion was made by Mr. Vitz and seconded by Ms. Pierce and approved by roll call vote.

VOTE	Aye	Nay	Abs.
Ted Eppel	x		
Thomas Mastrangelo, Freeholder Dir.	-		
Isobel Olcott, Secretary	x		
Annabel Pierce	x		
Steve Rattner, Vice-Chair	x		
David Scapicchio, Freeholder	x		
Everton Scott	-		

Christopher Vitz, County Engineer	x		
John Cesaro, (F. Alt)	-		
Stephen Jones, (Alt.1)	x		
Nita Galate, (Alt. 2)	x		
Roslyn Khurdan, (Eng. Alt.)	-		
Joseph Falkoski, Chairman	x		

LEGAL UPDATE

No legal update.

Comments from the Public

There were no comments from the Public.

NEXT MEETING

The next meeting is scheduled for April 17, 2014 at 7:00 p.m.

ADJOURNMENT

At 8:15 p.m., Mr. Vitz moved to adjourn the meeting. Ms. Pierce seconded, and all approved by voice vote.

Respectfully submitted,

Christine Marion

Christine Marion, P.P./AICP
Planning Director

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