C

Susan Gouveia

From: Lashway, Lisa
Sent: Tuesday, July 23, 2013 10:59 AM
To: Canning, Sean
Cc: Susan Gouveia
Subject: FW: MCPB Minutes
Attachments: 201307230959.pdf

See attached (correspondence)

Michelle Masser
Deputy Clerk

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PO Box 450
Budd Lake, NJ 07828

From: Axelrod, Rene [mailto:raxelrod@co.morris.nj.us]
Sent: Tuesday, July 23, 2013 10:04 AM
Cc: Marion, Christine
Subject: MCPB Minutes

Good Morning

Attached please find the Morris County Planning Board Minutes for June 20, 2013.

Please feel free to contact me if you have any questions.

Thank you
Rene

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

30 Schuyler Place — Morristown
June 20, 2013 — 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 January 29, 2013.

ROLL CALL

Those present were:

Joseph Falkoski, Chairman
Steve Rattner, Vice-Chairman
Isobel Olcott, Secretary
Steve Hammond, County Engineer
Ted Eppel
Ed McCarthy
Nita Galate, Alt. #2

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

Comments from the Public

Chairman Falkoski asked the Board if they would like to forgo the agenda and allow public comment at this time. All members of the Board agreed.

Mr. Cliff Beebe came before the Board to speak on an issue concerning Lake Hopatcong. He gave an overview of the history of Lake Hopatcong, focusing on private and state jurisdictional issues, and provided copies of related articles. He reported that the State is not respecting the rights of private property owners along the lake, including owners of islands in the lake, of which he is one. He stated that the lands and waters of Lake Hopatcong are privately owned and that the state law requires that the lake be kept full at all times, subject only to natural conditions. He objected to NJDEP plans to drop the lake water level by five feet in September 2013, stating that this will cause problems for the residents of islands who use watercraft to access their properties. He stated that he has appeared before the Lake Hopatcong Commission to discuss this matter, but that the matter has not been resolved.

Mr. Beebe asked whether the Board could provide assistance to prevent the drawdown planned for September 2013. Mr. Bush informed him that the Board has no jurisdiction on this matter, and stated that the Lake Hopatcong Commission is the appropriate venue for making his case. Mr. Bush suggested that Mr. Beebe might want to seek legal guidance. Chairman Falkoski thanked Mr. Beebe for coming before the Board.

REVIEW OF MINUTES

Ms. Olcott moved approval of the minutes of the May 16, 2013 meeting. The motion was seconded by Mr. McCarthy and was approved by roll call vote.

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

DIRECTOR'S REPORT

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

REPORT OF FUNDS RECEIVED

Funds received for May 2013 totaled $23,750.00.

FUTURE MEETINGS

Ms. Marion had nothing to report.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan – Ms. Marion reported that work is continuing on the Wastewater Management Plan (WMP). She stated that Chatham Township is converting one of its sewage treatment plants to a pumping station and sending all its sewage to the main plant for treatment. The Department of Environmental Protection (DEP) cannot approve this project until the DEP approves the Chatham Township chapter of the County Wastewater Management Plan. Staff is working with Chatham Township and the DEP to complete the Chatham Township chapter and have it adopted by the NJDEP before the end of the year.

Watershed Activities – Ms. Marion reported that the Rockaway River Watershed Cabinet is meeting next week to discuss its future. She reported that a survey concerning the need for the watershed group and its future was sent out to municipalities. She reported that two completed surveys have been received to date. Ms. Marion stated that the survey results will be discussed at the next meeting of the Cabinet on June 26th and that the Cabinet will decide at that time whether it will disband. Due to the resignations of the chair, vice-chair and treasure, Ms. Marion informed members that she will be the only person left on the Executive Board after the next Cabinet meeting.

Land Subdivision and Zoning

Developments Reviewed – Mr. Rattner stated that the Development Review Committee reviewed 17 applications. He reported on the Hanover Crossroads application in Hanover Township concerning redevelopment of a 27-acre brownfield site at the corner of Hanover Avenue and Ridgedale Avenue. A Lowe's home improvement store, a multi-tenant retail building and a Quick-Check with vehicle fueling are proposed at this site.

Mr. Rattner requested that Mr. Barilla report on four applications in the Town of Dover concerning properties along the Blackwell Street corridor. He stated that the Town requires site plans for tenancy changes and that review of these applications helps to bring structures along this corridor up to code. He noted that the activity shows that businesses are staying in Dover and he anticipates reviewing more site plans for this area in the future.

Mr. Perry then informed the Board of the Mountain Center Realty application in Morristown, which involves the conversion of a vacant industrial structure in a redevelopment zone into 37 units of multi-family housing. He reported that the site consists of two lots, that the structure in question is located on one of the lots, and that both lots will be subject to major site improvements, including drainage and access improvements on the lot fronting on Morris Avenue, which is a county road. Mr. Perry reported that the applicant had requested an exemption from county review since the lot with the structure to be converted does not have direct frontage on Morris Avenue. Mr. Perry stated that the exemption is not being granted since the site improvements for the project are located on the lot fronting on Morris Avenue.

Mr. Ratter stated that it was important that the county review changes in tenancy since this gives the Board an opportunity to assess whether county improvements requested as part of a prior tenant's approval were completed. He gave, as an example, the recent application of Starbucks Coffee in Chatham Township, noting that review of this tenancy change revealed that improvements required by the county associated with the original application were never made. He reported that Ms. Marion is currently reviewing county land development review procedures, including amending the application form to include requests for waivers from county standards that would help facilitate the development review process.

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

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

Legislative and Municipal

Recent Legislation – Mr. Soriano reported on several bills. Senate Bill S2608, which would amend the Municipal Land Use Law to promote noncontiguous clustering, passed both houses. Senate Bill S2289 would amend the Highlands Water Protection and Planning Act to exempt local and county government artificial turf fields from the Act's restrictions. Senate Concurrent Resolution SCR138 concerning the use of a portion of the New Jersey sales tax for preservation purposes, passed the Senate Senate Bill S2861 concerning the closure of landfills, would apply to the Fenimore Landfill in Roxbury Township. Senate Bill S1534 would equalize standing of private and public colleges before local land use agencies Senate Bill S2784 would permit alternate members of county planning boards to vote in place of any absent public member. Ms. Marion stated that she found the wording of the bill confusing and that she informed the New Jersey Association of Counties Legislative Director of this fact. Mr. Soriano then reported on Senate Bill S2732, which would require priority consideration of permit applications for green building projects by state and local government. Ms. Marion stated that the sponsor of the bill has agreed to exempt county planning boards from this proposed requirement.

Finally, Mr. Soriano highlighted Senate Bill S2511, which would amend the Open Public Meeting Act. He described several provisions of the bill that would change the requirements for agendas, public comments, subcommittee meetings, notice requirements, recordings and minutes. He also stated that the State Legislature would be exempt from all these provisions.

Mr. Bush suggested that the Board wait for the response of other entities before taking any action on this bill. Ms. Marion stated that the New Jersey Association of Counties has taken a position on this bill and is working on amendments with its sponsors.

Master Plan & Land Use Ordinance Monthly Report – Mr. Soriano reported that Chester Township submitted a 2013 Master Plan Reexamination Report that focuses on Highlands Conformance. He reported that the only changes recommended in the report are the adoption of the Chester Township Highlands Master Plan Element and the Chester Township Highlands

Checklist Ordinance, both of which are required as part of the Township's intent to conform to the Highlands Regional Master Plan in both the Preservation and Planning Areas of the Township.

Mr. Soriano summarized the Land Use Ordinance Report for May 2013. He reported that there were four proposed ordinances and four adopted ordinances processed. He stated that there were no major ordinance changes.

COAH Municipal Affordable Housing Trust Fund Update – Mr. Soriano stated that the New Jersey Appellate Court had previously granted the Fair Share Housing Center's request for an emergent injunction, staying the seizure of municipal trust funds pending further order of the court. He then reported that on June 7, 2013, the Superior court vacated the stay, but is requiring COAH to follow a process established by the court before it may seize the funds. He reported that COAH has to send new letters to affected municipalities identifying the funds it believes it is owed and that once the letters are received, municipalities will have 30 days to respond. He noted that COAH would then make a decision regarding the return of funds, which may be further appealed by the municipalities. He also noted that other lawsuits remain outstanding regarding the validity of the growth share methodology and the Governor's attempt to abolish COAH.

Long Range Planning

Ms. Olcott stated that Long Range Committee met on the draft State of the County Report and that the Committee reviewed the draft Open Space / Farmland Preservation chapter and the draft Employment, Employers and Income chapter. Mr. Soriano stated that the Committee has reviewed four out of nine chapters, and that he would be sending the Circulation and Historic Preservation Chapters to the Committee next week. Ms. Marion stated she had two additional chapters under review. Ms. Olcott thanked staff for their hard work.

U.S. Census Update- Mr. Soriano stated that the U.S. Census Bureau released new county level statistics and municipal level population estimates for the period running from April 1, 2010 to July 1, 2012. Mr. Soriano distributed a summary of these statistics and highlighted some of the figures.

Mr. Soriano also reported on the status of the project with the Morris County Economic Development Corporation (MCEDC). He stated that Planning and GIS Division staff continue their work on the Investment Area Mapping Project that will identify the locations of establishments associated with the six major industrial sectors noted for priority consideration in the State Strategic Plan. He reported that staff is working to reconcile remaining unmatched parcels and that MCEDC is also working toward completion of this task. Mr. Jones thanked Mr. Soriano and County staff for their work on this project. Mr. Jones stated he gave a presentation to Montville Township regarding the project and that Montville looks forward to using the mapping tool.

LIAISON REPORTS

Lake Hopatcong Commission

Mr. McCarthy reported that the Commission has only $5,000 remaining in its account, but that a new foundation has been created to raise money for lake activities. Mr. McCarthy reported that most property owners are in favor of the drawdown plan that is contained in the 2011 Lake Hopatcong Water Level Management Plan, although there remain some opposed to the plan as demonstrated earlier in the public comment session. He also reported that the Commission has recently discovered that it is legally prevented from using volunteers for some of its activities, unlike the Lake Musconetcong Regional Planning Board.

Lake Musconetcong Regional Planning Board/Musconetcong River Management Council

Mr. Rattner informed the Board that the Musconetcong River Management Council signed a contract with the National Park Service for another year. He stated the Musconetcong River Restoration Partnership is receiving the Coastal America Partnership Award for work being done on the river. Mr. Rattner stated he was asked to bring up the fact that under the Wild and Scenic Rivers designation, counties do not have voting rights in the Musconetcong River Management Council. The Board would like to change the bylaws to give counties and other groups a vote in the Council. Mr. Bush informed Mr. Rattner that the Freeholder Board is the entity to take action on this matter.

Mr. Rattner reported that the Lake Musconetcong Regional Planning Board met yesterday. He informed the Board that the Lake Cleanup Day went well and that soon they would be undertaking an event to manually clear water chestnut from the lake. Mr. Rattner stated that the lake is the cleanest it has been in years due to the use of herbicides to treat the lake.

Morris County Open Space Trust

Mr. Eppel reported on the closing on the Early Street Community Garden project in Morristown. He informed the Board that the garden is located on the north side of Early Street within Phase 2 of the Speedwell Redevelopment Plan. He stated that the project includes expanding the number of garden beds, providing a public park area, and providing a walking path through the garden to the adjacent church. He reported the project fulfills a recreational need for people of all ages in an urban setting. Ms. Leary reminded members that Open Space Trust fund applications are due June 21st by 4:30 p.m.

Flood Mitigation Committee- Mr. Eppel reported that there are currently 96 projects and that the Trust has closed on 24 properties to date. He stated that demolitions have begun in Denville Township and that he expects demolitions in Parsippany-Troy Hills Township to follow shortly. He informed the Board that a Flood Acquisition Plan is currently being developed for the Borough of Lincoln Park.

Mr. Eppel then informed the Board that the National Association of State Floodplain Managers has decided to feature the Morris County Flood Mitigation Program in its "No Adverse Impact

(NAI) Initiative Toolkit for Local Governments and Floodplain Managers." He stated that this means that Morris County has initiated a plan that much of the nation may follow and that he is proud of the staff efforts to develop and implement this program.

CORRESPONDENCE AND REPORTS RECEIVED

Ms. Marion reported that a letter was received from Senator Bucco in response to the Planning Board's letter supporting Senate Concurrent Resolution SCR138 and Senate Bill S2529 concerning the dedication of certain sales tax revenue for preservation of open space. She reported that Senator Bucco also responded in the same letter to the other Planning Board letter opposing H.R.1638 that would eliminate the U.S. Census American Community Survey. She reported that in his letter, Senator Bucco thanked the Board and said that he will keep the concerns of the Morris County Planning Board in mind. Ms. Marion also reported that a letter was received from Congressman Frelinghuysen in response to the Board's letter opposing H.R.1638.

Mr. Marion reported on a letter she received from Gerald Rohsler, Director of Morris County Transportation. The letter is a notice. regarding the Kenvil Team Track in the Township of Roxbury.

REPORTS OF MEETINGS

Nothing to Report.

Other Business

Ms. Marion reported that she will be sending a draft letter of support to the Board concerning a Highlands Redevelopment Area Designation in Mount Olive. She stated that the Board may consider this letter at next month's meeting of the Board.

LEGAL UPDATE

Mr. Bush stated that the Hanover and Horsehill matter is continuing.

NEXT MEETING

The next meeting is scheduled for July 18, 2013 at 7:00 p.m.

Ms. Marion reminded the Board that there is a race scheduled that day.

ADJOURNMENT

At 8:45 p.m., Mr. Hammond moved to adjourn the meeting. Mr. McCarthy seconded, and all approved by voice vote.

Respectfully submitted,

Christine S. Marion

Christine Marion, P.P./AICP
Planning Director

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