Susan Gouveia

From: Lashway, Lisa
Sent: Monday, September 23, 2013 11:15 AM
To: Canning, Sean; Susan Gouveia; Natafalusy, Catherine
Subject: FW: MCPB Minutes
Attachments: 201309231055.pdf

Lisa Lashway
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From: Axelrod, Rene [mailto:raxelrod@co.morris.nj.us]
Sent: Monday, September 23, 2013 11:07 AM
Cc: Marion, Christine
Subject: MCPB Minutes

Good Morning

Attached please find the minutes for the July 18, 2013 Morris County Planning Board Meeting.

Feel free to contact me if you have any questions.

Rene

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

30 Schuyler Place
July 18, 2013

Morristown
New Jersey

Vice-Chairman Rattner called the meeting to order at 7:05 p.m.

OPEN PUBLIC MEETINGS LAW

Vice-Chairman Rattner 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:

Steve Rattner, Vice-Chairman
Isobel Olcott, Secretary
Ted Eppel
Everton Scott
Stephen Jones, Alt. #1(arrived 7:20 pm)
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

REVIEW OF MINUTES

Ms. Olcott moved approval of the minutes of the June 20, 2013 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	-		
Thomas Mastrangelo	-		
Ed McCarthy	-		
Isobel Olcott	x		
Steve Rattner	x		
Everton Scott			x
Joseph Falkoski, Chair	-		
John Cesaro, (F. Alt)	-		
Stephen Jones, (Alt.1)	-		
Nita Galate, (Alt. 2)	x		

DIRECTOR'S REPORT

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

REPORT OF FUNDS RECEIVED

Funds received for June 2013 totaled $6,330.

FUTURE MEETINGS

Ms. Marion stated she will be attending a New Jersey County Planners Association meeting tomorrow in Paterson.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan – Ms. Marion stated that Ms. Michelin is working with Chatham Township and the Department of Environmental Protection (DEP) to complete the Chatham chapter of the Wastewater Management Plan (WMP). The final steps in completing the chapter is to run a nitrate dilution model, check the figures and insert them into the report, after which the draft will be submitted to the DEP for their review. Ms. Marion stated that the Jefferson Township chapter will be the next completed as part of this phased WMP effort.

Watershed Activities – Ms. Marion stated that the Rockaway River Cabinet met and decided not to disband. She stated that she is the only Executive Board member remaining and that a reorganization meeting with a new Board will occur in September.

Land Subdivision and Zoning

Developments Reviewed – Mr. Rattner stated that the Committee reviewed several minor applications from Dover and noted that the Town was seeing considerable development activity in recent months. He described the Morris Street Redevelopment application in Morristown, which is for the remainder of this redevelopment area in Morristown. Last month, the Committee had reviewed the other redevelopment proposal that fronts on Ford Avenue. He reported that the Committee is concerned over various issues related to parking, traffic flow and site access. Mr. Barilla reported that site drainage will also need further review.

Mr. Rattner also reported on the Brightview Randolph application, which fronts on Quaker Church Road and proposes a 125-unit assisted and independent living facility in a multi-story structure. He stated that stormwater management will require review by County Engineering.

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

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

2012 Annual Development Review Activity Report

Mr. Barilla gave an overview of the 2012 Annual Development Review Activity Report through a brief PowerPoint presentation. The report cover pictures the Speedwell Avenue Redevelopment Project (Phase 1) known as Latitude Apartments. Regarding subdivision activity, Mr. Barilla noted that without the one large 276 unit project in Mount Olive, only 60 lots would have been recorded in 2012. Submissions to the county have increased by 55% for the first six months of 2013, demonstrating an increase in development activity. He also noted a 275% increase in the number of multi-family units proposed in the first six months of 2012 as compared to all of 2011.

Ms. Marion asked the Board for its approval to publish the 2012 Annual Development Review Activity Report and to post the report on the website. Ms. Olcott made a motion to approve the 2012 Annual Development Review Activity Report. The motion was seconded by Ms. Galate and approved by voice vote.

Legislative and Municipal

Recent Legislation - Mr. Soriano reported on recent legislative activity. Senate Bill S2861 concerning the closure of landfills was signed into law and Mr. Soriano noted its relevance to the Fenimore Landfill in Roxbury Township. Senate Concurrent Resolution SCR138 concerning the use of sales tax funding for open space preservation was replaced by SCR160. Approval was required by August 4th if the referendum was to be placed on the November ballot. Senate Bill S2716 that would extend the moratorium on the collection of affordable housing fees was vetoed by the Governor because the bill would have also enacted the Residential Foreclosure Transformation Act, which was also previously vetoed by the Governor. Assembly Bill A4270 was introduced which would simply extend the moratorium without any conditions. Mr. Soriano informed the Board that there was no movement on Senate Bill S2511 which concerns changes to Open Public Meeting Act. Newly introduced Senate Bill S2823 would change the public comment procedures related to municipal planning and zoning boards and would allow the public to provide comments on applications without having to attend the related public hearing. Mr. Bush explained some potential problems facing local boards should this bill pass.

Master Plan & Land Use Ordinance Monthly Report - Mr. Soriano reported that there were no master plans received since the last Planning Board meeting. He then summarized the June 2013 Zoning Report, stating that there were five proposed ordinances and four adopted ordinances submitted. He highlighted two proposed ordinances from the Township of Hanover that amended permitted land use for certain properties on North Jefferson Road and on Route 10.

COAH *and Status of Municipal Affordable Housing Trust Funds* – Mr. Soriano reported that on June 25, 2013, COAH mailed letters to 32 Morris County municipalities regarding the total unspent or uncommitted municipal trust funds subject to forfeiture to the NJ Affordable Housing Trust Fund. Mr. Soriano distributed a chart indicating the associated trust fund balances for each municipality. He stated that August 2, 2013 is the new deadline for municipalities to respond to COAH. Ms. Marion stated that towns must send a letter to COAH stating whether they agree or disagree with the dollar amount that is unspent or uncommitted. Mr. Soriano also reported on the NJ Supreme Court decision which found that the Governor cannot abolish COAH under the Executive Reorganization Act of 1969. Mr. Soriano said that he will continue to update the Board on this matter.

Mr. Bush complimented staff on the Trust Fund timeline memorandum for explaining the history of events and recommended its continuous update as activities occur. Mr. Rattner and Ms. Olcott suggested sending the report to the towns and Ms. Marion suggested that it could be included in the Board web-newsletter or posted on the county website.

Long Range Planning

State of the County Report - Ms. Olcott stated that Long Range Planning has been meeting on the revisions to the State of the County Report and that today, the Committee reviewed the Historic Preservation and Circulation chapters. Mr. Soriano stated that the Water Supply/Wastewater Management and Educational/Cultural chapters will be the next items to be reviewed by the Committee. Mr. Soriano stated he would like to present the final draft to the Board by the Fall.

Investment Area Mapping Update – Mr. Soriano updated the Board on the status of the Investment Are Mapping Project, which is being developed in association with the Morris County Economic Development Corporation (MCEDC). He reported that out of nearly 16,000 business establishment records, 8,900 have been identified as meeting the "Industry of Statewide Importance" definition. He stated 20% of these records initially required manual matching to GIS parcel data, and that staff has reduced the number of unmatched records to about 1.7%. He reported that after further filtering to exclude duplicate records and home based businesses, approximately 6,700 establishments have been preliminarily mapped. He reported that staff is currently reviewing and editing these preliminary maps. Mr. Soriano recently met with the MCEDC to review project progress and that this data will be used by the MCEDC to assist in its economic development and marketing efforts.

LAISON REPORTS

Lake Hopatcong Commission

Ms. Marion stated she did not receive a report.

Lake Musconetcong Regional Planning Board/ Musconetcong River Management Council

Mr. Rattner reported that the Lake Board conducted numerous lake clean-ups and weed harvesting. He stated that the public and private investment made to chemically treat the weeds is working, but there remain some problem areas to be resolved by the contractor. He said the Lake Board has eight trained volunteers and is looking to the State to fund the purchase of additional weed harvesting equipment.

Morris County Open Space Trust/Flood Mitigation Committee

Open Space Trust - Mr. Eppel stated that the closing on the Pompton Riverwalk-Phase IV project, located in the Township of Pequannock, completes the fourth phase of this long term project to recover riparian buffers and provide flood mitigation along the river. He reported that this project was awarded a grant in 2010 prior to the creation of the Morris County Flood Mitigation Program. Mr. Eppel noted the closing on the 41.9 acre Beaver Brook-2 site in Rockaway Township, sponsored by The Trust for Public Land. He reported that this predominantly wooded tract provides a key link between other preserved lands. He stated that grants from both the Morris County Park Commission and Municipal Utilities Authority were also applied to this purchase.

Flood Mitigation Committee – There was no report.

CORRESPONDENCE AND REPORTS RECEIVED

Ms. Marion stated she received notification from Williams Transco Pipeline concerning a natural gas transmission pipeline which runs through Madison Borough, Chatham Township and Long Hill Township. She informed the Board that there is a Natural Pipeline Mapping System website.

REPORTS OF MEETINGS

Ms. Marion stated that there was a meeting of the County Resources for Administration of Private Septics Technical Advisory Committee this morning, which was attended by representatives of four municipalities. She stated that she intends to ask GIS staff and Ms. Michelin to provide a demonstration of this web-based tool, which is being developed in support of municipalities to help them meet their Wastewater Management Plan requirements. Ms. Marion stated that the towns involved in this process are very pleased and noted the skills of Morris County GIS staff in its development.

Other Business

Letter in Support of Mount Olive Highlands Redevelopment Area Designation – Route 46 – Ms. Marion stated that this letter is intended to be sent to the Highlands Council in support of the Mount Olive petition for Highlands Redevelopment Area Designation for an area along Route 46. Mr. Rattner stated that he could not sign the letter in the absence of Chairman Falkoski due to a conflict of interest. Mr. Eppel made a motion to approve sending the letter out under the signature of the Secretary, Ms. Olcott. The motion was seconded by Mr. Scott and approved by voice vote.

Vice-Chairman Rattner 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.

Vice-Chairman Rattner 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.

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

The motion was made to go back to open session by Mr. Scott, seconded by Mr. Eppel, and approved by roll call vote.

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

LEGAL UPDATE

Ms. Marion asked Mr. Bush to review the recent US Supreme Court Decision Koontz v. St. Johns River Water Management District, that affects how future "takings" may be defined and which may impact the conditions that Planning Boards may place on certain approvals or denials. Mr. Bush briefly explained the issues of the case and will brief the Board more fully at its September meeting.

Comments from the Public

Ms. Marion informed the Board that Steve Hammond will be retiring after 42 years with Morris County and that the new County Engineer will be Chris Vitz. Ms. Marion informed the Board she will also be requesting that the Freeholder Board appoint a County Engineer alternate to the Planning Board.

Ms. Marion also informed the Board that the Freeholders approved a reorganization plan that will merge the Department of Planning and Development and the Department of Public Works into a single Department to be headed by Ms. Leary. Ms. Marion said she will now be in charge of the Planning and Preservation Trust Divisions. She reported that the Transportation Division, GIS Division and Community Development Division will also be moved out of Planning and Development.

NEXT MEETING

The next meeting is scheduled for September 19, 2013 at 7:00 p.m.

There will be no August 2013 meeting.

Ms. Olcott stated that the Development Review and Long Range Committees will be meeting in August 2013. Committees will decide meeting dates and times.

ADJOURNMENT

At 8:30 p.m., Ms. Olcott moved to adjourn the meeting. Mr. Rattner 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.