(C)

Gouveia, Susan

From: Lashway, Lisa
Sent: Monday, April 20, 2015 2:48 PM
To: Canning, Sean
Cc: Gouveia, Susan
Subject: FW: MCPB Minutes
Attachments: 201504200958.pdf

Correspondence

Michelle Masser
Deputy Clerk

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From: Axelrod, Rene [mailto:raxelrod@co.morris.nj.us]
Sent: Monday, April 20, 2015 10:20 AM
Cc: Marion, Christine
Subject: MCPB Minutes

Good Morning

Attached find the minutes of the Morris County Planning Board Meeting of March 19, 2015.

Feel free to contact me if you have any questions.

Thank you.
Rene

Rene Axelrod, Principal Planning Aide
Department of Planning and Public Works,
Division of Planning and Preservation
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MINUTES OF THE REGULAR MEETING
MORRIS COUNTY PLANNING BOARD

30 Schuyler Place — Morristown
March 19, 2015 — New Jersey

Vice-Chairman Rattner called the Regular Meeting to order at 7:00 p.m. with a salute to the flag.

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 26, 2015.

ROLL CALL

Those present were:

Steve Rattner, Vice-Chair
Isobel Olcott, Secretary
Christopher Vitz, County Engineer
John Cesaro, Freeholder (left at 7:30)
Everton Scott (arrived 7:20)
Ted Eppel
Annabel Pierce
Stephen Jones, Alt #1

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

REVIEW OF MINUTES

Ms. Olcott moved approval of the minutes of the February 19, 2015 meeting. The motion was seconded by Mr. Vitz, and was approved by roll call vote.

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

DIRECTOR'S REPORT

The Board accepted the Director's Report February 2015 and it will be placed on file.

REPORT OF FUNDS RECEIVED

Funds received for February 2015 totaled $3,320.

FUTURE MEETINGS

Ms. Marion informed members that the New Jersey Planners Association meeting for tomorrow has been cancelled due to the weather. She stated the next meeting will be in April 2015.

COMMITTEE REPORTS

Environment and Watershed

Wastewater Management Plan – Ms. Marion stated that the County Wastewater Management Plan (WMP) chapter for Jefferson Township has been released for the 30 day public comment period that started on February 17, 2015.

Watershed Activities – Ms. Marion stated she attended a Rockaway River Watershed Cabinet Meeting at which there was a presentation by Ingrid Witty of the Rutgers Cooperative Extension. Ms. Witty presented a program to work with the schools to promote the development of rain gardens. Under the program, the Rockaway River Watershed Cabinet would be the grant recipient and would reach out to schools interested in the installation of rain gardens. In these schools, the use of rain gardens would be included as part of the student curriculum. The Cabinet is hoping to work with municipalities to identify interested school districts and find appropriate locations for this activity.

Highlands RMP Monitoring – Ms. Marion stated that she contacted Chris Danis of the Highlands Council regarding the arrangement of an informal meeting with staff to discuss issues related to county plan conformance. She stated that that she will also be contacting Margaret Nordstrom, Executive Director of the Highlands Council to schedule this meeting.

Land Subdivision and Zoning

Developments Reviewed – Ms. Olcott reported on the February 19, 2015 committee meeting held before the Planning Board Meeting. She noted the following application:

1. Bhee Properties, Chatham Township - This is a two lot minor subdivision with frontage on Fairmont Avenue and Sunset Drive. Access for both lots is proposed on Fairmount Avenue. County Engineering will review the driveway design and stormwater runoff from the lots. Approval of the application is withheld pending the submission of additional information.
2. Weng Properties, Dover – This site plan is for the renovation of the first floor of an existing commercial structure into a mixed-use structure including the conversion of

the second floor to four apartment units. The first floor will be for commercial use. County Engineering will review the driveway access. The application was conditionally approved pending resolution of the driveway issue.

3. Diamond Gymnastics, East Hanover – This site plan is for a gymnastic and physical fitness center to be constructed over an old foundation. The foundation will need to be reconstructed since it is over 25 years old and the building was never constructed. County Engineering will need to review stormwater management for this proposal. The application was conditionally approved.
4. CVS, Parsippany – This is a minor subdivision that will create two lots, one of which is for a proposed CVS. The second lot is for the adjacent car dealership. Mr. Perry stated that the minor subdivision is being reviewed and consolidated with the previously submitted site plan. The subdivision was conditionally approved.
5. 700 Mountain Way, Parsippany – This site plan is for a 20 unit townhome development on 9.4 aces. A county drainage structure is affected and County Engineering will need to review stormwater management. The project was conditionally approved.
6. Elbaum Medical Office, Randolph – This is a site plan for a medical office on Route 10 that will have a shared driveway with a daycare facility that was recently reviewed by the County. County Engineering will review for stormwater management. The project was conditionally approved.
7. 67 Whippany Investors, Hanover - This is an update on a revised site plan that now shows a right turn ingress driveway only from Whippany Road to this property as required in the County Report of February 17, 2015. In addition a revised traffic study has been submitted for review. This project was conditionally approved.

Ms. Olcott made a motion to approve the Report of Actions Taken on Development Plans for February 2015. The motion was seconded by Mr. Vitz and approved by roll call vote.

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

Legislative and Municipal

Recent Legislation – Mr. Soriano gave a report on recent legislative activity. Senate Bill 1138 would allow the installation of solar facilities on preserved open space. The bill passed both Houses in January, but received an absolute veto from the Governor on March 16th.

Senate Bill 2818, introduced on March 12th, would amend the Municipal Land Use Law pertaining to information required for preliminary site plan and subdivision approval and extend the period of preliminary approval for subdivisions and site plan from three to five years. Mr. Soriano stated that passage of the bill would have major implications to municipal preliminary review, restricting information, particularly drainage and traffic that could be requested from applicants. He reported that the bill does not amend the County Planning Enabling Act. The county planning board must receive information concerning drainage and traffic for applications under county jurisdiction.. He stated the passage of the bill would cause difficulties coordinating municipal and county approvals. Ms. Marion stated that she reached out to the NJ League of Municipalities, the NJ Association of Counties and NJ County Planners Association with regard to the bill. Mr. Jones noted recent changes in the permit review process that similarly limits the protections inherent in the overall municipal review process.

Mr. Jones also informed the Board that the Group Home Fire Safety Act (Assembly Bill A-1698 and Senate Bill S-2316) recently passed concerning the installation of sprinklers in one and two family dwellings. He noted this bill is now waiting for the Governor's action.

Master Plan & Land Use Ordinance Monthly Report – Mr. Soriano reported that no master plan amendments were received.

Mr. Sitlick summarized the February 2015 Land Use Ordinance Monthly Report, reporting that two proposed ordinances and two adopted ordinances were processed in February 2015. Mr. Sitlick noted the defeat of the proposed Hanover Township zoning ordinance amendment that would have permitted the development of a 33 unit townhouse development at the intersection of Park Ave and Whippany Road.

Long Range Planning

Ms. Olcott reported that she attended a meeting at the Morris County Economic Development Corporation (MCEDC) at which the Morris County Circulation Plan Element was discussed. Ms. Leary informed the Board that the MCEDC holds quarterly municipal council meetings on different topics. Ms. Leary provided flyers on the public workshops for the Morris County Circulation Plan Element and requested that Board members distribute the flyers in their respective communities.. Ms. Marion suggested schools, active senior housing, libraries, home associations and bike shops. Mr. Soriano informed the Board of places where the workshops have been advertised and reported that the next meeting will be in held in Denville.

Mr. Soriano stated that the MCEDC asked county staff to create a map showing recent major development in the county for a presentation at a Alliance for Action meeting. He showed the maps to the Board and stated that the maps were prepared with assistance by Joe Barilla, Virginia Michelin and Greg Perry.

LIAISON REPORTS

Lake Hopatcong Commission - Ms. Marion stated that Mr. Jarvis has been representing Morris County on the Dock Committee. Mr. Jarvis was unable to attend Monday's meeting but that the Commission is applying for more 319 Grant money in cooperation with the Lake Hopatcong Foundation. He has asked that the grant money be used for a hydro-raking pilot program, which needs approval from the DEP and EPA. She stated that the Commission is not sure whether DEP funding for the regular weed harvesting will be available next year.

Lake Musconetcong Regional Planning Board/ Musconetcong River Management Council –Mr. Rattner informed the Board that the Chairman of the Lake Hopatcong Commission asked if a member of the Lake Musconetcong Regional Planning Board would attend its meeting. He stated that a member was able to attend and speak to the about shared use of a small weed harvester.

Morris County Open Space Trust Fund
Ms. Pierce stated she attended an orientation meeting and looks forward to serving on the Committee. She stated a meeting will be held next Thursday, March 26, 2015 and applications from municipalities are due on June 19, 2015, after which they will be reviewed and site visits will be scheduled over the summer.

Mr. Rattner asked about the number of closings that have occurred this year, and Ms. Marion stated that there was a closing in Harding Township in January. Ms. Marion noted recent interest in the program and feels it will be another active year.

Report of Meetings

Ms. Marion has nothing to report.

Other Business

Power Point Presentation on the County Planning Enabling Act - Ms. Marion stated that the laws associated with the County Planning Act go back to 1935 whereas the Municipal Land Use Law dates to 1975. She informed the Board that where the Board of Chosen Freeholders decides to create a County Planning Board, they must follow the statute. She went over the make-up, powers and duties of the Board, discussing various aspects including the County Master Plan, municipal coordination, capital improvement budget review, the official map, authority and responsibility pertaining to subdivisions and site plans and filing procedures pertaining to municipal ordinances.

Ms. Marion informed members that she will be making further presentations concerning court cases in New Jersey relating to county planning and will also discuss other State statues that require the attention of County Planning Boards, such as the Highlands Act and the State Planning Act. Mr. Bush recommended that unpublished court cases also be reviewed.

COAH Supreme Court Decision – Mr. Sitlick gave a PowerPoint presentation on the New Jersey Supreme Court ruling on COAH's Failure to adopt new 3rd Round Rules. He described the

recent court ruling which took control of affordable housing decisions from COAH and turned it over to the trial courts. He described the new process by which municipalities will have to determine their third round housing obligation and which turned control of affordable housing decisions and the process to trial courts for their review.

Mr. Rattner asked staff to notify the Board via email should there be any major news related to COAH or related legislative action. Ms. Olcott thanked Mr. Sitlick for his consolidation of this information.

LEGAL UPDATE

Mr. Bush had nothing to report.

Comments from the Public

None

NEXT MEETING

The next meeting is scheduled for April 16, 2015 at 7:00 p.m.

ADJOURNMENT

At 7:55 p.m., Mr. Vitz moved to adjourn the meeting. Mr. Jones 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.