

**TOWNSHIP OF MORRIS
PLANNING BOARD
REORGANIZATION AND REGULAR MEETING MINUTES
JANUARY 7, 2008**

Call to Order

The reorganization and regular meeting of the Township of Morris Planning Board was called to order on Monday evening January 7, 2008, at 7:30 P.M. in the Municipal Building, 50 Woodland Avenue, Morris, Township of Morris, N.J.

The Pledge of Allegiance was led by Ms. Sonia Santiago, Board Secretary

Statement of Adequate Notice: The Board Secretary issued the following statement:

"I hereby announce and state that adequate notice of this meeting was provided by the Secretary of this Planning Board by preparing a notice dated January 2, 2008, specifying the time, date and place of this meeting, posting such notice on the bulletin board in the Municipal Building; filing said notice with the Clerk of the Township of Morris; forwarding the notice to the Morris County Daily Record and the Morris News Bee, and forwarding, by mail, the said notice to all persons on the request list, and I hereby hand a copy of such notice to the Secretary of the Planning Board for inclusion in the minutes of this meeting, all of the above actions being in accordance with N.J.S.A. 10:4-6, et seq., Open Public Meetings Act."

Roll Call of Planning Board Members and Professionals

Members Present

Mr. Laurence D. Bobbin
Mr. Jeremiah Loughman
Mr. Craig R. Goss
Mr. Scott Rosenbush, Mayor Designee
Mr. Anthony Romano
Mr. Jeffrey Grayzel
Ms. Linda Murphy, Alternate #1
Mr. Kevin McNally, Alternate #2

Members Absent

Mr. Leigh Tucker Doxsee
Mr. Robert Nace
Mr. Franz E. Vintschger
Mr. Rick A. Haan

Professionals Present

Mr. Steve Schaffer, Planning Board Attorney
Mr. James Slate, Planning Board Engineer
Ms. Sonia Santiago, Board Secretary

Professionals Absent

Mr. Brian Burns, Board Attorney
Mr. Adrian Humbert, Planning Board Planner

The Oath of Allegiance and Oath of Office was administered by Steve Schaffer, Board Attorney to the following:

Mr. Jeffrey Grayzel, Class I
Mr. Scott Rosenbush
Ms. Linda Murphy, Alternate #2, Class IV

The Secretary asked for nominations for Chairperson for the year 2008. On motion duly made, seconded and unanimously carried, Mr. Rick Haan was elected Chairperson. No other nominations were heard.

Due to Mr. Haan absence the secretary of the Board asked for a volunteer to chair the meeting. Mr. Bobbin volunteered and was seated as acting Chairperson for the night.

Acting Chairman Mr. Bobbin asked for nominations for Vice-Chairperson for the year 2008. On motion duly made, seconded and carried, Mr. Vintschger was elected Vice-Chairperson. No other nominations were heard.

Mr. Romano moved and seconded by Mr. Grayzel unanimously carried the following resolution was adopted as presented:

DESIGNATION OF BOARD LEGAL COUNSEL

WHEREAS, the Planning Board of the Township of Morris has a need for the professional services of Legal Counsel; and

WHEREAS, the practice of law is a recognized profession, regulated by law requiring extensive and specialized training and as such is an exception to the bidding requirements set forth in N.J.S.A. 40A:11-5 et. Seq.; and

WHEREAS, the anticipated term of this contract is one year, and,

WHEREAS, Brian D. Burns, Esq. of the firm Burns and Schaffer has completed and submitted a business entity disclosure certification which certifies that BURNS AND SCHAFFER has not made any reportable contributions to a political or candidate committee in the Township of Morris in the previous one year, and that the contract will prohibit BURNS AND SCHAFFER, from making any reportable contributions through the term of the contract; and,

WHEREAS, the Chief Financial Officer of the Township of Morris has filed a certificate of availability of funds in the amount of \$25,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Morris, Morris County, New Jersey, that the Chairman and Board Secretary are authorized to enter into an agreement dated January 8, 2007 for the period January 1, 2008 to December 31, 2008 to engage Brian D. Burns as legal counsel at the rate of \$125.00 per hour with a minimum of \$187.50 for attendance at regular and special meetings of the Board. The total to be paid shall not exceed \$25,000.00 to be charged to the Planning Board, Other Expense budget.

BE IT FURTHER RESOLVED that the Business disclosure Entity Certification and the Determination of Value be placed on file with this resolution. and,

BE IT FURTHER RESOLVED that an official notice of this action shall be published in accordance with the law.

Mr. Grayzel moved seconded by Mr. Goss and unanimously carried the following resolution was adopted as presented.

DESIGNATION OF BOARD PLANNING CONSULTANT

WHEREAS, the Planning Board of the Township of Morris has need for the professional services of a Planning Consultant; and

WHEREAS, the practice of land use planning is a recognized profession, regulated by law requiring extensive and specialized training and as such is an exception to the bidding requirements set forth in N.J.S.A. 40A:11-5 et. seq.; and

WHEREAS, the anticipated term of this contract is one year, and,

WHEREAS, Adrian P. Humbert, AICP/P.P of the firm Adrian Humbert Associates has completed and submitted a business entity disclosure certification which certifies that Adrian Humbert Associates has not made any reportable contributions to a political or candidate committee in the Township of Morris in the previous one year, and that the contract will prohibit Adrian P. Humbert, from making any reportable contributions through the term of the contract; and,

WHEREAS, the Chief Financial Officer of the Township of Morris has filed a certificate of availability of funds in the amount of \$25,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Morris, Morris County, New Jersey that the Chairman and Board Secretary are authorized to enter into an agreement, dated January 8, 2007, for the period January 1, 2008 to December 31, 2008, with Adrian P. Humbert, AICP/P.P. of Adrian Humbert Associates at the rate of \$120.00 per hour with a minimum of \$180.00 for attendance at regular and special meetings of the board. The total expenditure shall not exceed \$25,000.00 to be charged to the Planning Board, Other Expense budget.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution. and,

BE IT FURTHER RESOLVED that an official notice of this action shall be published in accordance with the law.

Mr. Romano moved seconded by Ms. Murphy and unanimously carried the following resolution was adopted as presented. Mr. Grayzel abstained from the vote.

RADIO FREQUENCY CONSULTANT – RONALD E. GRAIFF, P.E.

WHEREAS, the Township of Morris Planning Board has need for the professional services of a Radio Frequency Engineer; and

WHEREAS, this practice is a recognized profession, regulated by law requiring extensive and specialized training and as such is an exception to the bidding requirements set forth in N.J.S.A. 40A:11-5 et. seq.; and

WHEREAS, the anticipated term of this contract is one year; and,

WHEREAS, Ronald E. Graiff, PE has completed and submitted a business entity disclosure certification which certifies that Ronald E. Graiff, has not made any reportable contributions to a political or candidate committee in the Township of Morris in the previous one year, and that the contract will prohibit Ronald E. Graiff from making any reportable contributions through the term of the contract; and,

WHEREAS, charges incurred at the rate of \$ 220.00 per hour will be billed solely to the developers escrow account;

NOW, THEREFORE, BE IT RESOLVED by the Township of Morris Planning Board that Mr. Ronald E. Graiff, PE be hired as a consultant to the Planning Board to particularly discuss the Wireless site plan applications with the Board, applicants and professionals to clarify certain issues and concerns of the Board. His appearance before the Board may be required in connection with this consultation.

BE IT FURTHER RESOLVED that the Business disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that an official notice of this action shall be published in accordance with the law.

Professional Appointments for the year 2008:

On motion duly made, seconded and unanimously carried the following persons were appointed for the year 2008.

Board Engineer – James R. Slate, PE
Alternate Board Engineer – Bernard G. Senger, PE
Alternate Board Engineer – David Hansen, PE
Board Secretary – Sonia Santiago

Acting Chairman Mr. Bobbin then appointed the following Members to the following Committees for the year 2008:

Technical Coordinating Committee

Brian D. Burns
Adrian P. Humbert
James R. Slate

Subdivision-Site Inspection Committee

Laurence Bobbin – Chairperson
Craig Goss
Anthony Romano
Kevin McNally

Street Naming Committee

Franz Vintschger
Rich Haan
Anthony Romano

Legislative Committee

Jeffrey Grayzel
Rick Haan

On motion duly made, seconded, unanimously carried the following resolutions were adopted as presented:

PROPOSED MEETING SCHEDULE FOR THE YEAR 2008 AND JANUARY 2009

BE IT RESOLVED, that the Planning Board of the Township of Morris, County of Morris, State of New Jersey, will meet to consider and act upon public business at **7:30 P.M.**, prevailing time, on each of the dates set forth below, for the year 2008, in the Municipal Building, 50 Woodland Avenue, Township of Morris, New Jersey:

January 7th, 2008
February 4th
March 3rd
April 7th and April 21st
May 5th
June 2nd and June 16th
July 21st
August 4th
September 15th
October 6th and October 20th
November 3rd
December 1st
January 5th, 2009

BE IT FURTHER RESOLVED that additional meetings, if required, will be at the call of the Chairman with the proper notification, and

BE IT FURTHER RESOLVED that the Secretary is authorized and directed to:

- a.) Post said meeting schedule and maintain the same posted throughout the year 2008 on the bulletin board in the Municipal Building of the Township of Morris on Woodland Avenue;
- b.) Mail a copy of same to the Morris County Daily Record, the Morris News Bee and the Star Ledger.

DESIGNATION OF OFFICIAL NEWSPAPERS

WHEREAS, Chapter 231 of the Public Laws of the State of New Jersey for 1975 (N.J.S.A. 10:4-6 to 10:4-21) known as the "Open Public Meetings Act", requires adequate notice of meetings of public bodies, as therein defined, and in the manner therein set forth, and prescribed certain other procedures to be followed by such bodies.

BE IT HEREBY RESOLVED by the Planning Board of the Township of Morris, Morris County, New Jersey, this 8th day of January 2008, as follows:

1. The Morris County Daily Record and the Morris News Bee (or as an alternate to the Morris News Bee, the Star Ledger) are hereby designated as the two newspapers to receive notice of meetings as required by any and all sections of the Open Public Meetings Act, it appearing that said newspapers are most likely to inform the local public of such meetings.

2. The location of posting of notice of meetings shall be the bulletin board in the Municipal Building of the Township of Morris, located at 50 Woodland Avenue, where notices of this kind are normally posted.

Regular Meeting Agenda

Other Matters:

Abbey Woods at Delbarton - Mr. Slate also informed the Board that the Abbey Woods was coming in with an application for the Active Open Space Improvement and that their LOI had expired and the applicant was asking for a waiver. The TCC was not comfortable to waive this request. We would like to have the Board opinion on this issue. We have received a letter from the applicants professional stating that there are no wetlands or transition areas in the area of disturbance. The Board stated that if the professional letter states that there are no wetlands it could be a condition of approval for an LOI to be obtained.

Ms. Murphy moved seconded by Mr. Rosenbush that the application of Abbey Woods be deemed complete and any requirements for an LOI would be conditioned upon approval.

Roll Call (Voting Members)

Mr. McNally	YES
Mr. Loughman	YES
Mr. Goss	YES
Mr. Rosenbush	YES
Mr. Romano	YES
Ms. Murphy	YES
Mr. Bobbin	YES

Carriage House, LLC – Mr. Slate informed the Board that the architectural plans were changed on the previously approved application. Fenix who is the new development firm would like to do a more classic design. The carriage house will remain; minor changes were made to the foot prints. There were some changes to the façade and I wanted the Board's opinion on the changes.

On a motion duly made and seconded and unanimously carried the changes to the façade were acceptable by the Board.

Resolutions

Consideration of the following resolutions thereby memorializing the action taken by the Board at the December 3, 2007 Planning Board meeting:

PB-01-07, Spring Brook Country Club

Site Plan/Waiver/Variance

Block 5801 & 5802, Lot 1, 9 Spring Brook Road, OS-GU zone.

Public hearings held on May 7, 2007, June 4, 2007, July 16, 2007, September 17, 2007 and October 15, 2007. Applicant proposes to pave a portion of the 18th hole cart path within the minimum required 50 foot buffer area from the golf course property line.

Mr. Schaffer stated that the resolution was not ready to be presented at this meeting and requested that this be carried to the February 4, 2008 Board meeting.

Public Hearings

PB-22-06, Emad A. Dawod, (Mario's Pizza)

Site Plan/Variance

Block 103, Lot 18, 196 Speedwell Avenue, B-11 zone. ???

Applicant requests a site plan waiver to expand the existing pizzeria into an adjoining vacant tenant space of 568 square feet. Applicant also seeks various variance relief.

Mr. John DeMarco, Attorney for the applicant entered his appearance and presented the application to the Board members.

The following professionals sworn in by the Board Attorney appeared to be heard.

Bret Skapinetz- Professional Engineer
William Denzler – Professional Planner

The following exhibits were submitted during testimony.

A-1 Colored rendering of Site Plan

Summary of Testimony – Emad Dawod, Owner

Mr. Dawod stated that he has owned the pizzeria for 14 years and the property for 6 years. The nail salon has been vacant for the past three and half years. I propose to expand the restaurant to this vacant space. Mr. Dawod stated that the interior work that he is proposing is minor. There will be two wall openings, a new bathroom and office. There will be no changes to the kitchen area. The new dining area will have 38 seats totaling 54 seats for the restaurant. The freezer that we are proposing will be towards the back of the building on a concrete pad. There will also be changes to the façade of the building which will make the site more appealing. New signs will also be placed on the front of the building.

The meeting was opened to the public; the following person appeared to be heard.

Bruce Flitcroft
6 Fairchild Avenue

Summary of Testimony – Bret Skapinetz- Professional Engineer

Mr. Skapinetz stated that the freezer operates at 68 dba. The property to the back is approximately 50 feet. What we will be proposing is to provide an extension to the wall above the refrigeration unit to provide additional sound baffling. This will reduce the sound decibels of the unit to 50 dba and it will comply with the State and Township requirements. Mr. Skapinetz stated that the improvements that are proposed are minor in nature. Mr. Skapinetz proceeded to overview the existing conditions of the building and the proposed plan. The proposal to improve the interior is because Mr. Dawod recognizes that he is in need of additional space. There is a reason why the cooler is being placed on the back of the building. There are two doorways at the back of the building the cooler will be placed between those two existing doorways. We will also be installing an enclosed garbage area. The cooler is 8.8 x 16 feet. The brick façade will be removed and replaced with stucco the windows will be replaced with raught iron in front of the window. The signs will be changed. The existing signs are 70 square feet the two new signs will be approximately 14 square feet. The oil tank will be removed and the boiler will be converted to gas. To the south side of the property there are some evergreens along the property line which will remain. A lengthy discussion was carried regarding the cooler and the HVAC units. Mr. Skapitnez stated that they will place the cooler condenser to the north of the cooler to reduce the sound level to the neighboring property.

The meeting was opened to the public; the following person appeared to be heard.

Ansin Huang
188 Speedwell Avenue

Summary of Testimony – Mr. William Denzler, Professional Planner

Mr. Denzler stated that there are several existing and proposed variances as a result of the improvements. The first one is the off street parking based on the proposed 54 seats of Mario's pizzeria, a total of 22 parking spaces are required, we added another 7 spaces for the existing Chinese restaurant having a total of 29 off street parking spaces required where none is proposed. There is no location for the off street parking. Maximum building coverage, a total of 33% is permitted and as a result of the cooler/freezer this will be increased to 39%. Additionally there is a sideyard setback variance requested, 10 feet is required by the zone, 7.1 feet is proposed due to the location of the cooler. There is also a variance requested for the signage a total of 31.5 square feet is permitted and we are proposing 60 square feet for both signs. Mr. Denzler proceeded to review what the Township requirements regarding the setbacks. Mr. Denzler stated that the variances can be granted under C1 and C2 criteria's. C1 being the hardship and C2 being were the benefits outweigh the detriments. The benefits of the deviation should outweigh the detriments, the variance can be granted without any detriment to the public good. The proposed improvement is in keeping with the neighborhood. The negative criteria with the off street parking, as indicated the total required is 29 parking spaces, there is on street parking available along Speedwell Avenue and the side streets and there are also 24 parking spaces in the municipal parking lot across the street which will provide immediate parking for Mario's pizza as well as the surrounding existing restaurants along Speedwell. This is more of a quick pizzeria 60% is a take out and delivery. A lengthy discussion was carried regarding the sign and garbage pick up.

Mr. Dawod stated that he will arrange with a private company for garbage pick up at least twice a week. The billboards that are posted on the side of the building, Mr. Dawod agreed to have them removed.

Ms. Murphy made a motion, seconded by Mr. Rosenbush that approval be granted to the application of Emad A. Dawod (Mario's Pizza) for the expansion of the restaurant and placement of freezer with conditions stipulated and that the Board attorney be authorized to prepare a formal resolution to be presented at the February 4, 2008 meeting.

Roll Call (Voting Members):

Mr. Bobbin	YES
Ms. Murphy	YES
Mr. Loughman	YES
Mr. Goss	YES
Mr. Rosenbush	YES
Mr. Romano	YES
Mr. McNally	YES
Mr. Grayzel	YES

**Recess taken at 10:00 pm
Meeting reconvened at 10:12 pm.**

PB-11-07, Ryan Automotive-Open Road Mazda
Block 10201, Lot 19, 108 Ridgedale Avenue, I-21 zone.

Amended Site Plan/Variance

Applicant proposes to reconfigure the existing Nissan dealership and install a new dealership for Mazda in the former auto-service area of the Nissan dealership. A new service area will be installed in the one-story masonry building to the rear of the existing service facility. Applicant also seeks various variance relief.

Mr. Douglas Henshaw, Attorney for the applicant entered his appearance and presented the application to the Board members.

The following professionals sworn in by the Board Attorney appeared to be heard.

Andrew French – Professional Engineer
Jane Slavin- Professional Architect
Michael Morais-Owner
Meghan Hunscher – Professional Planner

The following exhibits were submitted during testimony.

A-1 Colored Rendering of Site Plan
A-2 Proposed rendering of the new dealership
A-3 (3) photograph simulation of pylon signs
A-4 Aerial Photo
A-5 Photograph of Toyota pylon sign

Summary of Testimony – Andrew French-Professional Engineer

Mr. French stated that there is an existing driveway that bisects to the middle of the property and north of that driveway the front building located on Ridgedale Avenue is the existing Nissan service facility. We plan to renovate it to house the Open Road Mazda showroom. To the rear of the Mazda dealership will be the Nissan and Mazda service facility. On the proposed conditions the existing driveway will continue to be operational egress into the site. As you come into the site we are proposing to place a sandwich board sign that has valet parking to the right of the building for Mazda service. For the Nissan dealership you will enter through the same driveway as you proceed to the site you will see another sandwich board sign to the left hand side to valet parking for Nissan service. The valet person will be driving around the site to park your car for service and will bring it back to the customer. We are also proposing two pylon signs to identify the dealerships. There was a previously approved sign for Nissan which is 34 foot high sign. The setbacks will conform to the setbacks requirements. There is no change to the impervious coverage. We are proposing some new building mounted fixture, to illuminate the front of the building. On Ridgedale Avenue along the entire frontage we are proposing new sidewalk 4 foot wide and new shade trees along the frontage, red maples. We will be tying the sidewalks to the existing patriot path. This will improve the aesthetics of the site. The flood hazard lines are located toward the rear of the property all the improvements that we are proposing will not be impacting any of the flood area limits and there are no wetlands on the property. There are two existing puddles and we are adding additional inlets to eliminate the ponding. A lengthy discussion was carried regarding the site, parking and the signs that are proposed. Mr. French also stated that tire storage is to be in the service area and is to be picked up the next day. Fire sprinklers will be provided.

The meeting was opened to the public for questioning of the witness; no one appeared to be heard.

Summary of Testimony – Jane Slavin-Professional Architect

Ms. Slavin stated that there was no change to the existing building foot print. We will be removing what is a wood frame truss roof and replacing it with a low slope open joist system. The existing brick wall will remain however it will be getting a stucco finish. We are creating an entrance and we will be placing a new canopy. Ms. Slavin reviewed the plans submitted for the new Mazda dealership with the Board. An existing building was removed and we will be constructing in the same spot a slightly smaller footprint service area. Ms. Slavin stated that no customers will be allowed in the service area. There will be nine additional parking spaces which we are seeking relief for the narrow lane being proposed. Ms. Slavin proceeded to review

the exhibit submitted with members of the Board which consisted of the building elevations, floor plans and the signs being proposed.

Summary of Testimony – Meghan Hunscher, Professional Planner

Ms. Hushner stated that the proposed dealership is an overall improvement to the site. This application is consistent with the permitted use in the area. The variances requested includes the number of signs we are proposing, two freestanding, three façade signs which do not require a variance and two valet sandwich signs. The sandwich signs which are valet parking will help the circulation of traffic flow. She proceeded to review the exhibit submitted regarding sign simulation of signs along the Ridgedale Avenue. The two free standing signs will not appear as clutter or distracting to the others in the area. Obviously there are two buildings. In my opinion I believe the statutory criteria both for the C1 and C2 are flexible variances and can be granted. The C1 is the hardship of the previous application. The signage is vital to the clearance and for identification of any site for any commercial zone and it contributes to the success of the business. Visually this appears as two different operations. The variance related to parking is a pre existing nonconforming condition which is typical with inventory or valet parking. C2 variance can be granted where the purposes of the municipal land use law will be advanced by deviation from the zoning ordinance requirement and the benefits of the deviation outweigh any detriment to the public good. This represents an overall upgrade to the site and it is consistent with other dealerships along Ridgedale Avenue. Trees and sidewalk are being proposed in the area. In conclusion, the variances can be granted without any detriment to the public good. A lengthy discussion was carried regarding the different signs along Ridgedale Avenue among the Board members and the professionals.

The Board asked the applicant to consider adding additional landscaping to the front of the building to soften the property along the Ridgedale Avenue and to consider making changes to the sign. Due to the late hour of the night the application is carried to the February 4, 2008 meeting without further notice.

With no further business for consideration by the Township of Morris Planning Board, on motion duly made seconded and unanimously carried the meeting was adjourned at 11:48 P.M.

Respectfully submitted,

Sonia Santiago, Secretary
Township of Morris Planning Board