

**TOWNSHIP OF MORRIS  
PLANNING BOARD  
REGULAR MEETING MINUTES  
FEBRUARY 4, 2008**

Call to Order

Meeting of the Township of Morris Planning Board was called to order on Monday, evening February 4, 2008 at 7:30 P.M. in the Municipal Building, 50 Woodland Avenue, Township of Morris.

Statement of Adequate Notice: The Chairman 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 28, 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."

Pledge of Allegiance was led by Mr. Haan, Chairman

Roll Call of Planning Board Members and Professionals

Members Present

Mr. Rick Haan, Chairman  
Mr. Laurence Bobbin  
Mr. Craig Goss  
Mr. Scott Rosenbush  
Mr. Leigh Tucker Doxsee  
Mr. Anthony Romano  
Mr. Franz Vintschger  
Mr. Jeffrey Grayzel  
Ms. Linda Murphy, Alternate #1  
Mr. Kevin McNally, Alternate #2

Members Absent

Mr. Jeremiah Loughman

Professionals Present

Adrian Humbert, Board Planner  
Brian Burns, Board Attorney  
James Slate, Board Engineer  
Sonia Santiago, Secretary

Consideration for approval of minutes of the December 3, 2007 regular meeting.

Mr. Bobbin moved, seconded by Mr. Doxsee, unanimously carried the minutes of the December 3, 2007 regular meeting were approved as circulated and place on file.

**Resolutions**

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, October 15, 2007 and December 3, 2007. Applicant proposes to pave a portion of the 18<sup>th</sup> hole cart path within the minimum required 50 foot buffer area from the golf course property line.

Mr. Doxsee moved, seconded by Mr. Goss, and roll call as indicated that resolution of approval, attached hereto and by reference made part of the official minutes of this meeting, be adopted as amended, memorializing the action taken by the Planning Board at the December 3, 2007 meeting.

Roll Call (Voting Members):

Mr. Goss	YES
Mr. Doxsee	YES
Mr. Romano	YES
Mr. Vintschger	YES
Ms. Murphy	YES
Mr. Haan	YES

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

Site Plan/Variance

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

Applicant proposes to expand the existing pizzeria into an adjoining vacant tenant space of 568 square feet. Applicant also seeks various variance relief.

Mr. Rosenbush moved, seconded by Ms. Murphy, and roll call as indicated that resolution of approval, attached hereto and by reference made part of the official minutes of this meeting, be adopted as amended, memorializing the action taken by the Planning Board at the January 7, 2008 meeting.

Roll Call (Voting Members):

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

**Public Hearings**

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

Amended Site Plan/Variance

Continuation from the January 7, 2008 public meeting where the 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. We have reduced the case to various issues and the primary issue is related to the Nissan sign. The proposed sign at the top is approximately 25 square feet, the interpretation given by the TCC and the Board included the legs of the sign which exceeds the area requirements and we were deliberating on how to deal with the issue. At the conclusion of the hearing my notes reflected that certain things had been agreed to by way of resolving issues. One the Board requested shade trees along Ridgedale Avenue and the applicant agreed. The Board asked that the sidewalk be installed along Ridgedale Avenue and also connecting it to the Patriots Path which runs parallel along the railroad tracks and the applicant agreed to that. A request was made to add water quality measures, there is no change to impervious coverage and we agree to provide water quality. To my knowledge the issue we were left with was the Nissan sign and one board member expressed concern regarding the parking along the Ridgedale Avenue frontage. My review of the resolution of approval granted by this Board to Saturn of Morristown in 1999 reflects that a variance was granted to allow parking at it's currently proposed location. We actually are reducing the number of spaces because those spaces approved to Saturn were perpendicular to Ridgedale Avenue and we are angling the spaces so we have less parking and a more defined handicap space. Our belief is that by the Board granting the approval to Saturn the Board granted that variance. Circumstances have changed so we request that the variance remain with the modifications made. With reference to the proposed Signage I have talked to the owner of the dealership the Nissan sign has a red element along the supports and the manufacturers specifications contemplate that they be illuminated and what we are proposing is to disconnect the illumination so that there will not be any illumination or glow to them. As a practical matter Nissan requires my client to purchase that sign as part of the dealership arrangement. A lengthy discussion was carried in regard to the proposed sign and other signs along Ridgedale Avenue.

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

Michael Daniel

39 Wood Road

Ms. Murphy moved, seconded by Mr. Romano that approval be granted with conditions stipulated to the application of Ryan Automotive – Open Road Mazda thereby permitting a new car dealership on Block 10201, Lot 19 and that the Board Attorney be authorized to prepare a formal resolution memorializing action taken by the Board, same to be presented for consideration at the March 3, 2008 meeting of the Board.

Roll Call (Voting Members)

Mr. Bobbin	NO
Ms. Murphy	YES
Mr. Goss	YES
Mr. Rosenbush	NO
Mr. McNally	YES
Mr. Romano	YES
Mr. Vintschger	NO
Mr. Grayzel	NO

This was a tied vote which by statutory law is a **denial** vote.

**Recess is taken at 8:58 pm.  
Meeting reconvened at 9:12 pm.**

Court Shorthand Reporter was present for the following application.

The following members recused themselves from the application:

Mr. Vintschger, Mr. Grayzel and Mr. Doxsee

PB-14-07, Abbey Wood at Delbarton

Amended Site Plan/Variance

Block 4501, Lot 2, 230 Mendham Avenue, OS-GU zone

Applicant seeks an amendment that pertains only to improvements related to the active open space facilities previously approved by the Planning Board. Applicant is also seeking various variance relief.

Proof of publication and affidavit of service filed and approved by the Board attorney.

Mr. Glen Geiger, 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.

Theodore Cassera, Professional Engineer

TCC report dated October 22, 2007 and December 9, 2007 were read for the record by Mr. Adrian Humbert, Professional Planner.

Environmental Commission memo to the Planning Board dated January 15, 2008 was read into the record by Mr. James Slate, Township Engineer.

The Stormwater management review completed by Joseph Skupien dated February 1, 2008 was summarized by Mr. James Slate, Township Engineer

The following were submitted as exhibit during testimony.

- A-1 Colored Rendering of Landscaping Plan
- A-2 Colored Rendering of previous approval
- A-3 Colored Rendering of Utility Plan
- A-4 Colored Rendering of Site Plan
- A-5 Colored Rendering of Grading Plan

Summary of Testimony – Theodore Cassera, Professional Engineer

Mr. Cassera proceeded to review the exhibits submitted which consisted of the previously approved plan and the changes that are been made. Mr. Cassera stated that the general proposed improvements are the same. Originally, we proposed access off of Sugar Loaf Road to primarily a baseball field and a soccer/lacrosse field associated with those facilities, there's parking lot to the south of the baseball field and a parking lot to the west of the soccer/lacrosse field. There is a clubhouse in between the soccer/lacrosse field and the baseball field and basically there's a turnaround at the end of the driveway coming in off of Sugar Loaf Road and there also is the turnaround that feeds the parking lot. All of those facilities that I've described are basically the same as what you approved previously with some minor adjustments. We have eliminated the serpentine road and at the time it was also an emergency connection to the CCRC at the back end. Instead, we are proposing a 12 foot wide pedestrian path that basically runs from the driveway on the top, around our detention facility and then down towards the bottom of the hill to the south gate driveway. Mr. Cassera stated that the site grading progresses along that driveway from the intersection of Sugar Loaf Road along the driveway through the baseball field, then through the clubhouse and then through the soccer/lacrosse field, basically one will be going down in grade that when you look from the intersection of our driveway with Sugar Loaf Road, straight through those fields, you will not see the clubhouse because the roof is lower than the baseball field. We are also proposing to place berms in varying heights on the west and east side of the driveway to break up any view of the baseball field area from Sugar Loaf Road. Mr. Cassera proceeded to describe the other landscaping that will be done throughout the area to buffer the clubhouse and the fields. A lengthy discussion was carried in regard to the amount of trees to be removed and replaced, detention basins, grading and retaining walls. Mr. Cassera continued to briefly comment on the water and sewer to serve the active open space. He stated that the clubhouse will have a gravity sanitary sewer line that will run down the hill to connect to an existing sewer line. Water, originally was an extension of water lines from elsewhere on the site. The closest water line to this facility would be either a line in Wood Road which is across the stream from us, or an extension of an existing water main from the northern part of the site. The clubhouse does not have very much water use. There's not going to be any kind of demand for potable water so we're going to drill a well at the clubhouse. For fire protection purposes we have to the south of the southwest corner of the clubhouse a cistern of 30,000 gallons of water that will be connected to a hydrant at the turnaround so that this water will be elevated above where the trucks will take the suction off of that hydrant. A lengthy discussion was carried regarding

the sewer and water service for the project. Mr. Cassera also stated that the lighting plan that was previously approved will remain the same as approved.

Due to the late hour of the night the attorney for the applicant requested a special meeting for Wednesday, February 13, 2008. The application was carried without further notice.

### **Other Matters**

**Ordinance Amending Chapter 95-36 D Wall and Fences** – Mr. Slate informed the Board about proposed changes to this ordinance. We made modifications to this ordinance about a year ago to ensure that the good side of the fence faces out, we increased the shed size from 50 to 100 square feet. We talked about walls in the side, rear and front yards establishing limits basically, saying you could not have a high wall right on the property line. The ordinance was amended and we had a situation where two neighbors got involved in a law suit. A discussion was carried regarding the law suit and the language in the existing ordinance. Mr. Burns reviewed the ordinance with the Board. A lengthy discussion was carried regarding the language in the ordinance. The language in the ordinance is to be reviewed by Mr. Burns and submit to the Board at the next meeting.

**Extended Stay Ordinance** – Mr. Slate stated that at the last meeting the Board had asked to check with the construction code official and see if there is any specific requirements that come out of hotel room related to the construction of the hotel room or sprinkler requirements when kitchen facilities are added. Essentially, the construction code official stated that it doesn't change the code. With this being said this will give Brian the ability to finalize the language on the Extended Stay ordinance. Mr. Burns proceeded to review the requirements that the Board had previously recommended. A lengthy discussion was carried regarding the requirements. Mr. Burns will change the language in the ordinance and present it at the next Board meeting.

**Master Plan Sidewalk Limits-Hanover Avenue and Whippany Road** – Mr. Slate stated that he would like to get some direction from the Board. We are putting together some cost estimates for budget purposes there were a few roads that were listed in the master plan re-examination report and there were two major roads Hanover and Whippany where we want to provide links to existing facilities. What I would like is some directions from the Planning Board in putting together my estimate. A lengthy discussion was carried regarding the roads being considered for sidewalks. Mr. Slate asked the Board to take a ride out there and look at it before we make a decision. This matter is carried to the next Planning Board meeting for further discussion.

Mr. Slate informed the Board that Bayer would like to add solar panels behind a parapit wall and he would like to get the Board opinion if this is something that can be handled administratively or if the Board would like to have the applicant come in with an application. The Board stated that Mr. Slate may handle this matter administratively. Mr. Burns stated that is a non issue and that policy wise we should do something with our ordinance to encourage this more. A lengthy discussion was carried regarding the solar panels.

Mr. Slate also informed the Board regarding the planning areas issues being discussed around town and Mr. Nace wanted the Board to be aware of some information that went out. We are planning to hold a joint meeting with the Planning Board and the Township Committee so the County can do a presentation outlining where we stand on Planning areas, COAH and the Highlands.

Closed session was carried to next meeting of the Planning Board.

With no further business for consideration by the Township of Morris Planning Board, on motion duly made, seconded and carried, the meeting was adjourned at 11:32 pm.

Respectfully submitted,

Sonia Santiago, Secretary  
Township of Morris Planning Board