

**TOWNSHIP OF MORRIS
PLANNING BOARD
REORGANIZATION AND REGULAR MEETING MINUTES
JANUARY 9, 2006**

Call to Order

The reorganization and regular meeting of the Township of Morris Planning Board was called to order on Monday evening January 9, 2006, 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 3, 2006, 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. Anthony Romano
Mr. Craig R. Goss
Mr. Laurence D. Bobbin
Mr. Rick A. Haan
Mr. Robert Nace
Mr. Richard Watson
Mr. Franz E. Vintschger
Mr. Leigh Tucker Doxsee
Ms. Cathleen Earle
Mr. Jeremiah Loughman, Alternate #1
Ms. Linda Murphy, Alternate #2

Professionals Present

Mr. Brian Burns, Planning Board Attorney
Mr. Adrian Humbert, Planning Board Planner
Mr. James Slate, Planning Board Engineer
Ms. Sonia Santiago, Board Secretary

The Oath of Allegiance and Oath of Office was administered by Brian D. Burns, Board Attorney to the following:

Mr. Richard Watson
Mr. Robert E. Nace, Mayor
Mr. Laurence Bobbin

Ms. Cathleen Earle
Mr. Jeremiah Loughman, Alternate #1
Ms. Linda Murphy, Alternate #2

The Secretary asked for nominations for Chairperson for the year 2006. On motion duly made, seconded and unanimously carried, Mr. Haan was elected Chairperson. No other nominations were heard.

Mr. Haan was seated as Chairperson.

Chairman Haan asked for nominations for Vice-Chairperson for the year 2006. On motion duly made, seconded and carried, Mr. Vintschger was elected Vice-Chairperson. No other nominations were heard.

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

DESIGNATION OF BOARD LEGAL COUNSEL

WHEREAS, the Planning Board of the Township of Morris has 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 Chief Financial Officer of the Township of Morris has filed a certificate of availability of funds in the amount of \$20,000.00;

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 9, 2006 for the period January 1, 2006 to December 31, 2006 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 \$20,000.00 to be charged to the Planning Board, Other Expense budget.

On motion duly made, seconded, unanimously carried as indicated that 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 Chief Financial Officer of the Township of Morris has filed a certificate of availability of funds in the amount of \$20,000.00;

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 9, 2006, for the period January 1, 2006 to December 31, 2006, 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 \$20,000.00 to be charged to the Planning Board, Other Expense budget.

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

WHEREAS, the Township of Morris Board of Adjustment 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, charges incurred at the rate of \$ 215.00 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.

An official notice of this action shall be published in accordance with the law.

Professional Appointments for the year 2006:

On motion duly made, seconded and unanimously carried the following persons were appointed for the year 2006.

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

Chairman Haan then appointed the following Members to the following Committees for the year 2006:

Technical Coordinating Committee

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

Subdivision-Site Inspection Committee

Laurence Bobbin – Chairperson
Craig Goss
Anthony Romano

Street Naming Committee

Franz Vintschger
Rich Haan

Legislative Committee

Franz Vintschger
Rich Haan

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

**PROPOSED MEETING SCHEDULE
FOR THE YEAR 2006 AND JANUARY 2007**

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 2006, in the Municipal Building, 50 Woodland Avenue, Township of Morris, New Jersey:

January 9th, 2006
February 6th
March 6th and March 20th
April 3rd and April 17th
May 1st and May 15th
June 5th and June 19th
July 17th
August 7th
September 18th
October 16th
November 6th
December 4th
January 8th, 2007

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 2006 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 9th day of January 2006, 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

Resolutions

Consideration of the following resolutions thereby memorializing the action taken by the Board at the December 5, 2005 Planning Board meeting:

PB-19-04, Ellen Hofmaster
Block 501, Lot 11, 177 Sussex Avenue, RA-15 zone.

Minor Subdivision/Variance

Approval granted for a minor subdivision to create two building lots. Lot 11 consisting of 17, 266 SF. And lot 11.01 consisting of 16,878 SF. Applicant requested a variance from ordinance section 95-28 for the pre-existing non conforming front yard setback of 30.1 feet where a 50 feet is required.

Ms. Earle moved, seconded by Mr. Bobbin 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 5, 2005 meeting:

Roll Call (Voting Members):

Mr. Romano	YES
Mr. Goss	YES
Mr. Nace	YES
Mr. Bobbin	YES
Ms. Earle	YES
Mr. Vintschger	YES
Mr. Haan	YES

Public Hearings

PB-17-05, Township of Morris Courtesy Review/Minor Subdivision
Block 3601, Lot 5, 40 School House Lane, OS-GU zone.

Applicant proposes a minor subdivision to create two lots. Lot 5 to consist of 141,182 sq. ft. and lot 5.02 consist of 234,880 sq. ft. for Open Space use.

Mr. Slate, Township Engineer entered his appearance and presented the application to the Board members.

The meeting was opened to the public; the following person appeared to be heard.
Wayne Young 35 School House Lane

Summary of Testimony – James R. Slate, Township Engineer

Mr. Slate stated that the Township was in the process of purchasing a portion of the property in question as open space to be included with a parcel that was purchased back in 2003 as open space. There is no use proposed at the time for the property. Any future use or changes to the property will be referred back to this board.

Ms. Earle made a motion, seconded by Mr. Bobbin and unanimously carried that the courtesy review application for the Township of Morris be accepted as presented.

PB-25-04, Thomas Seneca Major Subdivision/Variance
Block 5903, Lot 2 & 3, 8 Westminster & 12 Edgewood Rd, RA 35 zone.

Continuation of the October 17, 2005, November 14, 2005 and December 5, 2005 public hearings for a major subdivision to create three building lots. Lot 2 consisting of 36,038 SF, Lot 2.01 consisting of 35,210 SF and lot 3 consisting of 35,147 SF. Applicant is requesting a variance from ordinance section 95-28 for the proposed front yard set backs, a 60 feet front yard set back is proposed where 75 feet is required.

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

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

Rusty Schommer, Professional Planner

The following were submitted as exhibit during testimony.

A-5 Colored rendering of the Site Plan updated to show revised road alignment to save trees.

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

Jon Bonelli	Attorney, for Ms. Davis an objector
Jay Hellstrom	75 Overlook Road
Linda Hellstrom	75 Overlook Road
Hughes Sutherland	78 Overlook Road
David Budd	80 Overlook Road
Andy Gregg	9 Westminister Place
Susan Budd	80 Overlook Road
Jeane Gregg	9 Westminister Place

Summary of Testimony - Rusty Schommer, Professional Planner/Engineer

Mr. Schommer reviewed the exhibit submitted with the Board members. Mr. Schommer stated that revisions made were to keep the fence on the Loyola side and keeping approximately 18 of the trees on the south side and planting additional trees a total of 23 trees will be on the south side of the road. Minor grading will be done on the North side of the road. The easement will be widened to 8 ft. instead of 5 ft. Slight modifications on drainage is to be done. On lot 3 the changes were made in regard to utility locations to save additional trees. No changes were made in regard to setbacks and lot width. Mr. Schommer stated that the Loyola had indicated preservation of the fence and trees was their goal. The proposed parking on the road is to remain in the event that additional parking is needed.

Summary of Testimony – Jon Bonelli, Attorney for an objector

Mr. Bonelli requested the Board carry this application to another Planning Board meeting since they had no time to review the revised plans submitted. Mr. Bonelli proceeded to cross examine Mr. Schommer in regard to shifting of the road, drywells and stormwater management maintenance. A lengthy discussion was carried. Mr. Bonelli stated he will be presenting the following professionals a landscape architect, Professional Planner, stormwater expert and Mr. Broderick for the Loyola property.

Mr. Hubner requested that any report generated is to be submitted ten days prior to the meeting.

The application of Thomas Seneca was carried to the February 6, 2006 Planning Board meeting without further notice.

**Recess is taken at 9:25 pm.
Meeting reconvened at 9:40 pm.**

PB-02-02, HSAC Logistic, Inc.
Block 7003, Lot 18, 465 South Street, OL-40 zone.

Conditional Use

Applicant proposes to place an emergency stand-by generator within the front and side yard of the property creating a side yard setback of 100 feet where 175 feet is required.

Mr. Thomas Malman, Attorney for the applicant entered his appearance and presented the application to the Board members. Mr. Malman stated that the applicants name is Hamburg-Sud North America, Inc. for the record. The Company since then has changed the name. Mr. Malman stated that they have met with the neighbors to address their concerns.

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

Ed Hottat, Information Service Director
John Giattino, Branch Manager for Services & Construction
Michael Spencer, Sound Expert

TCC report dated October 25, 2004 was read for the record by Adrian Humbert, Professional Planner.

The following were submitted as exhibit during testimony.

A-1 Colored rendering of Site Plan
A-2 Colored rendering details of Generator plan

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

David Brady Attorney for Ms. Martin an Objector

Summary of Testimony – Ed Hottat, Information Service Director

Mr. Hottat stated the company is a shipping company and that they have mandatory obligations with US Customs. The generator is to keep our computer and air conditioner system running in the event that there should be a power outage.

Summary of Testimony – John Giattino, Branch Manager

Mr. Giattino reviewed exhibits A1 and A2 with the Board members. Mr. Giattino stated that the generator is to be placed approximately 300 ft. from the South Street property line and 170 ft. to the north. This is a Generac 145/155 KW generator system. The generator will sit below ground and it has external enclosure. The generator will be placed on the South Street side of the building. The generator will be fenced in with $\frac{3}{4}$ inch plywood and deer resistant Barbour is to be planted to buffer the generator.

Summary of Testimony – Michael Spencer, Sound Expert

Mr. Spencer stated that they had performed sound measurements at different hours of the day. The sound levels requirements during the day were 65 dba and at night 50 dba. The generator will be tested once every three months for about half an hour on Thursdays during the hours of 9 AM and 5 PM.

Mr. Romano made a motion, seconded by Mr. Bobbin that approval be granted to the application of Hamburg of America for the placement of an emergency stand-by generator and that the Board attorney be authorized to prepare a formal resolution to be presented at the February 6, 2006 meeting.

Other Matters:

Mr. Slate, Township Engineer presented to the Board Members the following matters for the Boards opinion.

Church of Latter Day Saints on James Street contacted the Engineering Department in regard to upgrading existing lighting fixtures in the rear parking area. They provided lighting coverage maps under proposed conditions and there is no spill over onto the neighboring property. The fixtures will be the same it's just to increase wattage. This has been discussed with Brian and Adrian and we felt it could be handled administratively.

Morristown Beard School – As the Board is aware the School came before the Board for the approval on a number of items, one of which was the replacement of the existing track and field. The Board approved a synthetic turf field and the School ended up in splitting the project into two phases because of stormwater management issues and problems with NJDEP. The field portion of the approval had a stand alone stormwater management system. The parking portion of the approved project is served by the existing detention basin. In order to complete that portion of the project they have to expand the detention basin and NJDEP required permits. NJDEP felt the basin contained wetlands and they stated that the School could get a general permit to remove the wetlands and then reapply for an LOI and NJDEP would then determine that there were no wetlands. Until the wetland issue is resolved the School will not be working on that portion of the project. They are happy with the synthetic field and they would like to do the same surface on the softball field. It was previously a softball field and was temporarily used as a construction staging area during the library construction. The project was reviewed with Brian and Adrian and we felt could be handled administratively.

Spring Brook Country Club would like to replace the existing golf course sprinkler system pump house and replace their existing sprinkler system. The new pump house will be constructed below grade with a small portion of the walls and roof visible. It is proposed to be located adjacent to the existing driving range. The sprinkler system is outdated and they would like to update their system throughout the golf course. Morris County Golf Course is currently in the process of doing the same type of sprinkler system replacement, we handled their work administratively and we felt Spring Brook could be handled the same way.

The Board agreed that all the above matters can be handled administratively by Mr. Slate.

Zoning Map Review carried to the next Planning Board meeting.

Mr. Slate also stated that he received a phone call from the St. Mary's Abbey professionals that they will be submitting an amended application in the near future and he would like to get the Board input on how we should handle the application for review by professionals. Previously the review was handled by Omland Engineering and Joseph Skupien and Steve Souza worked with Omland on the review. These professionals are familiar with the zoning that was put in place for that project. It would be my recommendation that we use the same professionals. If the Board decides to use the same professionals they will need to adopt resolutions. Their billing will be paid out of the applicant's escrow account.

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 10:50 P.M.

Respectfully submitted,

Sonia Santiago, Secretary
Township of Morris Planning Board