

**TOWNSHIP OF MORRIS  
PLANNING BOARD  
REGULAR MEETING MINUTES  
JUNE 2, 2008**

Call to Order

Meeting of the Township of Morris Planning Board was called to order on Monday, evening June 2, 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 May 27, 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. Jeremiah Loughman  
Mr. Scott Rosenbush, Mayor Designee  
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. Craig Goss  
Mr. Laurence Bobbin

Professionals Present

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

Consideration for approval of minutes of the March 3, 2008 regular, March 31, 2008 special meeting and April 7, 2008 regular meeting.

Mr. Romano moved, seconded by Mr. Loughman, unanimously carried the minutes of the March 3, 2008 regular meeting, March 31, 2008 special meeting and April 7, 2008 regular meeting were approved as circulated and placed on file.

### **Public Hearings**

PB-01-08, Roberta & Steven Duty

Site Plan

Block 7003, Lot 15, 54 Blackberry Lane, RA-35 zone.

Applicant proposes to convert a professional home office approved by the Planning Board on July 5, 1998 to an accessory apartment.

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

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

TCC report dated February 21, 2008 read for the record by Mr. Adrian Humbert, Professional Planner.

Site Inspection report dated March 7, 2008 read for the record by Mr. Romano, member of the Site Inspection Committee.

The following were submitted as exhibit during testimony.

A-1 Copy of minutes dated July 5, 1988

#### Summary of Testimony – Roberta Duty, Homeowner

Ms. Duty stated that this property was owned by her parents and she became the owner in 1998. Ms. Duty stated that her parents had received an approval for a home office back in 1988 and that she now would like to convert that office into a supplementary apartment. She plans to live in the main part of the house. The supplementary apartment consists of a bedroom, living room and kitchen. The apartment will have direct access from the outside without the need to access the main house. No improvements to the exterior will be done. Adequate parking is available on site to serve both the apartment and principal dwelling. A lengthy discussion was carried regarding the parking and number of occupants. Applicant has agreed to comply with all UCC codes and to provide an updated survey of the property.

The meeting was opened to the public; no one appeared to be heard.

Ms. Murphy moved, seconded by Mr. McNally that approval be granted to the application of Roberta & Steven Duty thereby permitting the Supplementary Apartment on Block 7003, Lot 15 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 June 16, 2008 meeting of the Board.

Roll Call (Voting Members)

Mr. McNally	YES
Mr. Loughman	YES
Ms. Murphy	YES
Mr. Rosenbush	YES
Mr. Doxsee	YES
Mr. Romano	YES
Mr. Vintschger	YES
Mr. Grayzel	YES
Mr. Haan	YES

PB-10-08, ORM Motor Com., LLC -Open Rd. Mazda of Morristown Amended Site Plan /Variance/Waiver, Block 10201, Lot 19, 108 Ridgedale Avenue, I-21 zone.

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.

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

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 L. French, Professional Engineer  
Jane Slavin, Architect  
Michael Morais, Operator and Part Owner

The following were submitted as exhibit during testimony.

A-1 Photograph of Nissan Sign  
A-2 Colored Rendering of pg 3 of the Site Plan  
A-3 Photograph of proposed sales building  
A-4 Photograph of Nissan Dealer

Summary of Testimony – Andrew L. French, Professional Engineer

Mr. French stated that as part of the previous application we were proposing 112 square foot, 34 foot high Nissan sign with a red illuminating band on the support structure. We have discovered that Nissan has another type of sign which is gray with no illuminating band. We are now seeking relief for the height of the sign and not for the square footage since we have reduced the size of the Nissan emblem to 25 square feet. Additional landscaping on the front of the property will be added to reduce the impervious coverage. We will be providing customers valet parking for both dealers. Drivers will be directed by sandwich board signs for easy directions for the customers. Parking space size variance is also being sought for angled parking spaces to the North side of the Mazda dealership. A 15 foot aisle is proposed along the northern side of the Mazda building. This 15 foot aisle is wider than the standard width of a one direction aisle in a conforming two directional driveway. This aisle will be a one way aisle and will be used exclusively by valet parkers. Strict enforcement of minimum aisle width requirements would result in hardship and unusual

practical difficulties. Three mounted signs for Mazda are being proposed exceeding the Township Ordinance requirements by 0.3%. A lengthy discussion was carried regarding the signs along Ridgedale Avenue and on site. Applicant proposes to install new inlets and a new drainage system that discharges to the existing detention basin located within the Morristown portion of the property. Applicant also agreed to install, along the new drainage pipe, a stormceptor for water quality purposes as per the Environmental Commission request. Applicant proposes to connect the new sidewalk to Patriot's Path within the adjoining Conrail right-of-way. Additional landscaping is also proposed throughout the site.

Mr. Humbert recommended that additional 12 to 18 inch high shrubs be added to the front of the showroom building.

The meeting was opened to the public; for questions to Mr. French no one appeared to be heard.

Summary of Testimony – Jane Slavin, Architect

Ms. Slavin discussed with the Board ways that the existing building will be reinforced in order to support the weight of the new decorative building façade that will improve the visual appearance of the building. Ms. Slavin also reviewed the exhibits submitted which consisted of the service building and the signs that are being proposed. A lengthy discussion was carried regarding the modifications of the building and the proposed signs for the Mazda dealership. Ms. Slavin also stated that the channel letters for the wall mounted Mazda signs are illuminated.

**Recess taken at 9:38 pm  
Meeting reconvened at 9:48 pm.**

Mr. Michael Morais stated that the largest car built by Mazda is approximately 15.25 feet and that all of their dealerships offer valet parking.

The meeting was opened to the public for questions or comments; no one appeared to be heard.

Mr. Henshaw thanked the Board for hearing the application. We have tried to address the Board's concerns by adding additional landscaping and reducing the impervious coverage.

Mr. Burns made a procedural comment, the Board should consider the plans to be approved in the same form as they were submitted in February 2008 subject only to the changes seen here tonight and that the Board finds acceptable, such as the extra wall around the building as well as the modification that this creates and the additional landscaping subject to review and acceptance by the Township Engineer. A lengthy discussion was carried regarding the changes made.

Mr. Henshaw, attorney for the applicant amended the application, the plans to be referenced are the one's dated February 2008.

Mr. McNally moved, seconded by Mr. Rosenbush that approval be granted to the application of ORM Motor – Open Road Mazda thereby permitting the modifications with the conditions

stipulated 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 June 16, 2008 meeting of the Board.

Roll Call (Voting Members)

Mr. McNally	YES
Mr. Loughman	YES
Ms. Murphy	YES
Mr. Rosenbush	YES
Mr. Doxsee	YES
Mr. Romano	YES
Mr. Vintschger	NO
Mr. Grayzel	YES
Mr. Haan	YES

PB-06-08, Ryan Automotive of Morristown  
Block 8603, Lot 1.01, 170 Madison Avenue, B-11 zone.

Amended Site Plan/Variance

Applicant proposes to modify the existing dealership building with a 1,892 square foot addition on its west side to expand the service department of the building. Applicant also seeks various variance reliefs.

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

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.

Brett Skapinetz, Professional Engineer

TCC report dated March 21, 2008 read for the record by Mr. Adrian Humbert, Professional Planner.

Site Inspection report dated March 7, 2008 read for the record by Mr. Anthony Romano, member of the Site Inspection Committee.

The following were submitted as exhibit during testimony.

A-1 Survey of the property dated 12-28-07

A-2 Colored Rendering Site Plan

A-3 Truck Circulation

Summary of Testimony – Brett Skapinetz, Professional Engineer

Mr. Skapinetz stated that the proposed application is for modifications to the existing building. There will be a 1,892 square feet addition to the west side to expand the service department. Mr. Skapinetz reviewed the exhibits submitted with the Board which consisted of the property survey which identifies the location of the property and site plan layout with the proposed modifications. The building is located on the large part of the property. The configuration of the existing parking in the front is angled parking facing the front of the

building and Madison Avenue. This is one of the significant changes made because trucks making deliveries to the site cannot make it into the site because of the existing configuration that is there today. The impervious coverage is 92 % which consists of the main building and parking. The proposed set up for parking on the front is to orient the parking spaces that face Madison Avenue to 90 degrees to allow the delivery truck circulation without interfering with other parking. The total amount of parking being proposed is 141, 38 for employees and visitors and 103 parking spaces will be for vehicle storage. We are proposing 8 x 14 parking stalls for storage of the mini vehicles. We are also proposing a 1,892 square foot addition to the west side of the property. There will be a proposed service sign and two mechanical bays. The trash enclosure will be located towards the North East portion of the property. This will be a masonry enclosure with gates for tire storage and trash. The existing impervious coverage on site is 92.5%, we are proposing to reduce it by 0.7% by adding additional landscaping. There are existing dry wells on site, with the addition of the building we are proposing to take the roof drain and bring it to dry wells. No issues with additional runoff in the area. We are also adding filters to each of the existing inlets so that the storm water that runs into these inlets will be filtered and debris will be collected. A lengthy discussion was carried regarding the impervious coverage on site.

Due to the late hour and other items on the agenda the application is carried to the July 21, 2008 Board meeting without further notice.

### **Other Matters**

Resolution authorizing the retaining of a special Planning Consultant – Mr. Slate stated that due to Mr. Humbert's conflict of interest on the Joel Meer application, we are looking for a replacement Planning Consultant. We were trying to see if we could get Mr. William Denzler but Mr. Denzler has a problem with our meeting schedule and is unable to attend our meetings. Mr. Humbert stated that he consulted with Mr. Charles Latini from the firm of Heyer, Gruel and Associates.

Mr. Rosenbush moved seconded by Mr. Romano and all in favor the resolution for retaining a special Planning Consultant is approved.

Trails Plan – Mr. Slate stated that the Trails Plan has been referred to the Board for their review and comments. The Township has adopted the Trails Plan and is asking the Board to adopt the Trail Plan as part of the Master Plan. I would like to know if we can hold on this matter while I finalize the zoning map so that we can do both at the same time.

Mr. Burns stated that if the Trail Plan has urgency we can move on it separately or we can await action in connection with revisions to what would be the land use plan, consistent with technical changes to the zone map.

Mr. Humbert stated that he had noticed that 1994 Master Plan introduces the Trail map and Green ways on the Western portion of the Township. He also noticed some differences on the trail pattern, if this is going to modify what was adopted in the Master Plan we should compare the two maps. Mr. Humbert suggested that it would be very helpful if all the future maps would be in GIS format. The Board recommended that the TCC review the Trail plan and return to the Board with comments or changes, if required.

Mr. Burns addressed the Board and stated that due to litigation in place, it has occurred to him that one of the claims that has been made is the regulation of the 50 foot setback in the section of the ordinance called supplementary use regulations. The relief that was granted by the Planning Board could be view as a use variance and could not be granted by the Planning Board because only the Board of Adjustment can do this type of approval. We had something similar happen when we had the litigation on the original Abbey Woods site plan when someone claimed that there was a requirement that we could not hear the conditional use application until you have had all governmental approvals obtained, and this was not the case. What we did in that case was recommend the committee to do a clarifying amendment to the ordinance and that was done. I feel we should do the same in this case. This regulation is called supplementary use and we have never applied it in my experience here in town as anything but bulk regulations and they clearly don't read or feel like anything but bulk regulations. I feel that we should change it from supplementary use to supplementary bulk and dimensional regulations. By doing this we are clarifying the ordinance. I can have a draft ordinance for the next meeting.

James Street is coming along and for the first time we have a significant development application since the second and third round COAH regulations became effective June 2, 2008. When we adopted the ordinance for the TH-4 zone we talked about what to do with COAH and we concluded that the only rational thing that could be done was to stipulate that you would pay a development fee at the time of CO under any development fee ordinance that is in effect when you apply for your certificate of occupancy. We couldn't begin to think about how to begin because we didn't have any idea of what the requirement would be. Now we will have 92 units that will be added to our books and ultimately it will impact the growth share obligation we have. The figures that are in COAH's rules are simply estimates and periodically during the term of the third round you have tell COAH what actually you are developing and what your growth share is. This will ultimately have an impact. We have to decide what to do under the third round rules. A lengthy discussion was carried regarding the new and old COAH regulations.

The Board directed the TCC to work on a proposed growth share ordinance for the next Board meeting.

Extended Stay Hotel Ordinance to be discussed at the next Board meeting.

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: 13 pm.

Respectfully submitted,

Sonia Santiago, Secretary  
Township of Morris Planning Board