

**TOWNSHIP OF MORRIS
PLANNING BOARD
REORGANIZATION AND REGULAR MEETING MINUTES
JANUARY 8, 2007**

Call to Order

The reorganization and regular meeting of the Township of Morris Planning Board was called to order on Monday evening January 8, 2007, 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, 2007, 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
Ms. Cathleen Earle
Mr. Craig R. Goss
Mr. Robert Nace
Mr. Leigh Tucker Doxsee
Mr. Anthony Romano
Mr. Franz E. Vintschger
Mr. Richard Watson
Mr. Rick A. Haan
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, Class I
Mr. Robert E. Nace, Mayor, Class I
Ms. Linda Murphy, Alternate #2, Class IV

The Secretary asked for nominations for Chairperson for the year 2007. 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 2007. 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 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, 2007 to December 31, 2007 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 FURHTER RESOLVED that the Business disclosure Entity Certification and the Determination of Value be placed on filed with this resolution. and,

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

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, 2007 to December 31, 2007, 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.

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 \$ 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.

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 2007:

On motion duly made, seconded and unanimously carried the following persons were appointed for the year 2007.

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 2007:

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

Richard Watson
Rich Haan

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

**PROPOSED MEETING SCHEDULE
FOR THE YEAR 2007 AND JANUARY 2008**

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 2007, in the Municipal Building, 50 Woodland Avenue, Township of Morris, New Jersey:

January 8th, 2007
February 5th
March 5th and March 19th
April 16th
May 7th
June 4th and June 18th

July 16th
August 6th
September 17th
October 1st and October 15th
November 5th
December 3rd
January 7th, 2008

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 2007 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 2007, 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 4, 2006 Planning Board meeting:

PB-05-06, Michael & Doreen Duggan Minor Subdivision
Block 2303, Lot 2, 6 Raynor Road, RA-15 zone.

Approval granted for a minor subdivision to create two building lots. Existing lot 2 to consist of 86,665 square feet and proposed lot 34 to consist of 19,192 square feet.
Lot 11 consisting of 17, 266 SF.

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 4, 2006 meeting:

Roll Call (Voting Members):

Mr. Bobbin	YES
Mr. Romano	YES
Mr. Goss	YES
Ms. Earle	YES
Mr. Doxsee	YES
Mr. Haan	YES

PB-18-06, Colgate Palmolive Company Site Plan/Waiver
Block 10401, Lot 3, 191 East Hanover Avenue, I-21 zone.

Approval granted for the construction of a water storage tank and fire pump building to supplement the sites fire protection system. Applicant seeks variance relief from section §95-37D to enclose the tank and fire pump building compound with a retaining wall and a 4-foot high fence above the wall.

Mr. Doxsee moved, seconded by Mr. Romano roll call as indicated that resolution of approval, attached hereto and by reference made part of the official minutes of this meeting, be adopted memorializing the action taken by the Planning Board at the December 4, 2006 meeting:

Roll Call (Voting Members):

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

Public Hearings

PB-20-06, Craig & Elizabeth Pfalzgraf
Block 8403, Lot 1, 2 Shephard Place, RA-15 zone.

Site Plan/Waiver/Conditional Use

Applicant proposes to convert the existing one story dentist office to an in-law apartment pursuant to the conditional use of §95-37N. A site plan waiver is requested as there is no exterior improvement proposed.

Ms. Elizabeth Pfalzgraf, sworn in by Board Attorney entered her appearance and presented the application to the Board members.

The following professionals sworn in by the Board Attorney appeared to be heard.
None to be heard.

TCC report dated December 7, 2006 was read for the record by Adrian Humbert, Professional Planner.

Site Inspection Report dated November 27, 2006 was read for the record by Mr. James R. Slate, Township Engineer.

No exhibits were submitted during testimony.

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

Summary of Testimony – Elizabeth Pfalzgraf

Ms. Pfalzgraf stated that the proposed application was to remove the existing dental office and convert it into a supplementary apartment for her mother. There are no exterior changes to be made. There is additional parking on the existing driveway for the supplemental apartment.

Mr. Romano made a motion, seconded by Mr. Goss that approval be granted to the application of Craig & Elizabeth Pfalzgraf for the supplemental apartment with conditions stipulated and that the Board attorney be authorized to prepare a formal resolution to be presented at the February 5, 2007 meeting.

Roll Call (Voting Members):

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

Mr. Bobbin and Mr. Doxsee recused themselves from the following application

PB-16-06, Atlantic Health System
Block 7003, Lot 16, 475 South Street,

Site Plan/Waiver

Applicant proposes to convert approximately 25,000 square feet of the existing office building into a day care center for employees. Applicant also proposes to reconstruct an existing patio

area on the north side of the building and a housekeeping pad area on the south side for outdoor play spaces. An additional outdoor play area is also proposed on the south side of the site adjacent to the parking area.

Mr. Willard Bergman, 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.

Jane Manning, Child Care Director
Robert Foley, Professional Engineer

TCC report dated September 7, 2006 was read for the record by Adrian Humbert, Professional Planner.

Site Inspection Report dated September 24, 2006 was read for the record by Mr. Anthony Romano.

No exhibits were submitted during testimony.

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

Katherine Grieder	44 Blackberry Lane
Virginia Easley	20 Squirrel Run
Juergen Boysen	48 Blackberry Lane
Jeffrey Eger	42 Blackberry Lane

Summary of Testimony – Ms. Jane Manning, Child Care Director

Ms. Manning stated that the purpose of the application is to relocate our child care center from Morristown Memorial Hospital to this new location. The plans submitted were approved by the department of Youth and Family Services. We currently have enrolled at the child care approximately 105 children and 144 on the waiting list. Daily attendance is approximately 80 children and 24 staff members. This child care is only for employees of the Morristown Memorial Hospital. We do not accept children from outside. The number of children that we anticipate to serve at the new facility will be approximately 150 children age ranging from toddler to 6 years old. Hours of operations will be from 6 am to 6 pm Monday through Friday no weekends. There will be security cameras inside and outside of the facility and security staff on the premises. The use of the outdoor play area will be by classes taking turns to use the outdoor play area between the hours of 8:30 am to 12:30 pm and from 3-5 pm. The infant toddler age group will use the play area adjacent to the building. No more than two classrooms or 36 children and 4 staff will be at the play area at one time. The equipment will be mostly little tykes' equipment that can be moved around. There is no additional lighting proposed with this application.

Recess is taken at 9:08 pm
Meeting reconvened at 9:20 pm.

Summary of Testimony – Robert Foley, Professional Engineer

Mr. Foley stated to have prepared the plans submitted for the application. The proposed application is for a Day Care center and play areas. Mr. Foley reviewed the Site Plan application with the Board Members. The property is approximately 24.8 acres located on the OL-40 zone. The outside improvements associated with the Day Care are the two play areas adjacent to the building and a third play area adjacent to the parking lot which will also be fenced in with a four foot white picket fence. There are Norway spruce trees that will be relocated in order to place the fence around the play area. A lengthy discussion was carried in regard to drop off, parking

spaces and the possibility of relocating the play area adjacent to the parking lot. Mr. Foley stressed that there is no lighting proposed for the play areas.

Due to the lateness of the hour the application is carried to January 29, 2007 special meeting of the Planning Board without further notice.

Other Matters:

Award of Additional Funds for Legal Counsel for 2006

Mr. Watson moved seconded by Mr. Nace that approval of additional funds be granted to Mr. Brian Burns not to exceed \$30,000.

Mr. James Slate, Township Engineer informed the Legislative Committee that the Highland Council was going to have a meeting on Tuesday, January 9, 2007 from 2 pm to 6 pm regarding the Highland regulations. There are at least two meetings throughout the region.

Mr. Slate also informed the Board about two previously approved applications that had minor changes and he wanted the Boards opinion if the changes could be handled administratively.

1. Ryan Automotive, located at Ridgedale Avenue came in front of the Board for a Site Plan/Variance approval. There is a discrepancy with the location of the building. It seems that the building is located roughly about 14 feet further back from the road. The plan they have submitted proposes to increase the brick paver area in front of the building and I informed them that if that is their plan they need to come back in front of the Board with an amended application. If the Board is comfortable and the applicant increases the grass/landscaped area, can the matter be handled administratively? The Board authorized Mr. Slate to handle it administratively.
2. Advance Realty Group, 445 Southgate Parkway, if you recall the applicant proposed a parking lot expansion to the north of the existing parking lot. A wetland delineation was a condition of their approval and the NJDEP is considering the lawn area to be wetlands even though the three parameters to classify an area as wetlands have not been met. Their own definition states that you have to have high ground water, hydric soils and wetland vegetation, grass is not wetland vegetation. In an effort to address NJDEP's wetland delineation the Applicant has submitted a revise parking lot layout that avoids the grass/wetland areas. A portion of the redesign contains one way circulation, there are no variances related to it and it maintains the same parking count as approved by the Board. I would like to have the Boards input as to if the Board wants to look at this application again or if this can be handled administratively. The Board authorized Mr. Slate to handle it administratively.

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