

**TOWNSHIP OF MORRIS
PLANNING BOARD
REGULAR MEETING MINUTES
MARCH 5, 2007**

Call to Order

Meeting of the Township of Morris Planning Board was called to order on Monday, evening March 5, 2007 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 February 26, 2007, 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."

Pledge of Allegiance was led by Mr. Haan, Chairman

Roll Call of Planning Board Members and Professionals

Members Present

Mr. Laurence Bobbin
Mr. Craig Goss
Mr. Jeremiah Loughman
Mr. Anthony Romano
Mr. Franz Vintschger
Ms. Linda Murphy
Mr. Leigh Tucker Doxsee
Mr. Rick Haan

Members Absent

Mayor Robert Nace
Mr. Richard Watson
Mr. Jan Wotowicz

Professionals Present

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

Consideration for approval of minutes of the January 29, 2007 special meeting and February 5, 2007 regular meeting.

Mr. Vintschger moved, seconded by Mr. Goss, unanimously carried the minutes of the January 29, 2007 special meeting and February 5, 2007 regular meeting were approved as circulated and placed on file.

Public Hearings

Mr. Doxsee recused himself from the following application.

PB-16-06, Atlantic Health System

Site Plan/Waiver

Block 7003, Lot 16, 475 South Street, OL-40 zone.

Continuation from the January 8, 2007 and January 29, 2007 public hearings, 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. Mr. Bergman stated that at the last meeting we received the consensus of the Board that they would like for the applicant to make more effort into landscaping buffering between the facility and the adjoining neighbors at Blackberry Lane. We have met with the neighbors and the project engineer and as a result of that meeting we have made additional changes to extend the landscape buffering further out to South Street to help protect one additional property. If you recall there were also some discussions in regard to the fire hydrant location. What we are proposing to do to resolve that situation is turn the fire hydrant 90 degrees so that the hose connections of the fire hydrant is no longer facing the side walk where the children will be passing it. We are also proposing to add a railing guard so as to protect passers by, the children and others. Garbage pick up will be once a week prior to eight o'clock so that there will be no conflict or hazardous conditions created.

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

Stephen Borghi, Landscape Architect

The following were submitted as exhibit during testimony.

A-8 Colored Rendering of Landscaping Plan

A-9 Photo of a mature Viburnum with description sheet

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

Mr. Jeffrey Eger 42 Blackberry Lane

Mr. Juergen Boysen 48 Blackberry Lane

Ms. Katherine Greider 44 Blackberry Lane

Summary of Testimony – Stephen Borghi, Landscape Architect

Mr. Borghi reviewed the exhibits submitted with the Board members. Mr. Borghi stated that the plan they prepared consisted of buffer landscaping for the subject property. Landscaping to consist of double tier landscape buffering on the site. The first tier is along the property line which runs from lot 8 to lot 13 for a distance of approximately 700 feet. This

landscaping consist of five to six foot Leatherleaf Viburnum which can grow from ten to fifteen foot and are shade tolerance they grow approximately a foot a year on average and provide an excellent screen along the property line. They are planted approximately 10 feet on center on a staggered row. There are 63 Leatherleaf Viburnum to be planted along the southerly property line. The second tier of landscaping is along the curb line which consists of 42 evergreens a mixture of Eastern White Pine, Norway Spruce, Douglas Fur which will be planted 10 feet on center to be planted from the building area to about 100 feet past the play area for a total of approximately 500 feet. They are planted 5 to 6 feet apart and 6 to 8 feet tall and eventually grow 60 to 75. We are also proposing around the play area 10 planters with small shade trees which will grow to about 10 to 20 feet high. The total amount of evergreens to be planted is 115.

Mr. Bergman stated that the applicant will do whatever is necessary in the buffer zone to make the conditions appropriate for the planting of these trees. Mr. Bergman also stated that if the fence is available in green the applicant is willing to place it in green instead of white. Applicant has also agreed to relocate the Viburnum trees outside of the sanitary easement as requested by the Township Engineer.

Mr. Burns, Board attorney reviewed all the conditions of approval with Board members and applicant counsel.

Ms. Murphy moved, seconded by Mr. Loughman that approval be granted to the application of Atlantic Health System (Day Care) thereby permitting the construction of the play area on Block 7003, Lot 16 with 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 April 16, 2007 Planning Board meeting.

Roll Call (Voting Members)

Mr. Bobbin	YES
Mr. Loughman	YES
Mr. Goss	YES
Mr. Romano	YES
Mr. Vintschger	YES
Ms. Murphy	YES
Mr. Haan	YES

Mr. Doxsee is seated for the remaining of the meeting.

Certified Shorthand Reporter (CSR) was present for the following application.

PB-16-05, Omnipoint Communications

Site Plan/Variance

Block 10104, Lot 2, 268 Martin Luther King Boulevard, I-21 zone.

Continuation from the February 5, 2007 public hearing, applicant proposes to construct a 120 foot high wireless telecommunications monopole and six flush-mounted antennas with equipment shelter. Applicant also proposes a building coverage of 38.2 percent where 33 percent is permitted.

Mr. David Soloway, 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.

Robert W. Riffel, Jr. Zoning Specialist
Archie Dickerson, Radio Frequency Expert
Ekta Shah, Civil Engineer
Mr. Dave Kalebach, Professional Planner

The following were submitted as exhibit during testimony.

A-3 Aerial photo from Google site
A-4 Letter from FAA
A-5 Aerial photo date 4-16-03

Summary of Testimony – Robert W. Riffel, Zoning Specialist

Mr. Riffel stated that he is the zoning specialist responsible for analyzing zoning ordinances and reviewing zoning maps. He has contacted Colgate Palmolive, Mr. Steve Plaxe technical services manager for the Colgate Palmolive property gave the details for the purpose of his contact possible siting a cellular wireless communication facility on their property. Mr. Plaxe informed him that carriers had contacted Colgate in the past and they had not elected to enter into wireless communications because of concerns of security and liability. He has submitted additional information to Mr. Plaxe essentially outlining what they are proposing and has not yet received a response.

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

Summary of Testimony – Archie Dickerson, Radio Frequency Expert

Mr. Dickerson testified in regard to coverage gaps in the area. He stated that within I-21 and the OS-GU zones we have looked into it and it will not work. Other OS-GU that we investigated is to the NW, that of course is the Mennen Arena which is under green acres the building itself does not offer sufficient height. Also cell towers are not permitted on green acres properties. I also looked into the other structures which were the Lafayette learning center in Morristown this is not a permitted use because it is in the R-3 zone and it is owned by the Morris School District. Mr. Dickerson also stated that Omnipoint operates on the 1900 MZ and that all of the competitors also operate on the 1900 MZ but also has the lower band of 850. The reason why they have advantage over us is because the lower frequency of 850 propagates further and Cingular, Sprint, Nexter and Verizon all enjoy the use of the lower frequency and can built a network with fewer sites because they have longer range.

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

Summary of Testimony – Ekata Shah, Civil Engineer

Ms. Shah reviewed the latest revision dated 2-20-07 of sheet Z-02 of the plans that were submitted to the Board. Ms. Shah stated that the pole height has been reduced from 120 feet to 100 feet however the pole is extendable for future carriers. The compound has been resized the original 40 x 40 feet compound has been reduced to 64x20 feet, this makes it a rectangular shape and places the compound line not closer than the nearest point to the street than the principal building. The compound complies with all the Township ordinance

and all setbacks requirements. The compound is designed to accommodate three carriers. By moving the compound in the northerly direction we no longer need to request any variances. The monopole will be beyond the building line and will not have any visual impact. There is no backup generator proposed at this time. Electrical service will be provided by Jersey Central and no light will be provided on the pole.

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

Summary of Testimony – Mr. Dave Karlebach, Professional Planner

Mr. Karlebach reviewed A-5 aerial photo exhibit with the Board members which shows where the pole will be placed on the site. Mr. Karlebach stated that the pole will be slightly to the right as you drive NW on Cory Road.

Mr. Soloway stated that the Board examined this application thoroughly. He stated that he felt it is a good application and I believed that the testimony shows that the site complies with all of the requirements and for this reason I believe the application can be approved.

Mr. Romano moved, seconded by Mr. Bobbin that approval be granted to the application of Omnipoint Communications thereby permitting the placement of monopole and 12 antennas and equipment with conditions be approved 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 April 16, 2007 meeting of the Board.

Roll Call (Voting Members)

Mr. Bobbin	YES
Ms. Murphy	YES
Mr. Goss	YES
Mr. Loughman	YES
Mr. Romano	YES
Mr. Vintschger	YES
Mr. Haan	YES

Meeting recess at 9:31 pm
Meeting reconvened at 9:38 pm

PB-13-06, Scion of Morristown

Block 10104, Lot 10, 177 Ridgedale Avenue, I-21 zone

Site Plan/Variance

Continuation from the February 5, 2007 public hearing, applicant proposes to use the existing auto parts building and site for a new Scion dealership. Applicant seeks a variance for impervious lot coverage of 97.5% where 75% is allowed. Additional variances are sought for signs, lot width, setbacks and various issues related to parking.

Mr. Martin Newmark, Attorney for the applicant entered his appearance and presented the application to the Board members. Some questions were raised and some suggestions and a request were made for our engineer to look at some of the items that were suggested.

The following professionals sworn in by the Board Attorney appeared to be heard.
John Hansen, Professional Engineer
Edward O'Brien, Licensed Architect

The following were submitted as exhibit during testimony.

A-2 Coloring rendering of building

Summary of Testimony – John Hansen, Professional Engineer

Mr. Hansen stated that at the last meeting we had several items that we had to look at and we went back to the drawing board. The one with the most concerns was the loading area we testify that we would like to have the loading area in the drive aisle and there were some objections to that. What we have done is move the 12 x 50 required loading area next to the over head doors which requires removing two parking spaces we are down to twenty eight which is sufficient to run the operations. The other item that we needed to look at was a bollard to be added at the exit to the site to prevent vehicle from hitting the facade that sticks out in front of the building, putting concrete wheel stops in the front to the four parking spot that are adjacent to the curb along of the front of the road to prevent the over hang of cars blocking the sidewalk that we are going to install. We have also added a higher light pole base to prevent cars from hitting the light pole. Additional buffering landscaping along the southerly side of the property line known as the Subaru side this will be spread out more to make it more attractive. We have had some discussions with the Sunoco site we have not received any approval to do anything on their site. We have reviewed the septic code and confirmed that based on what is being done there is no increase on flow and there is no need to update. All of the above have been addressed per the Board suggestions and recommendations.

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

Summary of Testimony – Mr. Edward O'Brien, Licensed Architect

Mr. O'Brien reviewed with the Board exhibit A-3 colored drawing of the building and stated that the idea was to give this building an attractive look the material to be used is called EIFS is a mesh product with epoxy sand like stucco similar that is backed up with foam. Currently the face of the building is white brick. This will contrast according to the weather. By refacing the building this will give the building an even appearance. The color will be a softer white. A lengthy discussion was carried in regard to the product to be used for the facing of the building.

Mr. Burns stated that if there should be a change of user they would need to come back to the Board for a change of use. This is a unique situation and the Board does need to look at it when there is a change of use.

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

Mr. Bobbin moved, seconded by Mr. Vintschger that approval be granted to the application of Scion of Morristown thereby permitting the construction of a new dealership with conditions be approved 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 April 16, 2007 meeting of the Board.

Roll Call (Voting Members)

Mr. Bobbin	YES
Ms. Murphy	YES
Mr. Goss	YES
Mr. Loughman	YES
Mr. Romano	YES
Mr. Vintschger	YES
Mr. Haan	YES

Other Matters

Ordinance #01-07 Amending Chapter 95 of the Ordinances of the Township of Morris adding a new section "95-28.1 Maximum Permitted Residential Area for Single Family Dwelling"

Mr. Slate stated that his recollection in regard to this ordinance was that we were tabling this matter to be discussed at our next meeting. It is our understanding that an action must be taken before the 45 day period by the Board. A lengthy discussion was carried, the Board requested the Township Committee inform the Planning Board of the public input received by the Committee.

A motion to refer the ordinance to the Township committee for consideration was made seconded and unanimously carried.

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 10:12 pm.

Respectfully submitted,

Sonia Santiago, Secretary
Township of Morris Planning Board