

**TOWNSHIP OF MORRIS
PLANNING BOARD
REGULAR MEETING MINUTES
MARCH 19, 2007**

Call to Order

Meeting of the Township of Morris Planning Board was called to order on Monday, evening March 19, 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 March 12, 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
Mayor Robert Nace
Mr. Anthony Romano
Mr. Franz Vintschger
Mr. Rick Haan
Mr. Richard Watson
Mr. Jeremiah Loughman
Mr. Leigh Tucker Doxsee
Ms. Linda Murphy, Alternate #1

Members Absent

Mr. Jan Wotowicz, Alternate#2

Professionals Present

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

Public Hearings

PB-21-06, Joseph & Christine Prestifilippo

Major Subdivision/Variance

Block 3703, Lot 6 & 7, 22-24 Indian Head Road, RA-130 zone.

Applicant proposes a preliminary major subdivision with an extension of Indian Head Road to create four (4) new building lots. Applicants also request a lot depth variance for lot 6 and 6.01 to deal with an ordinance ambiguity. In addition the applicant also request a waiver from the steep slope ordinance to permit the disturbance of 3,777 square feet of slopes in excess of twenty-five (25%) percent.

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

Ms. Rosann Prestifilippo, Attorney for the applicant entered her appearance and presented the application to the Board members. The applicants are the owner of lot 6 & 7 on Block 3703 the last two residential lots at the end of Indian Head Road. The lots are currently comprised of approximately 20.5 acres. The applicant has submitted a subdivision application for the extension of Indian Head Road to provide for the subdivision of the current two residential lots into four residential building lots. The extension of Indian Head Road will also provide frontage for the lots as well as access to the lots. Notice was provided due to the lot depth variance issue. A waiver is also being sought from the steep slope ordinance. It is the applicant's intention to subdivide into four lots so that the family can reside on the four lots. Applicant has met with their neighbors in an effort to introduce themselves and in effort to allow them to introduce their plans in a comfortable setting.

TCC reports dated April 7, 2006, November 2, 2006 and January 19, 2007 read for the record by Mr. Adrian Humbert, Professional Planner.

SIC report dated November 7, 2006 read for the record by Mr. Laurence Bobbin, Chairman of the Site Inspection Committee.

Fire Department report dated January 16, 2007 was read for the record by Fire Chief Craig Goss.

Letter from the Environmental Commission dated November 30, 2006 was read into the record by Rick Haan, Chairman.

The following persons sworn in by the Board Attorney appeared to be heard.
Rusty Schommer, Professional Engineer

The following were submitted as exhibit during testimony.
A-1 Colored rendering of existing Conditions
A-2 Colored rendering of propose conditions

Summary of Testimony – Rusty Schommer, Professional Engineer

Mr. Schommer stated that this property is located at Indian Head Road which is a cul de sac road and is a dead end street. The property in question is two lots in the RA-130 zone lot 6 consist of 14.6 acres on the southerly side and lot 7 consists of 5.7 acres for a total of 20.3

acres on a L shaped property. It has frontage at the end of Indian Head Road. There are 17 lots that have access to Indian Head Road. The property has frontage at the end of Indian Head Road which allows access to the entire property. Lot 7 is the Northerly lot and lot 6 is the Southerly lot. The property is also bisected by a zone line. The zone line cuts across the property from east to west. With the northern half of the property in the RA-130 zone and the southern half in the OS-GU zone. Approximately 8 acres are in the OS-GU zone and approximately 12 plus acres are in the RA-130 zone. The OSGU zone permits a variety of uses along with the single family use. If we look at developing this property the RA-130 standards applies throughout. The property is on a ridge there is a high point that runs through the center of the property. Along the ridge is where you find a least steep sloped area. We would like to minimize disturbance to the steep slopes. The two existing houses are served by private well and existing sanitary sewer connections that serve this property. Environmental conditions, we have completed a delineation for freshwater wetlands on the property which will affect the property near the end of Indian Head Road. On the adjacent property and extending into the property in the NW corner we did find some areas with freshwater wetlands that have been delineated. We have not submitted permits to DEP but, we recognize that this has to be confirmed. Mr. Schommer proceeded to review exhibit A-2, proposed plan. This shows the proposed lot layout, conceptual house location, road layout, shows contours, proposed grading, proposed tree replacement and preservation plan. Mr. Schommer stated that the proposed lots all significantly exceed the RA-130 zone requirements. We have four proposed lots identified as lot 6 which consist of 133,912 sq. ft. and it satisfies all the setback requirements and has the require envelope. Proposed lot 6.01 consist of 443,000 sq. ft., lot 7, 142,800 sq. ft. and lot 7.01, 131,000 sq. ft. The proposed road is an extension basically from Indian Head Road from the existing cul de sac coming into the site terminating into a cul de sac within the property. All of the houses will be built within the ridge which is the flatter portion of the property. These four homes on 20 acres is a low density. The existing lots on Indian Head Road vary in sizes from 1 to 3 acres. Mr. Schommer stated that all proposed lots conform to the Township requirements. We are also proposing a 20 foot new road with a 2 foot shoulder on each side which complies with the RSIS standards. There is no curbing being proposed along the new road, we will be utilizing road side swales and promoting stormwater infiltration. These lots will be served by wells. The applicant is willing to do their fair share if water service should be provided along Indian Head Road. If public water is not available the other option will be to install a fire water tank that would service the four properties in question.

The Board had the opportunity to ask questions of the witness. A lengthy discussion was carried in regard to the presentation.

Recess taken 9:32pm
Meeting reconvened at 943 pm.

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

Theodore Einhorn, Attorney for the objector Christine Mackussen 17 Indian Head Road
Lynn Seibert 178 Hillcrest Avenue
Jacob Varsano 223 Mendham Avenue

Mr. Burns, Board attorney informed the Board that he would like to see how the applicant will provide water to the property before the Board makes a decision.

Ms. Prestifilippo stated that the applicant had no problem in exploring options and meeting with the neighbors and the professionals.

Mr. Nace also stated that he would like to see a meeting scheduled with the MUA to discuss this matter as soon as possible. Due to the additional information required by the Board. This application is carried to April 16, 2007 Planning Board meeting without further notice.

Other Matters

None to be heard.

Closed Session

WHEREAS, this meeting is duly and properly called regular meeting of the Planning Board of the Township of Morris, and adequate public notice has been given as provided for by the "Open Public Meetings Act," and

WHEREAS, it is now necessary that this Planning Board consider matters involving:

- a. Personnel or other legal matters

All of which fall within the exceptions set forth in the Open Public Meeting Act, and therefore are matters, which this body determines should be discussed at a closed, meeting.

NOW, THEREFORE BE IT HEREBY RESOLVED, by the Planning Board of the Township of Morris as follows:

1. That this body shall conduct a closed meeting concerning the above referenced matters, all of which involve exceptions set forth in said "Open Public Meetings Act," and are matters which this body hereby determines are of such a nature that they cannot be discussed at an open meeting, and this Body is at this time unable to determine when the matters under discussion can be disclosed to the public. However, this body will make such a disclosure when circumstances permit.

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 11:00 pm.

Respectfully submitted,

Sonia Santiago, Secretary
Township of Morris Planning Board