

**TOWNSHIP OF MORRIS
PLANNING BOARD
REGULAR MEETING MINUTES
JULY 16, 2007**

Call to Order

Meeting of the Township of Morris Planning Board was called to order on Monday, evening July 16, 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 July 9, 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. Vintschger, Chairman

Roll Call of Planning Board Members and Professionals

Members Present

Mr. Franz Vintschger, Vice Chairman
Mr. Laurence Bobbin
Mr. Jeremiah Loughman
Mr. Craig Goss
Mayor Robert Nace
Mr. Anthony Romano
Mr. Richard Watson
Ms. Linda Murphy, Alternate #1

Members Absent

Mr. Rick Haan, Chairman
Mr. Leigh Tucker Doxsee
Mr. Jan Wotowicz, Alternate #2

Professionals Present

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

Consideration for approval of minutes of the June 4, 2007 and June 18, 2007 regular meetings.

Ms. Murphy moved, seconded by Mr. Romano, unanimously carried the minutes of the June 4, 2007 and Mr. Romano moved, seconded by Mr. Goss, unanimously carried the minutes of the June 18, 2007 regular meetings were approved as circulated and placed on file.

Resolutions

Consideration of the following resolutions thereby memorializing the action taken by the Board at the June 18, 2007 meeting:

PB-02-07, Morris County Golf Club

Site Plan/Waiver

Block 9101, Lot 2 & 3, 36 Punch Bowl Road, OS-GU zone.

Applicant proposes to construct an additional 30 x 60 paddle tennis court to the existing paddle tennis facility.

Mr. Goss moved, seconded by Mr. Romano, and 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 circulated, memorializing the action taken by the Planning Board at the June 18, 2007, meeting.

Roll Call (Voting Members):

Mr. Loughman	YES
Mr. Goss	YES
Mr. Nace	YES
Mr. Romano	YES
Mr. Watson	YES
Mr. Vintschger	YES

PB-03-07, Renée DeFranco

Conditional Use

Block 5303, Lot 2, 72 Skyline Drive, RA-15 zone.

Applicant proposes to modify a partially finished basement to create a supplementary apartment.

Mr. Romano moved, seconded by Mr. Watson, and 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 circulated, memorializing the action taken by the Planning Board at the June 18, 2007, meeting.

Roll Call (Voting Members):

Mr. Loughman	YES
Mr. Goss	YES
Mr. Nace	YES
Mr. Romano	YES
Mr. Watson	YES
Mr. Vintschger	YES

Public Hearings

PB-01-07, Spring Brook Country Club

Site Plan/Waiver/Variance

Block 5801 & 5802, Lot 1, 9 Spring Brook Road, OS-GU zone.

Continuation from the May 7, 2007 and June 4, 2007 public hearings. Applicant proposes to pave a portion of the 18th hole cart path within the minimum required 50 foot buffer area from the golf course property line.

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

Applicant's attorney requested the application be adjourn until September 17, 2007 without further notice. Applicant has also granted the Board an extension of time until October 31, 2007.

Other Matters

Zone Change for James Street LLC – Mr. Douglas Henshaw entered his appearance and presented the zone change request to the Board he thanked the Board for giving him the opportunity to do an informal presentation of the proposal. This is to request the Board consider recommending to the Township Committee a zone change for property located on 250 James Street block 7101, lot 1. This subject was a recent case in front of the Board of Adjustment and after a number of hearings the Board adopted a resolution which ultimately denied a use variance to allow attached Townhomes on this property. One significant finding of the Board was that this is something more appropriately considered by the Planning Board to request a zone change for this property. The professionals have met with the TCC on more than one occasion in connection to this application and we have also met with the neighbors. We think we can built a functional ratable and get rid of a building that is obsolete. We have also met with the neighbors on Victoria Lane because they have existing issues which we think developed many years ago before Victoria was built. Our proposal is to have a larger setback adjoining residential uses than the regular TH-6 zone. If an ordinance is adopted and it creates a whole new zone it wouldn't impact other TH-6 zones. After talking to Mr. Tobia, he suggested we request the Board consider the project without an age restriction. With all this said I will introduce my first witness.

The following professionals appeared to be heard.

Alan Kopelson, Architect
Richard Schommer, Professional Engineer
Michael Tobia, Professional Planner

The following exhibits were submitted during testimony.

A-1 Overall area
A-2 Site Plan
A-3 Site Plan with proposal
A-4 Front Elevations
A-5 Rear Elevations
A-6 Proposed plan with affordable housing total units of 112

Summary of Testimony- Mr. Alan Kopelson, Architect

Mr. Kopelson reviewed A-1 exhibit which is a Google map to show the property location and surroundings. The building is very difficult to subdivide. All of the mechanical systems would have to be removed and replaced. After looking at the numbers it didn't make any sense to make it work. We came up with a plan on how we can use it for townhouse units. The professionals asked that we do not remove any of the trees along the James Street. Another suggestion was to develop a view corridor from James Street into the development rather than fronting units on James Street. We are also proposing saving the tree line along Victoria lane. A lengthy discussion was carried regarding the setbacks that are being proposed. We started to develop units that we felt were consistent with the market and we came up with 92 units with two car garages. They are clustered in four unit buildings and in order to make this an interesting looking building we have two driveways that come in from the connected street and then two divided driveways that come in from the side. We have a club house and a bocci court. There are walking paths around and side walks on both sides of the loop road. Mr. Kopelson continued to review exhibits A-4 & 5 which show the front elevations and rear elevations of the proposed project. A lengthy discussion was carried regarding the COAH regulations.

Summary of Testimony – Michael Tobia, Professional Planner

Mr. Tobia stated that the existing building is vacant for the past two years and all efforts to rent it have failed. There have been at least 10 inquires for redevelopment of this property for multi family buildings. Basically what you have is one abnormality in your OL-15 zone, which includes OL-5 and OL-40. You have Honeywell which is very successful prime ratable for your community. In the context of your OL 15 zone you have one that has become obsolete and that is this piece of property. It is a special situation and I think when this happens you sure don't want to see building sit vacant. Note also that 25% vacancy has been persistent. Office space typically rent in accordance with the filtering down theories in housing economics which means that good stuff goes first and the bad stuff just sits around and struggles. We think it is appropriate to replace and redevelop and realize that time has moved on for this 50 year old building. When I look at the idea of rezoning I looked along James Street and I saw historically we put multi family housing along James Street. The proposal here is to do the same thing. The Township Master Plan does recognize the success of all the other OL zones in the town either by renovations, rehab, and new construction without really mentioning this property. With all that said I feel this is suitable for multi family houses. The density proposed is a very low multi family density in the town. The applicant previously proposed an age restricted job. In the past year many rezoning for age restricted projects and use variances have gone un-built and are on hold. The nature of this project which features very big and expensive units without an age restriction, self regulates as an age restricted development. However what it does for the applicant is eliminate the marketing stigma of a sign that says age restricted units that says 55 years or older and it also broadens his opportunity to sell a few units to people who are younger than that age group. The difference between age restricted and a market unit in most towns it comes down to one thing how it impacts schools. Mr. Tobia reviewed the report submitted regarding inventory of the Board of Education records with respect to how many school children come out of multi family housing complexes. The following multi family developments were studied Rose Arbor, Springbrook, Woodside, Dorset Hollow, Moore Estate, Liberty Green and Woodcrest. These were selected because they are generally the seven highest priced housing units in the Town and housing price and school enrollment

goes hand in hand. Mr. Tobia continued to do a comparison with other Towns and other studies that were done by Rutgers University. We do know we have to meet COAH regulations.

Summary of Testimony – Richard Schommer, Professional Planner

Mr. Schommer stated that the stream in the back is not categorized as a category one stream so it will not have the 300 foot stream buffer. We have delineated the wetlands which are shown on the plans and we have taken them into consideration. We had an LOI previously which has expired and we plan to apply again. The plans are based on the current delineation. Mr. Schommer reviewed A-2 exhibit with the Board members. What happens there today is that you have a large parking lot and building and impervious surface which runs along the site. There are no stormwater management measures on site to take care of the runoff from the site. Some of the runoff of the site runs from front to back along Victoria Lane. We will be reducing the runoff to the neighbor's property by a substantial amount. We will collect the water from the site in a stormwater system. There are three aspects of drainage that we will be dealing with the total peak runoff, infiltration, we will collect roof runoff and direct it to the ground through infiltration measures that reduces total runoff from the site. We will reduce runoff to the neighboring properties and promote infiltration which is one of the goals of the stormwater management rules and third we will have water quality measures to enhance water quality in the area which at present is poor. All the way around it will have a large improvement on storm water runoff and a benefit to our neighboring properties and the Victoria lane properties in particular because we will have very little water going towards that direction. Any stormwater facility for this site will be the homeowners' association responsibility to maintain.

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

Jack Plaxe	10 Victoria Lane
Peter Cliché	4 Victoria Lane

Mr. Henshaw stated that was the presentation for tonight and he wishes that the Board make a recommendation to the TCC to develop a resolution to recommend the Township Committee consider changing the zone for this property. After a lengthy discussion among the Board members and the applicant's professionals the following recommendation is taken.

Ms. Murphy move, seconded by Mr. Watson to request the TCC to draft a Master Plan amendment for a zone change for this property.

Roll Call (Voting Members):

Mr. Bobbin	YES
Mr. Loughman	YES
Mr. Goss	YES
Mr. Nace	YES
Mr. Romano	YES
Ms. Murphy	YES

