

**TOWNSHIP OF MORRIS
PLANNING BOARD
REGULAR MEETING MINUTES
JULY 21, 2008**

Call to Order

Meeting of the Township of Morris Planning Board was called to order on Monday, evening July 21, 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 July 15, 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. Rick Haan, Chairman
Mr. Jeremiah Loughman
Mr. Craig Goss
Mr. Scott Rosenbush
Mr. Leigh Tucker Doxsee
Mr. Jeffrey Grayzel
Ms. Linda Murphy, Alternate #1
Mr. Kevin McNally, Alternate #2

Members Absent

Mr. Franz Vintschger
Mr. Anthony Romano
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 May 5, 2008 regular meeting.

Mr. Rosenbush moved seconded by Mr. McNally, unanimously carried the minutes of the May 5, 2008 regular meeting were approved as circulated and placed on file.

Public Hearings

PB-12-08, Thomas Seneca, LLC

Final Major Subdivision

Block 5903, Lot 2 & 3, Westminster Place & Edgewood Road, RA-35 zone.

Final Major subdivision for the creation of one additional buildable lot and new road with a Cul-de-sac.

Mr. Michael Hubner, attorney for the applicant entered his appearance and presented the application to the Board.

TCC report dated July 3, 2008 read for the record by Mr. Adrian Humbert, Professional Planner.

Summary of Testimony –James Slate, Township Engineer

Mr. Slate stated that there has been a discussion on the Edgewood Road street name to be changed. Ms. Wise and the future homeowner of the new home have submitted a request to have the street name changed to Westminster Lane. Mr. Slate suggested extending Westminster Place to eliminate the confusion with Westminster Lane and also to eliminate the duplication of Edgewood Road that currently exists in Morristown. The Tax Assessor will number the houses accordingly.

Mr. Hubner, attorney for the applicant agreed to the street name change.

A discussion was carried regarding the explanation of the preliminary approval and the Final Approval process so that the members had a clear understanding of the process of final approval.

Mr. Grayzel asked a question on how we can apply the COAH regulations to this application. It was stressed to Mr. Grayzel that once the Preliminary approval is granted we cannot retroactively apply the rules. The Board cannot impose COAH regulations without an ordinance in place. A lengthy discussion was carried regarding the COAH regulations among the Board and the professionals.

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

Ms. Murphy moved, seconded by Mr. Doxsee that approval be granted to the application of Thomas Seneca thereby permitting the Major Subdivision be finalized 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 August 4, 2008 meeting of the Board.

Roll Call (Voting Members)

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

Mr. Burns requested that Mr. Hubner acknowledge and agree that the resolution will include standard conditions to make sure that this application comply with all the requirements of the TCC and preliminary approval and the delivering, execution and recording of the conservation easement and all standard requirements.

Mr. Hubner acknowledged the conditions.

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

Amended Site Plan/Variance

Continuation from the June 2, 2008 public hearing, 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.

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

The following persons previously sworn in by the Board Attorney appeared to be heard.
Brett Skapinetz, Professional Engineer

The following were submitted as exhibit during testimony.
A-4 Colored Rendering of Site Plan with changes

Summary of Testimony – Brett Skapinetz, Professional Engineer

Mr. Skapitnez reviewed with the Board what was previously introduced at the June 2, 2008 meeting. He proceeded to review exhibit A-4 that consisted of the changes made to the site plan. He stated that the client drop off was changed to the side of the building. We will maintain the existing landscaping and add other green areas towards the back of the property. Trash and tire enclosures are proposed toward the rear of the property. There are two signs being proposed for a total of 95.66 square feet where 120 square feet is allowed. The building lights will remain the same. There is additional lighting that is proposed towards the west side of the property. This will be a shoebox fixture and decorative bollards will be added along the front walk way with illumination for safety. He also stated that they are looking into reducing the impervious coverage from 98.25 to 91.5%. They plan on adding drywells to reduce runoff and will be adding two new inlets and the existing will be retrofitted to help reduce debris and floatables on site as per the Environmental Commission request.

Mr. Henshaw stated that previously the site had a gravel area which is now paved. This was gravel up until 2005. He was involved in representing the applicant at that time. Actually it was Morristown BMW at that time. We had a site plan application filed with the TCC and we were reviewing changes to be made to the site but, the contractor paved the area without us finishing the approval process. The fault lies within us. The point I would like to make is that the area is being used as a parking area for a while and it was compacted gravel for a long time. In terms of paving change we went from packed gravel to paving not from pasture land to pavement. There were drywells installed at the same time that pavement was installed but the TCC didn't get the chance to finish their review on the issue before the work was done. Part of the relief we are seeking in the increase of impervious results from adding this impervious and subtracting what we were able to do by going from BMW to the Mini Dealership.

Mr. Skapinetz stated that gravel through out the years will become compacted. Which over time you will see a higher rate runoff which gets closer and closer to pavement. There was a lot of runoff from this gravel. We will now add filters which will trap sediment, grease and floatables to prevent them from going into the ground. We also provided soil testing and determined that the wells are working properly. A lengthy discussion was carried regarding landscaping, storm water discharge and impervious coverage.

This application will be subject to a development fee if approval is granted.

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

The Board requested that exhibit A-2 and A-4 be revised to show the exact green areas on site and the Luke Oil septic location to be confirmed.

Due to other items on the agenda this application was carried to the August 4, 2008 Planning Board meeting without further notice.

**A recess is taken at 9:25 pm.
Meeting reconvened at 9:36 pm.**

**A Certified Shorthand Reporter (CSR) was present for the following application
see attached transcripts.**

PB-07-08, James Street, LLC

Amended Site Plan/Variance/Waiver

Block 7101, Lot 1, 250 James Street, TH-4 zone.

Continuation from the June 16, 2008 public hearing, applicant proposes to construct ninety-two (92) townhouse units in twenty-three (23) buildings of four (4) units each. Other site accessory uses and structures are to include a pergola, gazebo, and a bocce court in the center of the site. Applicant seeks various variances and waivers.

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.

TCC report dated March 24, 2008 and April 17, 2008 were summarized for the record by Mr. Adrian Humbert, Professional Planner.

Mr. James Slate, Township Engineer, read the Environmental Commission report dated March 12, 2008 into the record.

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

The following were submitted as exhibits during testimony.
A-1 Colored Rendering site plan of existing conditions
A-2 Colored Rendering site plan of propose project

Summary of Testimony – Richard Schommer, Professional Engineer

Mr. Schommer reviewed the exhibits submitted. He proceeded by stating that this property consist of 23.38 acres, the property presently is built with an office building with a large parking area and is presently vacant. This property has frontage on James Street and Southgate Parkway and is traversed by the Great Brook in the back of the property. This property has been rezoned from OL-15 to the TH-4 zone. This property is generally level; there are some steep slopes in the area. This property is associated with the Great Brook there are some flood plain and wetland areas and we have delineated the wetlands and flood plains. This property has two entrances, one on James Street and the other on the Southgate Parkway to the north side of the site. This property is surrounded to the south by a single family development in the RA-35 zone. To the north is the office use in the OL-15 zone. To the east is open space, municipal property. On the other side of James Street is Doctor's Park and further down James Street is the overpass of Route 287. The proposal is

to develop the site with 23 buildings of 4 units each for a total of 92 units. There will also be a bocce court and gazebo in the center of the property to provide some recreational facilities on the site. Additional landscaping along James Street will be provided. The access into the site is basically in the same locations that it is today. We have one entrance driveway on James Street at the south side, and an entrance driveway on Southgate Parkway. There will be a loop road that comes in and goes through the property. It's a one-loop road connecting the two access points, and two cul-de-sac roads; one at the back and one in the middle of the property, for access to all of the units. The applicant proposes to honor the landscaping by maintaining the existing trees and enhance it with additional buffering and additional landscaping and berming on site. A couple of areas we didn't comply with the ordinance were the building-to-building setbacks in some areas along the loop road they are 69.5 to 74 feet setback as compared to 75 feet required. On the south side some building setbacks are 68 to 71 feet setback were 75 feet is required. Building height relief is also being requested because of the topography in the area toward the East and North side of the property. There will be no significant impact in terms of neighboring properties. This site is served by public water and public sanitary sewer system. Mr. Schommer proceeded to give an overview of the storm water management for the site. He stated that they have a collection system for the storm water and a variety of water quality mechanisms. They also have a retention basin to the northwesterly of the site. The bio retention basin acts to collect runoff from parts of the site, and it does two things, it reduces runoff and provides water quality. Bio retention basins improve water quality of the storm water runoff that's collected. In terms of water quality measures some rain gardens will be placed on site at different locations. These rain gardens actually allow it to infiltrate, but before it does, the vegetation planted in that area actually cleanses it. A lengthy discussion was carried regarding the storm water management. Mr. Schommer stated that all units would be sprinklered. Mr. Schommer also stated that they were seeking relief to be within 75 feet from the conservation zone and that no street parking will be allowed.

Due to the late hour of the evening this application is carried to August 18, 2008 special meeting of the Board without further notice.

Other Matters

Ordinance #22-08, as referred by the Township Committee Amending Chapter 95 Article V of the Zoning Ordinance of the Township of Morris

Mr. Slate informed the Board that this ordinance was referred by the Township Committee to the Planning Board for further review. You may recall that Brian gave us a clarification of the title of the portion of the code called supplementary use regulations and changing it to other supplementary regulations. The Township Committee had no changes I recommend that this be referred to the Township Committee for adoption.

Ms. Murphy moved, seconded by Mr. Grayzel and unanimously carried that the ordinance #22-08 be referred to the Township Committee for adoption.

Ordinance #26-08, as referred by the Township Committee Amending Section 95-18.2 TH-4 Townhouse Residential zone. Re: "COAH Obligation"

Mr. Slate stated that this ordinance specifically amends TH-4 Townhouse residential zone, to incorporate a COAH obligation related to the latest rules by COAH. We did discuss this previously at the last meeting, because of time sensitivity of the issue, the Township Committee chose to introduce the ordinance at the last meeting. Adrian incorporated some language that allows a contribution and the units to be built off-site. Originally the ordinance was written to require the units to be incorporated in the site. This allows a little bit more flexibility, and there is, again, two options. The developer can build the units off site at another location, or they can make a contribution. A

lengthy discussion was carried regarding the implementation of COAH regulations and contribution in lieu of site construction. Mr. Rosenbush suggested tabling the ordinance to allow the applicant and our professionals to travel to Trenton and report back before we make any final decisions on this ordinance. The matter is tabled until August 4, 2008 Board meeting.

A. Extended Stay Ordinance – Tabled to the next Board meeting.

Comments from the Board – Suggestion was to draft a development fee ordinance to be submitted to the Township Committee for consideration.

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: 25 pm.

Respectfully submitted,

Sonia Santiago, Secretary
Township of Morris Planning Board