

**TOWNSHIP OF MORRIS
PLANNING BOARD
SPECIAL MEETING MINUTES
AUGUST 18, 2008**

Call to Order

Meeting of the Township of Morris Planning Board was called to order on Monday, evening August 18, 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 August 11, 2008, 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. Leigh Tucker Doxsee
Mr. Anthony Romano
Mr. Jeffrey Grayzel
Mr. Franz Vintschger
Ms. Linda Murphy, Alternate #1
Mr. Kevin McNally, Alternate #2

Members Absent

Mr. Scott Rosenbush
Mr. Laurence Bobbin

Professionals Present

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

Other Matters

COAH Review – Mr. Burns stated that the last time we discussed ordinance 26-08 which relates to the TH-4 zone was on the August 4, 2008 Board meeting and the Board tabled the action because we had an invitation from Mr. Paragano to come and sit with a developer of affordable housing to talk about what benefits that might produce, this meeting was held on Tuesday, August 12, 2008. The purpose of the meeting was to meet with Ms. Barbara Schoor, Vice President of Community Investment Strategies, Inc. to hear how the CIS program works and what the options available were. One of the things that we wanted to know was what the municipality cost was. A lengthy discussion was carried regarding the various options available to address the COAH requirements as they relate to the TH-4 zone.

Ms. Murphy moved seconded by Mr. McNally opposing the Township Committee to adopt ordinance 26-08 which relates to TH-4 zone.

Roll Call (Voting Members)

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

**Recess is taken at 8:53 pm
Meeting reconvened at 9:04 pm**

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

Public Hearings

PB-07-08, James Street, LLC
Block 7101, Lot 1, 250 James Street, TH-4 zone.

Amended Site Plan/Variance/Waiver

Continuation from the June 16, 2008 and July 21, 2008 public hearings, 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.

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

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

Richard Schommer, Professional Engineer
Alan Kopelson, Architect
Joseph Staigar, Traffic Engineer
Michael Tobia, Professional Planner

The following were submitted as exhibit during testimony.

A-3 Colored Rendering of site plan lay out
A-4 Exterior finishes

Summary of Testimony – Richard Schommer, Professional Engineer

Mr. Schommer stated that they have addressed the drainage problems that currently exist towards the Victoria Lane homes and have designed the drainage to reduce the amount of runoff toward the Victoria Lane homes. Mr. Schommer also stated that the variance that they were requesting is for the distance between some of the buildings. The closest building is at 68.5 feet where 75 feet is required. He stated that the purpose of the building being close is to provide the aesthetics along the roadway. A lengthy discussion was carried regarding the distance and height between buildings.

Mr. Slate stated that even though this development helps offset increases in runoff towards the Victoria Lane properties there is a pocket of water towards the Southeast corner of the property where water is trapped, basically at the midpoint of Victoria Lane and the proposed entrance driveway that the Township is proposing to do some drainage. He asked if the applicant was willing to install a pipe from the existing catch basin that is on James Street to that pocket of water to collect that runoff and get it into the storm sewer system so it doesn't continue to kill the trees. By doing this drainage as part of this development it will further help out the neighbors on Victoria Lane. Mr. Schommer stated that the applicant was willing to cooperate and work with the Township to improve that area.

Mr. Henshaw stated that County approval would be required to tie into the storm water management system and he suggested that the Township apply to DEP for the require permits. The applicant has also agreed to tie the sidewalk to the existing one on Victoria lane as long as the Township includes it on the permit application to DEP.

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

Summary of Testimony – Alan Kopelson, Architect

Mr. Kopelson stated that what they are proposing is different than typical townhouse project in the area. Mr. Kopelson proceeded to review exhibit A-3, he stated that the layout allows them with a variety of units so there would not be a repetition of units. The other thing is that we decided to change materials on the buildings, so that there would be no two buildings exactly the same. Some buildings will have bricks and others will have stone and siding that will match the color of the stone. These units are approximately 3,000 square feet. We are also asking for a height variance in order to achieve the architecture that we want; we have established a pitch to the roof that will keep consistent throughout the site. A lengthy discussion was carried regarding the building height, basements and architectural style of the units.

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

Summary of Testimony – Joseph Staigar, Traffic Engineer

Mr. Staigar stated that this is an office building and what is being proposed is 92 townhouse units and the access will remain the same. There will be some modifications or improvements to the access points. In terms of traffic impact the 105,000 square foot office building at one time it had approximately 1,000 employees, a rather high density of employees which generated 500 trips per hour during the morning and evening peak hours. The proposed project, 92 townhouses using the same trip generation rates will generate 50 trips during the peak hours which is 25 percent less than what the former use would generate. There is less traffic with the proposed project. The proposed road improvements will operate much better than they operated as an office.

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

Summary of Testimony – Michael Tobia, Planning Consultant

Mr. Tobia stated that the proposed project is for 92 townhouses with minor variances. The proofs have been submitted to satisfy the statutory criteria. As applied to this application some of the buildings meet the 75 foot setback requirement and several do not. We wanted to achieve some outdoor recreation space attached to each unit allowing for adequate room within the permitted building envelope for patios across the back of particular units, without compromising the buffer or the need for outdoor space, we took these units and moved them closer to streets such as Road A. The height variance relates to the topographic conditions of the site. The property slopes off so we can't provide a level building platform for each of the buildings and as consequence; we had minor height difficulties with eight of the buildings. This project will generate approximately 100,000 in property tax revenue for this community. I estimate that the tax ratable flow if the project gets built would be 10 times that amount with essentially no direct cost to this municipality. We have also calculated essentially no school kids coming out of the project. To evaluate this in terms of the negative criteria the job is clearly an attractive one for the community. It will be some of the most attractive and most expensive housing built in town. The variances requested are minor in scope; the big zoning requirements, density and setback are met. Mr. Tobia stated that this project will not have a substantial detriment or impairment to the zoning ordinance or public good. Although we have some issues to deal with on COAH, this clearly is a very attractive project from a planning and zoning perspective. A lengthy discussion was carried regarding the variances requested, storm water management system and buffering.

Mr. Henshaw stated that as per our last meeting we had stipulated that the Board would not vote on the application tonight, but would rather continue the public hearing so that any people who have been on vacation or traveling can attend the next meeting and I have to honor that. I would like an opportunity to address any comments that the public may have.

Mr. Burns stated that there are two things that we need proofs on and it could be done at the next meeting. With respect to the relief from the riparian buffer we talked about it but no one has put any testimony in on it and the other one is the diminious exception for the roadway, which is shown at 20 feet, we need to have them on the record.

As per the request of the applicant's attorney the application is carried to September 15, 2008 Planning Board meeting without further notice.

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