

**TOWNSHIP OF MORRIS
PLANNING BOARD
SPECIAL MEETING MINUTES
SEPTEMBER 8, 2008**

Revised

Call to Order

Meeting of the Township of Morris Planning Board was called to order on Monday, evening September 8, 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 September 3, 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. Laurence Bobbin
Mr. Jeremiah Loughman
Mr. Scott Rosenbush
Mr. Leigh Tucker Doxsee
Mr. Anthony Romano
Mr. Jeffrey Grayzel – 7:33 pm
Mr. Franz Vintschger
Ms. Linda Murphy, Alternate #1

Members Absent

Mr. Kevin McNally, Alternate #2
Mr. Craig Goss

Professionals Present

Adrian Humbert, Board Planner
Steve Schaffer, Board Attorney
James Slate, Board Engineer
Sonia Santiago, Secretary

Professionals Absent

Brian D. Burns, Board Attorney

Public Hearings

PB-14-08, Joseph & Christine Prestifilippo Amended Preliminary/Final Major Subdivision Block 3703, Lot 6 & 7, 22 -24 Indianhead Road, OS-GU & RA-130 zone.

Applicant seeks relief from the preliminary approval for the extension of public water service to the project and final major subdivision to create four buildable lots.

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.

TCC report dated August 7, 2008 was read into the record by Mr. Adrian Humbert, Township Planner.

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

No exhibits were submitted during testimony.

Summary of Testimony – Richard Schommer, Professional Engineer

Mr. Schommer stated that the purpose of this application is to amend the preliminary approval. The Plan was to extend the water line from Doe Hill Road across County land to Indian Head Road. After many months and an extensive investigation on the applicant's behalf there were numerous meetings with the County, Township and Green Acres it became apparent that we will not be able to cross the County land with the water line. The reason is because of the County land is encumbered by Green Acres. The Green Acres representative stated we cannot cross the land; if there are other alternatives statehouse approval would be required. As a result condition number twelve (12) in the resolution of preliminary approval is not feasible; therefore the applicant is to return to the Board for an amendment of the preliminary approval. Instead we will be installing a 30 thousand gallon cistern for fire fighting purposes. A lengthy discussion was carried regarding other options to provide a water line to the property. Mr. Schommer further testified that the cistern will be near the end of the cul-de-sac, it is installed underground; it will have a draw port that will come out of the ground similar to a hydrant so that the fire department has access to it. It will be maintained by the Township and that part of the road will be turned over to the Township by way of an easement. A discussion was carried regarding a dry line with a hydrant to be installed at the old Indian Head cul-de-sac, in case in the future a water line is installed at Indian Head Road. The hydrant then will be connected to the water line. The applicant agreed to install the dry line with a hydrant at Indian head Road.

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

David Budd

80 Overlook Road

Summary of Testimony – Joseph Prestifilippo, Sr., Homeowner

Mr. Prestifilippo stated that they had eight months dealing with Green Acres and the County related to the extension of the water line from Doe Hill Road and that they had failed to get an agreement for the extension of the water line from Green Acres; they stated that they would not approve any request. For this reason we are seeking an amendment to the preliminary approval in order for us to continue with our project.

A lengthy discussion was carried regarding the water line installation among the Board and professionals.

Mr. Rosenbush recused himself from taking action on the application.

Mr. Romano stated that he would leave the decision of the location and size of the cistern to be determined by the Fire Chief.

Mr. Romano moved, seconded by Ms. Murphy that approval be granted to the application of Joseph & Christine Prestifilippo thereby permitting the amendment to the Preliminary Approval on Block 3703, Lot 6&7 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 October 6, 2008 meeting of the Board.

Roll Call (Voting Members)

Mr. Bobbin	YES
Mr. Loughman	YES
Ms. Murphy	YES
Mr. Doxsee	YES
Mr. Romano	YES
Mr. Vintschger	YES
Mr. Grayzel	YES
Mr. Haan	YES

The following conditions were stipulated for the final major subdivision:

- Developers Agreement
- Monetary contribution in lieu of tree replacement
- A letter is to be obtained from the Township Committee to vacate the existing cul-de-sac at Indian Head Road and a letter prohibiting parking on the new extended street.
- Easement granted to the Township for the maintenance of the cistern
- Affidavit stating that final plat conforms to all the preliminary conditions of approval.
- Notice to be given to the owner of lot 8 regarding driveway improvements and provide the Board secretary with copy.

- Language to be added to the resolution that if the owner is to obtain public water service they may do so with the approval of the Township Engineer, no need to return to the Board.
- CAD disc of the as-built subdivision plan to be provided

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

Ms. Murphy moved seconded by Mr. Bobbin that Final Major Subdivision approval is granted to the application of Joseph & Christine Prestifilippo 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 October 20, 2008 meeting of the Board.

Roll Call (Voting Members)

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

PB-12-08, Thomas Seneca, LLC Final Major Subdivision
Block 5903, Lot 2 & 3, Westminster Place & Edgewood Road, RA-35 zone.

Applicant seeks an amendment of the preliminary approval for the Tree removal and replacement plan and adoption of the final major subdivision resolution for the creation of one additional buildable lot and new road with Cul-de-sac.

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

Mr. Michael Hubner, 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

The following were submitted as exhibit during testimony.

B-1 thru B-8 – Photographs dated 8-26-08 of trees and bark damages throughout the site

Summary of Testimony – Richard Schommer, Professional Engineer

Mr. Schommer stated that this is an amendment to the preliminary approval tree plan. As approved we had a number of replacement trees, during the course of the construction additional trees had to be removed. Some related to the road improvements, trees to the West of lot three were removed. The utility service required that some trees be removed in order to install the overhead lines. There were some trees that were dead and had to be removed. In the course of moving the small cottage to the neighbor's property some trees

had to be removed. Applicant has agreed to comply with the tree analysis. Additional trees are proposed on lot three, larger in caliper as per Mr. Slate's request. Applicant has agreed to replace up to 94 trees.

A lengthy discussion was carried regarding tree size and buffering.

Summary of Testimony – James Slate, Township Engineer

Mr. Slate stated that there is typically a review which is done by his office in which adjustments are made on the tree removal and replacement plan. He proceeded to review the exhibit submitted which showed damage to the trees. Bark stripped off some of the trees by equipment operators there may be some additional trees that will die due to damage to the trees. My department will monitor these trees and adjustments will be made prior to issuing the last certificate of occupancy. Mr. Slate informed the Board that they should realize that when you take trees down and you see trees that are deceased or split they should be removed during the construction phase. Mr. Slate proceeded to review the exhibits submitted with the Board, which consisted of dead trees and bark damaged trees throughout the site.

Mr. Hubner stated that prior to the transfer of lot three Mr. Slate can identify those trees that he would like the applicant to remove. We will certainly abide by Mr. Slate's review of that property as well as on going review of the entire subdivision. It should be noted that the dead tree removal is listed as an exception to the tree removal ordinance. This is not something that you now are taking more trees down and counts in the replacement bank. This removal does not count in the replacement bank. We agree to Mr. Slate's recommendation of adjusting the tree bank to add additional replacement trees if they are approved by Mr. Slate. I understand that this is an ongoing process. A lengthy discussion was carried regarding dead, deceased, bark damaged trees.

Mr. Slate requested that a fence be placed around the trees for protection.

**Recess is taken at 9:42 pm
Meeting reconvened at 9:52 pm**

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

David Budd	80 Overlook Road
Hugh Sutherland	78 Overlook Road
Stuart Thomas	70 Overlook Road
Paul Nash	4 Westminster Place
Theresa Hudzina	44-38 Piedmont Court
Dan Rudd	12 Oak Park Drive

The following stipulations were stipulated to the applicant;

- Pine tree along Mr. Nash property line to be saved if possible
- Replacement trees to be staggered along the buffer zone
- Spruce trees to be 8-10 feet in height a minimum of 50% of the trees in the buffer, Township Engineer to work with the applicant regarding planting configuration.
- 12 - 3 1/2 to 4 1/2 caliper trees to be planted along the street and notes on the plan to be updated

Mr. Rosenbush moved, seconded by Mr. Vintschger that approval be granted to the application of Thomas Seneca thereby permitting the Final Major Subdivision and amendment to the Preliminary Approval tree plan on Block 5903, Lot 2&3 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 September 15, 2008 meeting of the Board.

Roll Call (Voting Members)

Mr. Bobbin	YES
Mr. Loughman	YES
Ms. Murphy	YES
Mr. Rosenbush	YES
Mr. Doxsee	YES
Mr. Romano	YES
Mr. Vintschger	YES
Mr. Grayzel	YES
Mr. Haan	YES

Other Matters

None to be heard

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 11:12 pm.

Respectfully submitted,

Sonia Santiago, Secretary
Township of Morris Planning Board