

**TOWNSHIP OF MORRIS
PLANNING BOARD
REGULAR MEETING MINUTES
DECEMBER 1, 2008**

Call to Order

Meeting of the Township of Morris Planning Board was called to order on Monday, evening December 1, 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 November 24, 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. Craig Goss
Mr. Scott Rosenbush
Mr. Leigh Tucker Doxsee
Mr. Anthony Romano – 7:45 pm
Mr. Jeffrey Grayzel
Mr. Franz Vintschger
Ms. Linda Murphy, Alternate #1
Mr. Kevin McNally, Alternate #2

Members Absent

Mr. Jeremiah Loughman

Professionals Present

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

Consideration for approval of minutes of the September 15, 2008, October 20, 2008 and November 3, 2008 regular meetings.

Mr. Vintschger moved, seconded by Mr. Bobbin, unanimously carried the minutes of the September 15, 2008, October 20, 2008 and November 3, 2008 regular meetings were approved as circulated and placed on filed.

Resolutions

PB-06-08, Ryan Automotive of Morristown

Amended Site Plan/Variance

Block 8603, Lot 1.01, 170 Madison Avenue, B-11 zone.

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. Rosenbush moved, seconded by Mr. Goss, 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 amended, memorializing the action taken by the Planning Board at the October 6, 2008, meeting.

Roll Call (Voting Members):

Mr. Bobbin	YES
Mr. Goss	YES
Mr. Rosenbush	YES
Mr. Doxsee	YES
Mr. Romano	YES
Mr. Vintschger	YES
Mr. Haan	YES

PB-22-08, St. Mary's Abbey

Amended Site Plan

Block 4501, Lot 2, 230 Mendham Avenue, OS-GU zone.

Applicant seeks relief from a condition of approval for a 250 foot buffer along Sugar Loaf Road and Jockey Hollow Road.

Mr. Rosenbush moved, seconded by Mr. Bobbin, 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 November 3, 2008, meeting.

Roll Call(Voting Members):

Ms. Murphy	YES
Mr. Goss	YES
Mr. Romano	YES
Mr. Rosenbush	YES
Mr. McNally	YES
Mr. Bobbin	YES

Public Hearings

PB-12-06, Dr. Joel Meer

Major Subdivision/Variance

Block 2802, Lot 7, 22 Valley View Street, RA-15 & OS-GU zones.

Continuation from the May 5, 2008, June 16, 2008, August 4, 2008 and September 15, 2008 public hearings. Applicant proposes to subdivide the property into three lots, two of which are proposed for new construction. Applicant also seeks many other variances for insufficient lot depth and setbacks, waiver relief for steep slope disturbance and a de-minimums exception from RSIS is also being requested.

Applicant requested to be adjourned without further notice. The application is carried to February 2, 2009 Board meeting without further notice. Applicant's attorney has granted the Board an extension of time until February 28, 2009.

**The following persons were recused from the following application
Mr. Vintschger, Mr. Grayzel and Mr. Doxsee
Mr. McNally is seated at 7:51 pm.**

PB-18-08, St. Mary's Abbey/Trust for Public Land

Major Subdivision

Block 4501, Lot 2, 230 Mendham Avenue, OS-GU zone.

Applicant proposes to subdivide the property into five lots to facilitate an open space purchase.

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

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

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

Mario Iannelli, Professional Engineer

Dene Lee, Project Manager for the Trust of Public Land

The following were submitted as exhibit during testimony.

A-1 Preliminary & Final Site Plan revision date of 10-24-08

A-2 Colored Rendering of A-1

Summary of Testimony – Mario Iannelli, Professional Engineer

Mr. Iannelli reviewed exhibit A-1 with the Board and stated that the existing lot 2 consists of 368.16 acres and the proposal is to subdivide the property into five individual lots. Lot two will consist of 134.23 acres and it will be conveyed to TPL, lot 2.01 will consist of 164.9 acres and contain the main campus, 2.02 will consist of 31.052 acres and it will be conveyed to TPL, 2.03 at the end of Wood Road is 10 acres which will be conveyed to the Township of Morris, 2.04 is 27.9 acres for the athletic fields being constructed by the Abbey. The total amount of land that will be conveyed to the Trust for Public Land will be 165.28 acres and the Township will own 10 acres leaving a total 192.88 acres for the Order of St. Benedict of New Jersey. There is 10.95 acres on the North east corner of lot 2.01 which is

a conservation easement that will be in the name of the Trust for Public Land. There is a 30 foot wide corridor easement being defined for a future walking path connection from Route 24 to lot 2. As part of this application there is no development being proposed, we are only providing for the conservation easement and the corridor easement there is no path being constructed it is just providing the means of doing the path sometime in the future. As part of the athletic field there is actually a path that goes through the parcel that we are creating to the campus and it also facilitates utilities such as sanitary, irrigation and storm water management and there is also a 12 foot walking path that will be constructed. We are proposing to place an easement to encumber those improvement associated with the fields. There are no variances or waiver being requested with this subdivision. This land will remain in the OSGU zone, if approval is granted to the application.

Summary of Testimony – Dene Lee, Project Manager for the Trust for Public Land

Ms. Lee stated that she is the manager for the TPL and their mission is to preserve land for open space. Over the past year I have worked with TPL to place an offer to purchase the land from OSBNJ and an agreement has been signed. With that option in hand I have gone to numerous funding sources to gather the funds together to secure the property for parks and open space. This property is of extreme interest to TPL because of the kind of linkage that it will provide for open space throughout Morris County. We are working closely with the Morris County Park Commission, Township of Morris, Green Acres, Municipal Utilities Authority, and Great Swamp Watershed Association to put together the monies to purchase this property. We have put together everything necessary to move towards closing. The appraisal is being completed and a survey is being prepared. Ultimately, we will convey the site to the Morris County Park Commission and they will be the long term steward of the property in addition to the 10 acres that will be conveying to the Township of Morris. The easement will also be conveyed to the Morris County Park Commission. We expect the transfer of the land to be in the spring of 2009. The purchase of this property will expand the Lewis Morris Park by approximately 10%. It will allow them to keep within their long term management goal of not creating more impervious surfaces. It will ultimately link the patriots path to Jockey Hollow and it will be managed for passive recreation.

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

Lewis Bohn	20 Wood Road
Lynn Seibert	178 Hillcrest Avenue

Mr. Rosenbush moved, seconded by Mr. Romano that approval be granted to the application of OSBNJ/Trust for Public Land thereby permitting the major subdivision on Block 4501, Lot 2 with stipulation 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 January 12, 2009 meeting of the Board.

Roll Call (Voting Members)

Mr. Bobbin	YES
Ms. Murphy	YES
Mr. Goss	YES
Mr. Rosenbush	YES
Mr. McNally	YES

Mr. Romano YES
Mr. Haan YES

Mr. Vintschger and Mr. Grayzel are seated at 8:35 pm.

Other Matters

Housing Element & Fair Share Plan review – Adrian Humbert stated that the housing element is a lengthy document. What he has prepared is in response to the new COAH regulation. The document consists of two elements.

The first one is the Housing Element which is a recompilation of the data that COAH requires in the Housing element and fair share plan.

The second part is a petition plan that also serves as the Fair Share plan. It is the format that COAH recommends that municipalities use. I have provided a summary of the Morris Township draft compliance plan for 1987-2018 Fair Share obligations. Mr. Humbert proceeded to review the plan with the Board members. A lengthy discussion was carried regarding the plan among the members and the professionals. Mr. Humbert further stated that the Township Committee by way of resolution will submit the plan to COAH for the third round certification based on the plan.

Sonia is to circulate the Housing Element and Fair Share plan to other members of the Township Committee for their review prior to the public hearing to be held on Monday, December 15, 2008 at which time the Master Plan of the Township of Morris will be amended by a resolution.

Award of Additional Funds for Legal Counsel and Planning Consultant for 2008 – James Slate, Township Engineer informed the Board that at the beginning of the year we had requested an amount of \$25,000.00 for our professionals and that we were only granted \$20,000.00 for the year. Due to litigation matters and COAH we have exhausted the amount that was granted. For this reason we are asking for the award of additional funds for the professionals.

Mr. Romano moved, seconded by Ms. Murphy and unanimously carried the resolutions for additional funds for the professionals are awarded.

Mr. Haan informed the Board that Hanover Township was considering a zone change for a Target and other development in the future. A discussion was carried regarding the communication between the two Towns in the development of the corridor along Ridgedale and Hanover Avenues in the past and that they would like that to continue. Mr. Rosenbush is to reach out to the Hanover Township Mayor.

Tree ordinance is to be discussed at the next TCC meeting.

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 9:25 pm.

Respectfully submitted,

Sonia Santiago, Secretary
Township of Morris Planning Board