

**TOWNSHIP OF MORRIS
PLANNING BOARD
REGULAR MEETING MINUTES
DECEMBER 3, 2007**

Call to Order

Meeting of the Township of Morris Planning Board was called to order on Monday, evening October 15, 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 November 26, 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. Laurence Bobbin
Mr. Jeremiah Loughman
Mr. Craig Goss
Mr. Leigh Tucker Doxsee
Mr. Anthony Romano
Mr. Franz Vintschger
Ms. Linda Murphy, Alternate #1

Members Absent

Mr. Jan Wotowicz, Alternate #2
Mayor Robert Nace
Mr. Richard Watson

Professionals Present

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

Professionals Absent

Brian Burns, Board Attorney

Consideration for approval of minutes of the October 15, 2007 regular meeting.

Mr. Bobbin moved, seconded by Mr. Romano, unanimously carried the minutes of the October 15, 2007 regular meeting were approved as circulated and placed on file.

Certified Shorthand Reporter (CSR) was present for the following application.

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, June 4, 2007, July 16, 2007 and September 17, 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 stated that this application is a continuation from the May, June and September public hearings. We have presented our case and it's my understanding that Mr. Sweeney has some more testimony to present tonight. I also understand that the Town Engineer has also done some research in regard to the properties along the golf course.

The following professionals appeared to be heard.

James Slate, Township Engineer
Richard Sweeney, Objector's Attorney
Dave Poling, Environmental Consultant
Mr. Meehan, President of the Club

The following exhibits were submitted during testimony.

B-1 Final Subdivision Plat
B-2 Deed recorded on deed book 3203 pg. 0126 dated 10-10-89
B-3 Utility Easement recorded on deed book 3203 pg. 0331 dated 10-17-89
B-4 20' Easement recorded on deed book 3203 pg. 0136 dated 10-17-89
O-7 Stormwater Management Plan 3-23-00
O-8 Photograph
O-9 DEP Mapping
O-10 Publication by the U.S. National Arboretum, Dept. of Agriculture

Summary of Testimony – James Slate, Township Engineer

Mr. Slate stated that at the last meeting the Board had asked him to research the approval of the subdivision of adjacent lots. In particular the Board wanted to see if there were variances granted for the property that abuts the golf course property; the home may have been located closer to the Longwood cul-de-sac or further to the rear. Mr. Slate proceeded by reviewing the subdivision map. We did go through the resolution of approval and didn't find any variances granted for this particular lot. The house was constructed within the building envelope. A lengthy discussion was carried regarding the easements among the applicant, objector and the Township Engineer.

Summary of Testimony – Dave Poling, Environmental Consultant

Mr. Poling proceeded to describe how wetlands are delineated. He stated that wetlands are identified by three different criteria: Hydrology; that's the wetness. Vegetation and the last one is hydric soils. All three are normally required to determine areas of wetlands. But the methodology that is used by the DEP allows in some cases only one to be there for them to determine that it is a wetlands. Mr. Poling proceeded to explain how the wetlands delineation is done. A discussion was carried regarding the wetland delineation.

Summary of Testimony – Dr. John Gianis, 8 Longwood Road.

Mr. Gianis stated that when he purchased his property he was told by the realtor that there was a cart path that was running across his property. He stated that he had discussions with the club and it was confirmed that in fact that particular portion of the path was on our property but that it was never formally addressed by lawyers. My concern was the liability aspect of it. Mr. Gianis proceeded by stating that within a month of moving in he had a builder lay a path of trees, pine trees right on top of the property. So, effectively the path could not be used there. A lengthy discussion was carried regarding the existence of a cart path behind the properties. Mr. Gianis stated that if a path could be constructed that we are prevent balls ricocheting off the path, if the path could be constricted with trees that would be planted and they are going to be healthy, that are going to be maintained, and that are going to prohibit me from seeing it, I would prefer that to a hard cart path with nothing. But as I stated, I would prefer the path be on the other side of the fairway.

Summary of Testimony – Susan Mackoff

Ms. Mackoff stated that her property is adjoining to the golf course and that she has found golf balls on her property. She also stated that she objects to the six foot wide paved cart path within several feet of her property. Putting a cart path so close will just cause more balls to ricochet on a hard surface onto her property. Also, there is a drain that runs 2 to 4 feet from the property line that Spring Brook negotiated with the former owners. Spring Brook claimed that there was run-off from the property into the golf course and in order to sell the property the former owners had to pay the golf club \$5,000 dollars to install these drains. A lengthy discussion was carried regarding the club proposal to place trees along the property line. Ms. Mackoff researched the proposed evergreens and reviewed her findings with the Board.

Summary of Testimony - Mr. Meehan, President of the Club

Mr. Meehan stated that the completion of this path is the continuation of a pathway that we've put in the entire 18 holes of the course. The reason for the path was to facilitate the utilization of the golf course especially during bad weather. A few years ago with the approval of the Township we completed the cartway along the golf course with the exception of the 18th hole. It is important to do this for a few reasons, to enable our members to play more often, and also for aesthetics reasons. A lengthy discussion was carried regarding Mr. Meehan's disagreement regarding testimony previously given by Mr. McNeil and the cart path across the fairway

**Recess is taken at 9:23 pm.
Meeting reconvened at 9:32 pm**

Summary of Testimony – Rusty Schommer, Professional Engineer

Mr. Schommer stated that he had visited the site and that it is his opinion that the wooded area contains wetlands. My testimony previously was that the wetlands came up significantly close to the 18th fairway and that there would be a buffer associated with those wetlands and that the buffer would extend into the 18th fairway. For this reason we have a regulatory issue with placing the cart path along the left hand side of the fairway. A lengthy discussion was carried regarding the drainage and buffering along the 18th hole.

The meeting was opened to the public for questions or comments; no one appeared to be heard.

Closing Arguments

Mr. Sweeney – Attorney for the objector

Mr. Sweeney stated that the issue here is responsibility of the property owner. Solution to the problem we know that this area is an area of concern and it should be protected not only for public safety but because the ordinance of 1978 states it. No one can dispute that the amended application mitigates to a great extent the danger or the risk that exists.

Mr. Delaney – Attorney for the applicant

Mr. Delaney stated that the ordinance is clear; Spring Brook Country Club is a jewel in your community. We have offered what we think is appropriate. We have presented a case and in the process we have offered a buffer and offered professional testimony. Mr. McNeil testified that the gravel would eliminate as he described it, substantially reduce any concern about the bouncing balls. I respectfully ask this Board to grant the variance requested so that this club can be the first class operation that it's been to date.

Other Matters

Extended Stay Ordinance #19-07 – Carried to the next Planning Board meeting.

Resolution for Engineer Consultant (Abbey Woods) – Mr. Slate informed the Board that St. Mary's Abbey has submitted an application to what was the second phase of their CCRC project. They are close to coming before the Board. The consultant that worked on the stormwater management for the application Mr. Skupien has done review on the Abbey Woods application and that he recommends that Mr. Skupien be appointed as the Stormwater Management Engineering Consultant for this project.

Ms. Murphy moved, seconded by Mr. Goss and unanimously carried Mr. Skupien is appointed as the Stormwater Management Engineering Consultant for the Abbey Woods application.

Master Plan Priority – Mr. Slate informed the Board that Adrian has put together a draft we have not had the opportunity to review the list. The TCC will discuss the draft at the next TCC meeting and we will present it to the Board at the January meeting.

Development Fee Ordinance #26-07 – Mr. Slate stated that the Township Committee has introduced the ordinance and we had a staff meeting in which we discussed future COAH requirements and implementation. Mr. Humbert informed the Board that the ordinance is the most recently drafted fee ordinance which is a mechanism that is approved by COAH. We are presently under the substance of certification of our housing plan by COAH based on the second round rules. The housing plan element was adopted in 2005 and submitted to COAH with the request for certification. Because of the COAH court ruling that certification has not been issue yet. COAH is under a court directive to complete their rules by the end of the year. The proposal that is in front of the governing body is based upon COAH rules and will allow the municipality to collect a development fee based upon the equalized assessed valuation of 1% cost on any residential development and 2% of equalized value on commercial development. Half of the development fee can be collected at the time of applying for building permits and the other half at the time of issuance of a CO. The Township cannot collect any fees until COAH has approved the ordinance. The Township must also submit a spending plan to COAH.

Mr. Goss moved seconded by Mr. Doxsee and unanimously carried the Development fee Ordinance is referred to the Township Committee for adoption without any additional comments from the Board.

Updated highland information is to be obtained and referred to the Board at the next 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 10:55 pm.

Respectfully submitted,

Sonia Santiago, Secretary
Township of Morris Planning Board