

**TOWNSHIP OF MORRIS  
PLANNING BOARD  
SPECIAL MEETING MINUTES  
FEBRUARY 26, 2009**

Call to Order

Special meeting of the Township of Morris Planning Board was called to order on Monday, evening February 26, 2009 at 7:35 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 February 18, 2009, 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. Anthony Romano  
Ms. Linda Murphy, Alternate #1  
Mr. Kevin McNally, Alternate #2  
Mr. Leigh Tucker Doxsee @ 10:16 pm  
Mr. Jeffrey Grayzel @ 10:16 pm

Members Absent

Mr. Franz Vintschger  
Mayor Scott Rosenbush

Professionals Present

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

Consideration for approval of minutes of the October 6, 2008 and December 15, 2008 regular meeting.

Mr. Bobbin moved, seconded by Mr. McNally, unanimously carried the minutes of the October 16, 2008, and December 1, 2008 regular meetings were approved as circulated and placed on file.

### **Public Hearings**

PB-25-08, St. Mary's Abbey North Field Project  
Block 4501, Lot 2, 230 Mendham Avenue, OSGU zone.

Site Plan/Variance/Waiver

Applicant proposes to construct a new synthetic turf football and lacrosse field encircled within a 400 meter track on the site of the existing football/baseball field at the north end campus. The new facility will also contain four tennis courts, a clubhouse and other related improvements.

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

TCC report dated January 15, 2009 read for the record by Mr. Adrian Humbert, Professional Planner.

EC report dated January 12, 2009 was read into the record by Mr. James Slate, Township Engineer.

Site Inspection report dated January 31, 2009 was read into the record by Mr. Laurence Bobbin, Chair of the site Inspection Committee.

Mr. Edward Broderick, Attorney for the applicant entered his appearance and presented the application to the Board members. He further informed the Board that the notice provided to the public stated that we are seeking 8 variances and 2 waivers on this application. After further study and review we have concluded that three of the variances that it sought and gave notice of, are not relevant to this application. Those three variances are only necessary if the building of a "clubhouse" on Delbarton's campus is an accessory use. But, we believe it is not. In February 1994 the applicant applied for and received site plan approval to build a 10,000 square foot clubhouse known as the Edward J. Murphy Memorial Field House east of the varsity football field. The clubhouse was never built and its approval was memorialized by this Board on February 22, 1994. At no time during the presentation of that case was it ever assumed that a variance was needed because the clubhouse was an accessory to a principal building on the school campus. All of the significant structures on the campus are part of a global mix of both monastic and school facilities that comprise the entire religious and educational community in the OSGU zone district.

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

Theodore Cassera, Professional Engineer

Mr. Burns stated that at the TCC they had recommended the applicant add those items to the notice as a precaution to ensure we had a complete record and noticed these as potential variances. The TCC did this without determining that these were in fact accessory buildings or uses. The argument that they are permitted uses is possible based upon a number of factors as stated by Mr. Broderick. I don't have any difficulty with his position. When I draft the resolution I will draft it in the alternative so that the Board action could be sustained in either way. It is universal that every school has an athletic program. He stated not to have any difficulty with the interpretation of the applicant's counsel.

The following were submitted as exhibit during testimony.

- A-1 Site Plan covered sheet
- A-2 Colored Boundary Survey of existing condition
- A-3 Title Sheet for the Edward Murphy facility
- A-4 Landscape & Lighting plan for the Edward Murphy memorial field house
- A-5 Aerial Photo
- A-6 Colored Landscape Plan
- A-7 Colored Phase I construction plan
- A-8 Lay out plan
- A-9 Colored Grading plan
- A-10 Colored utility plan
- A-11 Colored Tree replacement plan
- A-12 Colored slope map
- A-13 Colored grading versus retaining wall
- A-14 Colored alternate tree replacement tree
- A-15 Colored alternate landscaping & lighting plan

**Summary of Testimony** – Theodore Cassera, Professional Engineer

Mr. Cassera identified and reviewed all the exhibits that he was using for the night. He testified that the field will be shifted to the west in order to accommodate the clubhouse to the east and to accommodate the running track. By shifting the field to the west we will be encroaching into an area that drops significantly down towards the west gate driveway. Because the football field is being shifted to the west to accommodate the clubhouse to the east it was necessary to build a retaining wall that is 0 feet at the ends and 24 feet high in the center where the grade is most significant and the average height of the wall will be approximately 14.5 feet with a 4 foot chain link fence above. The wall will be natural tone color made out of masonry and it will blend in with the wooded area. This is a phased project, it is a rigorous schedule for us to be able to complete the field and track by September 1<sup>st</sup> or else we cannot do the project this year because we will destruct the football season. The purpose of doing the project in two phases is because in phase one; we will do those improvements that we can finish prior to the football season while the drainage is still in place. The drainage that is proposed will be underground drainage for the entire field area; there will be other drainage improvements that will pick up the drainage from the clubhouse and hard scape which will be routed to detention facilities on site. Another thing that we propose to do as part of the improvements is to realign the southerly side of the driveway to intercept at a 90 degree with the existing driveway and in doing so it gave us more room for the clubhouse and also made a better traffic flow on the site. Part of

the overall plan is to improve the pavement when we build the clubhouse and the tennis courts. Phase I improvements will be the synthetic field, the synthetic track, retaining wall and the drainage that is needed to support phase I. If we are able to move forward with phase I and the improvements will be implemented and subsequent to that some time in the future we will implement phase II of the plan which consists of the clubhouse, tennis courts, hard scape at the clubhouse, the pavement improvements and landscaping would be part of phase II. Based on the fact that the landscaping purposed is to screen the building and the tennis courts. We wanted to include this on the plans to give the Board and members of the public a clear view of what is involved in phase I and phase II. We still would like to get approval for phase I so that we can get started with construction. A lengthy discussion was carried regarding the retaining walls, drainage, excavation, steep slopes and other related improvements. Mr. Cassera further testified that they are proposing to remove 151 trees during construction and that the calculated tree replacement is 217 and they are proposing 100 trees because they can plant more trees on site. In relation to the traffic in the area, these improvements will generate minimal traffic during the games. I was informed by the athletic director that there will be approximately six track games during the year. We are also proposing relocating the existing bleachers that hold approximately 700 people on the south side of the field and there are temporary bleachers along the north side of the field about 5 rows each to accommodate visitor's fans on the north side field and then they are stored some where else on site and put back during football season. What the plan proposes is to take the existing bleachers from the south side of the field which is for 700 people and put it on the north side of the field and then expand the bleacher on the south side for 1,000 people, the bleachers on the south side will be aligned with the 50 yard line. Overall we will have 1000 seats on the south side. When we are done we will have 700 to the north and 1000 on the south side. This all is part of phase II. Temporary bleachers will be placed further to the north if needed. Mr. Cassera reviewed the variances and waivers being requested with the Board. Mr. Cassera further testified that by constructing the south field they now have additional parking on site. This breaks down to 678 paved spaces and 430 temporary grass spaces for a total of 1,108 spaces. A lengthy discussion was carried related to parking on site.

Mr. Broderick stated that Delbarton has no intention on renting the fields to outside groups. This is a private school; the grounds that we are speaking about are dedicated to the athletic program of the school and no one else. Mr. Broderick further testified that they are recently providing shuttle services for the football games from remote parking areas to the athletic field and that they will continue to provide those services and will also provide traffic direction as needed to guide incoming motorists to on site parking for games and track meets.

A discussion was carried regarding time frame between phases I and II since landscaping will not take place during phase I and drainage will not be completed during phase I. Mr. Cassera stated that some drainage will be done during phase I and that it will be completed during phase II.

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

Jacob Varsano	223 Mendham Road
Lynn Seibert	178 Hillcrest Avenue
Ann Kleemeyer	6 Indian Head Road
Ronald Goldberg	4 1/2 Hilltop Circle

Due to other items on the agenda the application is carried to March 16, 2009 Board meeting without further notice.

**Recess taken 10:10 pm**  
**Meeting reconvened at 10:16 pm**  
**Mr. Doxsee and Mr. Grayzel are seated at 10:16 pm**

### **Other Matters**

Resolution #40-09 – Referring Chapter 95, Section 95-21 (B-11 Zone) for review and recommendation from the Planning Board – Mr. Slate stated that the Township Committee had passed a resolution in reference to a property that Morristown is considering for their DPW site that is currently zoned as B-11. The site is located on Martin Luther King and Emmet Avenue. There is another parcel adjacent to this one which is presently a parking lot and is in the RB-7 zone. Morristown is under contract to purchase both properties. This property is the only one zoned as B-11 everything in the surrounding area is RB-7 zone which is a 7500 square foot lot for a single family home or 10,000 square foot lot for a two family home. The Township Committee has referred the matter to the Planning Board for consideration. The TCC has looked at a number of different issues. There have been prior approvals on the property. Verizon was located at these properties which obtained an approval from the Board back in 1973.

Brian stated that there are ought to be a clarification to distinguish how the ordinance defines Essential Services. The distinction is between the essential service facility and the maintenance facility. A judgment on part of the TCC is that the property is not properly zoned, it is surrounded by RB-7 properties there are some non residential uses in the area but they are clearly in the minority. Predominate the character of the area is residential. If the Board determines that the proper use of the property is residential, I think that is a clear statement of policy that governs future determination of what may happen. The Board can clarify the two definitions in the ordinance one is existing and the other one is new, the existing is to define essential services and two is to add a separate definition for essential service maintenance facility. The other aspect is to find a place were it is permitted and the judgment is that they are to be permitted in the I-21 zone were currently a number of uses that involve significant outdoor storage equipment and supplies are permitted in that zone. We are enforcing the notion that they were never intended to include this kind of outdoor storage DPW facilities. There is also an element of fairness involved which is that if you own the building and you want to continue the previously use, you have the right to do so as a pre-existing non conforming use. The only thing is that you cannot change it or enlarge it. There is an element of fairness while at the same time pointing at a piece of property toward the proper planning direction. A lengthy discussion was carried regarding DPW services in a residential area.

Mr. Humbert stated that Morristown just recently had adopted a zone change for the area from RT which is permitted one to four family designations to RT which now calls for one or two family residential zone. Now the zoning on both sides of the boundary is the same.

The Board's recommendation is that the property be zone as RB-7 as the surrounding properties and language be added to clarify the essential use in the ordinance and to define were those maintenance facilities should go which we are recommending that it should be the I-21 zone and the Board attorney is to notice for a public hearing to amend the master plan.

Ms. Murphy moved seconded by Mr. Goss and unanimously carried that the recommendation be referred 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 11:11 pm.

Respectfully submitted,

Sonia Santiago, Secretary  
Township of Morris Planning Board