

**TOWNSHIP OF MORRIS
PLANNING BOARD
REGULAR MEETING MINUTES
FEBRUARY 2, 2009**

Call to Order

Meeting of the Township of Morris Planning Board was called to order on Monday, evening February 2, 2009 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 January 26, 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
Mayor Scott Rosenbush
Mr. Leigh Tucker Doxsee
Mr. Anthony Romano
Mr. Franz Vintschger
Mr. Jeffrey Grayzel
Ms. Linda Murphy, Alternate #1
Mr. Kevin McNally, Alternate #2

Professionals Present

Chuck Latini, Board Planner
Brian Burns, Board Attorney
James Slate, Board Engineer
Sonia Santiago, Secretary

Professionals Absent

Adrian Humbert, Board Planner

Consideration for approval of minutes of the August 4, 2008 regular and September 8, 2008 special meeting.

Mr. Rosenbush moved, seconded by Mr. Romano, unanimously carried the minutes of the August 4, 2008 regular meeting and September 8, 2008 special meeting were approved as circulated and placed on filed.

Resolutions

PB-20-08, Colgate-Palmolive Company

Site Plan

Block 10401, Lot 3,190 East Hanover Avenue, I-21 zone

Applicant proposes to install three new storage tanks 45 feet in height.

Mr. Vintschger 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 January 12, 2009, meeting.

Roll Call (Voting Members):

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

Public Hearings

PB-25-08, St. Mary's Abbey North Field Project

Site Plan/Variance

Block 4501, Lot 2, 230 Mendham Avenue, OSGU zone.

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.

Mr. Edward Broderick, Attorney for the applicant entered his appearance and informed the Board that their notice had not made the newspaper on time for publication and that he would like to request a special meeting. On motion duly made seconded and unanimously carried the application is granted a special meeting for February 26, 2009 with notice.

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

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, September 15, 2008 and December 1, 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.

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

Mr. Burns, Board attorney informed the Board that at the last meeting there was a discussion about a motion by Mr. Scalera who represents two objector property owners to dismiss the application on jurisdictional grounds because of an alleged need for a density variance. Mr. Scalera has indicated in correspondence to the Board that he is withdrawing that particular motion. However, that is without prejudice to his right to re-raise the jurisdictional issue at the conclusion of the proceedings.

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

The following person affirmed to the Board attorney to tell the truth appeared to be heard.
Dr. Joel Meer, Homeowner

The following were submitted as exhibit during testimony.
A-8 Colored Site Plan
A-9 Colored Slope Map

Summary of Testimony – Richard Schommer, Professional Engineer

Mr. Schommer proceeded by giving the Board and members of the public an overview of the previous meetings. He proceeded to review exhibit 8 which consisted of the zoning map of the area in the neighborhood colored by zone. The RA-15 zone colored in burnt orange to the east and to the north of the subject property. OSGU colored in light tan and is located to the west and partly to the south of the subject property. In the magenta color we have delineated the RA-35 zone which is on a portion of the Spencer Estates Development to the south and to the south of that is zone RA-130 in blue color with a little piece off to the west. The purpose of the exhibit is to show you the zoning, not only for the property, but around the property. Exhibit A-9 is the slope map. He colored the slope map into categories of disturbance. The white colored portion is the 15 to 20 percent slope category, green is the 20 to 25 percent slope category and the tan color is the 25 percent or steeper category. The ordinance limits disturbance to steep slopes and it is a graduated limit of disturbance. The steeper the slope, the greater the regulation.

The ordinance has an exemption for steep slopes in the greater than 25 percent category. The exemption is for the construction of roadways, driveways and utilities in slopes over 25 percent, it doesn't carry to the lesser slopes. Looking at the total site in the 15 to 20 percent category, the total area of steep slopes in that category to be disturbed is 61 percent. The ordinance limits the disturbance of that slope category to 50 percent. For that reason we are requesting a waiver from the ordinance for disturbing more slopes in that slope category. A lengthy discussion was carried regarding the steep slope disturbance and the retaining walls.

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

David Scalera, attorney for the objectors, Mr. & Mrs. Riordan and Mr. & Mrs. Nahama

Recess taken at 9:15 pm
Meeting reconvened at 9:30 pm

George DeMarco
Jay Shaw

9 Lawndale Avenue
34 Valleyview Street

Summary of Testimony – Dr. Joel Meer, Homeowner

Dr. Meer stated that from the time he purchased the property 15 years ago he had in mind to build a house that would meet his and his family needs. He is Jewish and they do not practice birth control. He has 12 children and 9 grandchildren and they are a very close family. He stated that all his children do not live at home. There are only seven children that live at home presently and when the other children come to visit, they all gather together. He also stated that his father-in-law also comes and stays with the family for a long period of time. We are a very religious family that likes to be together. Our life centers around our Jewish holidays, whether it's Sabbath that comes every week, or whether it's Passover or other holidays known to most people. Dr. Meer proceeded to review the house architectural plan with the Board and members of the public. The first floor consists of 5,908 square feet with parking garage underground for 5 cars. Dr. Meer stated that he plans to use the basement for storage, sound proof room and possible more bedrooms if needed. A lengthy discussion was carried regarding the proposed house and the three lot subdivision instead of a two lot subdivision.

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

David Scalera, attorney for the objectors, Mr. & Mrs. Riordan and Mr. & Mrs. Nahama
Pam Russell 27 Spencer Drive
Brian Elliot 22 Spencer Drive

Due to the late hour the application is carried to March 16, 2009 without further notice. Applicant's attorney granted the Board an extension of time until March 31, 2009.

Other Matters

No other matters 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 11:00 pm.

Respectfully submitted,

Sonia Santiago, Secretary
Township of Morris Planning Board